



# TOWN OF NEWINGTON

## Office of the Town Planner

200 Garfield Street, Newington CT

Tel.: (860) 665-8575

### MEMORANDUM

TO: Newington Town Plan & Zoning Commission  
FROM: Michael D'Amato, AICP, CZEO, *Michael D'Amato*  
DATE: May 11, 2022, **Revised 05/17/22**  
SUBJECT: **Petition #21-22:**Special Permit for Interior Lot and **Petition# 22-22:**One Lot Resubdivision 105 Cedarwood Lane. Zone: R-20. Owner: F.Callahan and C. Ziegler., Contact, Alan Bongiovani.

Date of Receipt	April 13, 2022		
Deadline for Decision	35 to close hearing, 65 days from hearing close to decide.		
Other Agency Reports Required?	No		
Extension Eligible?	Yes	Total Possible Days	65
Materials Reviewed	• <b>Resubdivision Plan:</b> Sheets 1 and 2. Prepared by BGI. Dated 02/25/22.		

#### Application Summary

Per the materials submitted, these applications seek approval from the TPZ to split an existing 2.12AC parcel to create an additional interior lot. The new parcel will be served by driveway access from Cedarwood Lane.

**Lot B-1:** (existing): Proposed Area: 51,588sq. ft.

**Lot B-2:** (new): Proposed Area: 38,284sq.ft

#### Special Permit Review:

In review of the Special Permit application requested for the interior lot, the TPZ should rely on the Zoning Regulations. Specifically, **Section 3.4.9** governs the establishment and design criteria of interior lots. Additionally, **Section 5.2** outlines the Procedures and Standards for all Special Permits.

Staff has reviewed the applicable Special Permit standards, and has the following comments:

#### **Section 3.4.9 (A):**

Prohibits the subdivision of a lot into more than 2 interior lots.

#### **Review Comment:**

The previously approved subdivision plan should be provided to confirm that the original parcel has not been subdivided into more than two interior lots.

#### Subdivision Review:

In reviewing the subdivision application, the Commission should rely upon the standards listed within the Subdivision Regulations when issuing a decision in lieu of the Zoning Regulations. Section 3 includes the specific design requirements that must be complied with, in particular, the TPZ should be aware of the following:

#### **Section 3.1 Plan of Development:**

The proposed subdivision shall be in harmony with the Plan of Development, the Newington Street Map, and all lots shall conform to the Zoning Regulations of the Town of Newington.

**Section 3.2 Suitability of Land:**

The land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety (*continued, see Sub.div Regulations Section 3.2*)

**Section 3.5 Lot Improvements and Access:**

Lots shall be designed with care and with recognition for the existing character of the land and arranged in such a way that there will be no foreseeable difficulties, for reasons of topography or other conditions, in complying with Zoning Regulations and Building Codes, and in providing safe driveway access to buildings on such lots from an approved street

**Subdivision Plan Review Comments:**

**Section 3.2: Suitability of Land(Sub.Div.):**

Provides that areas of steep slopes in excess of fifteen percent (15%) may be found by the TPZ to not be suitable for development.

**Review Comment:**

The applicant should indicate what portion (if any) of the parcel contains slopes in excess of fifteen percent (15%).

**Section 3.5.3: Frontage and Access(Sub.Div.):**

Provides the TPZ with the ability to approve two(2) interior lots within a subdivision

**Review Comment:**

The original subdivision plan as referenced should be provided to confirm that more than two (2) interior lots have not been previously approved.

**Section 3.11: Sidewalks(Sub.Div.):**

Requires sidewalks on all streets.

**Review Comment:**

There are no existing sidewalks on Cedarwood Lane, and this is a dead-end cul-de-sac. Staff would recommend the issuance of a waiver in accordance with Section 4 of the Subdivision Regulations for this standard.

**Section 3.12: Trees and Planting (Sub.Div.):**

Requires that existing trees on the property be preserved wherever feasible and that two (2) trees of not less than 2.5” caliper be located in the front yard.

**Review Comment:**

The plans should be revised to identify existing trees to be preserved and to identify two trees which meet the above criteria or specify that they are to be installed.

**4.4.6: Cedar Mountain Ridgeline Development (zoning):**

Prohibits clear cutting of timber within the Ridgeline Setback Area

**Comment:**

The plans should be revised to include a note to indicate the location of the Ridgeline Setback Area and that clear cutting activities are prohibited.

**Town Engineer Review:**

**Comment:**

The comments provided by the Town Engineer in a memo dated May 11, 2022, should be incorporated into a revised plan.

## **Existing Subdivision Plan:**

### **Comment:**

As this is a resubdivision of land previously included in an approved subdivision, the approved subdivision plan that governs the subject parcel(s) should be provided so that previously approved conditions of approval can be reviewed by staff.

## **Staff Recommendation:**

While the applicant has indicated that revised plans to address all outstanding comments will be received prior to the May 25<sup>th</sup> meeting, it is the opinion of staff that the comments above can be satisfied as conditions of approval which have been provided below for consideration:

### **Conditions for Consideration:**

1. The plans shall be revised:
  - a. To address the comments of the Town Engineer in a memo dated May 11, 2022.
  - b. To address the comments of the Town Planner in a memo dated May 18, 2022
  - c. To incorporate a copy of this conditional approval.
  - d. To include the expiration date of this conditional approval.
2. Prior to the issuance of a zoning permit:
  - a. A driveway permit shall be obtained from the Town Engineer, if required.
  - b. The final mylars, endorsed by the TPZ Chairman shall be filed with Town Clerk.
  - c. One paper set and an electronic PDF of the final plans shall be provided to the Town Planner.
3. Prior to the issuance of a Certificate of Zoning Compliance for Lot B-2:
  - a. the street entrance shall be posted with a sign containing the house number, to be designated by the Town of Newington.
  - b. All public health and safety components of the project shall be satisfactorily completed.
  - c. A final as-built survey, showing structures, pins, driveways and final floor elevations and spot grades shall be submitted.
4. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
5. Additional Erosion and Sedimentation controls may be required by Town staff as on-site conditions necessitate.
6. Any modifications to utilities, easements or grading are subject to approval by the Town Engineer
7. This project shall be constructed and maintained in accordance with the final mylars. Minor modifications to the approved plans that result in lesser impacts may be allowed, subject to staff approval.
8. By accepting this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge that right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval