

# 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:** May 19, 2020  
**Subject:** **Town Planner Report for May 27, 2020**

---

#### **1. Outdoor Restaurant Seating:**

As of this writing we have approved seven requests for zoning approval of outdoor restaurant seating: Ruth's Chris Steakhouse at 2513 Berlin Turnpike; The Rooster Company at 1076 Main Street; TJ's On Cedar at 15 Center Court; Joey Garlic's at 150 Kitts Lane; Wood 'N' Tap at 3375 Berlin Turnpike; and The Flying Monkey Bar & Grill at 2095 Berlin Turnpike.

TGI Friday's and Puerto Vallarta are being processed now and will probably have been approved by the time you read this. We are working closely with the Central CT Health District, the Fire Marshal (he approves tents above a certain size), and the Highway Department which is supplying these restaurants with concrete blocks for safety, at no charge.

#### **2. POCD:**

The final draft POCD has been printed. Copies will be sent by postal mail to all TPZ commissioners and to each Town Council member later this week. Copies were sent to the Town Clerk and CRCOG (electronically) in accordance with Sec. 8-23 of the Connecticut General Statutes.

The public hearing will take place on July 22, 2020. The reason for the long delay is because Sec. 8-23 requires the Town Clerk and CRCOG each be given a copy no less than 65 days before the hearing.

#### **3. Personal Businesses and Commercial Vehicles in Residential Zones:**

At the last TPZ meeting the staff was asked for an update on a couple of zoning regulations that the Commission has asked us to look into – commercial vehicles, and personal businesses.

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

a. Personal Business: The Newington zoning regulations allow homeowners to conduct a small home-based business (“personal business”) so long as there is no outward appearance of a business, and so long as the business is conducted by only by mail, telephone, or computer. No manufacturing may take place, and there can be no special equipment. Per a different section in the zoning regulation every house is allowed to have one “commercial vehicle”.

A typical beneficiary of this regulation is the self-employed builder or plumbing contractor. For that person the “mail, telephone, computer” restriction is not a problem. But for landscaping contractors a big part of their work is snowplowing. A snow plow is “special equipment” so the typical home-based landscaper is in violation of the zoning regulation.

I suggest TPZ consider amending the “personal business” regulation to allow landscaping contractors, so long as snow plows and any other heavy equipment is kept either in the garage or on the driveway, and not in the yard.

b. Commercial Vehicle: The “commercial vehicle” regulation (Section 3.22.1.C) has always been a problem. The intent is simple: homeowners should be allowed to have a van or large pickup truck, but within reason. TPZ tried to fix this regulation back in 2015 but I think we created something unworkable, because we have received lots of complaints about it:

1. A commercial vehicle customarily used by the resident for transportation is permitted for each dwelling unit. Such vehicle may be parked on a lot, but shall not be parked in the front yard or in the street right of way.
2. “Commercial Vehicle” is any vehicle or piece of equipment used to carry, deliver, handle or transport goods in the conduct of business, profession, or trade. Commercial vehicles include:
  - a. Step vans, cargo vans, box trucks, flat bed or stake bed trucks, buses, semi-trailers, tractor trailers, dump trucks, wreckers and trailers used for commercial purposes.
  - b. Heavy-duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment.
  - c. Any vehicle outfitted with a backup alarm.
  - d. Any vehicle with more than 2 square feet of signage affixed to the outside, not including registration and license information identifying the owner/occupant as required by the Department of Transportation and the Department of Consumer Protection.
  - e. Any vehicle which has two (2) or more of the following characteristics:
    1. Exceeds a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds;
    2. Exceeds seven (7) feet in height from the base of the vehicle to the top;
    3. Exceeds twenty (20) feet in overall length;
    4. Has more than two (2) axles;

5. Has more than 4 tires in contact with the ground;
6. Used or built to carry more than 8 passengers;
7. Designed to sell food or merchandise directly from the vehicle or trailer itself;
8. Has modifications or attachments including but not limited to a plow, platform rack, hoist, spreader or hopper.

As you can see, this regulation is a monster and needs to be pared down substantially. If the Commission agrees I will have something for you at the next meeting.

At a minimum we need to either change the wording in Paragraph 1 or have TPZ make a ruling on how to interpret it, because it prohibits a commercial vehicle from being parked in the driveway in front of the house.

cc:  
file