

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Memorandum

To: Town Plan and Zoning Commission

From: Town Planner Craig Minor, AICP

Date: December 31, 2018

Subject: Motor Vehicle Zoning Regulations

1. At the TPZ meeting on December 12, 2018 I read from the below table of motor vehicle activities that were allowed before the regulatory changes in 2007. For each activity I asked the Commission if it wants to resume that activity, in that zone, with that level of TPZ approval:

Activity	Zone					
	Industry	Business	B-BT	PD	Commercial	B-TC
Gas station.	Permit	Special Permit	Special Permit	Special Permit	Not Allowed	Not Allowed
Car dealership.	Permit	Special Permit	Special Permit	Special Permit	Not Allowed	Not Allowed
Oil, tires, brakes.	Permit	Special Permit	Special Permit	Special Permit	Not Allowed	Not Allowed
Car washes.	Permit	Special Permit	Special Permit	Special Permit	Not Allowed	Not Allowed
Car and truck rentals.	Permit	Special Permit	Special Permit	Special Permit	Not Allowed	Not Allowed

For every activity listed, the Commissioners said they were willing to resume them as regulated in 2007. The only new regulations that TPZ wants to keep are the prohibition on overhead service doors facing the street, and the 100' buffer between motor vehicle activities and residential zones which was only 50' in 2007. Be advised that the Town Attorney has recommended going back to the original 50' buffer.

There are several motor vehicle businesses that have overhead service doors, but keeping this prohibition would not prevent them from making changes to their site or enlarging the building – they just couldn't install any more overhead doors facing the street. Based on research that was done by Ed Meehan in 2010, I can tell you that Firestone is the only motor vehicle business that would be impacted by the new 100' buffer, but they would be impacted by the original 50' buffer anyway since they are right next to an R-20 zone - keeping this rule or not keeping it is probably moot.

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2. Several questions came up during the past few TPZ meetings related to the motor vehicle regulations:

a. At the November 14, 2018 meeting Commissioner Woods asked for a summary of the different minimum separating distance requirements contained in the zoning regulations, and how those distances are measured.

Answer: There are six different minimum distance requirements:

1. Motor vehicle activities: “Entrances and exits for motor vehicle service uses shall be at least 100 feet from a church, school, playground, hospital or any residence.” No place of measurement is stated. “No portion of any use relating to motor vehicles shall be within 100 feet of a residential zone.” No place of measurement is stated.

2. In the B-BT and other business zones: “no parking or loading shall be located within 25 feet of a residential zone boundary.”

3. Fast-food restaurants: “The restaurant structure and drive through service menu board (order intercom) shall be located not less than 300 feet from any adjacent residential structures.” I contacted other town planners about this. Some (Tolland) also require 300’ from intercom to residential zone line. If they address it at all, most simply say that noise must not be a problem for residential neighbors. If we were to revisit this regulation, I would recommend TPZ consider either deleting it or using a decibel standard e.g. 50 dB at the property line as Tolland uses.

4. Helipad facilities: “The facility shall not be within a 300 foot radius of any residential structure, schools or places of worship at the time of application.”

5. Adult-oriented establishments: “No adult oriented establishment as defined herein shall be permitted within one thousand (1000) feet of any lot or parcel classified in any of the residential zones. Measurement of the one thousand (1000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult oriented establishment will be situated.” These minimum distance requirements and place of measurement also apply to nearby churches, schools, etc., and to other adult oriented businesses.

6. Alcoholic beverages: “Except as provided in Section 6.6.3.a, a building in which alcoholic beverages are sold under any class of liquor permit shall meet the following distance requirements in relation to any other location with the same class of permit. Distance shall be measured from the radius of the front door to front door of each establishment.” This paragraph is followed by a chart showing the different distances required between like alcohol establishments.

b. At the November 28, 2018 meeting Commissioner Claffey asked if any motor vehicle businesses approved since 2007 would be impacted if TPZ restored the old motor vehicle zoning regulations.

Answer: see above comments.

c. At the November 28, 2018 meeting Commissioner Claffey asked me to elaborate on my earlier statement that all overhead doors are prohibited from facing the street, and not just overhead doors at motor vehicle activities.

Answer: I misspoke. Only loading docks with overhead doors are prohibited from facing the street - not overhead doors in general.

d. At the November 28, 2018 meeting Commissioner Claffey asked why TPZ increased the residential buffer for motor vehicles activities from 50' to 100' in 2012.

Answer: I don't know. This change shows up in the early drafts of the 2012 regulation which were prepared by Ed Meehan, but there does not appear to have been any discussion about it by the Commissioners during the public hearings in June and July 2012.

e. At the November 28, 2018 meeting Commissioner Claffey noted that the zoning regulations require a 300' buffer between fast food drive-up intercoms and houses.

Answer: see above comments.

The Town Attorney asked me to give him an advance copy of my proposed motor vehicle amendment before I make it available to the TPZ so that he can examine it in the context of the *Bielitz v. Firestone* litigation, which I have done. I hope to be able to distribute the proposed amendment to the Commission at the January 9, 2019 meeting.

cc:
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