TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING

APRIL 6, 2020 - 7:00 P.M.
Town Hall - Conference Room L101

AGENDA

Because of limitations on gatherings due to COVID-19, the public is directed to stay home and watch this meeting on Cox 16 or Frontier 6050, or online at http://www.nctv.org/live-channel-16. *During the "Public Participation" portion of the meeting the public is invited to call in to* ***860-665-8736*** .

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

III. APPROVAL OF AGENDA

IV. PUBLIC PARTICIPATION (For Items Not Listed On The Agenda; Speakers Limited To 2 Minutes. Call 860-665-8736)

V. ZONING ENFORCEMENT OFFICER REPORT

Documents:

04-02-20 ZEO REPORT.PDF

VI. REMARKS BY COMMISSIONERS

VII. PUBLIC HEARING

A. Petition #04-20: Special Permit (Sec. 3.2.1: Church Or Place Of Worship) At 155 Lowrey Place. Renato Almeida, Applicant; Lowrey Place Realty LLC, Owner; Renato Almeida, 95 Nutmeg Lane #312, East Hartford CT, Contact.

Documents:

TP MEMO 04-20 CHURCH LOWERY SPT 06APR2020.PDF
APPLICATION 04-20 CHURCH SPT.PDF
AERIAL PHOTO.PDF
155 LOWREY PLACE.JPG

VIII. APPROVAL OF MINUTES

IX. NEW BUSINESS

A. Petition #07-20: Residential Subdivision At 68 Deming Street ("Peckham Farm"). Calvin Roger Peckham And Donna M. Peckham, Owners; Calvin Roger Peckham, Applicant; Bongiovanni Group Inc, 170 Pane Road, Newington CT, Contact.

Documents:

TP MEMO 07-20 PECKHAM FARM SUB 06APR2020.PDF
APPLICATION 07-20 PECKHAM FARM SUB.PDF
SHEET 4 OF 15 DATED 02-18-2020.PDF

PECKHAM OBLIQUE AERIAL .JPG
TP REVIEW COMMENTS PECKHAM SUB 06APR2020.PDF

B. Petition #08-20: Sec. 8-24 Referral Of Proposed Sale Of Town-Owned Property At 88 Stamm Road. Town Of Newington, Owner/Applicant.

Documents:

TP MEMO 08-20 STAMM 8-24 REFERRAL 06APR2020.PDF
NTC RESOLUTION 2020-26 RE 88 STAMM ROAD.PDF
WITH CONTOURS 10MAR2020.PDF

C. Petition #14-20: Sec. 8-24 Referral Of Proposed Re-Alignment Of Robbins Avenue. Town Of Newington, Owner/Applicant.

Documents:

TP MEMO 14-20 ROBBINS 8-24 REFERRAL 06APR2020.PDF
APPLICATION 14-20 ROBBINS AVE 8-24.PDF
2020-0402 MEMO ENGINEERING - FOR 8-24.PDF
SHEETS 1 AND 9 THRU 12.PDF

X. OLD BUSINESS

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

A. Petition #11-20: Special Permit (Sec. 6.11: Service, Sale, Repair, Rental Or Storage Of Motor Vehicles) At 2897 Berlin Turnpike ("Firestone Complete Auto Care Center"). SB Newington 443 LLC, Owner/Applicant; Attorney Amy E. Souchuns Esq, 147 N. Broad Street, Milford CT, Contact.

Documents:

TP MEMO 11-20 FIRESTONE SPT 06APR2020.PDF
APPLICATION 11-20 FIRESTONE SPT.PDF
SLP-1.PDF
C-3.PDF

XII. TOWN PLANNER REPORT

XIII. COMMUNICATIONS

XIV. PUBLIC PARTICIPATION (For Items Not Listed On The Agenda; Speakers Limited To 2 Minutes. Call 860-665-8736)

XV. REMARKS BY COMMISSIONERS

XVI. CLOSING REMARKS BY THE CHAIRMAN

XVII. ADJOURN

Zoning Enforcement Officer Report

Printed: ***Thursday, April 2, 2020***
for the Month of March 2020

178 ASHLAND AVENUE

03/09/2020 ASSESSOR'S OFFICE — MULTIPLE UNREGISTERED VEHICLES.

Actions and Inspections		*Status*
3 /9 /2020	COMPLAINT RECEIVED	
3 /16/2020	VIOLATION ON HOLD UNTIL DMV RE-OPENS.	

33 BAYBERRY ROAD

03/05/2020 REFERRED FROM BLIGHT — INOPERABLE/ UNREGISTERED VEHICLE.

Actions and Inspections		*Status*
3 /5 /2020	COMPLAINT RECEIVED. DEEMED ZONING, NOT BLIGHT.	
3 /6 /2020	VIOLATION NOTICE SENT (10 DAYS)	Violation Notice Sent
3 /6 /2020	INSPECTION: VIOLATION EXISTS.	
3 /16/2020	VIOLATION ON HOLD UNTIL DMV RE-OPENS.	

3191 BERLIN TURNPIKE Sunoco Station

03/11/2020 CLAFFEY - TPZ — RESEARCH OF TWO DIFFERENT AUTO RELATED BUSINESSES ON SAME PROPERTY: CAR WASH & GAS STATION.

Actions and Inspections		*Status*
3 /11/2020	COMPLAINT/ REQUEST RECEIVED	

586 FENN ROAD

02/14/2020 VIOLATION OBSERVED — VEHICLE PARKED IN THE UNPAVED PORTION OF RIGHT-OF-WAY.

Actions and Inspections		*Status*
2 /14/2020	VIOLATION OBSERVED	
2 /20/2020	VIOLATION NOTICE SENT (72 HOURS)	Violation Notice Sent
2 /27/2020	INSPECTION: VIOLATION REMAINS	
2 /28/2020	SECOND NOTICE SENT (72 HOURS)	Violation Notice Sent
3 /2 /2020	CONTACT WITH OWNER & PLAN FOR COMPLIANCE: OWNER WILL PARK IN PAVED PORTION OF RIGHT-OF-WAY.	
3 /6 /2020	INSPECTION: NO VIOLATION	Compliant

4 HARTFORD AVENUE

02/28/2020 REFERRED FORM BLIGHT

RUNNING A BUSINESS IN A RESIDENTIAL ZONE & FILLING WITHOUT TPZ OR SITE PLAN APPROVAL.

Actions and Inspections		*Status*
2 /28/2020	FIRST INSPECTION	
2 /28/2020	RESEARCH	
2 /28/2020	COMPLAINT RECEIVED	
3 /4 /2020	INSPECTION: GATHERING EVIDENCE	
3 /6 /2020	INSPECTION: GATHERING EVIDENCE	
3 /16/2020	NOTICE OF VIOLATION SENT: CEASE FILLING IMMEDIATELY & 30 DAYS FOR SITE PLAN.	
3 /23/2020	CONTACT WITH OWNER: TIME IS GIVEN FOR OWNER TO PRODUCE EVIDENCE OF LEGAL NON-CONFORMITY.	
3 /30/2020	CONTACT WITH OWNER: UPDATE STILL WORKING ON DOCUMENTATION.	

50 KNOLLWOOD ROAD

02/24/2020 ANONYMOUS

SEMI-TRUCK PARKED IN FRONT YARD.

Actions and Inspections		*Status*
2 /24/2020	VIOLATION OBSERVED	
2 /24/2020	COMPLAINT RECEIVED	
2 /25/2020	VIOLATION NOTICE SENT (10 DAYS)	Violation Notice Sent
2 /27/2020	CONTACT WITH OWNER & PLAN FOR COMPLIANCE: OWNER WORKING TO FIND LEASABLE SPACE TO STORE SEMI NEAR HOME.	Will Monitor
3 /3 /2020	UPDATE FROM OWNER: WILL MOVE SEMI TO DIFFERENT TOWN AFTER DMV PROCESSING OF PRIOR CANADIAN PLATE.	
3 /16/2020	VIOLATION ON HOLD UNTIL DMV RE-OPENS.	

337 WILLARD AVENUE

7-11 Plaza - VIVALDI'S

03/11/2020 CLAFFEY - TPZ

TEMPORARY BANNER WITHOUT PERMIT.

Actions and Inspections		*Status*
3 /11/2020	COMPLAINT RECEIVED	
3 /15/2020	VIOLATION ON HOLD UNTIL RESTURANTS ARE IN OPERATION DUE TO PANDEMIC.	

641 WILLARD AVENUE

03/25/2020	ANONYMOUS RESIDENT THROUGH PARKS & REC DEPT.	MOUNDS OF FILL MATERIAL ON FRONT LAWN SPILLING INTO SIDEWALK AND STREET. FILL MATERIAL WITHOUT SUBMISSION OF SITE PLAN OR TPZ SPECIAL PERMIT APPROVAL.

Actions and Inspections		*Status*
3 /25/2020	INSPECTION: VIOLATION	
3 /25/2020	COMPLAINT RECEIVED	
3 /26/2020	CEASE & DESIST ORDER SENT (48 HOURS FOR E&S CONTOL INSTALLATION & 10 DAYS TO REMOVE MATERIAL)	Cease and Desist Sent
3 /28/2020	REPORT THAT FILL HAS BEEN LEVELED ON PROPERTY.	
3 /30/2020	INSPECTION: CONFIRMED VIOLATION OF	
3 /31/2020	DISCUSSION WITH TOWN ATTORNEY REGARDING ACTION.	
4 /1 /2020	VIOLATION NOTICE SENT: 14 DAYS TO SUBMIT A SITE PLAN PREPARED BY A REGISTERED ENGINEER SHOWING EXISTING AND PRIOR GRADES.	Violation Notice Sent

63 WILSON AVENUE

03/11/2020	CLAFFEY - TPZ	POSSIBLE ZONING VIOLATIONS IN ADDITION TO BLIGHT.

Actions and Inspections		*Status*
3 /11/2020	COMPLAINT RECEIVED	
4 /1 /2020	TEMPORARY HOLD ON INSPECTION DURING PANDEMIC.	

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

To: Town Plan and Zoning Commission

From: Town Planner Craig Minor, AICP

Date: March 24, 2020

Subject: Petition #04-20: Special Permit (Sec. 3.2.1: Church or Place of Worship) at 155 Lowrey Place. Renato Almeida, applicant; Lowrey Place Realty LLC, owner; Renato Almeida, 95 Nutmeg Lane #312, East Hartford CT, contact.

Description of Petition #04-20:

This is an application to conduct religious services in one of the retail spaces in the former "Best Market" strip mall. "Church or Place of Worship" is allowed by special permit in any zone.

Staff Comments:

This is a new congregation, and they would like to use a space that was (I think) formerly occupied by a fitness center.

Because this unit is in a "shopping center" of over 50,000 s.f. gross leasable area, there is no individual parking requirement. The plaza is presumed to have sufficient parking for any use permitted in the zone.

I have no objection to this application.

cc:
file

Phone: (860) 665-8575 Fax: (860) 665-8577
townplanner @newingtonct.gov
www.newingtonct.gov

$220 cash

Petition # 04-20

TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION: 155 LOWREY PLACE ZONE: B-TC

APPLICANT: RENATO ALMEIDA TELEPHONE: 860 983 7648

ADDRESS: 95 NUTMEG LN #3 12 E. HARTFORD CT 06118 EMAIL:

CONTACT PERSON: RENATO ALMEIDA TELEPHONE: 860 983 7648

ADDRESS: Same EMAIL: LAGARESNATO@GMAIL.COM

OWNER OF RECORD: Lowrey Place Realty LLC

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- o Zoning Map Change from the _____ Zone to the _____ Zone (Public Hearing required).
- o Zoning Text Amendment to Section _____. *A copy of the proposed amendment and the reason for amendment is attached* (Public Hearing required).
- o Subdivision (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- o Resubdivision (Public Hearing required). (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- X Special Permit per Section 3.2.1 of the Zoning Regulations. *Explanation of the proposed activity is attached* (Public Hearing required).
- o Site Plan Approval or Site Plan Modification (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- o Other (describe in detail, or attach): _____.

SIGNATURE:

"I hereby consent to site inspections before, during and after construction to verify proper functioning of the erosion and sediment controls and of the stormwater management design."

APPLICANT	DATE	PROPERTY OWNER	DATE
[signature]	02-25-2020		

COMPLETE APPLICATIONS SUBMITTED NOT LESS THAN 14 DAYS BEFORE THE NEXT TPZ MEETING MAY BE PUT ON THE AGENDA. A COMPLETE APPLICATION CONSISTS OF: THE APPLICATION FEE; SITE PLANS (IF APPROPRIATE); STORMWATER MANAGEMENT ANALYSIS (FOR SITE PLANS); NARRATIVE EXPLANATION (FOR SPECIAL PERMITS).

RECEIVED
MAR - 1 2020
PLANNING DEPT.

February 26, 2020

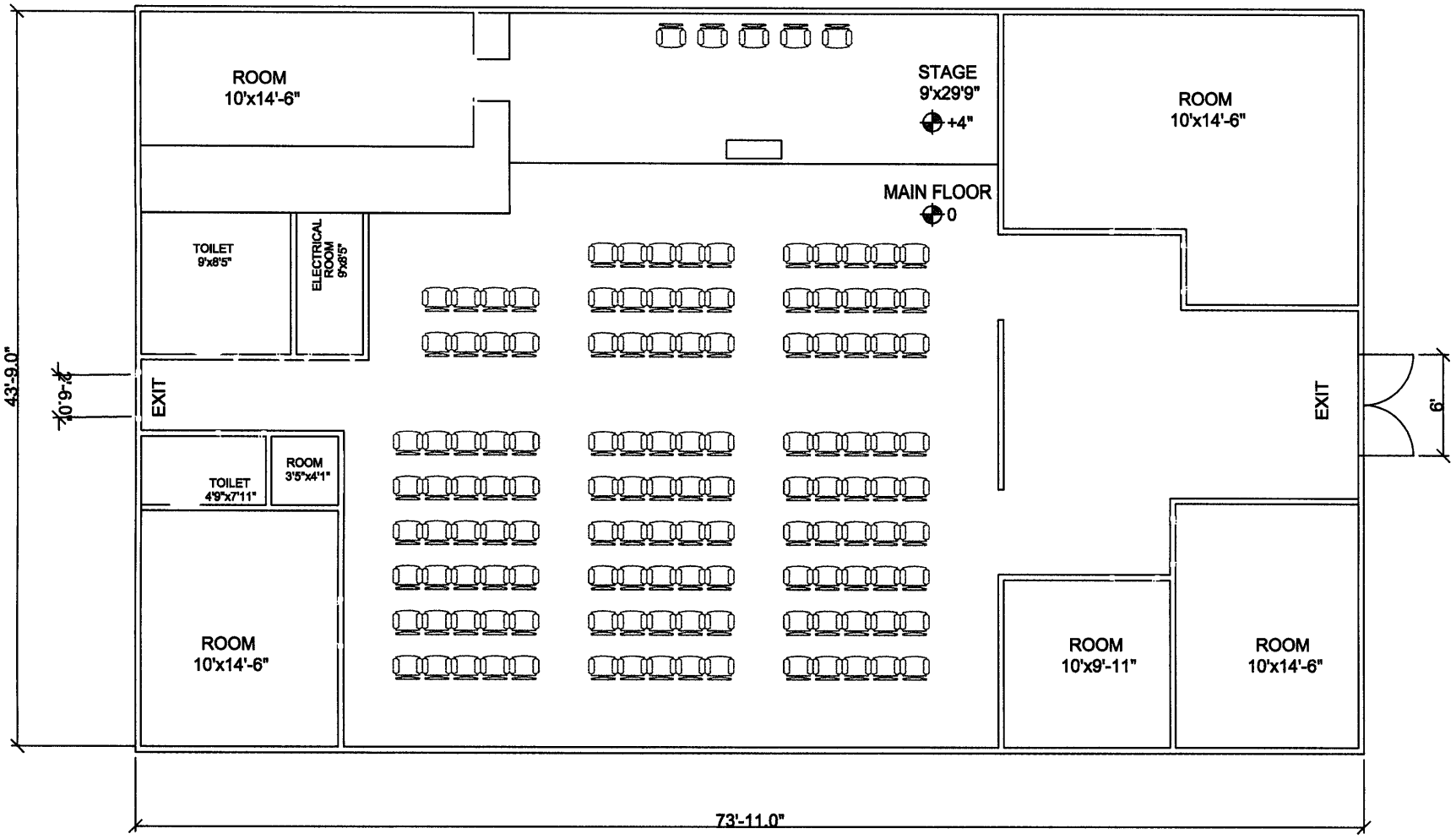
City of Newington - CT

Whom it may concern,

We, the members of the directory of Catedral of Adoração, a Christian church, would like to establish the church at 155 Lowrey Place, Newington. Our directory staff consists of our Pastor President Wellington Oliveira, Co-Pastor Valdinei Dias, Financial Administrator Renato Almeida and Secretary Fernanda DeLisle. Our church consists of approximately 70 members total. Our ideal service hours are Thursday nights 8-11pm and Sundays 6-10pm. We look forward to hearing from you and possibly seeing you at church.

