TOWN PLAN AND ZONING COMMISSION

PUBLIC HEARING AND REGULAR MEETING
Wednesday, January 13, 2016

Town Hall *Conference Room L-101*
131 Cedar Street, Newington, CT 06111

7:00 p.m.

A G E N D A

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

III. APPROVAL OF AGENDA

IV. TOWN ATTORNEY PRESENTATION

a. Options for Enforcing Temporary Sign Zoning Regulations

V. ZONING ENFORCEMENT OFFICER REPORT

VI. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

VII. REMARKS BY COMMISSIONERS

VIII. PUBLIC HEARING

a. Petition #41-15: Special Exception (Section 3.2.9: Adult Day Care) at 26 Church Street. New Life Adult Day Care Inc., applicant; Vaishnav Parivar of Connecticut Inc., owner; Sachin Patel, 69 Cherrywood Drive, Nashua NH, contact. Continued from December 9, 2015.

b. Petition #44-15: Special Permit (Section 6.6: Sale of Alcoholic Beverages) at 2640 Berlin Turnpike (Aldi). Aldi Incorporated CT, owner; Aldi Incorporated CT, applicant; Kyle Voiland, 295 Rye Street, South Windsor CT, contact.

IX. APPROVAL OF MINUTES

a. Regular Meeting November 12, 2015

b. Special Meeting November 23, 2015

c. Regular Meeting December 9, 2015

d. Special Meeting December 9, 2015

RECEIVED & RECORDED
NEWINGTON TOWN CLERK
2016 JAN -8 AM 9:03

X. NEW BUSINESS

a. Discuss Zoning for TOD (Transit Oriented Development).

b. Discuss on-going review of Zoning Regulations

c. Appoint Alternate Member to CRCOG Regional Planning Commission

d. Discuss the Sec. 8-24 referral process

XI. OLD BUSINESS

XII. PETITIONS FOR PUBLIC HEARING SCHEDULING

a. Petition #01-16: Special Exception (Section 3.2.9: Group Day Care Home and Child Care Centers) at 600 North Mountain Road. Autism Families Connecticut, applicant; Rondeau Investments LLC, owner; Mary Helen Richer, P. O. Box 370162, West Hartford CT, contact.

XIII. TOWN PLANNER REPORT

a. Town Planner Report for January 13, 2016

XIV. COMMUNICATIONS

a. "The Role of Alternate Members of Connecticut Land Use Boards" (*Connecticut Planning, Fall 2015*)

b. Letter from Eversource to Town of Newington re "Central CT Reliability Project" dated December 17, 2015.

XV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

XVI. REMARKS BY COMMISSIONERS

XVII. CLOSING REMARKS BY THE CHAIRMAN

XVIII. ADJOURN

Submitted,

Craig Minor, AICP
Town Planner

John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission

From: Town Planner Craig Minor, AICP

Date: January 5, 2016

Subject: **Petition #41-15: Special Exception (Section 3.2.9: Adult Day Care) at 26 Church Street. New Life Adult Day Care Inc., applicant; Vaishnav Parivar of Connecticut Inc., owner; Sachin Patel, 69 Cherrywood Drive, Nashua NH, contact.**

Description of Petition #41-15:
The applicants would like to conduct an adult day care operation in the Vallabdham temple at 26 Church Street. "Adult Day Care" is allowed by special permit in all residential zones.

Staff Comments:
The public hearing was kept open for one additional meeting at the request of several commissioners. This goes beyond the 35 day deadline to close a public hearing, but the applicants consented to keep the hearing open.

cc:
Applicant
file

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www.newingtonct.gov

John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission

From: Town Planner Craig Minor, AICP

Date: January 5, 2016

Subject: **Petition #44-15: Special Permit (Section 6.6: Sale of Alcoholic Beverages) at 2640 Berlin Turnpike (Aldi). Aldi Incorporated CT, owner; Aldi Incorporated CT, applicant; Kyle Voiland, 295 Rye Street, South Windsor CT, contact.**

Description of Petition #44-15:
This existing supermarket would like to start selling beer. Section 6.6 of the zoning regulations allows the retail sale of alcoholic beverages in any non-residential zone.

Staff Comments:
Section 6.6.3.B of the zoning regulations states that, in the B-BT zone, a building wherein alcohol is sold "under any class of liquor permit" must be at least 500 from any other building with the same class of permit, measured from front door to front door. The main entrance to the Stop & Shop at 206 Kitts Lane is approximately 1,300 feet from the main entrance to Aldi.

I have no concerns with this application.

cc:
file

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Petition # 45-15

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 2640 Berlin Turnpike **ZONE:** PD

APPLICANT: ALDI, Inc. TELEPHONE: 860-290-2900

ADDRESS: 295 Rye Street S. Windsor, CT 06074 EMAIL: Swn@Aldi.us

CONTACT PERSON: Kyle Voiland TELEPHONE: 860-290-2900

ADDRESS: 295 Rye Street EMAIL: Swn@Aldi.us

OWNER OF RECORD: _____

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- o Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- o Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- o Subdivision
- o Resubdivision (Public Hearing required).
- ✓ Special Exception per Section 6.6 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- o Site Plan Approval or Modification
- o Other (describe in detail, or attach): _____

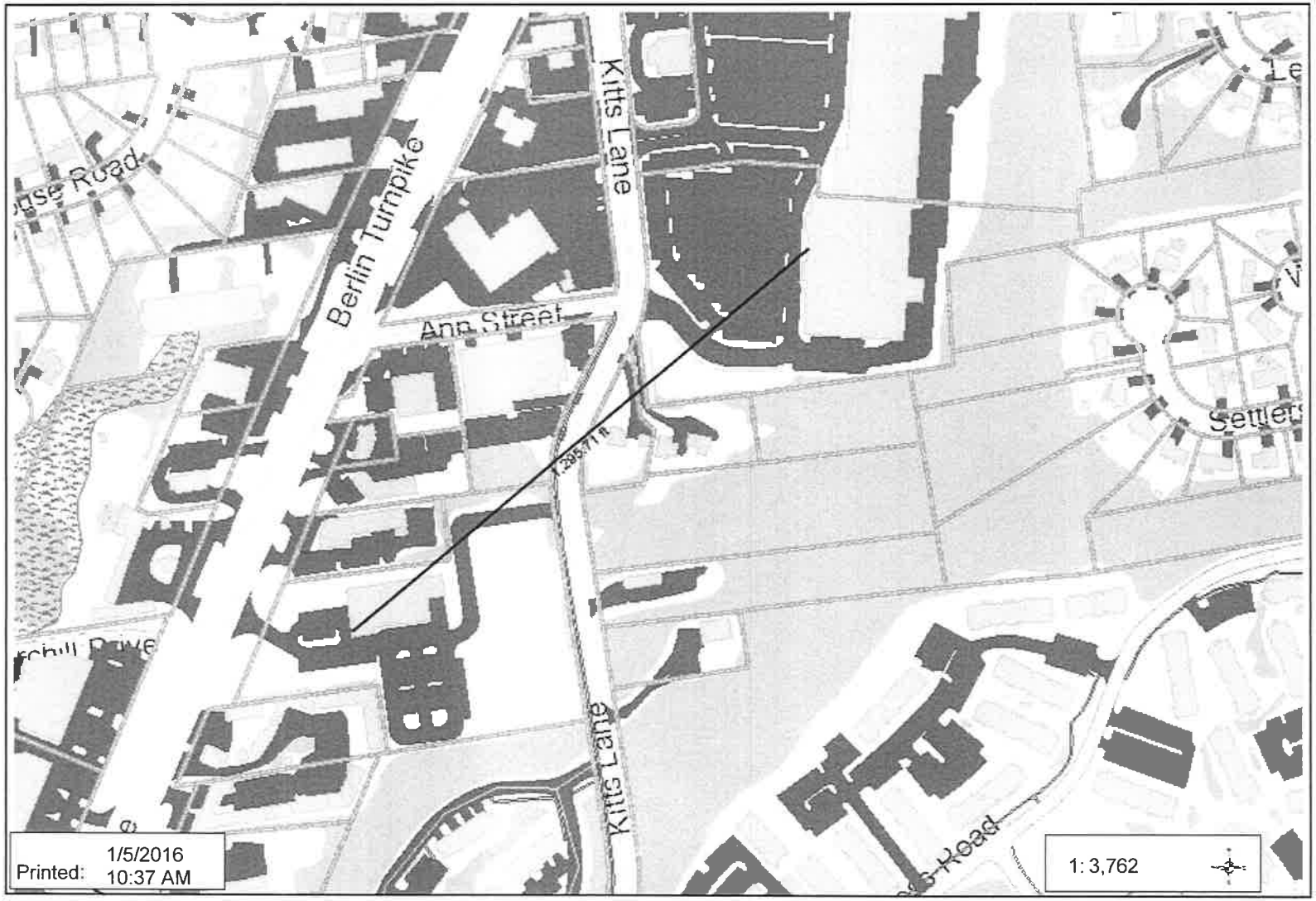
SIGNATURE:

