

TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Renata Bertotti, AICP – Town Planner
Date: March 2, 2022
Re: Petition # 05-22: Zoning Regulation Amendment – Section 3.19

The applicant, Igor Bochenkov, is petitioning to modify zoning regulations in PD zone. The petition (attached with this memo), when originally submitted, sought to modify zoning regulations pertaining to residential buildings in the PD zone, but was subsequently modified in response to staff comments to propose certain changes to all special permit uses in the PD zone. In a way of a brief summary the petitioner proposes to:

1. Add language that would require the Commission votes on whether or not to hire a third-party professional consultant at the applicant expense on each special permit proposal for any use in PD zone;
2. Require that multi-family residential developments be located on sites with direct access to Berlin Turnpike or to a public street which directly connects to the Berlin Turnpike;
3. Require that residential building maximum height be limited to 2 stories, where currently the 4 stories is allowed; and require that,
4. A traffic impact analysis submitted by a credentialed or licensed traffic engineer not associated with, employed by, related to or engaged by the applicant be required for any residential building containing fifteen (15) or more new residential dwelling units.

I suggest you review the full text of the Proposed Regulation Amendment submitted by Igor Bochenkov, revised February 17, 2022 (attached) as well the attached Reasons for the Text Amendment prior to proceeding to reading my comments below.

Staff comments: Regarding the hiring of third-party consultants:

I have several comments regarding this proposed provision.

- If adopted, this section should be enumerated differently. We already have a section numbered 3.19.5 which deals with drive through restaurants in PD zone.

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

- There are specific Statutory requirements regarding how funds collected for this purpose have to be handled. This proposal does not detail any of those steps.
- The criteria for the Commissions' decision are arbitrary.
- Town employs professional staff. This type of regulation implies distrust towards our professional capabilities.
- As proposed, this provision applies to all uses seeking special permit in PD zone. If adopted as proposed, this would add one more step in the decision process, a formal vote by the Commission on each proposal for special permit in PD zone. This delays the process, adds an unquantified expense at the time of the application submittal and potentially creates issues with meeting the Statutory deadlines the Commission must keep with regards to the application proceedings.

Staff comments: Regarding requiring direct site access to Berlin Turnpike and streets connected to it and reduction of the maximum allowed building height to two stories:

As you remember, Section 3.19.2 was recently revised to remove this location requirement for residential buildings. Requiring that the multi-family residential development be located on sites with direct access to Berlin Turnpike or to streets that directly connect to Berlin Turnpike conflicts with this recent decision and reasoning behind it, as well as with the Town's Affordable Housing Plan which recommends the areas located within the PD zone (area in proximity to CT Cedar Street Fastrack Station and Berlin Turnpike area) be ones of the recommended locations for future residential and mixed-use development. Restricting multi-family residential development in PD zone to sites with direct access to Berlin Turnpike zone will disqualify number of properties in PD zone from this use, and make properties with existing or approved multi-family residential development nonconforming.

Proposed reduction in building height too, will result in number of nonconforming sites and decrease allowed density. A density reduction is likely to result in outpricing multi-family residential development from the singular zoning district where that type of development is possible in Newington, effectively prohibiting the multi-family housing in town. Furthermore, the reduction in building height is environmentally unfriendly; it promotes more buildings to be built for the number of units needed to make a project economically feasible, resulting in more roofs and other impervious surfaces.

Staff comments: Regarding requiring certain professional reports be prepared by professionals that are not 'associated with, employed by, related to, or engaged by' the applicant:

This is excessive and vague in my opinion. Who would be checking the relationship status? What if they are friends? What does 'associated with' mean?

Staff comments: Regarding the proposed zoning regulation amendment:

I cannot support this proposal for number of reasons. In addition to my comments above, I find that the proposed amendment conflicts with Chapters 9 and 10 of the POCD, as well as with the recommended redevelopment strategies in the Affordable Housing Plan. The applicant cites one of the purposes of the zoning regulations (1.1.13 ‘overcrowding of land’), which has been deleted from the enabling Statutes (as effective 07-01-2021) and is on the list of invalid sections that will have to be deleted from our regulations. I feel that certain elements of this proposal, such as demanding the Commission vote on third-party consultant on each special permit, or a traffic analysis that is prepared by a professional ‘not associated with, employed by, related to, or engaged by the applicant’ are unfriendly and unnecessary.

That being said, there are two larger elements that this proposal, in my opinion is trying to get to, that deserve some attention. There is ample data showing the severe lack of adequate housing, and particularly affordable housing, in the State, in the region and in Newington. Zoning has historically been one of the main contributors to the lack housing supply and, by extension, its increasing unaffordability. Secondly, due to strong market pressure, we have seen a great deal of multi-family residential development being proposed within the last year in Newington. These types of changes sometimes cause a desire in communities for a knee-jerk overcorrection. Issues of this nature, however, should be addressed through a planning process; a zoning amendment could be one part of such planning process, but it most certainly should not be the only part. If the Commission feels that there is need to look into this, I recommend the Commission dedicates some time on their future agendas to discuss the recent developments, and plan direction they would like to take with regards to the multi-family housing in Newington.