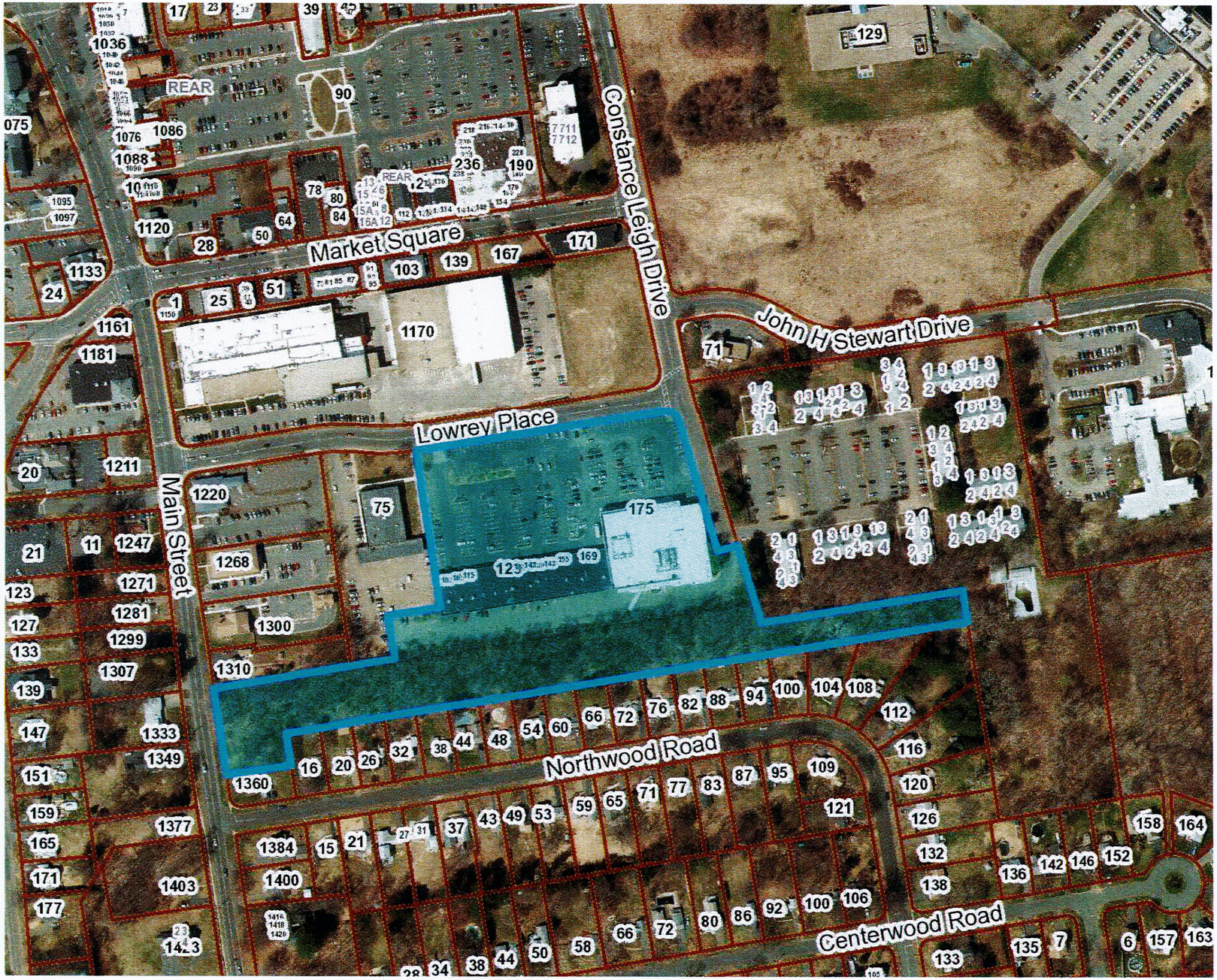
Sincerely,

Renato Almeida- Financial Administrator



PRODUCED BY AN AUTODESK STUDENT VERSION

PRODUCED BY AN AUTODESK STUDENT VERSION



155 Lowrey Place

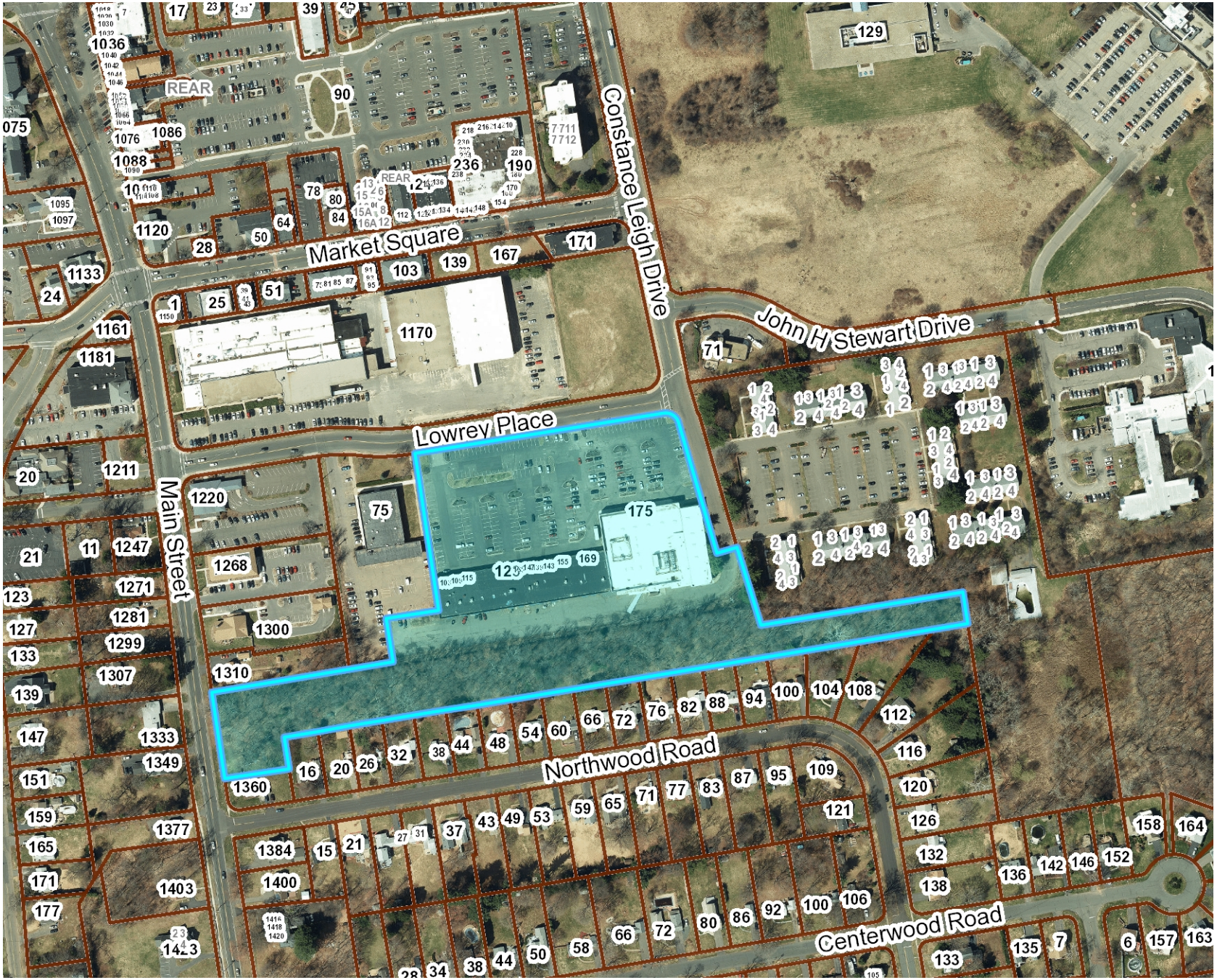
0 299.85 599.7
Feet

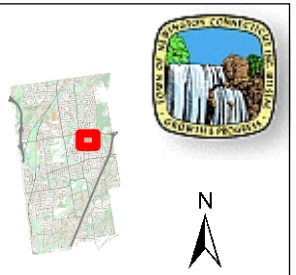
This map is for planning purposes only. Verification of its accuracy, currency and completeness is the responsibility of the reader's own independent research. Neither the Town of Newington nor any of its consultants shall be held liable for any loss, damages or claims made solely as a result of anyone referring to this map.

Map Legend

Parcels

Printed 3/3/2020 11:07:02





Map Legend

Parcels

BASEMAP LEGEND

- Centerlines
- Local Roads
- Major Roads
- Highways
- Buildings
- Pool
- Deck
- Railroad
- Sidewalks
- Driveways
- Paved Road
- Streams
- Marsh/Wetlands
- Water
- Vegetation

Printed 3/3/2020 11:07:02

155 Lowrey Place

0 299.85 599.7 Feet

This map is for planning purposes only. Verification of its accuracy, currency and completeness is the responsibility of the reader's own independent research. Neither the Town of Newington nor any of its consultants shall be held liable for any loss, damages or claims made solely as a result of anyone referring to this map.

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

To: Town Plan and Zoning Commission

From: Town Planner Craig Minor, AICP

Date: April 3, 2020

Subject: **Petition #07-20: Residential Subdivision at 68 Deming Street ("Peckham Farm"). Calvin Roger Peckham and Donna M. Peckham, owners; Calvin Roger Peckham, applicant; Bongiovanni Group Inc, 170 Pane Road, Newington CT, contact.**

Description of Petition #07-20:

This is an 18-lot residential subdivision at the southeast corner of Deming Street and Griswoldville Avenue, with a proposed new 850' cul-de-sac street. It is the last significant piece of former farmland on the east side of the Berlin Turnpike. There is a farm pond in the southeast corner of the property, an 1871 house on Deming Street, and several circa 1900 farm buildings.

Staff Comments:

When the surrounding "Barn Hill Acres" subdivision was approved in 2002 the developers were not required to make any of those 80 acres public open space. The feeling at the time was that, since some amount of those 80 acres were wetlands and therefore unbuildable, no further open space was warranted (the developer did assist with the creation of a playground on Lamplighter Lane). When I began my review of these plans I expected that I was going to recommend some dedication of public open space, but the pattern of surrounding development makes that unadvisable.

I have some recommendations that have been conveyed to the applicants, as follows:

1. A sidewalk should be shown on one side of the street. Section 3.11 says that sidewalks on local residential streets are "as directed by the Commission", and it is my recommendation that this street have a sidewalk. Sidewalks create neighborhoods. Sidewalks make it easier for neighbors to get to know each other; they give children a safe place to learn to ride bicycles and to play games; they provide public space for people to meet; etc. The applicants have proposed to construct a sidewalk on Deming Street, which is commendable, but it does not serve the needs of the future residents of "Peckham Farm" (it also leaves a gap in the sidewalk network in front of 100 Deming Street).

Phone: (860) 665-8575 Fax: (860) 665-8577
townplanner @newingtonct.gov
www.newingtonct.gov

2. The Grading Plan shows that a significant amount of Lots 1 and 2 are areas of 15% or greater slope, resulting in a substantial amount of cut and fill. I have suggested the applicants consider combining these two lots.

3. I recommend TPZ require a conservation easement around the existing farm pond to protect the pond habitat. Conservation easements typically prohibit any structures in the easement area, and prohibit the application of pesticides and fertilizers. Conservation easements are enforced by the Conservation Commission. It has been the practice of the Conservation Commission to include the entire 100-foot upland review area in the easement area, but that may be excessive here. I suggest the applicants direct the environmental specialists at Weston and Sampson (the consulting engineers) evaluate the pond and propose an appropriate easement area.

I would have liked to see the subdivision lot layout retain the existing 1871 house, but the house is directly opposite Deming Farm Drive, which is the optimal place to locate the proposed "Peckham Farm Drive".

Even though the subdivision will not have any impact on the pond, by Connecticut law TPZ cannot take final action on this application until the Conservation Commission has submitted "a report with its final decision" to TPZ. As of this writing the Conservation Commission has not yet met to review these plans.

As of this writing the Town Engineer has not completed his review of the plans.

cc:
BGI
Town Engineer
file

$1980
CK.# 3623

Petition # 07-20

TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION: 68 Deming Street ZONE: R-20

APPLICANT: Roger Peckham TELEPHONE: 860-667-2101

ADDRESS: 6 Judge Lane, Newington, CT EMAIL: _____

CONTACT PERSON: Roger Peckham TELEPHONE: 860-667-2101

ADDRESS: 6 Judge Lane, Newington, CT EMAIL: _____

OWNER OF RECORD: Calvin Roger & Donna M. Peckham

RECEIVED MAR 3 2020 PLANNING DEPT.

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- o Zoning Map Change from the _____ Zone to the _____ Zone (Public Hearing required).
- o Zoning Text Amendment to Section _____. *A copy of the proposed amendment and the reason for amendment is attached* (Public Hearing required).
- X Subdivision (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- o Resubdivision (Public Hearing required). (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- o Special Permit per Section_____ of the Zoning Regulations. *Explanation of the proposed activity is attached* (Public Hearing required).
- o Site Plan Approval or Site Plan Modification (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- o Other (describe in detail, or attach): _____.

SIGNATURE:

"I hereby consent to site inspections before, during and after construction to verify proper functioning of the erosion and sediment controls and of the stormwater management design."

APPLICANT	DATE	PROPERTY OWNER	DATE
Roger Peckham	3-3-2020	Roger Peckham	3-3-2020

COMPLETE APPLICATIONS SUBMITTED NOT LESS THAN 14 DAYS BEFORE THE NEXT TPZ MEETING MAY BE PUT ON THE AGENDA. A COMPLETE APPLICATION CONSISTS OF: THE APPLICATION FEE; SITE PLANS (IF APPROPRIATE); STORMWATER MANAGEMENT ANALYSIS (FOR SITE PLANS); NARRATIVE EXPLANATION (FOR SPECIAL PERMITS).

GRAPHIC SCALE
40 20 0 40 80
(IN FEET)
1 inch = 40 ft.

SEE COVER SHEET (SHEET 1 OF 15) FOR LEGEND

SOIL TYPES	
NUMBER	NAME
5	Wilbraham silt loam (Aquic Dystrudepts)
37	Manchester gravelly sandy loam (Typic Udorthents)
40	Ludlow silt loam (Aquic Dystrudepts)
78	Holyoke–rock outcrop complex (Lithic Dystrudepts)
87	Wethersfield loam (Oxyaquic Dystrudepts)
98	Dumps or landfills
105	Udorthents–Urban land complex
114	Udorthents, smoothed

Approved by the Newington Town Plan and Zoning Commission as Petition #_____ at the TPZ meeting on _____

_____ Date _____ Chairman

Pursuant to Section 8–26c of the Connecticut General Statutes all work in connection with this approved Subdivision shall be completed by _____ (date of approval plus five years)

APPROVED BY THE NEWINGTON CONSERVATION COMMISSION
PETITION NO._____
AT THE MEETING OF:_____
CHAIRMAN _____
DATE _____

SURVEY NOTES:

1. THIS SURVEY HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20–300b–1 THROUGH 20–300b–20, AS REVISED.

   TYPE OF SURVEY: TOPOGRAPHIC SURVEY

   BOUNDARY DETERMINATION CATEGORY: RESURVEY

   TOPOGRAPHIC SURVEY ACCURACY: T–2

2. VERTICAL DATUM IS BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)

3. THIS MAP IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE AND EMBOSSED SEAL OF THE UNDERSIGNED LAND SURVEYOR.

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

SURVEYOR'S SIGNATURE — DATE 2-18-20 — LICENSE NUMBER 14649

GENERAL NOTES:

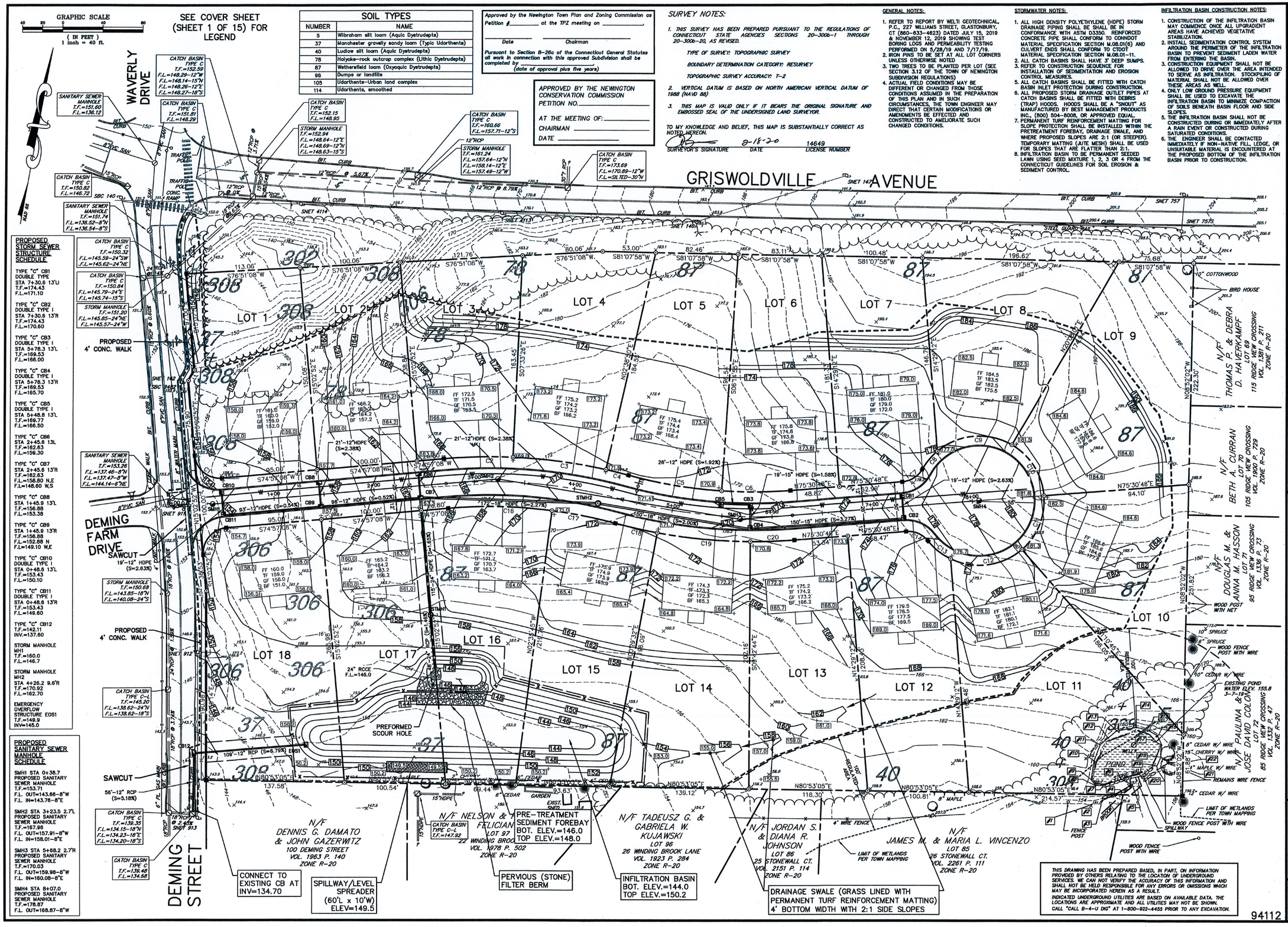
1. REFER TO REPORT BY WELTI GEOTECHNICAL, P.C., 227 WILLIAMS STREET, GLASTONBURY, CT (860–633–4823) DATED JULY 15, 2019 & NOVEMBER 12, 2019 SHOWING TEST BORING LOGS AND PERMEABILITY TESTING PERFORMED ON 5/28/19 AND 7/17/19.
2. IRON PINS TO BE SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
3. TWO TREES TO BE PLANTED PER LOT (SEE SECTION 3.12 OF THE TOWN OF NEWINGTON SUBDIVISION REGULATIONS)
4. ACTUAL FIELD CONDITIONS MAY BE DIFFERENT OR CHANGED FROM THOSE CONDITIONS ASSUMED IN THE PREPARATION OF THIS PLAN AND IN SUCH CIRCUMSTANCES, THE TOWN ENGINEER MAY DIRECT THAT CERTAIN MODIFICATIONS OR AMENDMENTS BE EFFECTED AND CONSTRUCTED TO AMELIORATE SUCH CHANGED CONDITIONS.