pending		pending	
APPLICANT	DATE	OWNER	DATE

COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

NOTE:
PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION. APPLICANTS PROPOSING TO BUILD, MODIFY EXISTING SITE PLANS, CHANGE OR ADD TO BUILDING ELEVATIONS OR PLACE SIGNAGE ON THE PROPERTY ARE RESPONSIBLE FOR SECURING THE NECESSARY APPROVALS FROM THE ECONOMIC DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

Distance from Aldi's Front Door to Stop & Shop Front Door



Legend

- Parcel
- Structures
  - BUILDING
  - CEMENT
  - DECK
  - FOOTBRIDGE
  - FOUNDATION
  - GREENHOUSE
  - POOL
  - STEPS
  - TANK
- Paved Areas
  - Driveway and Parking Lot
  - Sidewalk
- Rail Road Line
- Hydrography
  - Water
  - Swamp area
- Stream
- Vegetation Area

627.0 0 313.49 627.0 Feet

This map is user generated static output. This map is for reference only and should be used for REPRESENTATION ONLY. The Town of Newington refutes any liability for any actions taken or not taken based on this map.

THIS MAP IS NOT TO BE USED FOR NAVIGATION AND IS NOT CONSIDERED SURVEY QUALITY.

Notes

Notes

John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission

From: Town Planner Craig Minor, AICP

Date: January 5, 2016

Subject: **Zoning for Transit Oriented Development (TOD)**

At the meeting on December 9, 2015 the Commission decided to focus on TOD zoning for just the Cedar Street CTfastrak Station area for now, and to consider Newington Junction later.

There was consensus on keeping the current zoning (I and PD) in the Cedar Street Station area, and to allow, by special permit, transit-oriented development that is not expressly permitted in the regulations for these zones. Portions of residential neighborhoods that happen to be inside the ½ mile radius of the Station should be protected. New development that promotes the goals of the TOD district (to be determined) should be encouraged through "incentives" such as reduced parking requirements, or an increase in the amount of allowable floor area.

Using these ideas as guidance, I prepared a *draft* set of regulations for what I'm calling the "TOD Overlay District". This is only a draft, for the purpose of kicking off a discussion about the kind of development that TPZ wants to see in the Cedar Street Station area. As of this writing I am still finalizing this draft, so it will be sent under separate cover.

At the last meeting a set of land use maps showing vacant and under-utilized parcels in the two CTfastrak neighborhoods was distributed. I was asked to revise these maps to show wetlands and 100-year flood plain, and the names of the owners. This turned out to be too much information to show on a single map, so I asked the IT department to put the owners' names on one copy of the original map, and wetlands/flood plain on another copy of the original map. See attached.

cc:
file

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Vacant parcels and low utilization

DISCLAIMER: Every reasonable effort has been made to assure the information provided on the GIS maps and data is current, accurate and complete. However, the GIS database and the maps themselves are subject to constant change and the accuracy and completeness cannot be and is not guaranteed. Independent verification of all data contained herein should be obtained. The data presented on this map is not legally binding on the Town of Newington or any of its departments. This map and the associated data are REPRESENTATIONS ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding. The Town of Newington shall not be liable for any loss, damages or claims that arise out of the user's access to, or use of the map, documents and data provided. The GIS Data is not a survey, and is subject to any changes an actual land survey discloses.

Cedar Street Station

Legend

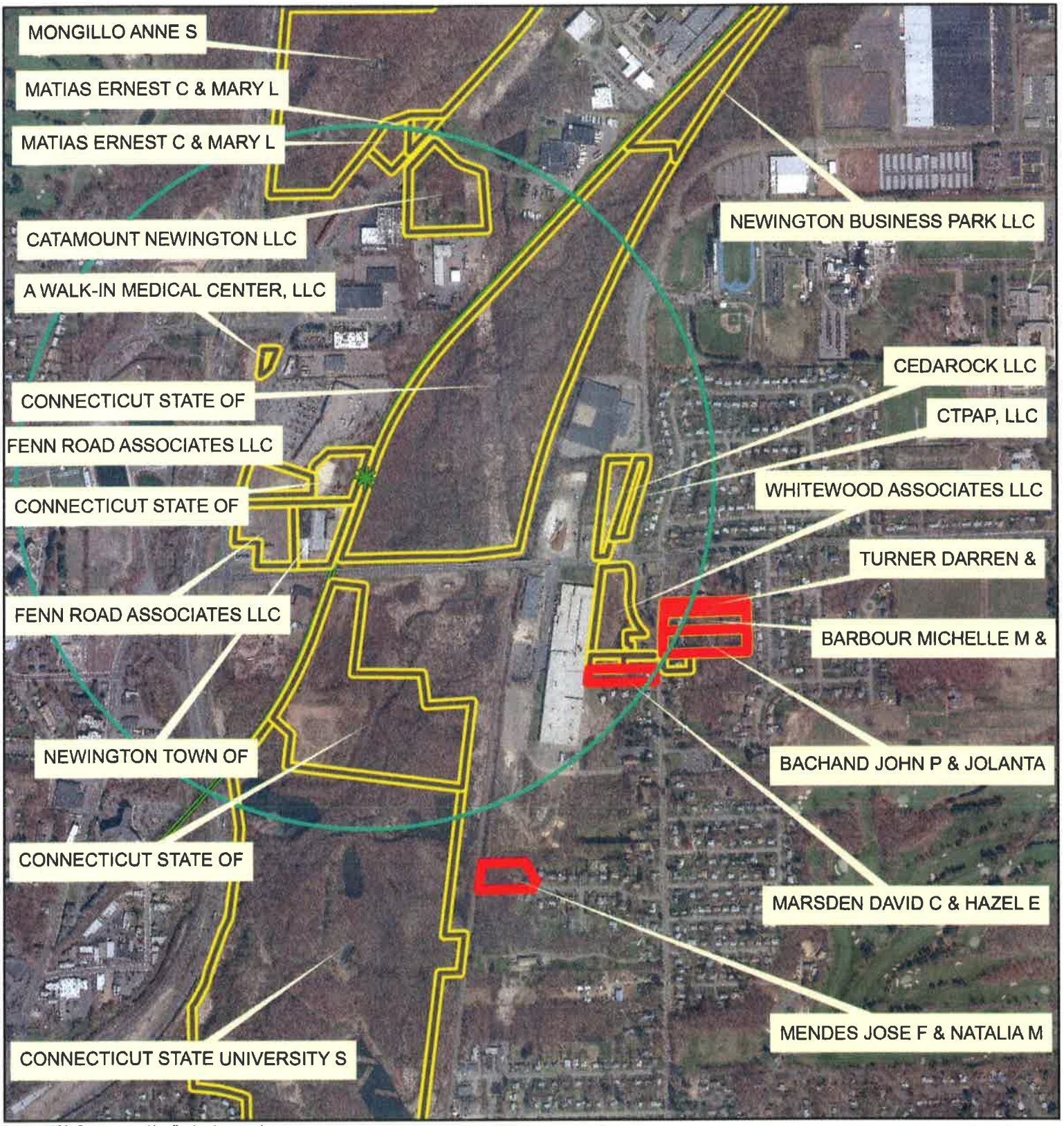
- CTfastrak Station
- CTfastrak
- 1% - 5% Utilization
- Vacant Parcels
- Half Mile Buffer
- Wetlands Buffer
- FEMA 100 Year Flood Zone
- Wetlands

