



# TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

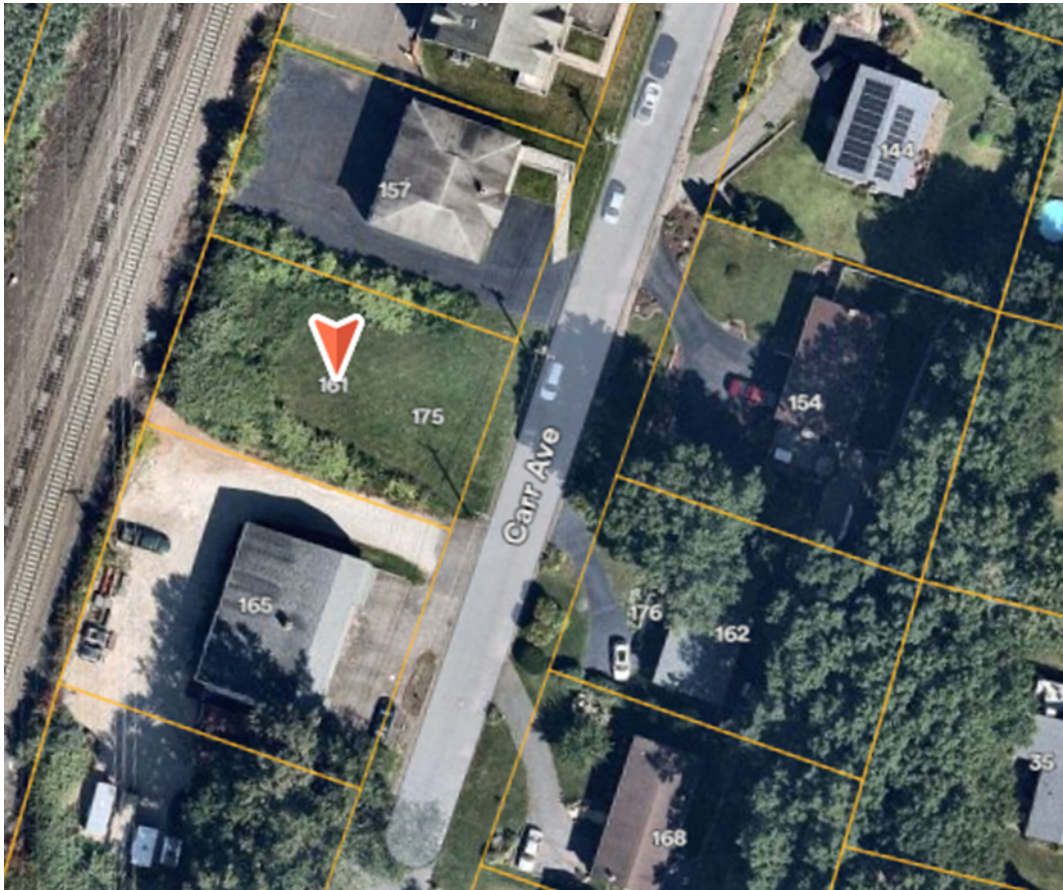
## Town Planner

Paul Dickson  
Town Planner

### Memorandum

**To:** TPZ Commission  
**From:** Planning Staff  
**Date:** March 22, 2024 (Updated)  
**Re:** **Petition 02-24:** Site Plan Approval (Sec. 5.3) for Construction of a 3000 sq ft Contractor's Garage and office in the Industrial Zone (I Zone) at 161 Carr Ave.  
Applicant/Owner/Contact: James Campbell.

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### Staff Report:

The applicant is seeking a Site Plan approval, under section 5.3 of the Newington Zoning Regulations, for the construction of a 3,000-sf commercial building for a contractor's garage and office on an undeveloped lot in the Industrial zone at 161 Carr Avenue. As located, this property is situated on the westerly side of Carr Avenue and falls within the Industrial zone while properties across the street are within the Residential R-12 zone. The lot is approximately .21

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acres and is currently undeveloped. About ½ of the lot is encumbered by regulated URA (Upland Review Area). The applicant's wetland application was approved at the March 19, 2024 Conservation Commission meeting. As proposed, the project will entail the construction of the building, parking lot, and underground detention system as part of this application.

The applicant has proposed an underground detention system and associated site stormwater system. The system has been reviewed by the Town Engineer and found to be compliant with Newington's regulations.

As an update from the prior plan, the applicant's plan incorporates the planting of four emerald arborvitae and two Columnar Sargent Cherry trees along the frontage of the property and lawn areas.

The proposed building elevation and floor plan shows the building's design and include a proposed 123 square foot office, bathroom, ground floor garage area, and undefined open second story.

#### **Site Plan:**

The applicant submitted an updated site plan on 3/21/24. The updated plan appears to address staff comments after an initial review by the Town Planner's office. The Town Planner will confirm with the Town Engineer that all the comments have been addressed. The remaining issue is the interpretation of the zone line and the 25' parking requirement.