STORMWATER NOTES:

1. ALL HIGH DENSITY POLYETHYLENE (HDPE) STORM DRAINAGE PIPING SHALL BE SHALL BE IN CONFORMANCE WITH ASTM D3350. REINFORCED CONCRETE PIPE SHALL CONFORM TO CONNDOT MATERIAL SPECIFICATION SECTION M.08.01(6) AND CULVERT ENDS SHALL CONFORM TO CTDOT MATERIAL SPECIFICATION SECTION M.08.01–11.
2. ALL CATCH BASINS SHALL HAVE 3' DEEP SUMPS.
3. REFER TO CONSTRUCTION SEQUENCE FOR INSTALLATION OF SEDIMENTATION AND EROSION CONTROL MEASURES.
5. ALL CATCH BASINS SHALL BE FITTED WITH CATCH BASIN INLET PROTECTION DURING CONSTRUCTION.
6. ALL PROPOSED STORM DRAINAGE OUTLET PIPES AT CATCH BASINS SHALL BE FITTED WITH DEBRIS (TRAP) HOODS. HOODS SHALL BE A "SNOUT" AS MANUFACTURED BY BEST MANAGEMENT PRODUCTS INC., (800) 504–8008, OR APPROVED EQUAL.
7. PERMANENT TURF REINFORCEMENT MATTING FOR SLOPE PROTECTION SHALL BE INSTALLED WITHIN THE PRETREATMENT FOREBAY, DRAINAGE SWALE, AND WHERE PROPOSED SLOPES ARE 2:1 (OR STEEPER). TEMPORARY MATTING (JUTE MESH) SHALL BE USED FOR SLOPES THAT ARE FLATTER THAN 2:1.
8. INFILTRATION BASIN TO BE PERMANENT SEEDED LAWN USING SEED MIXTURE 1, 2, 3 OR 4 FROM THE CONNECTICUT GUIDELINES FOR SOIL EROSION & SEDIMENT CONTROL.

INFILTRATION BASIN CONSTRUCTION NOTES:

1. CONSTRUCTION OF THE INFILTRATION BASIN MAY COMMENCE ONCE ALL UPGRADIENT AREAS HAVE ACHIEVED VEGETATIVE STABILIZATION.
2. INSTALL SEDIMENTATION CONTROL SYSTEM AROUND THE PERIMETER OF THE INFILTRATION BASIN TO PREVENT SEDIMENT LADEN WATER FROM ENTERING THE BASIN.
3. CONSTRUCTION EQUIPMENT SHALL NOT BE ALLOWED TO DRIVE OVER THE AREA INTENDED TO SERVE AS INFILTRATION. STOCKPILING OF MATERIAL SHALL NOT BE ALLOWED OVER THESE AREAS AS WELL.
4. ONLY LOW GROUND PRESSURE EQUIPMENT SHALL BE USED TO EXCAVATE THE INFILTRATION BASIN TO MINIMIZE COMPACTION OF SOILS BENEATH BASIN FLOOR AND SIDE SLOPES.
5. THE INFILTRATION BASIN SHALL NOT BE CONSTRUCTED DURING OR IMMEDIATELY AFTER A RAIN EVENT OR CONSTRUCTED DURING SATURATED CONDITIONS.
6. THE ENGINEER SHALL BE CONTACTED IMMEDIATELY IF NON–NATIVE FILL, LEDGE, OR UNSUITABLE MATERIAL IS ENCOUNTERED AT THE PROPOSED BOTTOM OF THE INFILTRATION BASIN PRIOR TO CONSTRUCTION.



THIS DRAWING HAS BEEN PREPARED BASED, IN PART, ON INFORMATION PROVIDED BY OTHERS RELATING TO THE LOCATION OF UNDERGROUND SERVICES. WE CAN NOT VERIFY THE ACCURACY OF THIS INFORMATION AND SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY BE INCORPORATED HEREIN AS A RESULT.
INDICATED UNDERGROUND UTILITIES ARE BASED ON AVAILABLE DATA. THE LOCATIONS ARE APPROXIMATE AND ALL UTILITIES MAY NOT BE SHOWN.
CALL "CALL B–4–U DIG" AT 1–800–922–4455 PRIOR TO ANY EXCAVATION.

94112

PROPOSED STORM SEWER STRUCTURE SCHEDULE

TYPE "C" CB1
DOUBLE TYPE
STA 7+30.6 13'LT
T.F.=174.43
F.L.=171.10

TYPE "C" CB2
DOUBLE TYPE I
STA 7+30.6 13'R
T.F.=174.43
F.L.=170.60

TYPE "C" CB3
DOUBLE TYPE I
STA 5+78.3 13'L
T.F.=169.53
F.L.=166.00

TYPE "C" CB4
DOUBLE TYPE I
STA 5+78.3 13'R
T.F.=169.53
F.L.=165.70

TYPE "C" CB5
DOUBLE TYPE I
STA 5+48.8 13'L
T.F.=169.77
F.L.=166.50

TYPE "C" CB6
STA 2+45.6 13L
T.F.=162.63
F.L.=159.30

TYPE "C" CB7
STA 2+45.6 13'R
T.F.=162.63
F.L.=158.80 N,E
F.L.=148.60 W,S

TYPE "C" CB8
STA 1+45.9 13'L
T.F.=156.88
F.L.=153.38

TYPE "C" CB9
STA 1+45.9 13'R
T.F.=156.88
F.L.=152.88 N
F.L=149.10 W,E

TYPE "C" CB10
DOUBLE TYPE I
STA 0+48.6 13'L
T.F.=153.43
F.L.=150.10

TYPE "C" CB11
DOUBLE TYPE I
STA 0+48.6 13'R
T.F.=153.43
F.L.=149.60

TYPE "C" CB12
T.F.=142.11
INV.=137.60

STORM MANHOLE MH1
T.F.=160.0
F.L.=146.7

STORM MANHOLE MH2
STA 4+26.2 9.6'R
T.F.=170.92
F.L.=162.70

EMERGENCY OVERFLOW STRUCTURE EOS1
T.F.=149.9
INV=145.0

PROPOSED SANITARY SEWER MANHOLE SCHEDULE

SMH1 STA 0+38.7
PROPOSED SANITARY SEWER MANHOLE
T.F.=153.71
F.L. OUT=143.66–8"W
F.L. IN=143.76–8"E

SMH2 STA 3+23.5 2.7'L
PROPOSED SANITARY SEWER MANHOLE
T.F.=167.98
F.L. OUT=157.91–8"W
F.L. IN=158.01–8"E

SMH3 STA 5+68.2 2.7'R
PROPOSED SANITARY SEWER MANHOLE
T.F.=170.03
F.L. OUT=159.98–8"W
F.L. IN=160.08–8"E

SMH4 STA 8+07.0
PROPOSED SANITARY SEWER MANHOLE
T.F.=178.87
F.L. OUT=168.87–8"W

Weston & Sampson
225 Shelton Road, Rocky Hill, CT 06067
860.513.1473
www.westonandsampson.com
DEL.SAMPSON

THE BONSIGNANI GROUP, INC.
LAND SURVEYORS
10 Cedar Street, Rear Floor
Newington, Connecticut 06111
TEL. (860) 666–0134
FAX (860) 666–2534

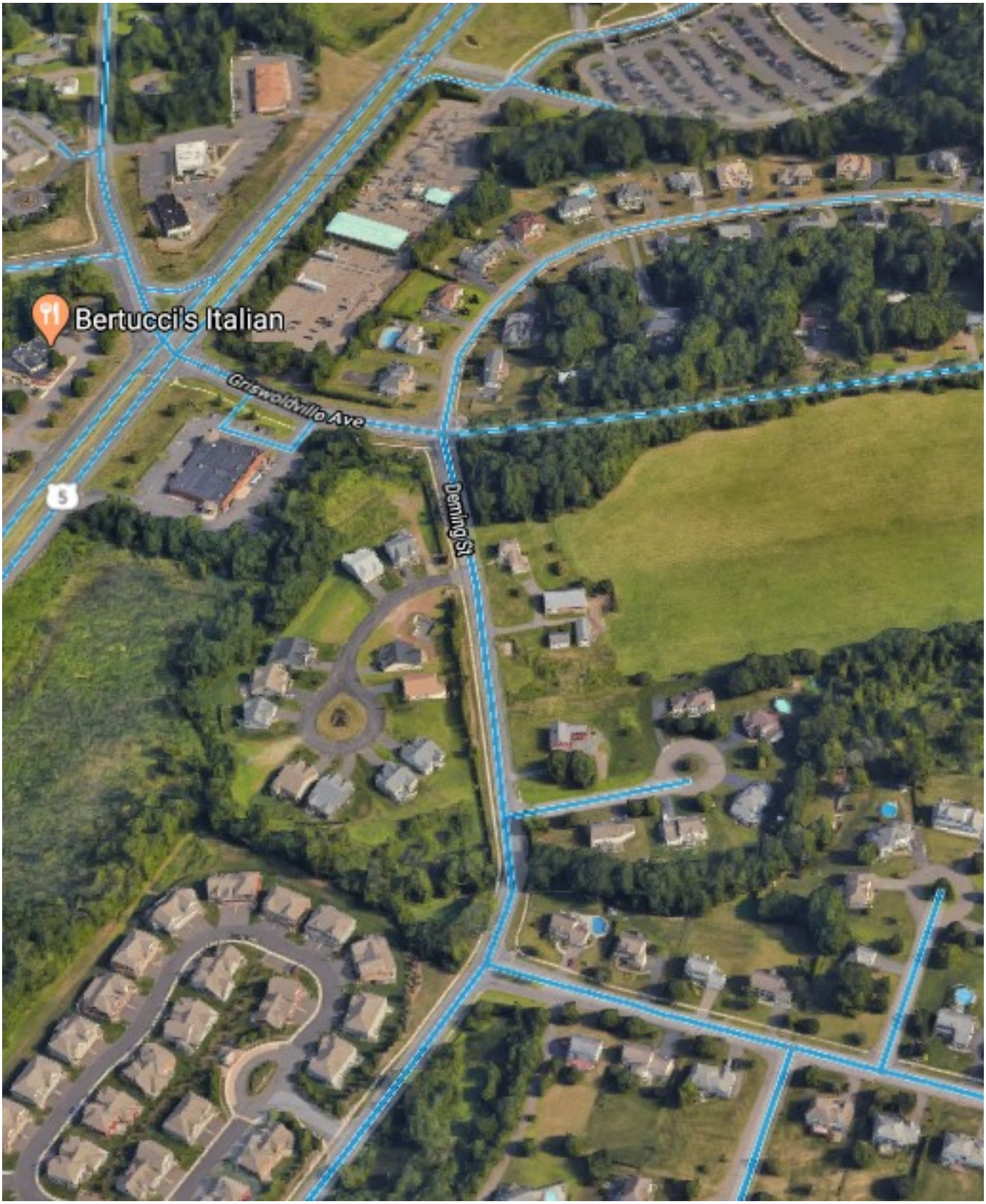
Revision	Date

Scale: 1"=40'
Checked: AB
Date: 2–18–20
Drawn: BTM

MAP OF SUBDIVISION OF PECKHAM FARM
DEMING STREET
NEWINGTON, CONNECTICUT

UTILITIES & IMPROVEMENTS PLAN

Sheet 4 of 15


Bertucci's Italian
Griswoldville Ave
Deming St
5

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

April 3, 2020

Alan Bongiovanni, LS
The Bongiovanni Group, Inc.
170 Pane Road
Newington, CT 06111

Dear Alan:

Re: Petition #07-20: Residential Subdivision at 68 Deming Street ("Peckham Farm"). Calvin Roger Peckham and Donna M. Peckham, owners; Calvin Roger Peckham, applicant; Bongiovanni Group Inc, 170 Pane Road, Newington CT, contact.

I have reviewed the plans submitted with the above-reference application. My comments are as follows. The Town Engineer will submit his comments separately.

1. Utilities and Improvement Plan (Section 6.3):

a. A sidewalk should be shown on one side of the street. Section 3.11 says that sidewalks on local residential streets are "as directed by the Commission", and it is my recommendation that this street have a sidewalk. Sidewalks create communities. Sidewalks facilitate neighbors getting to know each other; they give children a safe place to learn to ride bicycles and to play games; they provide public space for small groups to meet and talk; etc.

b. Two street trees per lot need to be shown (Section 6.3.l.v).

2. Grading Plan (Section 6.6):

a. The Grading Plan shows that a significant amount of Lots 1 and 2 are areas of 15% or greater slope, resulting in a substantial amount of cut and fill. You should consider combining these two lots.

b. All lots are required to have a "useable" back yard, which is demonstrated by a 30 square foot area directly behind the house which does not exceed a 5% gradient. Please revise the Grading Plan to show a 30-foot square behind each house with a 5% or less slope.

3. Open Space Improvements (Section 3.9):

a. It is unfortunate that the existing subdivisions to the east and south do not contain any useable public open space that land from this subdivision could be added to, as authorized by Section 3.9, but so be it. However, I do recommend a conservation easement around the existing farm pond in the southeast corner of the development to protect the pond habitat. It has been the practice of the Conservation Commission to include the entire 100-foot upland review area as the conservation easement area, but that may be excessive here. I suggest you have the environmental specialists at Weston and Sampson evaluate the pond and propose an appropriate easement area.

If you have any questions or comments, please contact me via email at cminor@newingtonct.gov or call me at (860) 665-8575.

Sincerely,

Craig Minor, AICP
Town Planner

cc:
Roger and Donna Peckham
Town Engineer
file

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

To: Town Plan and Zoning Commission

From: Town Planner Craig Minor, AICP

Date: April 3, 2020

Subject: **Petition #08-20: Sec. 8-24 Referral of Proposed Sale of Town-Owned Property at 88 Stamm Road. Town of Newington, owner/applicant.**

Description of Petition #08-20:

Paul Dickie, the homeowner at 4 Boulevard, would like to acquire all or part of the Town-owned vacant lot at 88 Stamm Road, which is adjacent to 4 Boulevard. The Town Council has referred this request to TPZ for a report in accordance with Sec. 8-24 of the Connecticut General Statutes.

Staff Comments:

Please refer to the materials sent in the previous TPZ agenda packet.

I have told Mr. Dickie that the Commission would like him to participate in the "remote" meeting.

cc:
file

Phone: (860) 665-8575 Fax: (860) 665-8577
townplanner @newingtonct.gov
www.newingtonct.gov

AGENDA ITEM: VI.C_____

DATE: _2/25/2020_____

RESOLUTION NO __2020-26_ ___

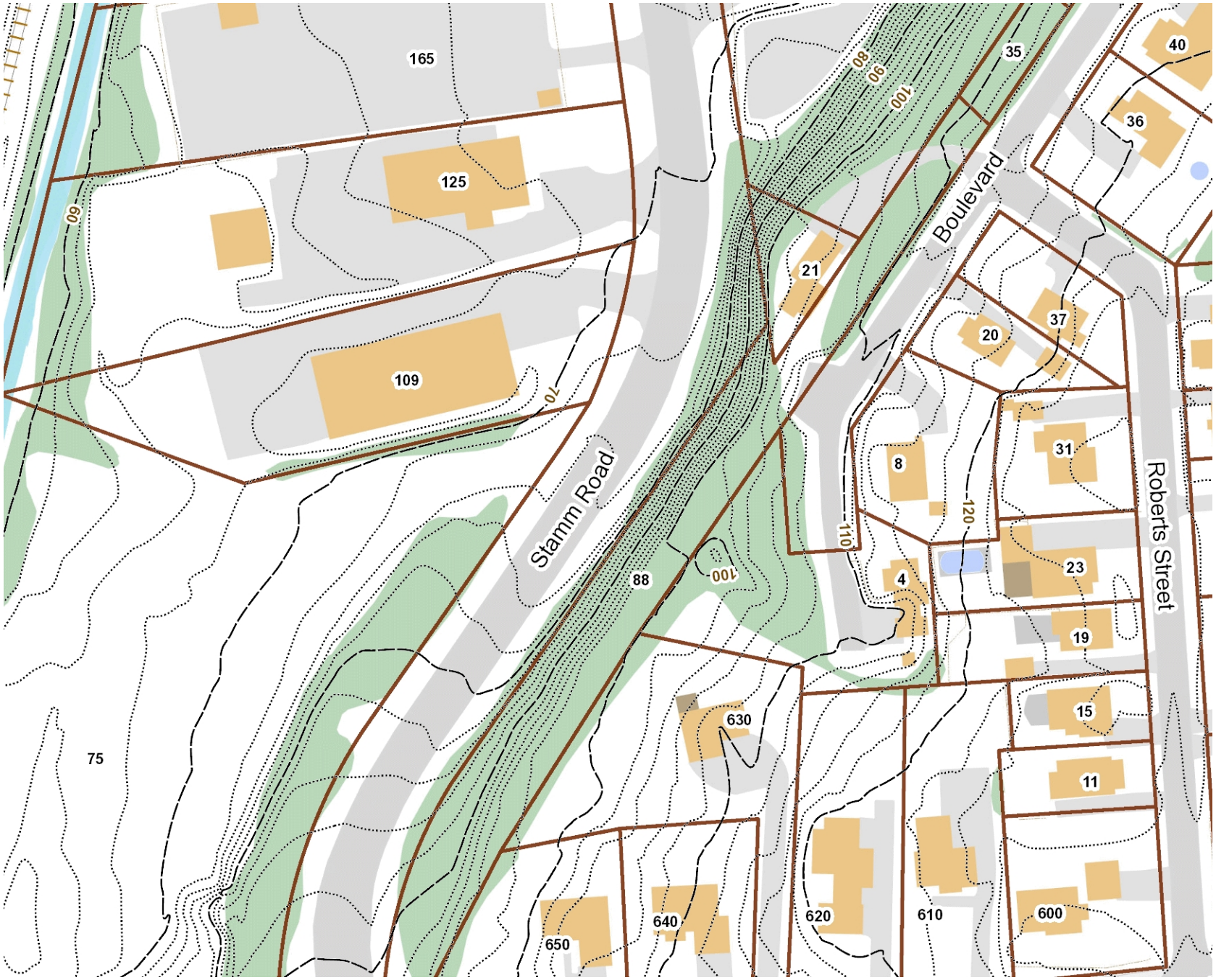
RESOLVED:

That the Newington Town Council hereby directs and authorizes the Town Manager to submit to the Town Plan and Zoning Commission for its report in accordance with Section 8-24 of the Connecticut General Statutes, a review of the sale or possible securing of an easement of a portion of land along Stamm Road.