N
W E
S

Map by Information Technology GIS Services

Printed: 1/6/2016

Vacant parcels and low utilization



DISCLAIMER: Every reasonable effort has been made to assure the information provided on the GIS maps and data is current, accurate and complete. However, the GIS database and the maps themselves are subject to constant change and the accuracy and completeness cannot be and is not guaranteed. Independent verification of all data contained herein should be obtained. The data presented on this map is not legally binding on the Town of Newington or any of its departments. This map and the associated data are REPRESENTATIONS ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding. The Town of Newington shall not be liable for any loss, damages or claims that arise out of the user's access to, or use of the map, documents and data provided. The GIS Data is not a survey, and is subject to any changes an actual land survey discloses.

Cedar Street Station

Legend

- CTfastrak Station
- Half Mile Buffer
- 1% - 5% Utilization
- Vacant Parcels
- CTfastrak

N
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Map by Information Technology GIS Services

Printed: 1/6/2016

John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission

From: Craig Minor, AICP

Date: January 6, 2016

Subject: Zoning Regulations Comprehensive Review

Description:
This comprehensive, but informal, review of the zoning regulations began in November 2014. The goal is to only look for text items that need minor adjustment – any major revisions encountered during this review will be handled separately.

This has been conducted in a series of special "workshop" meetings. After the review is completed, one or more public hearings will be held on the suggested adjustments via the normal zoning amendment process, just like with a petitioned zoning amendment.

The TPZ got as far as Section 9 (Appendix) at the December special meeting.

Staff Comments:
At the last special workshop meeting the TPZ got as far as, but I don't think completed, the "Definitions" section, which is Section 9.2. Since there are several new TPZ members Chairman Aieta suggested that it would be good to bring them all up-do-speed on the changes that have been suggested so far. I will send Sections 1 through 3 (under separate cover because it's over 50 pages) for the Commission to discuss at the regular meeting on January 13, 2016. If the Commission wishes I will then send the remaining Sections for discussion at the January 27, 2016 meeting.

cc:
file

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TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

John Salomone
Town Manager

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission

From: Craig Minor, Town Planner

Date: January 7, 2016

Re: **Alternate Member Appointment to CRCOG Regional Planning Commission**

At the TPZ annual meeting last month, TPZ appointed Commissioner Stan Sobieski to serve as the Commission's representative to the CRCOG "Regional Planning Commission." The Regional Planning Commission prepares CRCOG's five year Regional Plan of Development, and reviews proposed zone changes and major land use applications for possible impact on member towns. This appointment is in addition to the two Newington representatives on the CRCOG board who are appointed by the Newington Town Council.

It has been brought to my attention that Newington should also have an "alternate" member on the CRCOG Regional Planning Commission. I recommend someone be selected at the next TPZ meeting.

cc:
file

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TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

John Salomone
Town Manager

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission

From: Craig Minor, Town Planner

Date: January 7, 2016

Re: **Section 8-24 of the Connecticut General Statutes**

There is a law in Connecticut that requires the town government to give the local planning commission the opportunity to review and comment on any proposal to buy, sell, or improve land before a final decision is made. This process is known by its place in the Connecticut General Statutes: Section 8-24.

Sec. 8-24 puts the burden of this referral on the "municipal agency or legislative body" that wants to make the sale or purchase, which in Newington is the Town Council. The Town Council must "refer" the proposal to TPZ, which in turn must submit a "report" back to the Town Council. If the report is unfavorable (i.e., if the report recommends against the proposal), the proposal can still go forward but only after a two-thirds vote by the Town Council.

The law contains a detailed description of the kinds of proposals that must be referred to the planning commission. It reads as follows, but I recommend you look at the attached version that I made which contains white space to make it easier to digest:

> **Sec. 8-24. Municipal improvements.** No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report. Notwithstanding the provisions of this section, a municipality may take final action approving an appropriation for any proposal prior to the approval of the proposal by the commission pursuant to this section. The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefor shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality or, in the case of

> disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by (A) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads.

You may not have noticed, since the text is so dense, but the law doesn't give TPZ any guidance as to what exactly it should be looking for when doing this review. Like most of my fellow town planners in Connecticut, I advise the planning commission to start with a review of the Town's Plan of Conservation and Development. Is the proposal consistent with the POCD? Then, I recommend checking to see if it is consistent with the zoning for that area of town. In Newington municipal projects are exempt from the zoning regulations, but TPZ is functioning as the planning commission when doing an 8-24 referral, so it is perfectly appropriate for TPZ to consider any zoning conflicts in its review. After that, I recommend TPZ consider if the proposal will conflict with any major public or private project that has recently been approved by TPZ, or is anticipated in the near future.

There has been very little case law in Connecticut to help us interpret the limits of Sec. 8-24. What case law there is is mostly focused on what happens when a legislative body fails to refer a proposal to the planning commission for an 8-24 referral.

I will close with the reminder that the burden is on the Town to refer a proposal to TPZ, and not on the TPZ to insist that it be referred.

cc:
file

Sec. 8-24. Municipal improvements.

No municipal agency or legislative body shall

(1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way,

(2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building,

(3) locate or extend any public housing, development, redevelopment or urban renewal project, or

(4) locate or extend public utilities and terminals for
water,
sewerage,
light,
power,
transit and
other purposes,

until the proposal to take such action has been referred to the *[planning]* commission for a report.

Notwithstanding the provisions of this section, a municipality <u>may</u> take final action <u>approving an appropriation</u> for any proposal prior to the approval of the proposal by the commission pursuant to this section.

The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefor shall be recorded and transmitted to the legislative body of the municipality.

A proposal disapproved by the commission shall be adopted by the municipality or, in the case of disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by

(A) a <u>two-thirds vote of the town council</u> where one exists, or a majority vote of those present and voting in an annual or special town meeting, or

(B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads.

John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission

From: Town Planner Craig Minor, AICP

Date: January 7, 2016

Subject: **Petition #01-16: Special Exception (Section 3.2.9: Group Day Care Home and Child Care Centers) at 600 North Mountain Road. Autism Families Connecticut, applicant; Rondeau Investments LLC, owner; Mary Helen Richer, P. O. Box 370162, West Hartford CT, contact.**

Description of Petition #01-16:
The applicants would like to move their autism support organization into the building in the rear of 600 North Mountain Road. This activity does not appear to fall easily into any of the existing use categories in the zoning regulations, but the closest fit is Section 3.2.9: Child Care Centers. I will leave it to TPZ to make the final determination on this.

