

# TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

## Town Planner

### Memorandum

**To:** Town Planning and Zoning Commission  
**From:** Erik S. Hinckley, Asst. Town Planner / Land Use Enforcement Officer  
**Date:** March 16, 2022  
**Re:** 359 Church Street and 321 Tremont Street (rear) – Open Space Subdivision, Petition # 12-22 and Interior Lot, Petition # 13-22

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#### Staff Report:

The applicant is applying for two separate special permits. First, under section 3.4.9 of the regulations, is for a 1.22-acre interior lot with access from Rock Hole Lane (lot 1 on sheet 5 of 23). The other special permit, under section 6.8 of the regulations, is for a 23-lot open space subdivision, which includes the interior lot. These petitions are for the properties known as 359 Church Street and 321 Tremont Street (rear).

There are two separate parcels of record, a small 0.36-acre piece and a 15.61-acre piece, combined they total 15.97 acres of land that is zoned as R-20. The applicant is proposing a 23-lot open space subdivision development for this site which includes one interior lot. The provision for the open space subdivision allows an applicant with property in the R-20 zone to have lots approved that comply with the R-12 zone regulations provided they dedicate a minimum of 5 acres of property to the Town for open space. As shown on the attached plan the applicant will be deeding the 5 acres of open space to the Town. Additionally, the applicant will also be dedicating 3 different conservation easements to the Town totaling 1.10 acres. As proposed the site will be accessed from Rock Hole Lane which will terminate as a cul-de-sac within the planned subdivision. Lot 13 of the subdivision will be accessed directly from Church Street (see sheet 6 of 23) and have no access to Rock Hole Lane.

As required by the subdivision regulations each lot will be provided with 2 (two) street trees, which are noted as sugar maples. (see general note 2 on sheet 7 of 23)

The applicant has requested a waiver of the required sidewalks in section 3.11 of the subdivision regulations. Waivers such as this have been granted in the past on other subdivision projects, however, I can find no regulation supporting a waiver.

The applicant provided a traffic impact statement which is currently being reviewed by staff.

Both the Zoning and Engineering staff have completed their technical reviews of the subdivision and the applicant has agreed to revise their plans in accordance with those comments. Staff is currently awaiting the revised plans for review.

As proposed the interior lot meets the zoning requirements.

**Commission:**

There are two separate actions required for this approval. First, is the for the interior lot under section 3.4.9 of the regulations. Second, is for the 23-lot open space subdivision, under section 6.8 of the regulations, which includes the interior lot.

In reviewing these applications, the commission should consider the criteria for all special permits delineated in section 5.2 of the regulations, specifically section 5.2.6 (attached). Additionally, the commission should consider the criteria for site plans as delineated in section 5.3 of the regulations, specifically section 5.3.3 (attached).

**5.2.6** In reviewing the proposed special permit, the Commission shall consider the following criteria as well as any specific standards pertaining to the requested special permit or special permit and record its findings in the record of the meeting:

- A. The need for the proposed use in the proposed location.
- B. The existing and probable future character of the neighborhood in which the use is located.
- C. The size, type and location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity.
- D. Traffic circulation within the site; amount, location and access to parking, and traffic load or possible circulation problems on existing streets or proposed streets and driveways considering impact on existing streets are effected. For large scale retail developments in excess of 40,000 square feet of gross floor area a traffic impact analysis report with proposed mitigation measures shall be submitted with the application.
- E. Availability of public water and sewer, and possible overloading of water and sewage systems and the adequacy of the existing off site storm water system serving the property to safely accommodate any increase in drainage. (Effective 12/01/2001)
- F. Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties.
- G. Safeguards to protect adjacent property, and the neighborhood in general, from detriment including, but not limited to proper buffering.

**5.3.3 Commission Review**

In reviewing site plans, the Commission shall consider the following, as well as the conditions and standards herein. Applicants should also refer to Section 7.4, Design Standard and Site Plan Checklist.

1. The existing and planned future character of the adjacent property.
2. Traffic circulation within the site; amount, location and access to parking; traffic generated and possible traffic hazard or circulation problems on existing or proposed drives or streets.
3. Availability and adequacy of public utilities serving the site and the adequacy of the existing and proposed stormwater system to accommodate any increased drainage. (Effective 12/01/2001)

4. The location of signage, lighting and natural or landscape features.
5. Safeguards to protect adjacent property and the neighborhood in general from detriment or depreciation.
6. The suitability of the building design to its site.
7. Safeguards to promote the convenience of travel and the orderly use of land through the safe location of driveways, the number, size and access points to a site in relationship to adjacent properties and the public roadway. (Effective 12/01/2001)