MOTION BY: Councilor Anest

SECONDED BY: Councilor Manke

VOTE: 8-0 (Councilor Donahue absent)



88 Stamm Road

0 100.00 200.0 Feet

This map is for planning purposes only. Verification of its accuracy, currency and completeness is the responsibility of the reader's own independent research. Neither the Town of Newington nor any of its consultants shall be held liable for any loss, damages or claims made solely as a result of anyone referring to this map.

N

Map Legend

- Intermediate Contours
- Index Contours
- Parcels

BASEMAP LEGEND

- Centerlines
- Local Roads
- Major Roads
- Highways
- Buildings
- Pool
- Deck
- Railroad
- Sidewalks
- Driveways
- Paved Road
- Streams
- Marsh/Wetlands
- Water
- Vegetation

Printed 3/10/2020 3:04:07

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

To: Town Plan and Zoning Commission

From: Town Planner Craig Minor, AICP

Date: April 3, 2020

Subject: **Petition #14-20: Sec. 8-24 Referral of Proposed Re-Alignment of Robbins Avenue. Town of Newington, owner/applicant.**

Description of Petition #14-20:

This "complete street" project will reduce the Robbins Avenue four lane minor arterial down to two lanes, and create bike lanes on each side of the street. The elimination of the second west-bound and east-bound lanes between Main Street and Maple Hill Avenue will slow down through traffic.

The plans call for a slight realignment of curbing at several spots, so the Town Council has referred the project to TPZ for a "report" in accordance with Sec. 8-24 of the Connecticut General Statutes.

Staff Comments:

Sec. 8-24 reads (in part) as follows:

> "No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way…until the proposal to take such action has been referred to the commission for a report."

The Town Engineer is the staff person managing this project. See his memo, attached.

I have reviewed the "Transportation" section of the current POCD to see if this project either promotes or is inconsistent with its goals and strategies. The notion of bicycles as a means of transportation (as opposed to being solely for recreation) is not reflected anywhere in the current plan, so I would say this project neither promotes nor is in conflict with the POCD.

I recommend TPZ issue a favorable report.

cc:
Town Engineer
file

Phone: (860) 665-8575 Fax: (860) 665-8577
townplanner @newingtonct.gov
www.newingtonct.gov

Keith Chapman
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

OFFICE OF THE TOWN MANAGER

MEMORANDUM

To: Town Planner Craig Minor, AICP

From: James Krupienski, Town Clerk on behalf of Keith Chapman, Town Manager

Date: March 27, 2020

Re: **Town Council Referral of Robbins Avenue Realignment to TPZ**

At a meeting of the Newington Town Council, on March 24, 2020, it was voted to refer the matter of the realignment of Robbins Avenue in connection with the LOTCIP 2018 project to the Town Plan and Zoning Commission for its report in accordance with Section 8-24 of the Connecticut General Statutes.

Copies of the plans can be obtained from the Town Engineer.

cc:
Town Engineer
file

Phone: (860) 665-8510 Fax: (860) 665-8507
townmanager@newingtonct.gov
www.newingtonct.gov

RECEIVED FOR RECORD
IN NEWINGTON, CT

2020 MAR 27 PM 3:39

Town Clerk

AGENDA ITEM: VI.E

DATE: 3/24/2020

RESOLUTION NO: 2020-39

RESOLVED:

That the Newington Town Council hereby directs and authorizes the Town Manager to refer the matter of the realignment of Robbins Avenue in connection with the LOTCIP 2018 project to the Town Plan and Zoning Commission for its report in accordance with Section 8-24 of the Connecticut General Statutes.

MOTION BY: Councilor Budrejko

SECONDED BY: Councilor Anest

VOTE: 9-0

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Keith Chapman
Town Manager

Office of Town Engineer

Gary J. Fuerstenberg, P.E.
Town Engineer

Memorandum

To:	Town Planner
From:	Gary Fuerstenberg, PE
Date:	April 2, 2020
Re:	Town Council Referral of Complete Street Project (Maple Hill Avenue & Robins Avenue Corridor)

The Town Of Newington received a grant from CDOT for performing maintenance and minor improvements in a 1.6-mile corridor defined as:

- Maple Hill Avenue (between New Britain Avenue [State Route 174] and Robbins Avenue)
- Robbins Avenue (between Maple Hill Avenue and Main Street [State Route 176])

Maintenance work consists of:

- Resurfacing the road (milling and overlaying)

Minor improvements consist of:

- Road improvements (local widening road, visibility improvements, curb replacement)
- Intersection improvements (adding turning lane)
- Drainage improvements (cleaning Schoolhouse Brook, cleaning storm water system)
- Traffic signal improvements (technology upgrade)
- Sidewalk improvements (sidewalk ramps, pedestrian safety)
- New bike lanes (bicycle safety)

To accommodate road and intersection improvements and new bike lanes, Robbins Avenue will be widened at three locations within the existing roadway/highway right-of-way:

- Up to 3 feet south of the existing curb between Maple Hill Avenue and Vivian Street – Approximate Stations 103+50 to 105+50
- Up to 7 feet south of the existing curb between Willard Avenue (SR 173) and Clifford Street – Approximate Stations 134+50 to 137+50
- Up to 17 feet south of the existing curb between Walsh Avenue and Main Street (SR 176) – Approximate Stations 157+50 to 160+00

Phone: (860) 665-8570 Fax: (860) 665-8577
engineering@newingtonct.gov
www.newingtonct.gov

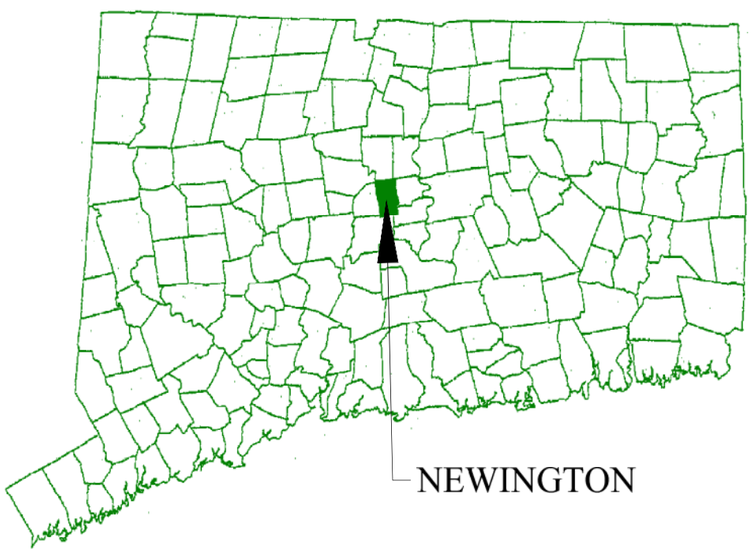
Additionally, part of the western portion of the Thompson Green will be paved to provide drive-up US mail drop off at the Thompson Green USPS mailbox adjacent to Thompson Street – Approximate Stations 107+25 to 108+25.

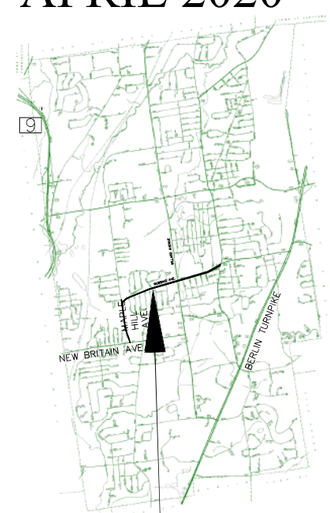
MAPLE HILL AVENUE AND ROBBINS AVENUE COMPLETE STREETS PROJECT

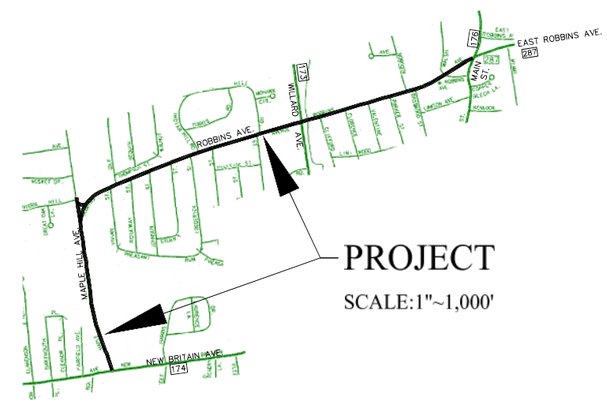
TOWN OF NEWINGTON, CONNECTICUT

STATE PROJECT NO. L093-0001

APRIL 2020







DRAWING INDEX:

1 TITLE
XX CROSS-SECTIONS AND NOTES
XX - XX EXISTING CONDITIONS
XX - XX SUBSURFACE EXPLORATION LOGS
XX - XX SITE IMPROVEMENTS
XX - XX MILL AND OVERLAY
XX - XX PAVEMENT MARKINGS AND SIGNS
XX - XX TRAFFIC CONTROL SIGNAL PLANS
XX - XX DETAILS
XX - XX CATCH BASIN FRAMES AND GRATES
XX - XX SIDEWALK DETAILS

CONNDOT DRAWINGS:

HW-0921_01	DRIVEWAY RAMPS AND SIDEWALKS
TR-1208_01	SIGN PLACEMENT AND RETROREFLECTIVE STRIP DETAILS
TR-1208_02	METAL SIGN POSTS AND SIGN MOUNTING DETAILS

FINAL DESIGN SUBMISSION

DEVELOPED BY:
vhb
100 Great Meadow Road, Suite 200
Wethersfield, Connecticut 06901
860-807-4300 - FAX 860-372-4570

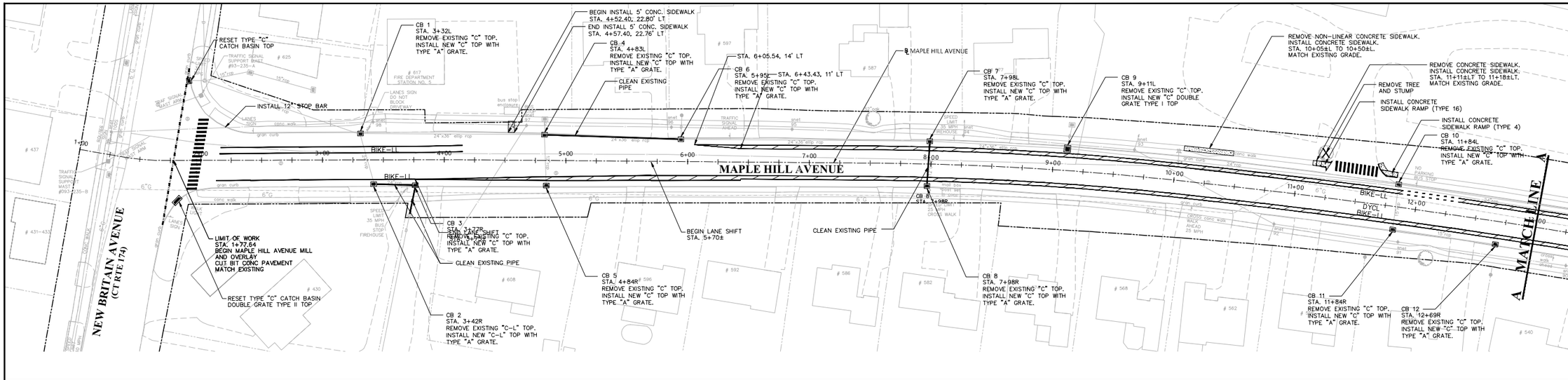
GARY J. FUERSTENBERG
TOWN ENGINEER
P.E. NO. 21892

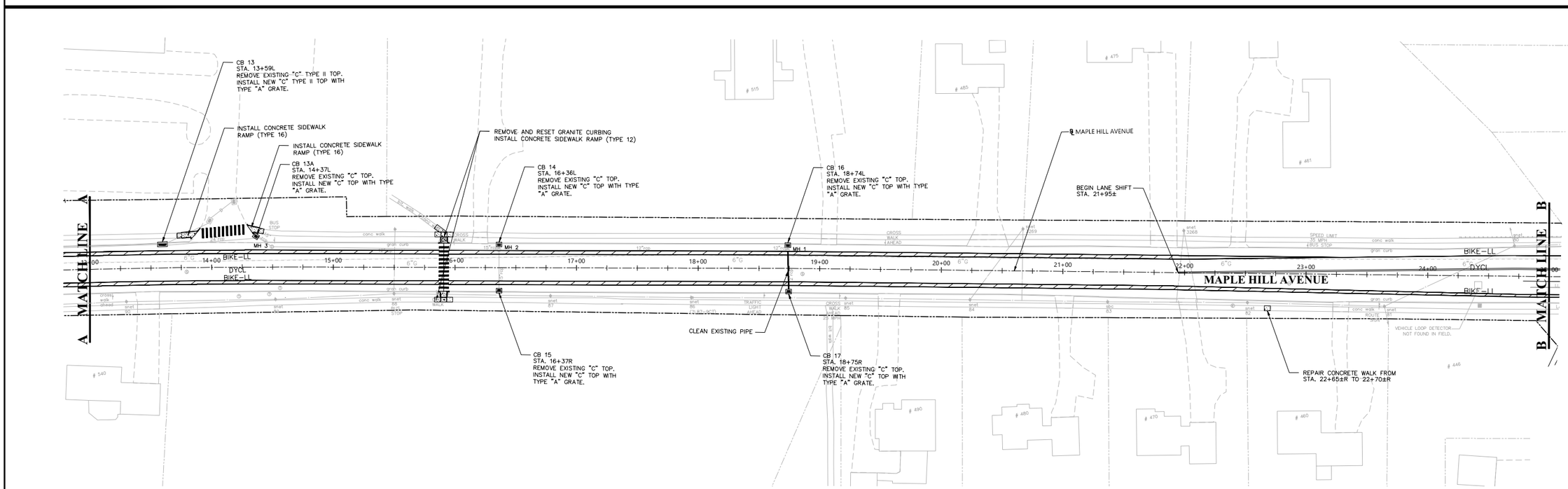
REVISIONS:

COMPLETE STREETS PROJECT
MAPLE HILL AVENUE & ROBBINS AVENUE
PREPARED FOR
TOWN OF NEWINGTON
131 CEDAR STREET NEWINGTON, CT. 06111

DATUMS:
HORIZONTAL NAD 83
VERTICAL NAVD 88

PROJECT 18007
DATE 12 / 16 / 2019
DRAWN TJM
CHECK EAN
SHEET 1 OF X
SCALE: AS NOTED





CLEARING AND GRUBBING NOTES:

1. TOWN OF NEWINGTON TREE WARDEN WILL POST TREES TO BE REMOVED 11 DAYS PRIOR TO REMOVAL.
   COORDINATE TREE REMOVAL SCHEDULE WITH THE TOWN OF NEWINGTON TREE WARDEN A MINIMUM OF 2 WEEKS, BUT NOT GREATER THAN 3 WEEKS PRIOR TO REMOVING TREES.
2. REMOVE TREES AND STUMPS PRIOR TO PERFORMING CONCRETE WORK.
3. RESTORE LANDSCAPE AREAS (INSTALL TOPSOIL, SEED AND MULCH) AFTER REMOVAL OF STUMPS.

SITE IMPROVEMENT NOTES:

1. INSTALL SILTSACK®AT ALL CATCH BASINS PRIOR TO THE START OF WORK.
2. SAWCUT AND REMOVE ROAD PAVEMENT MINIMUM 2 FEET FROM NEW CURB TO FACILITATE COMPACTING BASE COURSE ADJACENT TO NEW CURB.
3. COMPACT BASE AND REPAVE ADJACENT TO NEW CONCRETE CURB AFTER CONCRETE HAS SUFFICIENTLY CURED.
4. RESTORE DISTURBED LANDSCAPED AREAS AND APPLY A MINIMUM OF 4 INCHES TOPSOIL, SEED AND MULCH.
5. CLEAN ALL CATCH BASIN SUMPS AFTER FINISHED COURSE OF BITUMINOUS PAVEMENT.
6. STORM PIPES TO BE CLEANED AS NOTED.
7. ENGINEER TO CONFIRM LAYOUT OF ALL SIDEWALK RAMPS BEFORE POURING.