Staff Comments:
If, after reviewing the application materials, the TPZ finds that this proposal is "a child care center", I recommend the public hearing be set for the next meeting on January 27, 2016.

If, after reviewing the application materials, the TPZ is not sure whether this is a "child care center", I suggest the Commission hold a public hearing anyway, to give the applicants the opportunity to make their case as to why it is a "child care center".

cc:
file

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Staff
Mary Helen Richer
Executive Director

Jackie Procyk, MSW
Program Director

Autism Families CONNECTicut

Board of Directors
Leah Bailey Moon, *President*
Mary Coons, *Secretary*
Tom Porcello, *Treasurer*
Catherine Bailey, Esq
Jenny Castle, SPHR
Christina Kiley, BCBA
Jim Procaccini
Dr. Anne Procyk
Marjorie Thompson, Esq
Jim Tully

Town Plan and Zoning Commission
Town of Newington
131 Cedar Street
Newington, CT 06111

Dear Newington Town Plan and Zoning Commission,

Autism Families CONNECTicut is interested in leasing 600 North Mountain Road in Newington to serve as our offices and program space. Autism Families CONNECTicut develops and runs recreational and social programs for children and teens (ages 3-25) with autism. We started these programs because there really were no opportunities for children with autism to be involved in activities like dance, sports or gymnastics if they were unable to participate in the typical programs offered by town sports programs or local dance or gymnastics studios. Our programs are on par with the type of classes a dance or gymnastic studio holds, but designed by trained clinicians who have experience working with kids with autism so that they are appropriate for the special needs these children have.

Each of our programs is run by a trained group of clinicians and we have a large number of volunteers who also assist our participants so at any program we have a 3:1 ratio of staff/volunteers to participants and many times we have a 2:1 or if a child requires, we ensure we have 1:1 assistance for the participant. Because of our commitment to having these ratios of staff/volunteers to participants, our classes are small in nature – programs for children ages 3-13 typically have 8-15 participants and our teen programs have 18-25 participants. Our programs are all also held primarily on the weekends and sometimes afterschool when neurotypical children are generally engaged in extracurricular activities.

As for the space we are interested in leasing, the property is located at 600 North Mountain Road in Newington. This is in an industrial park – the space we are interested in was formerly leased by Reflex Lighting of Connecticut. The space itself is 3,300 square feet on two floors. Our plan is to have offices and a secondary program space on the first floor with the primary program space on the second floor as it is a larger open area.

In addition, we may hold evening events for parents – from a fun evening out for moms to weekend seminars or small socials/fundraisers.

While our programs and events are held primarily on the weekends or evenings, we will also have offices in this space and our board and various committees will also meet here. Again meetings will be primarily in the evenings although there are several staff and contract employees who will work at the office at least part time during the day.

So you can see some examples of the type of programs and events that we hold, we have enclosed a couple of brochures with program descriptions and photos. We have also included a copy of our most recent newsletter and a brief history of Autism Families CONNECTIcut. You are welcome to also visit our website www.autismfamiliesct.org where you can get more information about Autism Families CONNECTIcut. Please note that two of our programs – Running and Swimming – will not be held at the North Mountain Road space as there is neither a pool nor a track. All of our other programs are indoor programs and we intend to hold most of these in this facility.

Thank you for your consideration.

Cordially,

Mary Helen Richer
Executive Director
Autism Families CONNECTIcut

Autism Families
CONNECTicut

Programs and Events

Recreational Programs

Playing on the Spectrum: AFC's signature program, each four-week session serves dozens of children with autism ages 3 to 13, as well as their siblings in their own Sibling Club. A core group of enthusiastic clinicians plan and implement structured activities designed to facilitate exercise and motor skills. AFC recruits and trains volunteers who interact directly with the children. The goal is for children to exercise in a safe, appropriate environment where they can make friends, practice social skills and master basic sports skills.

Running on the Spectrum: A six- or eight-week running program held at a local outdoor track runs on Sunday afternoons in the spring and the fall. An additional indoor track program is offered in the winter. Dozens of parents and children, including siblings, walk or run the track for an hour each week, providing excellent exercise and social opportunities for the whole family.

Dancing on the Spectrum: A six-week Saturday program for boys and girls on the spectrum and their siblings that explores music and movement through a variety of dance techniques. Through structured games and movement activities, children will develop body awareness, rhythm, flexibility, coordination, and confidence.

Music on the Spectrum: A summer four-week program in partnership with Connecticut Music Therapy Services. This program is designed to teach and nurture an appreciation for music and song in children with autism and their siblings.

Recreational Programs (cont)

Swimming on the Spectrum: AFC offers two popular swim programs. Swimming on the Spectrum, a four-week program, is for children with autism to learn to be comfortable and safe in and around water. Families appreciate water programs as their child enjoys dedicated swim time with volunteers helping them increase their swim skills. AFC also offers a four-week Family Swim, where the whole family can relax and enjoy water fun together.

Social Programs

Monthly Friday Night Teen Social Groups: AFC is now serving teens ages 14 to 21 with autism. Teens are often isolated and left out of typical Friday night activities with their peers. AFC's popular Teen Nights provide both a structured program and a variety of social activities including music, dancing, karaoke, games, refreshments, and most importantly, friendships.

Educational Programs

Building on the Spectrum: This six-week program is designed to provide a creative environment for participants to collaborate on the various aspects of designing and constructing a building using LEGO® bricks. Through organized and facilitated teamwork, participants work together to assemble various projects with an emphasis on communication and listening skills, attention and task focus, collaborative problem-solving, sharing and turn-taking.

Family Events

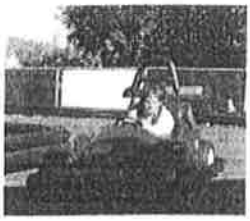
Wings for Autism, Bradley International Airport: AFC organized the first Connecticut version of *Wings for Autism* in 2012. *Wings for Autism,* developed by the Charles River Center in Natick MA, provides an opportunity for individuals with autism to practice passing through security and boarding an airplane as preparation for family air travel. Working with Bradley Airport officials, TSA officials and airline staff, AFC offers annual *Wings for Autism* events. More than 70 families have participated from throughout Connecticut and Western Massachusetts.

Family Night at the Rock Cats: Family members sit together and enjoy fun ballpark food and a great baseball game. This is an annual summer event to build community and foster family-to-family friendships.

Annual Family Holiday Party: Each year 100 guests enjoy a relaxed yet festive Family Holiday Party featuring music, gluten-free and casein-free refreshments, costumed characters, and dancing fun.

Night at the Nutcracker: The Ballet Theatre Company in West Hartford offered us tickets to their evening dress rehearsal and allowed our children to move about, make noise, and dance around while enjoying the beautiful ballet

Rudolph the Red-Nosed Reindeer: As a member of the advisory panel, AFC is please to be a part of The Bushnell's special sensory friendly performance of this holiday classic. Children are able to move around within the theater, take a break in staffed quiet spaces, and enjoy this theatrical performance that has been tailored for sensory issues.



Go-Karting: Originally suggested by one of our AFC Moms, we now hold this fun family friendly event several times during the year at Checkered Flag in Berlin. They open one hour early so we have exclusive use of the track.

Parent Events

Dads' Nights: Organized by fathers of children with autism, Dads meet every periodically throughout the year at restaurants in the Hartford/West Hartford region. A core group of about six Dads act as hosts, providing understanding and support to fathers who face daily challenges raising children with autism.

