

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: August 3, 2020
Subject: Commercial Vehicles in Residential Zones

Before I go into the changes that I've made since the last TPZ meeting, let me explain what the "Commercial Vehicle" regulation does. The current regulation has so many double negatives that it gets confusing and the reader can easily lose track of what's being said.

Most importantly, the regulation explains what a "commercial vehicle" is in the context of the zoning regulation. The regulation then says that homeowners have the right to keep one commercial vehicle at home without having to get permission from either TPZ or the zoning staff. If the vehicle meets TPZ's definition of "commercial vehicle", it's allowed. If the vehicle does not meet TPZ's definition of "commercial vehicle", it's prohibited. No zoning approval is involved.

The benefit of not going through an approval process is obvious, but the downside is it creates the opportunity for misunderstandings. Homeowners might think their vehicle is allowed when it's actually prohibited, and neighbors might think the vehicle is prohibited when in fact it's allowed. The definition makes clear what type of vehicle is are allowed and what types are prohibited.

In a separate section of the zoning regulations, a second commercial vehicle is allowed by special permit. That gives the homeowner who has a legitimate need for a second commercial vehicle the opportunity to make their case at a public hearing, where the neighbors can ask questions and express their feelings about it. The special permit process gives TPZ the authority to approve with conditions, which is something TPZ cannot do for an activity that is by right. It was noted at the last meeting that the special permit process is cumbersome, which is true. But holding a public hearing strikes a balance between preserving the residential character of the neighborhood and letting an occasional homeowner have a second commercial vehicle.

As requested at the last meeting, I added a provision for a dump truck or other prohibited vehicle, provided the owner obtains a special permit.

Attached is the draft with all the deletions and additions highlighted, as well as a "clean" version which is easier to read.

cc:
file

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