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

REVISIONS:

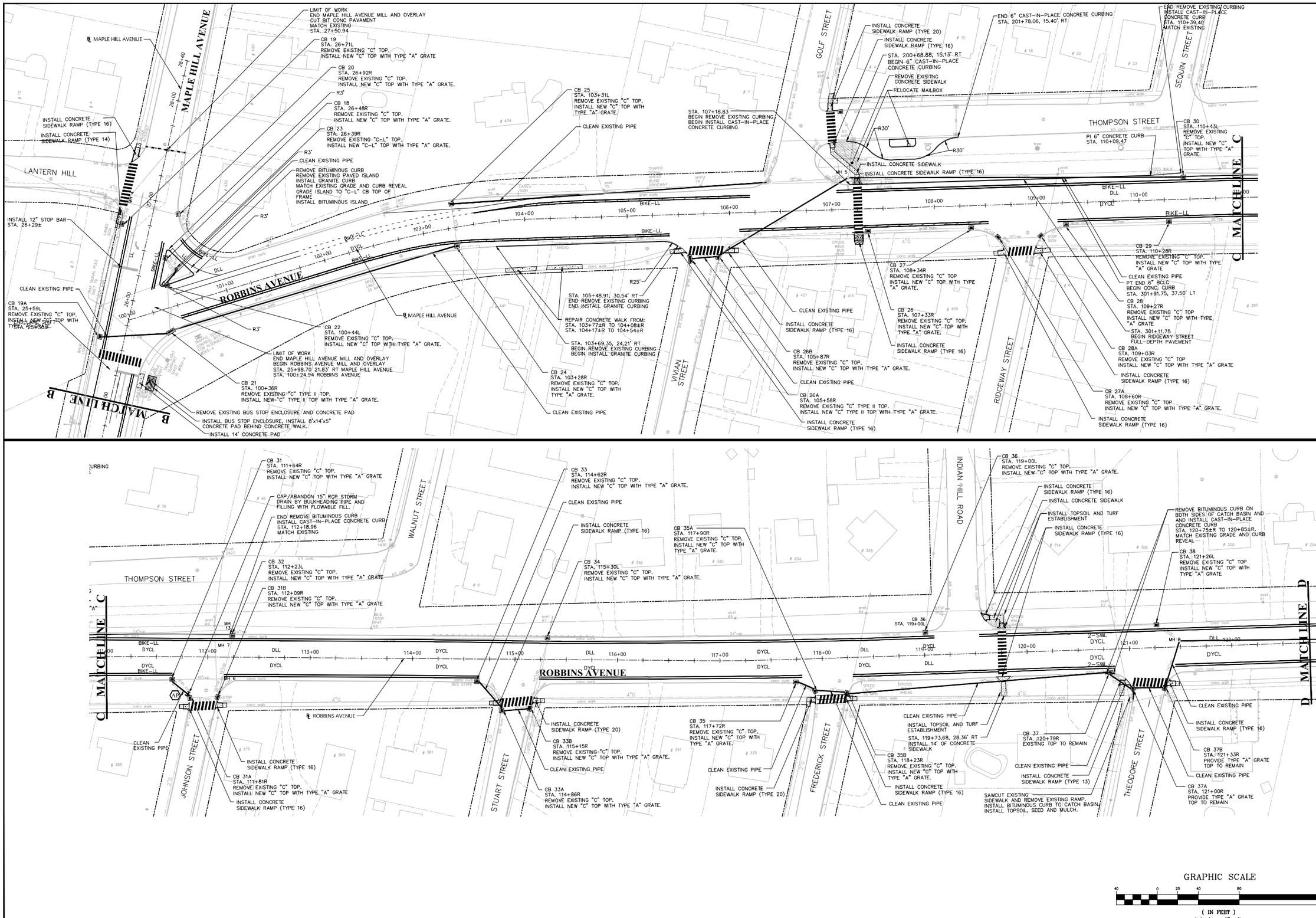
vhb

SITE IMPROVEMENTS
COMPLETE STREETS PROJECT
MAPLE HILL AVENUE & ROBBINS AVENUE
PREPARED FOR
TOWN OF NEWINGTON
131 CEDAR STREET NEWINGTON, CT. 06111

DATUMS:

HORIZONTAL: NAD 83
VERTICAL: NAVD88

PROJECT	18003
DATE	12 / 16/ 2019
DRAWN	TJM
CHECK	EAN
SHEET	XX OF XX
SCALE:	1" = 40"



REVISIONS:

vhb

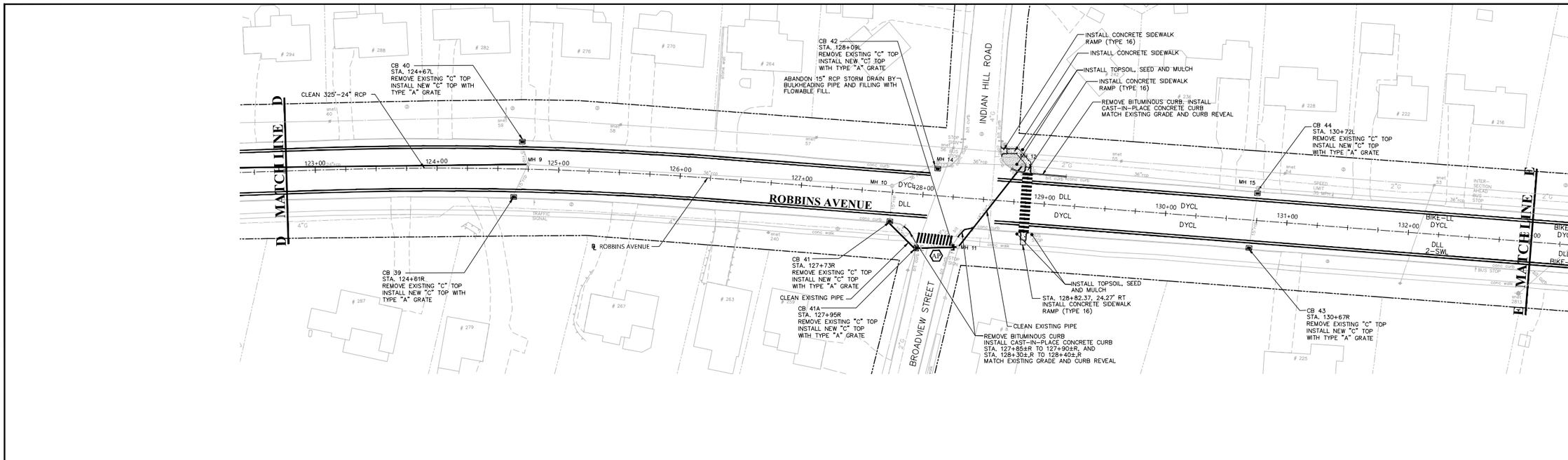
SITE IMPROVEMENTS
COMPLETE STREETS PROJECT
MAPLE HILL AVENUE & ROBBINS AVENUE
PREPARED FOR
TOWN OF NEWINGTON
131 CEDAR STREET NEWINGTON, CT 06111

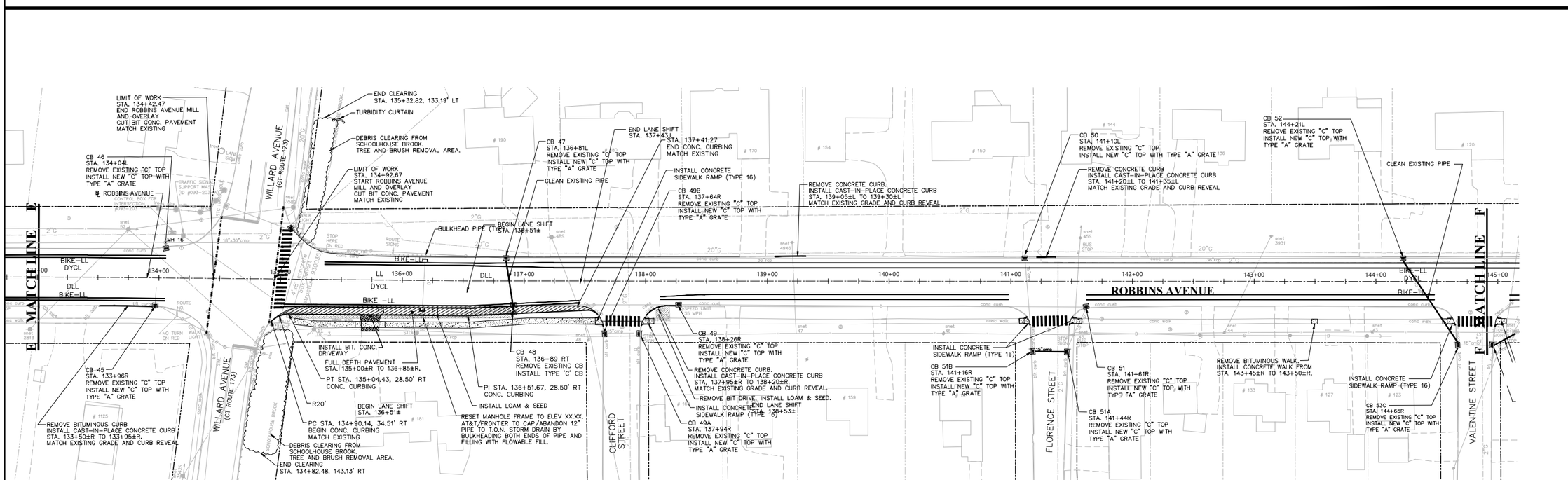
DATUMS:

HORIZONTAL: NAD 83

VERTICAL: NAVD88

PROJECT	18003
DATE	12 / 16 / 2019
DRAWN	TJM
CHECK	EAN
SHEET	XX OF XX
SCALE:	1" = 40"





NOTE:
REMOVING DEBRIS AND REMOVAL OF TREE AND BRUSH
SHALL BE PAID FOR UNDER ITEM "CLEARING AND GRUBBING"

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

REVISIONS:

vhb

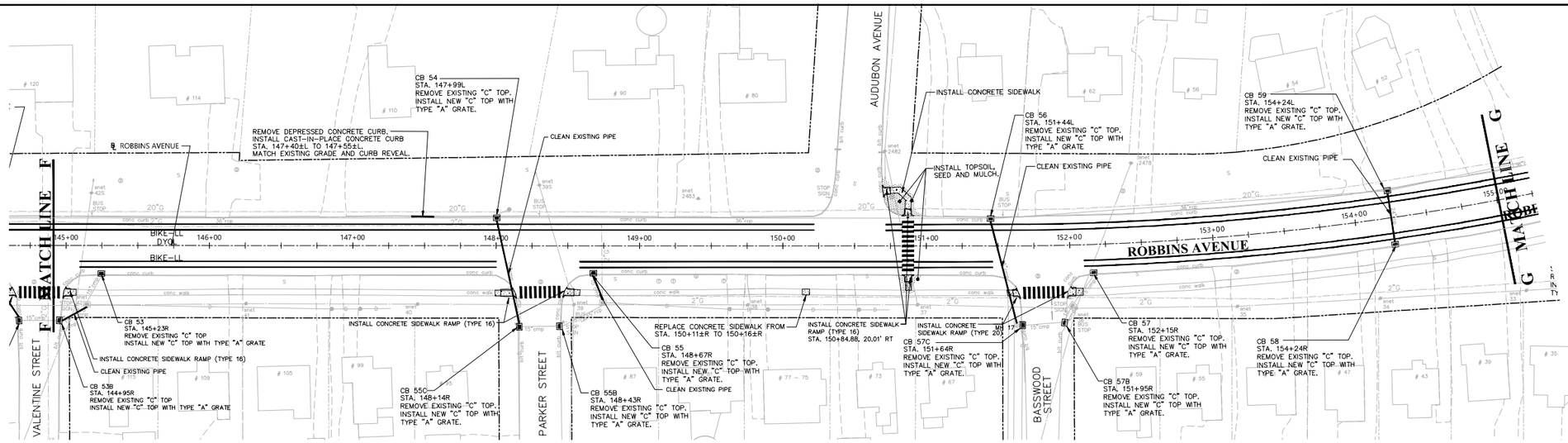
SITE IMPROVEMENTS
COMPLETE STREETS PROJECT
MAPLE HILL AVENUE & ROBBINS AVENUE
PREPARED FOR
TOWN OF NEWINGTON
131 CEDAR STREET NEWINGTON, CT 06111

DATUMS:

HORIZONTAL: NAD 83

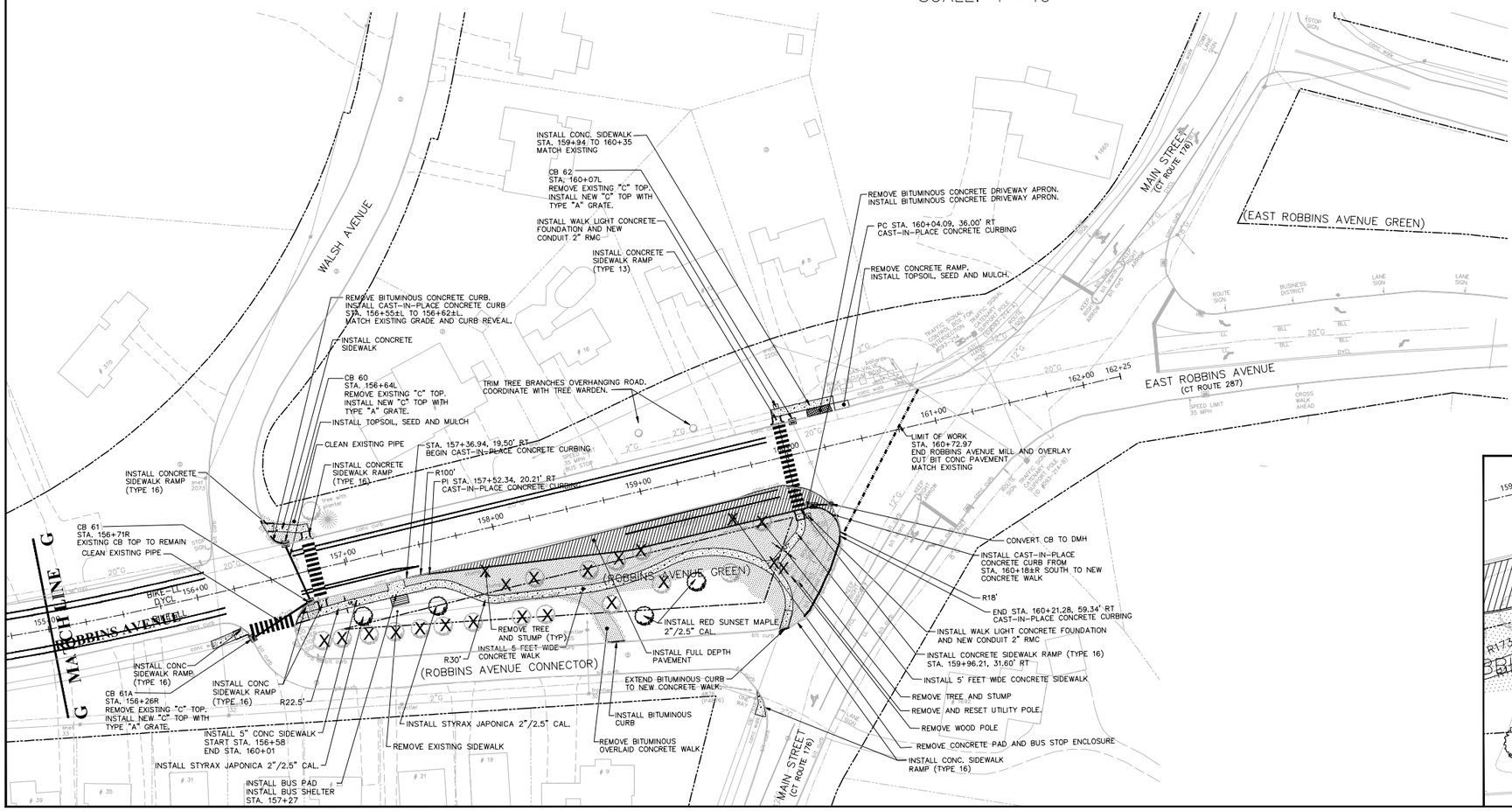
VERTICAL: NAVD88

PROJECT	18003
DATE	12 / 16 / 2019
DRAWN	TJM
CHECK	EAN
SHEET	XX OF XX
SCALE:	1" = 40"

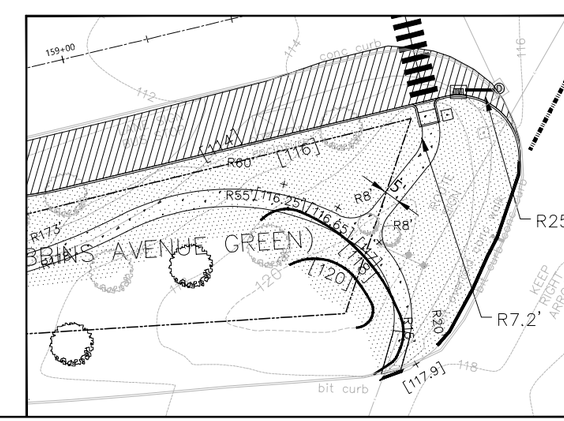


PLAN
SCALE: 1"=40'

PLAN
SCALE: 1"=40'



ROBBINS AVENUE GREEN GRADING DETAIL
SCALE: 1"=20'



REVISIONS:

vhb

SITE IMPROVEMENTS
COMPLETE STREETS PROJECT
MAPLE HILL AVENUE & ROBBINS AVENUE
PREPARED FOR
TOWN OF NEWINGTON
131 CEDAR STREET NEWINGTON, CT. 06111

DATUMS:

HORIZONTAL: NAD 83
VERTICAL: NAVD88

PROJECT	18006
DATE	12 / 16 / 2019
DRAWN	TJM
CHECK	EAN
SHEET	XX OF XX
SCALE:	AS-NOTED

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

To: Town Plan and Zoning Commission

From: Town Planner Craig Minor, AICP

Date: April 3, 2020

Re: **<u>Petition #11-20</u>: Special Permit (Sec. 6.11: Service, Sale, Repair, Rental or Storage of Motor Vehicles) at 2897 Berlin Turnpike ("Firestone Complete Auto Care Center"). SB Newington 443 LLC, owner/applicant; Attorney Amy E. Souchuns Esq, 147 N. Broad Street, Milford CT, contact.**

<u>Description of Petition #11-20:</u>

As a result of the long-standing legal battle between the owners of the Firestone store on the Berlin Turnpike and other parties in Newington, the owners have been ordered by the court to re-obtain the necessary special permit, site plan, and DMV location approvals.