Summer Concert Night: Friends and family of AFC enjoy an adult evening out complete with food and an outdoor concert in a renovated barn on a sprawling estate in West Simsbury. The featured band for 2014 was Little House.

Moms' Nights: Organized by mothers of children with autism, Moms' Night's are held throughout the year at a variety of locations in the Hartford/West Hartford region. Events range from dinner out to yoga and are designed to give Moms a place to connect with other mothers who face similar challenges raising children on the spectrum.

Outreach

Informational Booths:

- **Statewide ASRC Conference**
- **Hospital for Special Care Autism Center Resource Fair**
- **Intensive Education Academy Resource Fair**
- **FOCUS Festival for Autism**
- **Ädelbrook Autism Awareness Fun Day**
- **Trick-or-Treat Miracle League Style**

Information booths are important for building awareness of AFC, sharing our upcoming programs, and building our email list. AFC participates whenever possible.

Memberships:

- **Connecticut Autism Action Coalition:** addressing statewide autism issues, including the annual Autism Awareness Day at the State Capitol.
- **Connecticut Association of Nonprofits:** supporting nonprofits in building and sustaining healthy communities throughout Connecticut through information, education, advocacy and collaboration.
- **Leadership Greater Hartford:** creating a region where the barriers of age, race, economics, and education are lowered and where all citizens come to believe that they live in a just and caring community.

Autism Families CONNECTicut

Creating Active Lives on the Spectrum

Playing on the Spectrum

Autism Families CONNECTicut's (AFC) signature program. Each 4-week session serves children with autism ages 3 to 13. A team of clinicians plan and implement structured activities designed to facilitate exercise and motor skills.

AFC recruits and trains volunteers who interact directly with the children. The goal is for children to exercise in a safe environment where they can make friends, practice social skills and master basic sports skills.

Dancing on the Spectrum

Autism Families CONNECTicut formed a dance and movement program for children on the autism spectrum ages 6 to 12 and their siblings.

This program introduces participants to the enjoyment of music and movement through structured games and activities designed to increase body awareness, rhythm, flexibility, coordination and confidence.

Autism Families CONNECTicut

Building on the Spectrum

Autism Families CONNECTicut (AFC) offers a LEGO® building program for youth on the autism spectrum ages 8 to 14 and their siblings.

Dedicated clinicians facilitate a variety of structured activities designed to encourage cooperation, develop social skills, foster critical thinking and grow friendships through creative play.

Friday Night Teen Socials

Autism Families CONNECTicut's (AFC) Friday Night Teen Socials serve teens ages 14 to 21 with autism. Teens are often isolated and left out of typical Friday night activities with their peers.

AFC's popular Teen Nights provide both a structured program and a variety of social activities including music, dancing, karaoke, games, refreshments and most importantly, friendships.

Photos courtesy of Seshu Photgraphy

John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission

From: Craig Minor, Town Planner

Date: January 7, 2016

Re: **Town Planner Report for January 13, 2016**

---

1. Zoning Enforcement Issues Raised at Previous TPZ Meetings

a. Vallabhdham Hindu Temple:

I met with Attorney Paul Doyle last week to go over all of the neighborhood complaints that came up during their community meeting earlier this month, and to brainstorm some possibly remedies. We came up with a long list of issues and proposed remedies, which he will present to his clients and hopefully get their consent. My recommendation is to then present it to the Town Manager for his input, and then TPZ. The problems between the temple and the neighbors is a community issue, so I felt it would be good to get the Town Manager involved.

Attorney Doyle also sent me the attached list of religious events for the Vallabhdham Hindu temple, as TPZ had requested.

2. Status of Town Center Streetscape Phase V

This is a grant-funded project which I oversee that might be of interest to TPZ members, so I will start briefing TPZ on it in my bi-weekly reports.

This is a STEAP-funded project to revitalize Constance Leigh Drive, from East Cedar Street to Lowrey Place. It will have the same type of curbing and brick pavers as Market Square, plus trees, benches, and related amenities. There will be no widening of the street nor encroachment onto private property. The vision is for curbs, sidewalks, trees, benches, and related amenities on both sides of the street, but the budget might not allow all of that. We'll see.

Our design consultant is BSC Group in Glastonbury and they've been working with us on several different design concepts, e.g. adding a narrow dedicated bike lane (that didn't make the cut), traffic-calming techniques at the intersection with Lowrey Place (that did), bump-outs to make it safer for pedestrians to cross Constance Leigh, a sidewalk on the east side of Constance Leigh, and painted on-street parking spaces on both sides of the street. We have narrowed it down to three options which will be presented to affected town staff, and then to "stakeholders" (local residents and merchants). The final design will be presented to the Town Council for its approval.

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

3. Open Space Committee

A new Open Space Committee has been appointed by the Newington Town Council. The resolution that established this committee uses language like, "Upon request from the Town Council" so it is not clear at this point how much initiative the Committee can or will take on open space issues. The first meeting of the new Open Space Committee is January 14, 2016. I am their professional staff so rest assured there will be good communication between your two agencies.

cc:
file

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

Month	Event	Event Type	Number of devotees/Attendees	Estimated length/hours
Jan 3rd 2016	New Year Religious Sunday service	Normal Service	55-75	Time: 6:30pm- 9:30pm
Jan 16th 2016	Uttarayan - Sunday service	Normal Service	75-100	Time: 6:30pm- 9:30pm
Feb. 14th 2016	Vasant Panchami - Sunday service	Normal Service	50-70	Time: 6:30pm- 9:30pm
April 16th 2016	ShriRaam Navami - Sunday Service	Normal Service	55-75	Time: 6:30pm- 9:30pm
June 19th 2016	Religious Service	Normal Service	55-75	Time: 6:30pm- 9:30pm
July 23rd 2016	Religious Service	Normal Service	55-75	Time: 6:30pm- 9:30pm
Aug. 14th 2016	Religious Service	Normal Service	55-75	Time: 6:30pm- 9:30pm
Aug. 20th 2016	Hindola Day - Religious Service	Normal Service	55-75	Time: 6:30pm- 9:30pm
Sept. 11 2016	Religious Service	Normal Service	55-75	Time: 6:30pm- 9:30pm
Nov. 20th, 2016	Religious Service	Normal Service	55-75	Time: 6:30pm- 9:30pm
Dec. 25th, 2016	Religious Service	Normal Service	55-75	Time: 6:30pm- 9:30pm

Month	Event	Event Type	Number of devotees/Attendees	Estimated length/hours
Jan 1st 2016	New Year Religious Service:offering Food to God	Mid Size Event	200-300	Time: 5:30pm- 9:30pm
May 7th 2016	ShriMahaPrabhuji Birthday	Mid Size event	200-300	Time: 5:30pm- 9:30pm
June 5th 2016	Meidcal Camp - Open community event	Mid Size event	175-250	Time: 8:30am- 2:30pm
July 3rd 2016	Rath Yatra	Mid Size event	250-350	Time: 5:30pm- 9:30pm
Aug. 25th 2016	Mid night Religious Service (God's Birthday)	Mid Size event	250-350	Time: 8:30pm- 1:00am
Nov. 13th, 2016	Diwali of Gods	Mid size Event	250-350	Time: 5:30pm- 9:30pm