#### **Determinations Required by the Commission:**

**Section 3.16.5 Sidewalks – The commission discussed the requirements for sidewalks and found them not to be necessary in the project area.**

“Sidewalks shall be installed along the frontage of public streets when determined to be necessary by the Commission.”

**6.10.5 Buffers – The commission discussed the requirements for a buffer and found a buffer not to be necessary due to the nature of the proposal and requested that the applicant explore additional options to enhance the landscaping in front of the building.**

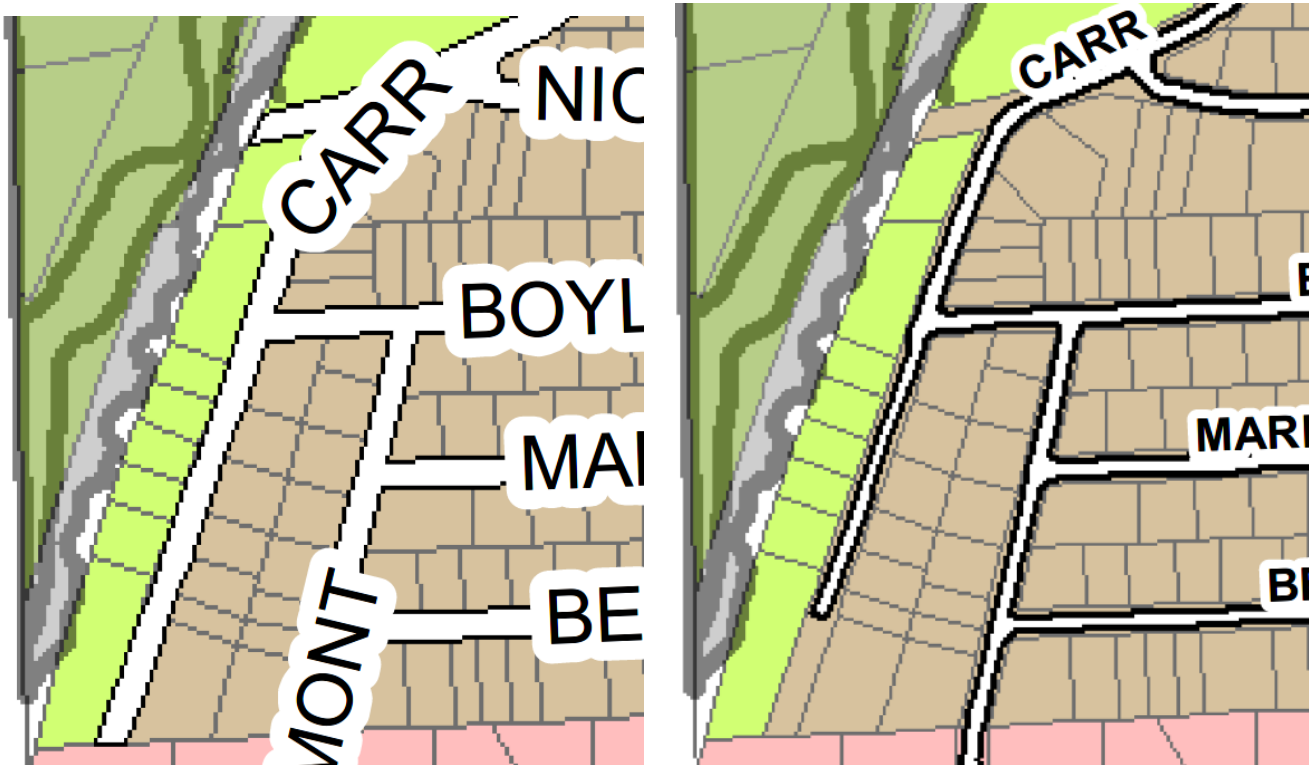
Where buffer areas are required elsewhere in this regulation, the following standards shall be met:

A. If, in the judgment of the Commission, a buffer area is necessary to protect residential areas within or adjacent to the proposed area, the Commission may require landscaping, fencing or other appropriate screening within any required front, side or rear yard, in an amount and location appropriate to the need for such screening.

The regulation continues with the requirements in section B for the buffer. The proposal from the applicant does not include any buffer in the front yard, which abuts the R-12 residential district. A determination from the Commission is required for the buffer if it is “necessary to protect residential areas within or adjacent to the proposed area.”

### **Zone Line Determination**

During the last TPZ meeting, it was discussed that the zone line on the GIS and current zoning map shows the residential zone line along the industrial side of the street, abutting the applicant’s property. The applicant’s representative noted that the historic zone line in the area was considered the centerline of the ROW.