<u>Staff Comments:</u>

This memo is to set the date for the public hearing on the special permit. I just want to inform the Commission that while the associated site plans are essentially the same as what was approved by TPZ in 2003, subsequent changes to the zoning regulations and to the zoning map make that site plan non-conforming. The applicants have therefore applied to the ZBA for several variances. The public hearing on their ZBA variances has been scheduled for Wednesday, April 8.

I recommend the public hearing be scheduled for April 22, 2020 in anticipation of the ZBA granting the variances necessary for TPZ approval of the site plan, and, by extension, the special permit.

cc:
file

Phone: (860) 665-8575 Fax: (860) 665-8577
townplanner @newingtonct.gov
www.newingtonct.gov

Petition # 11-20

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 2897 Berlin Turnpike ZONE: PD

APPLICANT: SB Newington 433, LLC TELEPHONE:

ADDRESS: c/o Guggenheim Retail Real Estate Partners
3000 Internet Boulevard, Suite 570, Frisco, TX 75034 EMAIL: c/o ASouchuns@hssklaw.com

CONTACT PERSON: c/o Amy E. Souchuns, Esq. TELEPHONE: c/o 203 877-8000

ADDRESS: Hurwitz, Sagarin, Slossberg & Knuff, LLC
147 N. Broad Street, Milford, CT 06460 EMAIL: ASouchuns@hssklaw.com

OWNER OF RECORD: SB Newington 433, LLC

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- o Zoning Map Change from the _____ Zone to the _____ Zone (Public Hearing required).
- o Zoning Text Amendment to Section _____. *A copy of the proposed amendment and the reason for amendment is attached* (Public Hearing required).
- o Subdivision (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- o Resubdivision (Public Hearing required). (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- ☒ Special Permit per Section 3.19 of the Zoning Regulations. ***Explanation of the proposed activity is attached*** (Public Hearing required). $820
- o Site Plan Approval or Site Plan Modification (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- o Other (describe in detail, or attach): DMV Location Approval.

SIGNATURE:

SB Newington 433, LLC By: [signature] 3/ 20 /2020 APPLICANT DATE	SB Newington 433, LLC By: [signature] 3/ 20 /2020 PROPERTY OWNER DATE
Amy E. Souchuns, Attorney for SB Newington 433 LLC	Amy E. Souchuns, Attorney for SB Newington 433 LLC

INCOMPLETE APPLICATIONS WILL NOT BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES BUT IS NOT LIMITED TO: APPLICATION FORM; APPLICATION FEE; SITE PLANS (IF APPROPRIATE) SHOWING LID; WATERSHED ANALYSIS (FOR SITE PLANS); NARRATIVE DESCRIPTION (IF APPROPRIATE).

RECEIVED
MAR 20 2020
PLANNING DEPT.

HURWITZ SAGARIN
SLOSSBERG & KNUFF LLC

HS
S&K

Amy E. Souchuns, Esq.
Asouchuns@hssklaw.com

LAW OFFICES
147 North Broad Street
Milford, CT 06460
T: 203.877.8000
F: 203.878.9800
hssklaw.com

March 20, 2020

Mr. Craig Minor
Town Planner
Town of Newington
131 Cedar Street
Newington, CT 06111

Re: Special Permit, Site Plan and Location Approval
SB Newington 433, LLC, Owner
Firestone Complete Care Auto Center, 2897 Berlin Turnpike

Dear Mr. Minor:

On behalf of SB Newington 433, LLC, enclosed please find application materials related to a special permit, site plan and Department of Motor Vehicles location approval for the Firestone Complete Care Auto Center, 2897 Berlin Turnpike, Newington.

The application materials include 4 full size and 10 reduced sized copies of each of the following:

- Application Form;
- Project Narrative;
- Site Plans and Survey dated November 26, 2012 (revised to February 20, 2020), prepared by VHB;
- Application Fee of $275.00.

If you need anything further, please do not hesitate to contact me.

Sincerely,

Amy E. Souchuns

Enclosures

APPLICATION NARRATIVE

SB NEWINGTON 433, LLC
March 20, 2020

SB Newington 433, LLC ("SBN") seeks Special Permit, Site Plan and location approval for an auto-related use on property known as 2897 Berlin Turnpike ("Property"). The Property, approximately one acre and zoned Planned Development (P-D), is currently improved with a Firestone Complete Auto Care Center ("CACC").

Background:

As the Commission will recall, the CACC was approved with conditions in April 2013. Following an appeal of that approval by several other automotive businesses, construction began in late 2014 and the CACC opened for business in early September 2015. While the construction was underway, a group of neighboring property owners and other automotive business owners initiated a nuisance and private zoning enforcement lawsuit against SBN, this Commission, and the Town of Newington ("Bielitz Litigation"). In two court decisions in the Bielitz Litigation, the court found that this Commission's April 2013 approval of the CACC was invalid and ordered that the CACC be shut down pending the receipt of new land use approvals. Therefore, these applications, along with a variance application submitted simultaneously with these requests, are intended to legalize the CACC in accordance with the Court's orders and in resolution of the Bielitz Litigation.

Current Application:

The application materials reflect the same proposal initially approved in 2013 and constructed in 2015 with respect to building size and location, drive aisles, parking, stormwater/drainage, and landscaping. As depicted on the site plan and zoning summary chart submitted with this application, the bulk requirements governing the P-D Zone are satisfied. While the site and building itself is unchanged from the 2013 submission, as this Commission will recall, the adjacent property was rezoned to R-20 (Residential-20) in May 2013. As a result, the CACC is now directly adjacent to a residential zone, with the property boundary serving as the zone boundary between P-D and R-20.

As noted above, SBN has sought variances of certain provisions of the Zoning Regulations arising from the Property's proximity to a residential zone. These include the following:

- § 3.18.4: mandating that (a) parking be no less than 25 feet from a residential zone boundary and (b) no business structure be located closer than 100 feet from the residential zone boundary
- § 6.1.2.B: requiring that any off-street loading space be no closer than 50 feet from any lot in any residential zone
- § 6.11.5: prohibiting any portion of a motor vehicle use within 100 feet of a residential zone

Each of these variances seeks to legalize the existing CACC operations; no expansion or modification of the site is proposed as part of these applications.

Proposed Conditions of Approval:

SBN requests that the Commission impose two conditions associated with the Bielitz Litigation. To address the Court's terms for the CACC to open, SBN and its acoustical engineer developed a noise mitigation plan ("Plan") in summer 2015 to mitigate potential noise impacts from the CACC, a copy of which is attached as Exhibit 1. The Plan implements one of the Commission's original conditions of approval – that the westerly bay doors be kept closed unless a vehicle is entering or exiting – and also mandates that certain equipment not be used when one of those doors is opened. Additionally, air conditioning has been installed in the work/shop area of the CACC to ensure the westerly bay doors are kept closed in accordance with the Plan. SBN asks that the Plan be incorporated as a condition of approval.

Second, as a condition of the Plan, SBN's contractors installed a final section of fence to fully enclose the Property. In connection with these applications, an updated survey was prepared, which revealed a section of fence is located on the adjacent property owned by the State of Connecticut. Due to current weather conditions that hinder removal and replacement of the fence, SBN requests that the Commission condition the approval on fence relocation prior to the issuance of an updated zoning permit. Similarly, preparation of the updated survey also demonstrated that the loading area was not depicted on the Property; SBN also proposes that this be completed prior to the issuance of an updated zoning permit.

As found by the Commission in issuing the 2013 Approval, the CACC and the location satisfy the standards set forth in § 5.2.6 of the Zoning Regulations with regard to a special permit use. The proposed conditions of approval further ensure the protection of public health, safety and welfare.

EXHIBIT 1

NO. HHD LND CV14 6055381 S	:	SUPERIOR COURT
COLLEEN BIELITZ, ET AL	:	JUDICIAL DISTRICT OF HARTFORD
V.	:	AT HARTFORD
WEX-TUCK REALTY, LLC, ET AL.	:	FEBRUARY 22, 2017

STIPULATION CONCERNING
EVIDENTIARY RECORD AND INJUNCTION ON COUNT TWO

Colleen Bielitz, Laura Bielitz, Lorraine Dubowsky, Edward Dubowsky and Elaine Erwin Matulis (sometimes, collectively referred to herein as the "Private Parties"); Modern Tire Recapping Company, Inc. and 3455 BTP, LLC (collectively, the "Modern Tire Parties"); SB Newington 433 LLC and Guggenheim Retail Real Estate Partners Inc. (collectively "SBN"), and Town of Newington and Newington Town Plan and Zoning Commission (collectively "Town Parties") hereby agree and stipulate as follows:

1. In November 2014, individual plaintiffs, Colleen Bielitz, Laura Bielitz, Lorraine Dubowsky and Edward Dubowsky and certain business entities, including the Modern Tire Parties, commenced the above-captioned action.

2. In the Second Count of their complaint, Colleen Bielitz, Laura Bielitz, Lorraine Dubowsky and Edward Dubowsky asserted that the intended operation, on land owned by SBN and leased as a Firestone Complete Auto Care Center ("CACC") at 2897 Berlin Turnpike, Newington, CT (the "Premises") would constitute a private nuisance to individual plaintiffs Colleen Bielitz, Laura Bielitz, Lorraine Dubowsky and Edward Dubowsky (later joined by individual plaintiff, Elaine Erwin Matulis) due to noise because noise emanating from the operation of the CACC would be disturbing, annoying and irritating; in excess of state and local regulations; and resulting directly from the operation of the CACC.

3. In July - September 2015, after a hearing, the Court (the Hon. A William Mottolese, JTR) held that the intended operation of the CACC would constitute a private noise nuisance and issued temporary injunctive orders. SBN responded to such orders by filing and, after Court approval, implementing steps to mitigate noise impacts, specifically a *Noise Mitigation Plan* (the "Tocci Plan") appended as Exhibit B to SBN's *Disclosure of Expert Witness*, dated August 14, 2015, concerning Gregory C. Tocci, [Dkt. no. 204.00], as supplemented by *Defendants' Plan and System For Turning Off Tire Bead Seater and Air Grinder Before Westerly Bay is Opened* [Dkt. no. 215.00]. Such noise controls ("Operational Plan") have been in place at the Firestone CACC from September 2015 to the date of this stipulation.

4. The Private Parties now stipulate that since the date the CACC began operations in September 2015, (a) the Tocci Plan and the Operational Plan have sufficiently abated the noise nuisance that otherwise would have been created by the operation of the CACC and (b) the CACC has operated in compliance with the Court's orders.

5. The Private Parties and SBN agree that judgment may enter for the Private Parties against SBN with respect to the Second Count of the Third Revised Verified Complaint dated October 14, 2016, and in full and final satisfaction of this judgment, the orders entered by the Court on August 27, 2015, as modified by the Court's September 3, 2015 order, may be entered as a permanent injunction.

6. The parties further agree that SBN has delivered to the Private Parties, Modern Tire Parties and Town Parties, a certification that air conditioning has been installed in the work/shop area of the CACC.

7. The entry of an order in accordance with Paragraph 5, shall be deemed a final, non-appealable Order that fully and finally disposes of Second Count.

8. Within seven (7) business days of the entry of judgment and issuance of a permanent injunction as described above, the Private Parties shall amend their Third Revised Verified Complaint to (a) withdraw, with prejudice, the Second Count as against the Town Parties, and (b) to remove and withdraw any claims or allegations related to noise as a basis for any injunction or other relief sought in the First Count against the Town Parties and SBN. To the extent necessary, SBN and the Town Parties to consent to any such amendment.

ALL PARTIES AGREE THAT THIS STIPULATION SHALL BE EFFECTIVE ONLY IF THE COURT ADOPTS THIS STIPULATION AS AN ORDER OF THE COURT.

COLLEEN BIELITZ, LAURA BIELITZ, LORRAINE DUBOWSKY, ELAINE ERWIN MATULIS, MODERN TIRE RECAPPING COMPANY, INC. AND 3455 BTP, LLC

By: _____

Timothy S. Hollister, Esq.
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919
thollister@goodwin.com

SB NEWINGTON 433, LLC and
GUGGENHEIM RETAIL REAL ESTATE
PARTNERS, INC.

By: _____
Lawrence S. Grossman, Esq.
Amy E. Souchuns, Esq.
Hurwitz, Sagarin, Slossberg & Knuff LLC
147 North Broad Street
Milford, CT 06460-0112
LGrossman@hssklaw.com
ASouchuns@hssklaw.com

TOWN OF NEWINGTON and
NEWINGTON TOWN PLAN AND
ZONING COMMISSION

By: _____
Benjamin Ancona, Jr. Esq.
Ancona & Siegel
360 Maple Hill Avenue
Newington, CT 06111
benancona@cox.net

CERTIFICATION

I hereby certify that a copy of the above was mailed or electronically delivered on February 23, 2017 to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were electronically served:

Joseph Williams, Esq.
Timothy S. Hollister, Esq.
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919
jwilliams@goodwin.com
thollister@goodwin.com

Benjamin Ancona, Jr. Esq.
Ancona & Siegel
360 Maple Hill Avenue
Newington, CT 06111
benancona@cox.net

Amy E Souchuns

CAVANAUGH TOCCI ASSOCIATES, INCORPORATED
327 F BOSTON POST ROAD, SUDBURY, MA 01776-3027 • (978) 443-7871 • www.cavtocci.com

SENIOR PRINCIPALS
DOUGLAS H. BELL, *PRESIDENT*
NICHOLAS BROWSE
TIMOTHY J. FOULKES, *FASA, INCE Bd. Cert.*
GREGORY C. TOCCI, *P.E., FASA, INCE Bd. Cert.*

PRINCIPALS
ALEXANDER G. BAGNALL, *CTS*
LINCOLN B. BERRY
MATTHEW J. MOORE, *CTS*

SENIOR AND STAFF CONSULTANTS
ANDREW C. CARBALLEIRA
AARON M. FARBO, *LEED AP BD+C*
JOHN T. FOULKES, *CTS*
DANIEL M. HORAN, *LEED AP BD+C*
BRION G. KONING
ELIZABETH L. LAMOUR
KENT F. MCKELVIE, *P.E.*

EMERITUS PRINCIPAL
WILLIAM J. CAVANAUGH, *FASA, F-INCE*

August 14, 2015

Mr. Lawrence S. Grossman, Esq.
Hurwitz Sagarin Slossberg & Knuff, LLC
147 North Broad Street
Milford, CT 06460

Subject: Noise Mitigation Plan
Firestone Retail Tire Store, 2903 Berlin Turnpike, Newington, CT

Dear Mr. Grossman,

As requested, Cavanaugh Tocci Associates, Inc. has prepared a Noise Mitigation Plan for the Firestone Retail Tire Store recently constructed at 2903 Berlin Turnpike, Newington, Connecticut. This work is in response to the directive and order by The Honorable A. William Mottolese, Superior Court Judge dated July 29, 2015 in the matter of Bielitz, Colleen, *et al* v. Wex-Tuck Realty, LLC, *et al.* The Decision requires that the development team and Firestone management submit a Mitigation Plan that provides steps that the facility can take to assure its tool sound levels are in compliance with the Newington, Connecticut Chapter 291 Noise Ordinance and the State of Connecticut Regulations for the Control of Noise (§ 22a-69) at its own property line.

With the implementation of the Noise Mitigation Plan developed in this report, it is my conclusion that tool sound produced inside the recently completed Firestone Retail Store will conform to the limits of the Newington Chapter 291 Noise Ordinance as well as State Regulations for the Control of Noise. The following summarizes five steps that comprise the Noise Mitigation Plan. Certain of the sound control methods are discussed in more detail later in the report.

1. *Aircat Quiet Technology*
   Use quiet impact wrenches in lieu of conventional impact wrenches. The plan to use these is in place and is important for maintaining compliance.

2. *Seal Undercut in Site Noise Barrier Fence*
   The existing noise barrier fence has an approximate 2-inch undercut. The sound reduction performance of the noise barrier fence can be improved by closing-off this undercut with an additional fence rail attached to the backside of the fence frame.

3. *Close the Gap in the Noise Barrier Fence*

   There is a gap in the property line noise barrier fence at the Bielitz property line, in the area behind the Firestone trash corral. Continue the noise barrier fence to close this fence opening.

4. *Tire Machine*
   Install a red warning light at the tire machine to notify the machine operator when a rear door is open and that the tire bead seating operation is not permitted at that time.

5. *Door Lock-out Kill Switch*
   To avoid more than one rear door being open at the same time, install an electronic door lock system that permits only one door to be open at any one time to permit vehicle entry and exit.

The following provides a general description of the facility, describes the applicable limits on sound, summarizes sound levels measured at a representative location atop an existing noise barrier fence on the Firestone property nearest bay doors at the rear of the facility, and estimates highest tool sound levels at the Firestone property line for conditions with rear doors open and closed.

Applicable Noise Limits

A. *Town of Newington, Connecticut*

The Newington noise ordinance is contained in Chapter 291 of the Town Code. § 291-6 Noise levels. Its limits apply at the emitter property line and depend upon its zoning classification and that of the adjacent receptor properties. In the case of adjacent residential receptors, limits differ for daytime and nighttime periods. Newington limits are in Table 1 of this report. Those specifically relevant to the Firestone Store are circled. As the operating hours of the Firestone Retail Store are to be within the Newington daytime hours, the limit on tool sound at the nearest residentially zoned property is 55 dBA.

Zone in Which Emitter is Located	Zone in Which Receptor is Located			
	Industrial (dBA)	Business (dBA)	Residential Daytime Hours (dBA)	Residential Nighttime Hours (dBA)
Industrial	70	66	61	51
Business	62	62	55	45
Residential	62	55	55	45

Note: Daytime hours are those between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours between 9:00 a.m. and 10:00 p.m. on Sunday.

Figure 1. Town of Newington, CT Chapter 291 Noise Limits

B. *State of Connecticut Department of Energy and Environmental Protection (DEEP) Noise Regulation*

DEEP Regulations for the Control of Noise (§ 22a-69) (the DEEP regulation) limits noise on the basis of both emitter and receptor land use classifications. These limits are provided in Table 2 below.