Month	Event	Event Type	Number of devotees/Attendees	Estimated length/hours
March 26th 2016	Holi-Dhuleti - Bonfire Saturday Festival of Color	Big Event	500-750	Time: 5:30pm- 10:30pm
Aug. 28th 2016	God's Birthday Celebration-	Big Event	500-600	Time: 11:30am- 2:00pm
Oct. 1st 2016	Navratri- Festival of Dance	Big Event	600-800	Time: 8:30pm- 12:30am
Oct. 7-8th, 2016	Navratri- Festival of Dance	Big Event	600-800	Time: 8:30pm- 12:30am
Oct. 15tth, 2016	Navratri- Festival of Dance	Big Event	600-800	Time: 8:30pm- 12:30am
Oct, 29-30th, 2016	Diwali Festival of Light - Hindu new year	Big Event	600-1000	Time: 6:30pm- 11:00pm

Fall 2015

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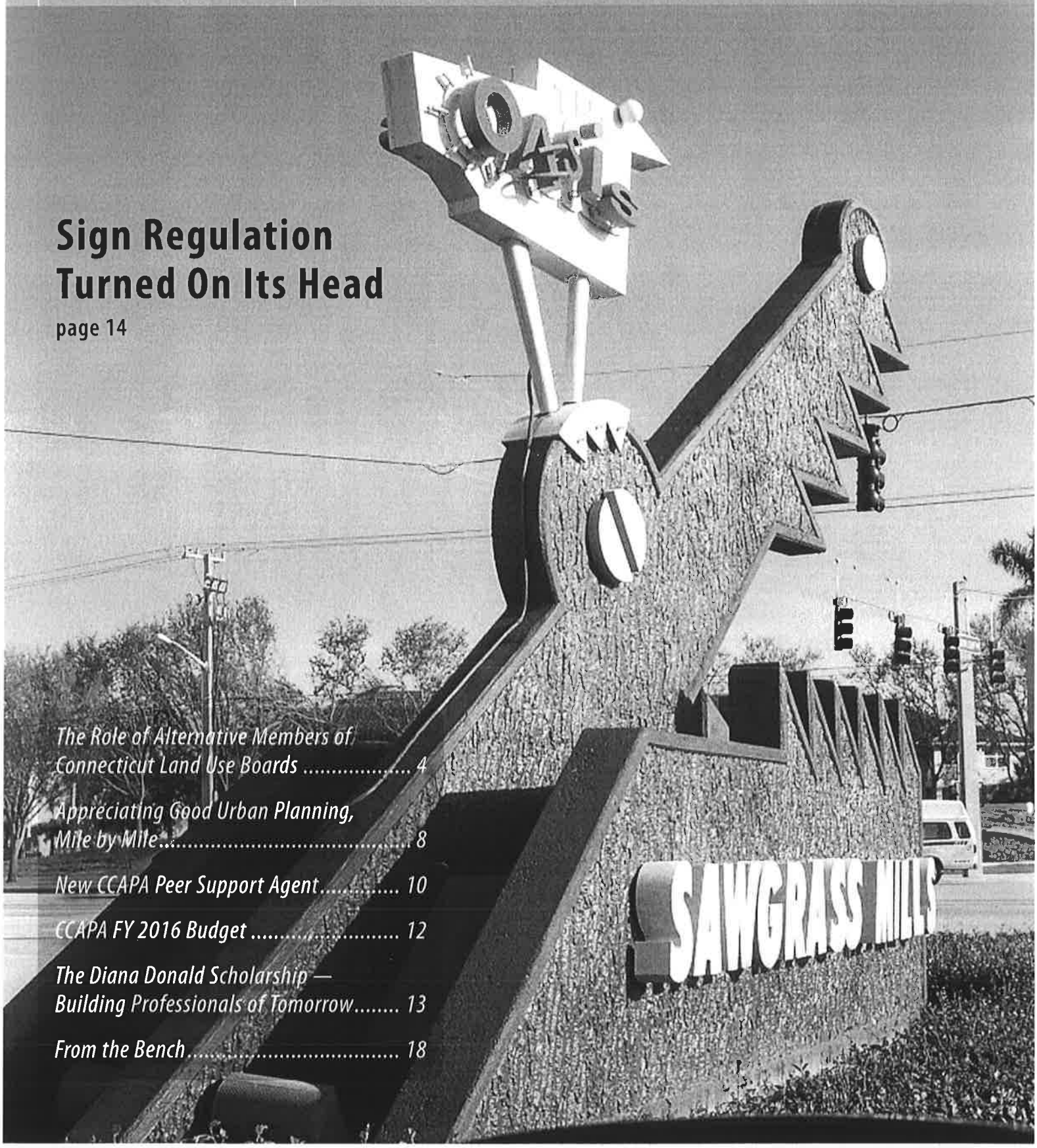

Sign Regulation Turned On Its Head

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The Role of Alternative Members of Connecticut Land Use Boards

by Robert J. Reeve, Esq., Scully, Nicksa & Reeve, LLP

Much like alternate jurors in civil and criminal trials, alternate members of Connecticut land use boards are often seen and seldom heard. They provide a valuable service, but problems can arise if they speak out at the wrong time. In most cases they patiently sit through many hours or multiple evenings of public hearing testimony, only to be left out of the decision making process. Alternate members do, however, play an important role in the land use process, even in applications where they don't ultimately participate in the decision.

Agency members, professional staff, and parties interested in land use applications need to be aware of how and when alternates may legally participate in public hearings, deliberations and votes.

Alternate members of land use boards are creatures of statute. They may be either appointed by the town's legislative body or elected, as provided by town ordinance. *See, C.G.S. Sec. 8-1b (zoning commissions) and Sec. 8-5 (zoning boards of appeal).* When "seated," i.e. designated to act on a particular application, alternates have all of the powers and duties of regular members.

While this article will focus on zoning commissions and zoning boards of appeal (ZBA), statutes governing other land use boards have similar provisions allowing alternate members to act when regular members are not available or eligible to render a decision. *See, C.G.S. Sec. 22a-42(c) (inland wetlands agencies); Sec. 7-147d(c) (historic district commissions).*

Why are Alternates Important?

Alternates often supply critical votes at the ZBA, as no variance can be granted or decision of the zoning enforcement officer overruled without 4 out of 5 affirmative votes. *C.G.S. Sec. 8-7.* For this reason applicants often do not go forward with variance applications unless 5 members are available act, so alternates frequently decide ZBA matters. Some towns have created land use boards with an even number of members, which can lead to problems with tie votes which result in the denial of an application. Having alternates available to decide applications when regular members are absent from a 6 member zoning commission changes the applicant's task from persuading the majority of a quorum (4 out of 4, or 4 out of 5) to the less difficult burden of convincing a majority of the full board (4 out of 6). The same holds true when the zoning regulations require that a supermajority of the full board approve a request to relax the zoning standards or waive a subdivision regulation if certain conditions are met. In all of these cases, alternates who are well acquainted with the public hearing record may be the critical votes if one or more regular members are absent or ineligible to act when the vote is taken. Alternates have an important role to play, and those few who habitually miss meetings or fail to participate as though they may be called upon to vote do a disservice to the commission and the public.

Alternate members can and should fully participate in the public hearing process, even where all of the regular members are present. Especially in the case of a multiple meeting public hearing, it is difficult to predict when the vote will be taken or which regular members will be present at the time of the vote. It would be incongruous and prejudicial to the parties not to know what concerns alternates who are eventually seated may have with the proposal. For this reason our Appellate Court has held that there is no prohibition on full participation by all alternates during the public hearing. *Komondy v. Zoning Board of Appeals of the*

(continued on page 5)

Alternates often supply critical votes at the ZBA, as no variance can be granted or decision of the zoning enforcement officer overruled without 4 out of 5 affirmative votes.

STAY CONNECTED TO CCAPA!

Town of Chester, 127 Conn. App. 669, 677-683 (2011).

