

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP
Date: August 14, 2020
Subject: **Petition #21-20: Zoning Text Amendment (Sec. 5.3; 6.1; 6.10; 6.15; 7.4; and 9.2: Low Impact Development Regulations). Newington TPZ, applicant.**

At the TPZ meeting on May 27, 2020 the consensus was to remove the LID requirements from the zoning regulations entirely, rather than just eliminate the “retrofit” requirement.

The proposed amendment will restore the zoning regulations to the way they were prior to the adoption of LID in 2014. Site plans will only be required to ensure that the rate of stormwater runoff is no greater after development than prior to development and provide some water quality treatment, which was the standard before LID. Site plans will be permitted to achieve that through conventional detention basins and underground detention structures.

Please keep in mind that the LID regulation contains the provision that an applicant is only required to comply with LID “to the maximum extent practicable”. The staff has always been cooperative with applicants’ consulting engineers and has in effect waived strict compliance with the regulations wherever the soil conditions warranted, which is most cases. In my opinion the original idea to rescind the “retrofit” requirement is a better way to make the LID regulation more “business friendly” and still protect the water quality of Newington’s rivers and streams.

The proposed amendment was referred to CRCOG as required by state law. The comment from CRCOG is as follows:

The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this zoning referral and finds no conflict with the concerns of neighboring towns.

However, CRCOG does not support the removal of low impact development regulatory language in its entirety as that conflicts with multiple goals and policies of the regional Plan of Conservation and Development that specifically call for encouragement of integration of such principles in local regulations. The conflicting CRCOG goals include but are not limited to:

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Revise Zoning and Subdivision Regulations to Address Local and Regional Land Use Concerns, Increase Sustainable Redevelopment and Infill Development Efforts, and Grow and Develop in Harmony with Natural Resources.

Additionally, this appears to conflict with the Town's own POCD policies for Natural Resource Strategies that was just submitted for review.

As requested by Town Council liaison Gail Budrejko, this memo and the draft amendment will be sent to the Conservation Commission for their information.

cc:
Town Engineer
Conservation Commission
file