Emitter Class	Receptor Class			
	C	B	A/Day	A/Night
C	70 dBA	66 dBA	61 dBA	51 dBA
B	62 dBA	62 dBA	55 dBA	45 dBA
A	62 dBA	55 dBA	55 dBA	45 dBA

Table 2. A-weighted Sound Level Limits
Connecticut Regulations for the Control of Noise (§ 22a-69-3.5)

In the above table, day is defined as the time interval 7:00 AM to 10:00 PM. Night is defined as the time interval 10:00 PM to 7:00 AM. Noise Zone Classifications are based on the actual use of the land and do

not rely on local zoning. Where multiple land uses exist on the same property, the least restrictive limits apply.

- **Class A** noise zone is land generally designated for residential use or areas where serenity and tranquility are essential to the intended use.
- **Class B** noise zone includes land uses generally of a commercial nature. Note that in this regulation the adjacent school property is considered a Class B noise zone.
- **Class C** noise zone includes land uses generally of an industrial nature.

Facility Site

Figure 1 presents the Firestone Retail Store building and site plan overlaid on an aerial photograph. The facility is accessed from the Berlin Turnpike. The building is divided into three parts. The southern most part is customer waiting and service; the center is the automobile service area for ten vehicles; the northern most part are office and inventory areas. The center service area can accommodate ten vehicles, and is built with five bay doors at the front (east side) of the building and five at the rear. Services include tire replacement and repair, brake servicing, and other vehicle maintenance. Nearest existing residences, or buildings potentially to be used as a residence are to the west and northwest of the facility.

Figure 1. Aerial photo showing the facility location
Firestone Retail Store, Newington, CT

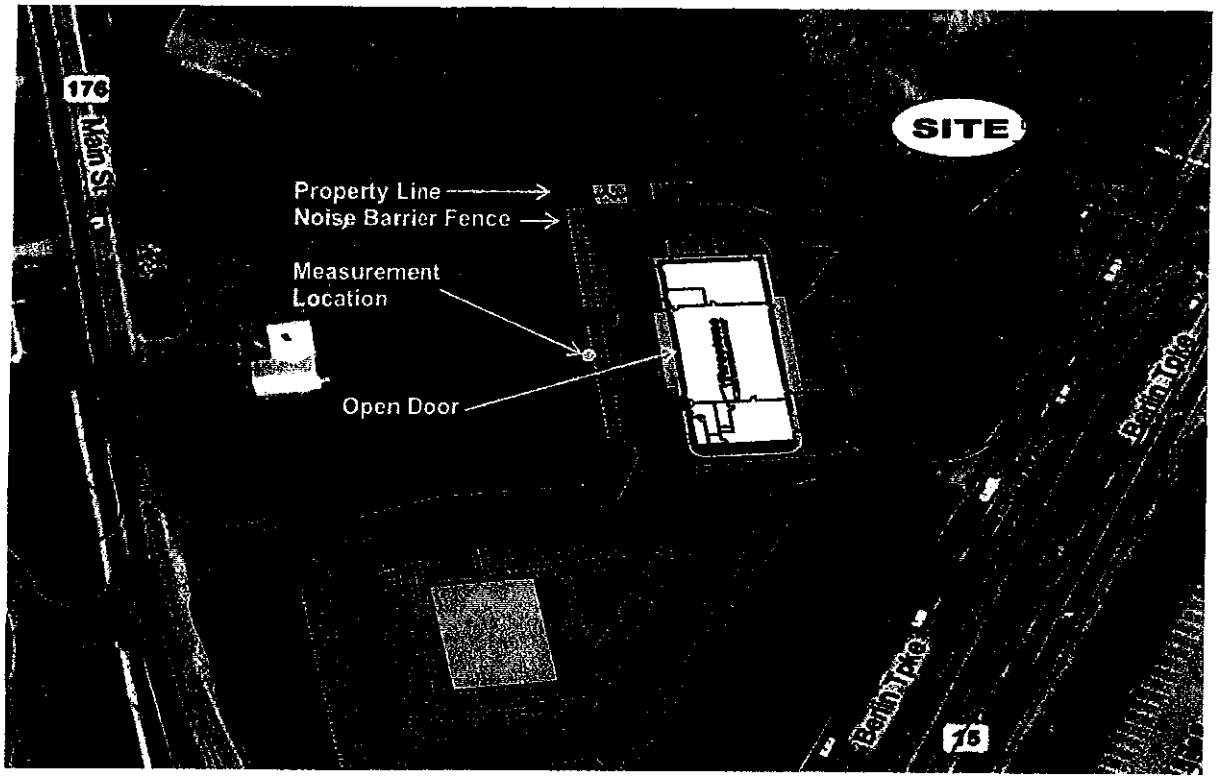
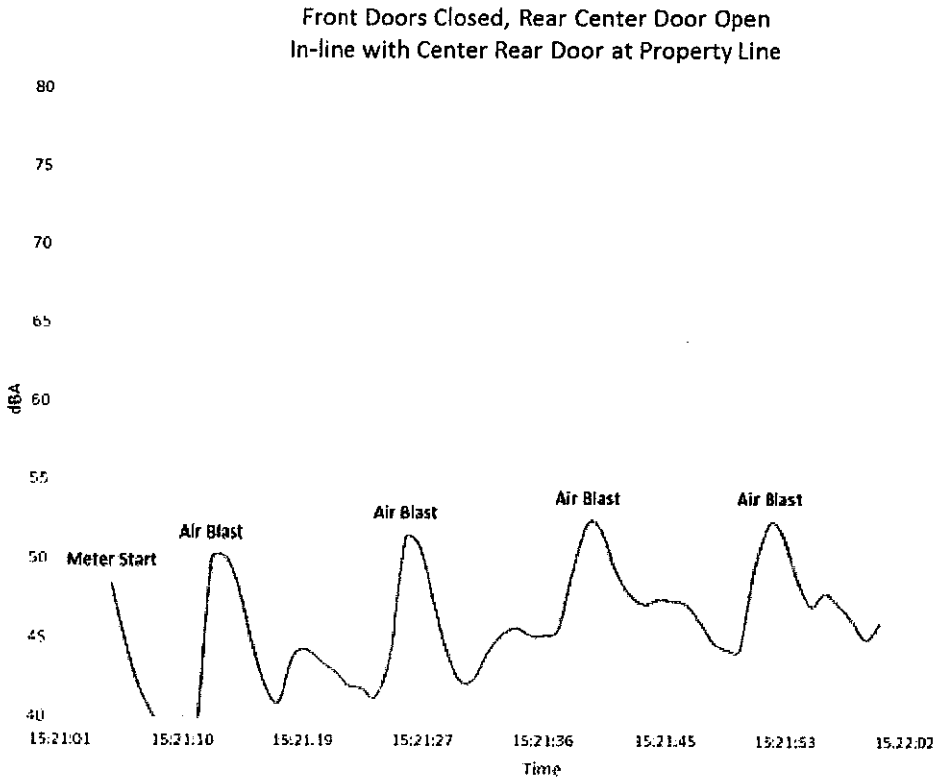


Figure 1 also shows the location of a noise barrier fence and a sound measurement location at the fence line where the microphone was located two feet above the top edge of the fence. The figure also

identifies the general location of the center door of the five at the rear of the building. The sound measurement location was selected as it is the closest fence line location to the building rear center door. Tools operated inside the building were measured at the location shown for conditions of the building rear center door open and closed. The Firestone Retail Store property line is also shown and is approximately six feet behind the noise barrier fence.

Tool sound levels were measured at a location two feet above the fence and determined at the Newington noise ordinance compliance location, i.e. at the property line, 5 feet above ground level. Direct measurement of most tool sound at the compliance location was not possible, because most tool sound levels were too low to measure without interference from background sound produced by traffic on area roads. The only exception to this was short-duration air blast sound produced by the tire machine. The tire machine was pulsed to produce an air blast much like what occurs during bead seating. The measured sound level ranged between 50 and 53 dBA at the property line adjusted for one rear door open, and is approximately 10 dBA above the background produced by area traffic. These data are shown in Figure 2.

Figure 2. Tire machine air blast as measured at the property line
opposite the building center
Firestone Retail Store, Newington, Connecticut



Sound Measurements

Sound levels were measured at the location shown in Figure 1 on Thursday, August 6, 2015 during mid-day hours. A-weight slow sound level meter response maximum sound levels (L_{ASmax}) produced by tools were measured with all building rear doors closed and with one building rear door open. Measurements were completed for all tools operating inside the vehicle service area. Sound levels were measured using a Bruel & Kjaer 2250 sound level analyzer outfitted with a windscreen and mounted on a tripod straddling the top of the fence. This instrument and its use conforms to IEC 61672 for Class 1 precision sound measurement instrumentation. Tools used are of the type expected to be used in the facility once it opens for business.

A summary of the sound levels measured at the location shown in Figure 1, two feet above the top edge of the fence directly opposite the open building rear center door is presented in Table 3. All other rear doors and all front doors were closed during these measurements.

Table 3. Sound levels measured two feet above the top edge of the fence directly opposite the open building rear center door
Firestone Retail Store, Newington, Connecticut

Test Date	**6-Aug-15**	
Measurement Location	**M1**	**2 ft above sound barrier fence across from Door 3**
Door Open	**3**	

	LASmax [dBA]		
Tool/Operation	**Lowest**	**Highest**	**Comment**
Quiet Impact Wrench--Aircat Model 1000-2-TH			
Lugs Off	57	59	
Lugs On	57	60	
Tire Machine--Coats Model 70X-AH-L			
Tire Deflate		63	
Tire Dismount		55	
Tire Mount		56	
Bead Set		69	
Air Chisel--Cornwell Model CAT 3250AHMV			
Remove Stuck Part	65	66	General use, infrequent
Air Drill--Ingersol Rand Model 7803 RA			
Drilling hole	61	61	General use, infrequent
Air Grinder--Cornwell CAT-520			
Grinding parts	68	70	General use, infrequent
Air Ratchet--Ingersol Rand Model 107SPA			
Brake Caliper Removed	62	62	
Brake Caliper Installed	60	62	
Conventional Air Impact Wrench--Ingersol Rand Model 2135 T Max			
Lugs Off	58	66	Tested, but not to be used.
Lugs On	60	66	
Battery Impact Wrench--AC Delco Model ARI 2060 (18 v)			
Lugs Off	54	56	Tested, but not to be used.
Lugs On	55	57	Insufficient power. Short battery life.

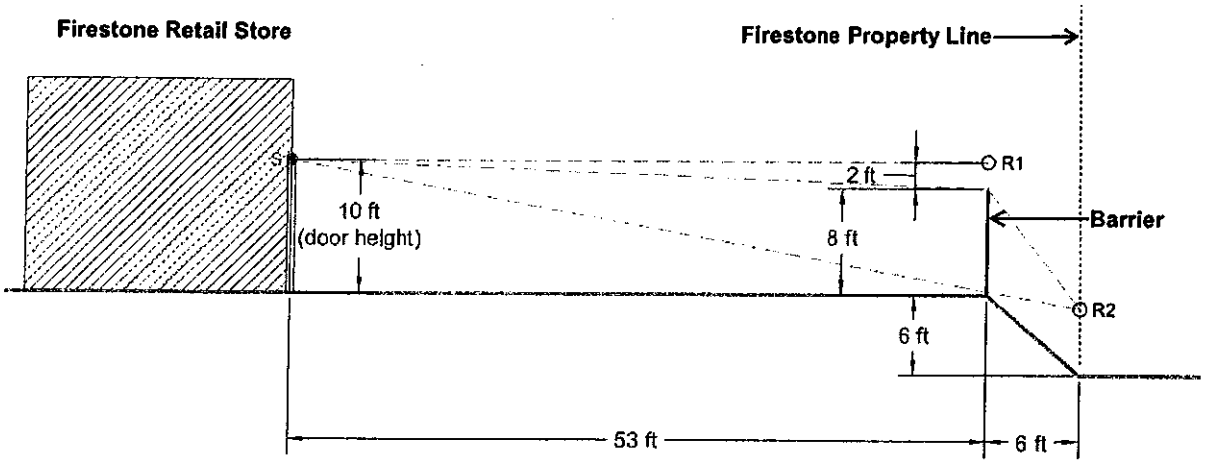
Table 3 also indicates the tools and tool models used for sound level testing. All tools are anticipated to be used for retail services except for the conventional (noisier) air and battery impact wrenches. The vehicle where tool use was employed for sound measurement purposes was situated in the front middle bay.

In previous testimony, estimates of tool sound at the property line were based on data collected without the sound mitigation provided by the partially closed building, i.e. the building with one door open and tools being used on vehicles in other bays. By direct testing of sound, as has been done here and presented in Table 3, effects of distance spreading, atmospheric absorption, partial screening by the building were able to be included. Measurements of tool sound are representative of sound produced by all tools expected to be used at the new facility. I have been advised by Store Management that tool use will be prohibited by outside the building.

Property Line Sound Levels

Newington Chapter 291 noise limits are measured at the property line, which is shielded by the existing noise barrier fence. Sound levels at the property line were not measureable because background sound produced by area road traffic obscured tool sound, even with the building rear center door open. Figure 3 is a section showing the juxtaposition of the building, the noise barrier fence, the measurement location at the fence (R1 in Figure 3), the property line, and the property line location (R2 in Figure 3, which is at the property line and 5 feet above the ground) where Store tool sound must comply with the Newington noise ordinance limits.

Figure 3. Section through the building rear center door and measurement location
Firestone Retail Store, Newington, Connecticut



R1 - Measurement location 2 feet above top of noise barrier fence
R2 - Newington Sec 291 Noise Limit (55 dBA day) compliance location at property line.

Using Cadna, the sound level reduction provided by the noise barrier fence was estimated to be as high as 24 dBA for noisiest tool sounds dominated by mid- and high-frequency energy produced by air blow-offs. Cadna/A is a computer program that implements the data and modeling techniques of ISO 9613-1

and ISO 9613-2 to estimate sound levels at community receptor locations. Despite this high estimate of noise reduction, I have decided to use a conservatively low 15-dBA noise reduction to determine property line sound levels. The lower noise reduction has been used to account for scattering of sound from deciduous foliage near to and on the receptor side of the barrier. Scattering of sound can reduce barrier attenuation otherwise obtainable in a flat field not having trees near to and above the barrier top edge.

Table 4 summarizes tool sound estimated at the property line compliance location. It can be seen from data in Table 4 that the sound produced by all tools at the compliance location are within the Newington Chapter 291 sound level limits as the facility is currently built when one rear is door open.

Table 4. Sound levels estimated at the property line location directly opposite the open building rear center door based on sound levels measured two feet above the fence top edge Firestone Retail Store, Newington, Connecticut

Property Line Compliance Location	**PL1**		
Door Open	**3**		
Noise Barrier Fence Atten.	**-15**		
	LASmax [dBA]		
Tool/Operation	**Lowest**	**Highest**	**Comment**
Quiet Impact Wrench--Aircat Model 1000-2-TH			
Lugs Off	42	44	
Lugs On	42	45	
Tire Machine--Coats Model 70X-AH-L			
Tire Deflate		48	
Tire Dismount		40	
Tire Mount		41	
Bead Set		54	
Air Chisel--Cornwell Model CAT 3250AHMV			
Remove Stuck Part	50	51	General use, infrequent
Air Drill--Ingersol Rand Model 7803 RA			
Drilling hole	46	46	General use, infrequent
Air Grinder--Cornwell CAT-520			
Grinding parts	53	55	General use, infrequent
Air Ratchet--Ingersol Rand Model 107SPA			
Brake Caliper Removed	47	47	
Brake Caliper Installed	45	47	
Conventional Air Impact Wrench--Ingersol Rand Model 2135 T Max			
Lugs Off	43	51	Tested, but not to be used.
Lugs On	45	51	
Battery Impact Wrench--AC Delco Model ARI 2060 (18 v)			
Lugs Off	39	41	Tested, but not to be used.
Lugs On	40	42	Insufficient power. Short battery life.

Sound Levels with All Rear Doors Closed

Most of the concern has been for sound transmitted to the property line with one building rear door open while a vehicle enters or leaves the building. Tool sound levels produced with all rear doors closed has also been tested. These data are summarized in Table 5. As noted in Table 5, most often tool sound was not audible, the only exceptions being the air blast sound during tire machine bead seating and during the use of conventional air impact wrenches, which will not be used in the Firestone Retail Store. Instead, quieter Aircat Model 1000-2-TH impact wrench will be used. The 59-dBA air blow-off sound during bead seating corresponds to a compliance location, i.e. property line location, sound level of 49 dBA, within the Newington 55-dBA daytime limit.

Table 5. Sound levels measured two feet above the top edge of the fence directly opposite the closed building rear center door
Firestone Retail Store, Newington, Connecticut

Test Date	6-Aug-15	
Measurement Location	M1	2 ft above sound barrier fence across from Door 3
Door Open	3	

	LASmax [dBA]		
Tool/Operation	Lowest	Highest	Comment
Quiet Impact Wrench--Aircat Model 1000-2-TH			
Lugs Off	Inaud.	Inaud.	
Lugs On	Inaud.	Inaud.	
Tire Machine--Coats Model 70X-AH-L			
Tire Deflate	Inaud.	Inaud.	
Tire Dismount	Inaud.	Inaud.	
Tire Mount	Inaud.	Inaud.	
Bead Set		59	
Air Chisel--Cornwell Model CAT 3250AHMV			
Remove Stuck Part	Inaud.	Inaud.	General use, infrequent
Air Drill--Ingersol Rand Model 7803 RA			
Drilling hole	Inaud.	Inaud.	General use, infrequent
Air Grinder--Cornwell CAT-520			
Grinding parts	Inaud.	Inaud.	General use, infrequent
Air Ratchet--Ingtersol Rand Model 107SPA			
Brake Caliper Removed	N/A	N/A	Estimated not to exceed 52 dBA
Brake Caliper Installed	N/A	N/A	Estimated not to exceed 52 dBA
Conventional Air Impact Wrench--Ingersol Rand Model 2135 T Max			
Lugs Off	51	53	Tested, but not to be used.
Lugs On	52	53	
Battery Impact Wrench--AC Delco Model ARI 2060 (18 v)			
Lugs Off	N/A	N/A	Estimated not to exceed 46 dBA
Lugs On	N/A	N/A	Estimated not to exceed 47 dBA

Multiple Tools Operating

There will be times when more than one tool will operate simultaneously. The probability of two tools operating simultaneously would be more frequent than three operating simultaneously, would, correspondingly, be more frequent than four operating simultaneously, and so on. Depending on which of the countless number of combinations of tools operating, the amount by which the total sound level exceeds the sound produced by the loudest tool of the group operating on its own will vary.