Komondy also instructs that it is improper, for reasons to be discussed below, for unseated alternates to participate in the process once the public hearing is closed and the commission begins to deliberate on an application. Therefore, once it is determined that less than a full complement of regular members are present and eligible to deliberate and vote it is important to understand which alternates are being seated to consider and act on a particular application. Typically the chairperson, often with staff assistance, makes this designation. This is sometimes done at the beginning of the meeting after attendance is taken, with alternate "A" appointed to act on all matters for regular member "B" who is not present. A "full meeting" appointment can lead to questions later on in a long agenda about which applications the alternate is eligible to act on. In the author's view the preferred method, followed by many boards, is to appoint alternates on an item by item basis as matters are reached for deliberation, rather than at the commencement of a meeting or during the public hearing.

Both regular members and seated alternate members must be familiar with the application in order to be eligible to deliberate and vote, usually by being personally present throughout the public hearing or by listening to recordings and reviewing any written communications. While a full discussion of what constitutes adequate familiarity with the record is beyond the scope of this article, good practice is for any member who may have missed all or part of the public hearing to state on the record how he or she has attempted to fulfill that obligation.

The method for designating zoning commission alternates is set forth in the same town ordinance that provides for their election or appointment. Sec. 8-1b. As a practical matter many land use boards have adopted bylaws which govern the appointment of alternates, typically on a rotating basis. Commission staff should

(*continued on page 6*)

Alternate members can and should fully participate in the public hearing process, even where all of the regular members are present.

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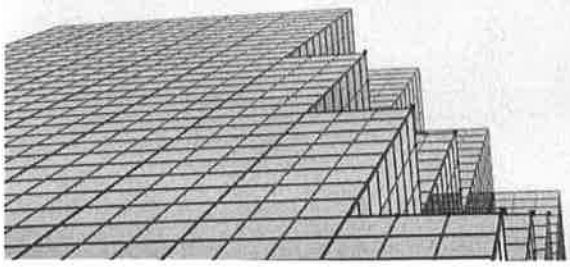

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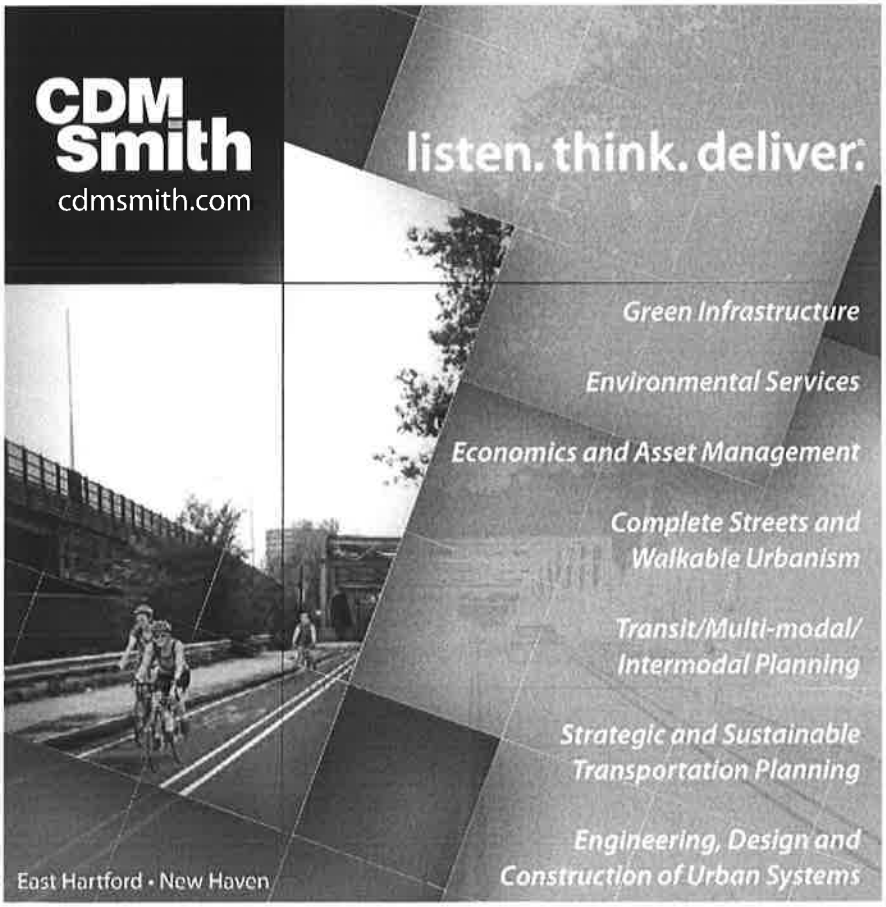

be able to determine who is "up next" in the rotation.

Somewhat surprisingly, a regular member of a ZBA who is absent at the time of a vote has the power to appoint which alternate is to act in his or her place. *C.G.S. Sec. 8-5a.* The statute does not state how an absent member is to make this designation, but presumably it could be done in a writing delivered to the board at or before the meeting. The author has never witnessed this method of designating an alternate and suspects it is not well known and rarely used. If the member fails to make a designation or is disqualified from acting (as opposed to being absent), the ZBA chair designates alternates on a rotating basis.

When a member of either a zoning commission or ZBA is disqualified due to some personal or financial interest and no alternate is available to act, a town may provide by ordinance that any elector be appointed to act on that application. *C.G.S. Sec. 8-11.* Again, this is probably a rarely used procedure.

Once the alternates on a particular matter have been designated the commission and the board begins to deliberate on the application any alternates who have not been seated should refrain from any further participation. *Komondy at 686.* Analogizing to the situation of an alternate juror who has been dismissed after the evidence was concluded, the Court reasoned that participation in commission deliberations after the close of the public hearing by an unseated alternate member creates an improper outside influence by one not entitled to participate in the decision making process. *Id. at 685.*

Just because such improper participation took place by an alternate does not necessarily mean an appeal from the board's decision will be sustained. Rather, the court must determine whether the improper participation resulted in material prejudice to the appellant by impacting the board's decision making process. The inquiry includes the frequency and severity of the unseated alternate's participation in the deliberations and any attempts to

(continued on page 7)

sway the votes of properly seated members. *Id. at 689.* Ms. Komondy could not show the hardship required to obtain a variance from the zoning regulations, so the Court affirmed the dismissal of her appeal even though there was admittedly improper participation by an unseated alternate. *Id. at 690.* This is akin to a harmless error standard, and an appellant who seeks to overturn a decision on this basis should be prepared to demonstrate that the outspoken alternate was able to influence and perhaps ultimately change what would have otherwise have been the proper outcome.

However, the *Komondy* Court in footnote 10 of its opinion may have been signaling that it will be less tolerant of such breaches in the future: "...we emphasize that the participation of an unseated alternate in the board's deliberations is not to be condoned. Even if that participation ultimately is deemed harmless, it nevertheless raises the specter of impropriety. For that reason, the prudent course is to prohibit such participation in all instances."

Professional staff and agency members are encouraged to minimize their exposure to the delay, expense and uncertainty of litigation by clarifying the status of alternates during the application process. Prior to any deliberations the Chair should indicate which alternates are being seated to deliberate and vote, and have them describe how they have familiarized themselves with the record if not personally present during the entire public hearing. Alternates who are not being seated should be instructed not to participate in the deliberation or vote on that application.

Alternate members provide a valuable service to the commission and the public, and they often provide insight and suggest improvements to plans whether or not they ultimately deliberate and vote on an application. By following these simple guidelines commissions and their professional staff can ensure that well intentioned efforts do not result in unintended consequences.