Above left: 2014 Zoning Map  
Above Right: 2016 Zoning Map

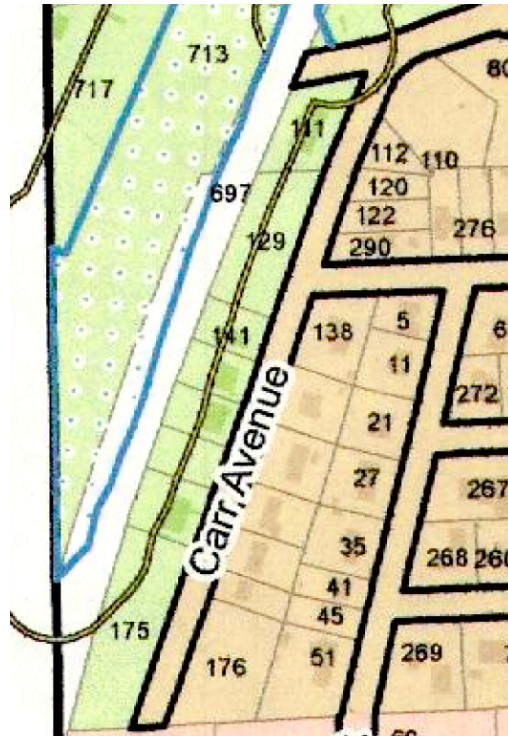
Staff has researched the historical zone maps and has found that up until 2016, there was no zoning mapped for street “right-of-ways.” The paved extents of streets were also not typically shown on the zoning map within the right of way. See the above excerpt of the 2014 zoning map showing a “blank” right of way.

In 2016 the style of the zoning map was changed to show existing pavement within the right of way as a GIS layer. During this process the zone colors were extended into the street right of way for many, but not all, of the right of ways. During this time period there were no zoning map amendments identified that could be found that would have changed the zoning within the street right of way.

In 2017, the zoning map was changed to no longer show the improved roads within the right of way. The amended map appears to have kept the zone polygons that were shown within the ROW. This change, along with inconsistency showing zone polygons on some roads and not others has carried through.

The Zoning regulations in, Section 2.2 Provision for Zoning Map under Section 2.2.3 Zone Boundaries provides rules when uncertainty exists as to the boundaries of zones as shown on the Zoning Map. These rules indicate boundaries following platted lot lines, town limits, the centerline of a railroad right of way, streams, and scaling of the zoning map. In the last circumstance the regulations state that

“G. In any case of uncertainty, the Commission shall determine the location of the boundary.”



Above: 2017 Zoning Map

Due to the uncertainty caused by the drafting of zoning polygons within the ROW between 2014-2016, the applicant is asking the Commission to make a determination of the location of the Zoning Boundary as part of their application per section 2.2.3G. The applicant has shown the zone line in the centerline of the road on their most recent plan.

Staff has found no actions from the TPZ regarding zoning of the ROW.

### **Section 3.16 Uses Permitted in I Industrial Zones, subsection 3.16.3 Buffer**

The determination of the commission on the zone boundary will have an impact on the 25' parking location requirement.

“No parking shall be located within 25 feet of a residential zone boundary. A buffer meeting the requirements of Section 6.10 is required whenever the use, structure, raw materials, outside storage, maintenance area, etc., but not limited to the foregoing, adjoins a residential zone. When the zone boundary follows the centerline of the street the 25-foot buffer shall be measured along the nonresidential side of the street right of way.”

The applicant's proposal includes two (2) striped parking spaces along with the proposed driveway for the garage. The proposed building is set back 30' from the property line and the two parking spaces are within the 25' of the ROW.

### **Staff Recommendation:**

The proposed site plan has been approved by the Conservation Commission. The applicant has provided a PDF of the updated plans on 3/21/24. Staff will review these plans for consistency with staff comments. The primary remaining comment concerns the determination of the zone line.

Possible conditions of approval for this application are:

1. No outside storage is permitted as part of this approval.
2. The plan shall be modified to specify that the slope of the rear yard does not exceed 2:1.
3. The floor plan and elevations shall be added to the plan set.
4. MDC approval shall be required prior to the issuance of a building permit.

### **Commission:**

In reviewing this application, the Commission should consider the criteria for all site plans in section 5.3.3, which are attached for your review.

**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)

The Commission should also review the pertinent sections cited above **Section 3.16, Section 6.10.5 Buffers**, and **section 3.16.3 Buffer**.

The application is also subject to **Section 7.4 Design Standards, Site Plan Check List**.

## **Section 2.2 Provision for Zoning Map 2.2.1**

The boundaries of all zones, as established herein and amended from time to time, are those shown on the Zoning Map, Town of Newington, Connecticut, and subsequent amendments thereto, filed in the office of the Town Clerk, which Map is part of these regulations. Any facsimile maps are not official and are for convenience only.

2.2.2 When, in accordance with the provisions of these regulations, changes are made in zone boundaries or other matter portrayed on the Zoning Map, such changes shall be made on the Zoning Map after the amendment has been approved by the Commission, together with an entry on the Zoning Map as follows: "As amended to (date)," such date to be that of the most recent amendment.

2.2.3 Zone Boundaries Where uncertainty exists as to the boundaries of zones as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following town limit shall be construed as following town limits.

D. Boundaries indicated as following railroad rights-of-way shall be construed as midway between the right-of-way.

E. Boundaries indicated as approximately following the center lines of streams, brooks or other bodies of water shall be construed as following such center lines.

F. If the above rules do not apply, the locations of zone boundaries shall be determined by scaling the Zoning Map.

G. In any case of uncertainty, the Commission shall determine the location of the boundary.