As an example of a practical upper limit to sound that could be produced by multiple tools operating by chance, assume that the tire machine bead set air blast of 54 dBA with one door open at the property line were to occur when five quiet technology impact wrenches are being used, the total sound pressure level at the property line would still only be 55 dBA.

Though sound produced by no tools operating in the service area with one building rear door open exceeds the Newington Noise Ordinance at the property line, we have explored possible situations when a rear door would be open and multiple tools could be operating. For example, were the air grinder at 54 dBA at the compliance location to be used when the tire machine bead seat air blast of 54 dBA occurs, and were five air wrenches to be also in use at the same time, the total could be as high as 58 dBA, three decibels over the Newington limit. Accordingly, I have determined that it would be prudent to institute a Noise Mitigation Plan as ordered by the Court. The Noise Mitigation Plan eliminates bead seating while a rear door is open thus reducing total sound levels in this example to 55 dBA.

Noise Mitigation Plan

To guard against possible conditions, even for only for a brief moment, when sound levels produced by multiple tools operating simultaneously could exceed the Newington property line limit of 55 dBA, the following noise mitigation methods should be employed:

1. *Aircat Quiet Technology*
   Use quiet impact wrenches in lieu of conventional impact wrenches. The plan to use these is in place and is important for maintaining compliance.

2. *Seal Undercut in Site Noise Barrier Fence*
   The existing noise barrier fence has an approximate 2-inch undercut. The sound reduction performance of the noise barrier fence can be improved by closing-off this undercut with an additional fence rail attached to the backside of the fence frame. This will increase the barrier sound attenuation from 15 dBA currently to 16 dBA or higher.

3. *Close the Gap in the Noise Barrier Fence*

   There is a gap in the property line noise barrier fence at the Bielitz property line, in the area behind the Firestone trash corral. Continue the noise barrier fence to close this fence opening.

4. *Tire Machine*
   Install a warning light at the tire machine to notify the machine operator when a rear door is open and that the tire bead seating operation is not permitted at that time.

5. *Door Lock-out Kill Switch*
   To avoid more than one rear door being open at the same time, install an electronic door lock system that permits only one door to be open at any one time to permit vehicle entry and exist.

Conclusions

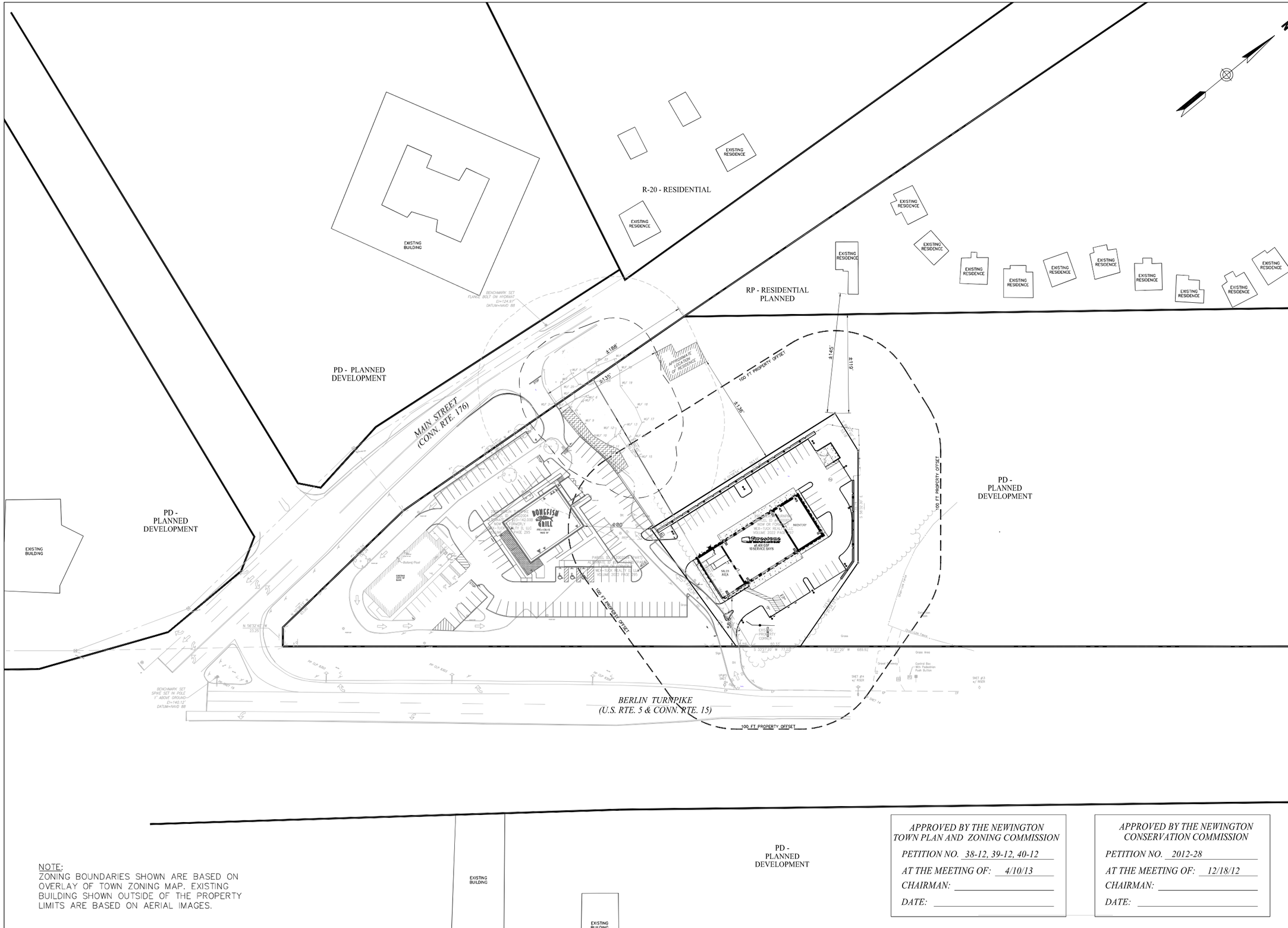
The sound produced by tools in the recently completed Firestone Retail Store, as it is currently built, will meet the limits of the Newington Chapter 291 Noise Ordinance and applicable State Regulations when

one building rear door is opened for vehicles entering or leaving the service area. However, though rare, there are occasions when multiple tools operating might cause property line sound levels to slightly exceed the 55-dBA daytime limit momentarily. Accordingly, a Noise Mitigation Plan has been developed that will reduce sound by the noisiest frequently used equipment item, i.e. the tire machine to prevent this occurance. With the Noise Mitigation Plan implemented, sound levels under all circumstances will meet the Newington Chapter 291 Noise Ordinance limits.

* * *

If we can provide any further information, please do not hesitate to contact us. Thank you.
Yours sincerely,
CAVANAUGH TOCCI ASSOCIATES, INC.

Gregory C. Tocci, *Sr. Principal Consultant*
978-639-4102 (d)
508-395-3945 (c)
gtocci@cavtocci.com



NOTE:
ZONING BOUNDARIES SHOWN ARE BASED ON OVERLAY OF TOWN ZONING MAP. EXISTING BUILDING SHOWN OUTSIDE OF THE PROPERTY LIMITS ARE BASED ON AERIAL IMAGES.

APPROVED BY THE NEWINGTON TOWN PLAN AND ZONING COMMISSION

PETITION NO. 38-12, 39-12, 40-12

AT THE MEETING OF: 4/10/13

CHAIRMAN: _____

DATE: _____

APPROVED BY THE NEWINGTON CONSERVATION COMMISSION

PETITION NO. 2012-28

AT THE MEETING OF: 12/18/12

CHAIRMAN: _____

DATE: _____

50 0 50 100
SCALE IN FEET

VHB
Vanasse Hangen Brustlin, Inc.

Firestone COMPLETE AUTO CARE™

THIS DRAWING IS THE PROPERTY OF BRIDGESTONE RETAIL OPERATIONS, LLC AND IS LOANED ON THE EXPRESS CONDITION THAT IT IS NOT TO BE USED IN ANY WAY DETRIMENTAL TO THE INTERESTS OF BRIDGESTONE RETAIL OPERATIONS, LLC. THE ACCEPTANCE OF THIS DRAWING WILL BE CONSTRUED AS AN ACCEPTANCE OF THE FOREGOING CONDITION AND AS ADMISSION TO THE EXCLUSIVE OWNERSHIP IN AND TO THE DRAWING BY BRIDGESTONE RETAIL OPERATIONS, LLC.

FIRESTONE COMPLETE AUTO CARE
2903 BERLIN TURNPIKE
NEWINGTON, CT 06111
OWNER: WEX-TUCK REALTY, L.L.C.
121 PARK STREET
NEW CANAAN, CT 06840

STATE OF CONNECTICUT
PAUL VITALIANO
22627
LICENSED
PROFESSIONAL ENGINEER
3/20/2020

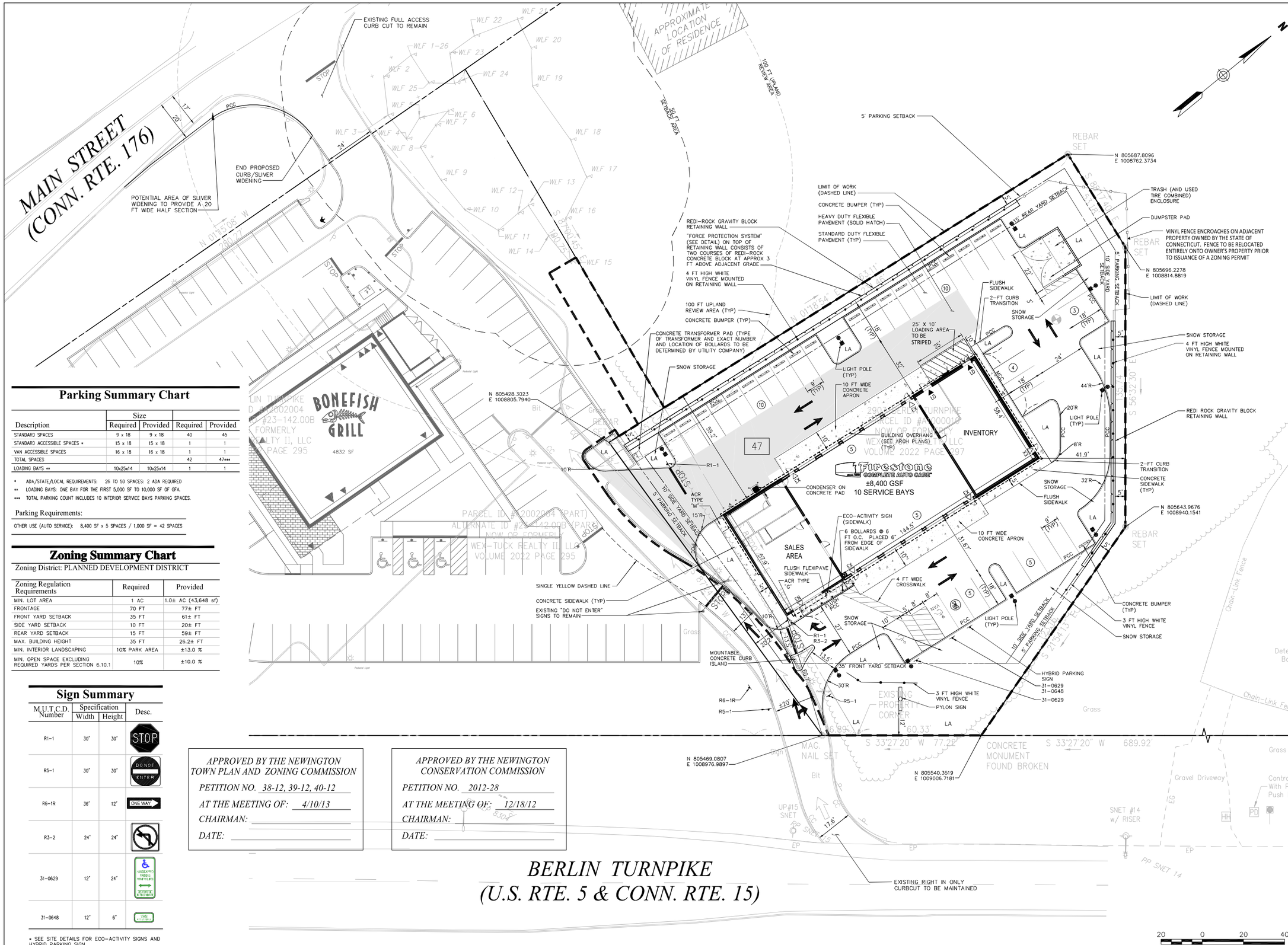
ZONE APPROVAL	(BY/DATE):
VP.	
CONTR.	
RM.	
CM.	

PROPERTY NO.:	000000
6 DIGIT NO.:	000000
4 DIGIT NO.:	0000

AOR PROJECT NUMBER: xxxxxx
LOCAL APPROVALS: DATE: 11-26-12
TOWN COMMENTS: DATE: 01-22-13
TOWN COMMENTS: DATE: 04-19-13
TOWN COMMENTS: DATE: 05-08-13
FENCE ADDED: DATE: 02-18-20

SHEET TITLE:
SITE LOCATION PLAN

SHEET NUMBER:
SLP-1



Parking Summary Chart

Description	Size Required	Size Provided	Required	Provided
STANDARD SPACES	9 x 18	9 x 18	40	45
STANDARD ACCESSIBLE SPACES *	15 x 18	15 x 18	1	1
VAN ACCESSIBLE SPACES	16 x 18	16 x 18	1	1
TOTAL SPACES			42	47***
LOADING BAYS **	10x25x14	10x25x14	1	1

* ADA/STATE/LOCAL REQUIREMENTS: 26 TO 50 SPACES: 2 ADA REQUIRED

** LOADING BAYS: ONE BAY FOR THE FIRST 5,000 SF TO 10,000 SF OF GFA.

*** TOTAL PARKING COUNT INCLUDES 10 INTERIOR SERVICE BAYS PARKING SPACES.

Parking Requirements:

OTHER USE (AUTO SERVICE): 8,400 SF x 5 SPACES / 1,000 SF = 42 SPACES

Zoning Summary Chart

Zoning District: PLANNED DEVELOPMENT DISTRICT

Zoning Regulation Requirements	Required	Provided
MIN. LOT AREA	1 AC	1.0± AC (43,648 sf)
FRONTAGE	70 FT	77± FT
FRONT YARD SETBACK	35 FT	61± FT
SIDE YARD SETBACK	10 FT	20± FT
REAR YARD SETBACK	15 FT	59± FT
MAX. BUILDING HEIGHT	35 FT	26.2± FT
MIN. INTERIOR LANDSCAPING	10% PARK AREA	±13.0 %
MIN. OPEN SPACE EXCLUDING REQUIRED YARDS PER SECTION 6.10.1	10%	±10.0 %

Sign Summary

M.U.T.C.D. Number	Specification Width	Specification Height	Desc.
R1-1	30"	30"	STOP
R5-1	30"	30"	DO NOT ENTER
R6-1R	36"	12"	ONE WAY
R3-2	24"	24"	
31-0629	12"	24"	VAN ACCESSIBLE PARKING PENALTY FOR VIOLATION
31-0648	12"	6"	VAN ACCESSIBLE

* SEE SITE DETAILS FOR ECO-ACTIVITY SIGNS AND HYBRID PARKING SIGN

APPROVED BY THE NEWINGTON TOWN PLAN AND ZONING COMMISSION

PETITION NO. 38-12, 39-12, 40-12

AT THE MEETING OF: 4/10/13

CHAIRMAN:

DATE:

APPROVED BY THE NEWINGTON CONSERVATION COMMISSION

PETITION NO. 2012-28

AT THE MEETING OF: 12/18/12

CHAIRMAN:

DATE:

VHB
Vanasse Hangen Brustlin, Inc.

Firestone COMPLETE AUTO CARE

THIS DRAWING IS THE PROPERTY OF BRIDGESTONE RETAIL OPERATIONS, LLC AND IS LOANED ON THE EXPRESS CONDITION THAT IT WILL NOT BE REPRODUCED, COPIED OR EXHIBITED TO ANYONE OUTSIDE THE OWNER'S ORGANIZATION, AND THE ACCEPTANCE OF THIS DRAWING WILL BE CONSTRUED AS AN ACCEPTANCE OF THE FOREGOING CONDITION AND AS ADMISSION TO THE EXCLUSIVE OWNERSHIP IN AND TO THE DRAWING BY BRIDGESTONE RETAIL OPERATIONS, LLC.

FIRESTONE COMPLETE AUTO CARE
2903 BERLIN TURNPIKE
NEWINGTON, CT 06111
OWNER: WEX-TUCK REALTY, L.L.C.
121 PARK STREET
NEW CANAAN, CT 06840

STATE OF CONNECTICUT PAUL VITALIANO 22627 LICENSED PROFESSIONAL ENGINEER 3/29/2020

	(BY/DATE):
ZONE APPROVAL	
VP.	
CONTR.	
RM.	
CM.	

PROPERTY NO.:	000000
6 DIGIT NO.:	000000
4 DIGIT NO.:	0000

AOR PROJECT NUMBER: xxxxxx
LOCAL APPROVALS: DATE: 11-26-12
TOWN COMMENTS: DATE: 01-22-13
TOWN COMMENTS: DATE: 04-19-13
TOWN COMMENTS: DATE: 05-08-13
FENCE ADDED: DATE: 02-18-20

SHEET TITLE:
LAYOUT AND MATERIALS PLAN

SHEET NUMBER:
C-3