

TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

Town Planner

Memorandum

To: TPZ Commission
From: Erik S. Hinckley, Land Use Enforcement Officer/Asst. Town Planner
Date: January 7, 2021
Re: 260 Stamm Road – Special Permit 01-21

Staff report:

The applicant is applying for a Special Permit for an auto related use in the I (Industrial) zone.

This parcel is approx. 1.01 acres. The applicant currently occupies the front (westerly) half of the building with an unpermitted auto related use. The applicant was cited for the unpermitted use on November 11, 2020. If the Commission opts to approve this application the Fire Marshall asks that you attach the following conditions to any approval:

- All exit doors that are used for egress from the building on the South side of the building, be cleared of any and all obstructions.
- That the front gate on the North side of the building be unlocked during business hours, and cleared of any and all obstructions, to grant access for emergency vehicles at all times.
- That the North side of the building no exits used for egress be blocked by any obstructions, from the front gate to the rear of the building for emergency vehicles access.

Currently none of these conditions are addressed on the submitted site plan.

This property has been cited, for auto related use issues, with notice of zoning violations, zoning citations and cease and desist orders since 1986. In 2007 and 2008 TPZ denied two different applications for an auto related use at that site. That unpermitted use has continued since those denials were issued by the commission. This parcel is also located within 100' of a residential zone to the east for properties on Berkeley Circle. This is not shown or addressed on the plan and would violate parking regulations as in section 6.11.5 of the regulations. As submitted staff does not recommend approval of this special permit.

Commission:

In reviewing this application, the commission should consider the general criteria for Special Permits under Section 5.2 of Newington Zoning Regulations, as well as the special criteria for auto related uses listed under Section 6.11 of the regulations. These regulations are attached below for your review and use.

Section 5.2 Procedures and Standards for All Special Permits

5.2.1 Uses specified in these regulations as special permits are declared to possess such special characteristics that each must be considered a special case. The following general procedures, requirements and standards apply and must be followed; in addition to the standards and conditions particular to the proposed use and specifically set forth in these in these regulations. Those conditions and standards are hereby determined to be necessary to protect the public health, safety, convenience and property values.

5.2.2 Petitions for special permits must be heard by the appropriate commission or board as required in the section relating to the permit or permit.

5.2.3 A public hearing is required on the proposed special permit with due notice as provided by Connecticut General Statute.

5.2.4 After the hearing, the commission or board may approve, disapprove or approve with conditions.

5.2.5 To permit proper review, the commission or board may, in accordance with Section 5.3, require that a site plan be submitted, and may require any other information deemed necessary to determine if the use is in harmony with the intent of the regulation, and the character of the area in which it is located.

5.2.6 In reviewing the proposed special permit, the Commission shall consider the following criteria as well as any specific standards pertaining to the requested special permit or special permit and record its findings in the record of the meeting:

A. The need for the proposed use in the proposed location.

B. The existing and probable future character of the neighborhood in which the use is located.

C. The size, type and location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity.

D. Traffic circulation within the site; amount, location and access to parking, and traffic load or possible circulation problems on existing streets or proposed streets and driveways considering impact on existing streets are affected. For large scale retail developments in excess of 40,000 square feet of gross floor area a traffic impact analysis report with proposed mitigation measures shall be submitted with the application.

E. Availability of public water and sewer, and possible overloading of water and sewage systems and the adequacy of the existing off-site storm water system serving the property to safely accommodate any increase in drainage. (Effective 12-01-01)

F. Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties.

G. Safeguards to protect adjacent property, and the neighborhood in general, from detriment including, but not limited to proper buffering.

5.2.7 Following an approval of a special permit, such approval shall become null and void if the use proposed under the special changes. Amendments to the conditions of a Special Permit or substantial changes shall require a new petition and public hearing as required by the Connecticut General Statutes. (Effective 12-01-01)

5.2.8 No special permit granted according to these regulations shall be effective until a copy of the special permit, signed by the Chairman of the Commission or Board, whichever is applicable, is filed by the applicant in the Town Clerk's office in accordance with State Statutes which require recording in the Land Records.

5.2.9 The Commission may attach a time limit to a Special Permit when it determines that such a condition will protect adjacent property and the character of the neighborhood. If a time limit is made a condition of approval the Special Permit may be revoked for due cause after a public hearing.

Section 6.11 Service, Sale, Repair, Rental or Storage of Motor Vehicles (effective 07/31/2019)

The Commission may grant a special permit for the service, sale, repair, rental, or storage of motor vehicles in certain zones only, subject to the following conditions and to the provisions of Section 5.2 (Procedures and Standards for All Special Permits), Section 3.11 (Special Permits Allowed in B Business Zone), and Section 3.17 (Special Permits Allowed in I Industrial Zones).

For the purpose of this section, “service, sale, repair, rental or storage of motor vehicles” include new car dealers, used car dealers, repairers and limited repairers as defined in Sec. 14-51(a) of the Connecticut General Statutes; the sale of gasoline or any other product under the provision of Sec. 14-319 of the Connecticut General Statutes; as well as car washes and car and truck rental businesses.

6.11.1 All structures and equipment such as fuel dispensers shall be at least 30 feet from any street right of way line.

6.11.2 All repairs shall be entirely within a building and at least 30 feet from any street right of way line. The replacement of disposable parts such as windshield wiper blades and starter batteries may take place outside the building.

6.11.3 Entrances and exits for any use approved under this section shall be at least 100 feet from a religious institution, school, playground, hospital or any residence.

6.11.4 No display or storage of any motor vehicle intended for sale or rent is permitted in the required front yard or in the street right-of-way.

6.11.5 No portion of any use relating to motor vehicles shall be within 100 feet of a residential zone.

6.11.6 The façade of the building shall be a combination of brick, split face block or dryvit. Wall signage shall be uniform in size, design and lighting. The architectural style and design shall provide for a good appearance and blend harmoniously with adjacent buildings, and shall be approved by the Commission.

6.11.7 Pursuant to Sec. 14-321 of the Connecticut General Statutes, the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Gasoline and Motor Oil Sales).

6.11.8 Pursuant to Sec. 14-54 and Sec. 14-55 of the Connecticut General Statutes, the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Dealers and Repairers Licenses).