Robert J. Reeve is an attorney at Scully, Nicksa & Reeve, LLP. His practice concentrates in land use matters, including planning, zoning and wetlands matters. He can be reached at rreeve@scullynicksa.com.

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EVERSOURCE ENERGY

56 Prospect Street
Hartford, CT 06103

John Morissette
Project Manager - Transmission Siting
Tel: 860-728-4532

December 18, 2015

The Honorable Mark H. Kaczynski
Mayor of Berlin
Berlin Town Hall
240 Kensington Rd
Berlin, CT 06037

Denise McNair, Town Manager
Berlin Town Hall
240 Kensington Road
Berlin, CT 06037

The Honorable Pedro E. Segarra
Mayor of Hartford
Hartford City Hall
550 Main Street
Hartford, CT 06103

The Honorable Roy Zartarian
Mayor of Newington
Newington Town Hall
131 Cedar Street
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John Salamone, Town Manager
Newington Town Hall
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Newington, CT 06111

The Honorable Scott Slifka
Mayor of West Hartford
West Hartford Town Hall
50 South Main Street, Room 310
West Hartford, CT 06107

Ron Van Winkle, Town Manager
West Hartford Town Hall
50 South Main Street, Room 310
West Hartford, CT 06107

Re: Municipal Consultation Filing for an Application from The Connecticut Light and Power Company doing business as Eversource Energy to the Connecticut Siting Council for a Certificate of Environmental Compatibility and Public Need for the construction of the Greater Hartford – Central Connecticut Reliability 115-kV Project

Dear Municipal Leaders:

Recently, The Connecticut Light and Power Company doing business as Eversource Energy (Eversource) has been working to address future energy needs in your community. As a result of these efforts Eversource is planning to file an application with the Connecticut Siting Council (the "Council") for approval to construct a new 115-kilovolt (kV) underground transmission line, to perform associated upgrades to three existing Eversource substations (Newington, Southwest Hartford, and Berlin), and to modify a 0.01-mile section of an existing overhead 115-kV transmission line that connects to Newington Substation. These modifications are referred to collectively as the Greater Hartford – Central Connecticut Reliability Project ("Project") and Project would be located in portions of four municipalities: Newington, West Hartford, Hartford, and Berlin.

For the Council to have the benefit of a project evaluation from officials of potentially affected communities, Eversource must consult with any municipality in which any portion of the Project is proposed to be located, including any alternate locations for the facilities.

The first step in the consultation process requires that Eversource, as the applicant, provide you, the chief elected official of one of these municipalities, with information relating to the proposed project at least sixty (60) days before filing an application to the Council. The information provided is called a Municipal Consultation Filing (MCF).

To comply with this requirement, Eversource is pleased to present you with the enclosed MCF. The MCF includes a detailed description of the Project and describes why the Project is needed, and contains technical reports and other information about the Project. A copy of the MCF is also being delivered to the libraries listed below for any member of the public who may be interested in reviewing the filing.

Furthermore, as you already know, to inform elected officials and the public generally about the Project during this municipal consultation period, Eversource is planning to hold an "Open House" on January 20, 2016 at the Elmwood Community Center in West Hartford to provide opportunities for the public to individually ask questions about the Project.

Our goal is to file the application with the Council before the end of March 2016. The MCF is being provided to you more than 60 days in advance of our expected application filing date to allow you time to understand the Project and to formulate a response on behalf of your municipality to the proposal. Eversource will share your response with the Council in our submittal of the application.

In accordance with the state law, when the formal application is filed with the Council, a copy will be delivered to your municipality's planning and zoning commission and inlands wetlands or conservation commission, as well as to local state officials and legislators.

For additional information or to arrange for further consultations concerning the Project, please contact our Project Outreach representative, Marcia Wellman at 860-728-4547.

Very truly yours,

Enclosures

cc:

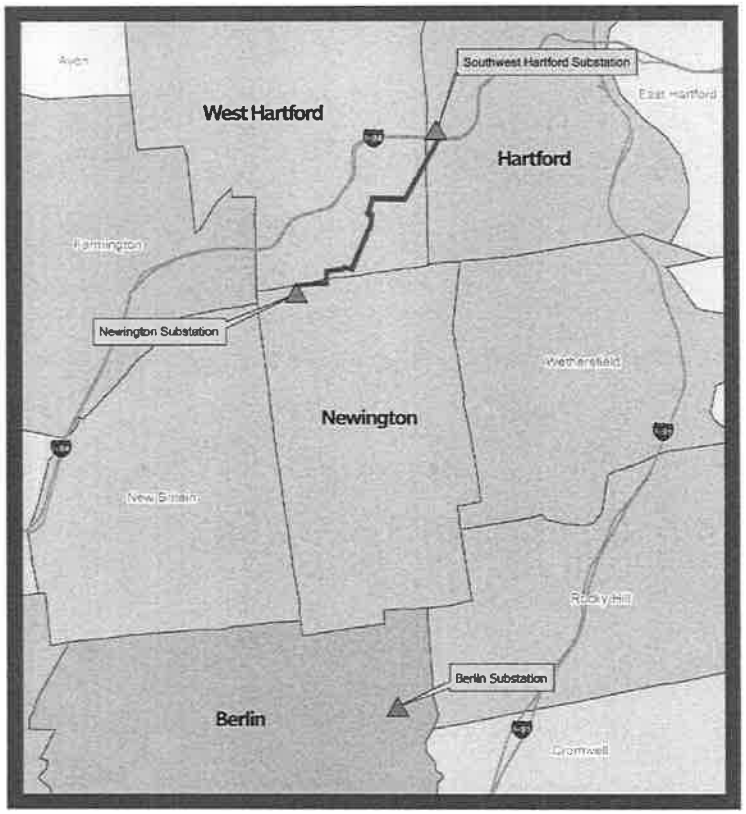
Peck Memorial Library (2 copies)
Attn: Helen Malinka, Library Director
234 Kensington Road
Berlin, CT 06037

EVERSOURCE

Open House

You are invited!

Learn about a proposed electric transmission system upgrade in your area.



Greater Hartford - Central Connecticut Reliability Project

Proposed Project Location Map

Greater Hartford - Central Connecticut Reliability Project

You are invited to join us as we share information about a proposed transmission system upgrade, the Greater Hartford - Central Connecticut Reliability Project, at an Open House for local residents. This proposed project will strengthen our system and ensure customers have reliable power to meet their energy needs.

The new 3.8-mile underground transmission line would be constructed between our Newington Substation in Newington, Conn., and our Southwest Hartford Substation in Hartford, passing through portions of Newington, West Hartford, and Hartford. We will also install upgrades at the Newington and Southwest Hartford Substations, as well as make related upgrades at the Berlin Substation in Berlin, Conn.

Please come to the regional **Open House**, where you'll learn what this project will mean for the Greater Hartford and central Connecticut area. Project team members will be available to provide information and answer your questions.

Wednesday, January 20, 2016	Drop in between 6 - 8 p.m.	Elmwood Community Center 1106 New Britain Avenue* West Hartford, Conn. 06110

** Please note: Entrance to the facility is via South Quaker Lane, and then to Burgoyne Street. There is no entrance access from New Britain Avenue.*

Questions? Email TransmissionInfo@eversource.com, call 800-793-2202, or visit **eversource.com**.

EVERSOURCE

LM/HP 12/15 850

Eversource Energy
P.O. Box 270
Hartford, CT 06141-0270

GREATER HARTFORD CENTRAL CONNECTICUT RELIABILITY PROJECT (GHCCRP)
NEWINGTON, WEST HARTFORD & HARTFORD, CT

Revised: 12/11/2015

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AECOM

Sheet 2 of 5