



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Edmund J. Meehan
Town Planner

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CERTIFICATE OF ACTION

TO: Daniel Rossi
Toll Brothers, Inc.
53 Church Hill Road
Newtown, CT 06460

DATE: October 27, 2011

SUBJECT: Petition 12-11 - Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request for Special Permit Section 6.8 Zoning Regulations for open space subdivision, 71 lots single family homes, 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000, R-20 Residential Zone District.

At a meeting held, October 26, 2011, the Newington Town Plan and Zoning Commission voted to approve the above referenced PETITION based on revised subdivision plan, dated July 27, 2011, showing 64 lots, as modified by drawing dated August 16, 2011, Sheet SP-1 Alt, showing 62 lots, with the following reasons and conditions:

A. Reasons

1. The Commission finds that the applicable Special Permit Standards of Section 5.2.6 have been addressed.
 - The development of the property for residential use fulfills a need and demand for single family housing.
 - The residential use is compatible with the probable future character of the area and the 2020 Plan of Conservation and Development land use recommendations.
 - The subdivision will be served with Metropolitan District water and sewer utilities.
 - The subdivision's traffic circulation and impact on existing streets can be adequately accommodated.
 - The subdivision development plan provides landscape buffers to protect adjacent parcels and the Old Highway Greenway.
2. The Commission finds that the Zoning Regulations Special Permit Open Space Requirements, Section 6.8, will be satisfied by the donation of approximately 44 acres of land to the Town for preservation as public open space use.
3. This 44 acres of new protected open space abuts Balf Park, together these two parcels will preserve 50 acres of Cedar Mountain for public use and scenic vistas enjoyment.

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4. The dedication of 44 acres for open space use is consistent with and furthers the 2020 Plan of Conservation and Development, Natural Resources and Open Space and Greenways Strategies, (pages 15-19).

B. Conditions

1. Pursuant to the Zoning Regulations Special Permit Open Space Requirements, Section 6.8.5, no final approval of the single family lot subdivision shall be granted and no permit shall be issued, until all documents required by these regulations have been submitted and accepted by the Commission.
2. Prior to the Open Space Subdivision becoming effective, the single family lot subdivision design modifications required by companion Petition 13-11 shall be completed and re-submitted to the Commission for its approval.

C. The Newington Conservation Commission Inland Wetlands report.

1. The Commission acknowledges the receipt of Inland Wetlands Agency report, Application 2011-02, dated September 27, 2011.

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This Special Exception will not become effective until this Certificate of Action is filed by the applicant on the Land Records of the Town of Newington.

This subdivision Approval will not become effective until a) transparency of this Certificate of Action is affixed to the original plan mylar; b) the conditions above are noted and incorporated onto the subdivision plan; c) the mylar original is signed by the TPZ Chairman; and d) a mylar original is signed mylar is filed in the Town Plan and Zoning Office and in the Newington Land Records.

Pursuant to Section 82-6c of the General Statutes all work in connection with this approved Subdivision shall be completed within five (5) years, by October 26, 2016 unless extensions are granted by the Commission.

Cc: Balf Company, 301 Hartford Avenue, Attn: Mr. Frank Lane, Director of Real Estate & Environmental Compliance, Newington, CT 06111