



TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
Wednesday, January 27, 2016

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

7:00 p.m.

A G E N D A

RECEIVED & RECORDED IN
NEWINGTON JAN 27 2016

2016 JAN 21 PM 2:41

Town of Newington
Town Clerk

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL AND SEATING OF ALTERNATES**
- III. APPROVAL OF AGENDA**
- IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)**
- V. REMARKS BY COMMISSIONERS**
- VI. PUBLIC HEARING**
 - 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.
- VII. APPROVAL OF MINUTES**
 - a. Regular Meeting January 13, 2016
- VIII. NEW BUSINESS**
 - 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. Discuss Zoning for TOD (Transit Oriented Development).
 - c. Discuss on-going review of Zoning Regulations
- IX. OLD BUSINESS**
- X. PETITIONS FOR PUBLIC HEARING SCHEDULING**
 - a. Special Permit (Church Bulletin Board) at 580 Church Street. Southern New England Conference Association of Seventh Day Adventists, owner/applicant; Jeff Linthwaite, P. O. Box 1169, S. Lancaster MA, contact.

XI. TOWN PLANNER REPORT

a. Town Planner Report for January 27, 2016

XII. COMMUNICATIONS

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

XIV. REMARKS BY COMMISSIONERS

XV. CLOSING REMARKS BY THE CHAIRMAN

XVI. ADJOURN

Submitted,



Craig Minor, AICP
Town Planner



Tanya D. Lane
Acting 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 21, 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 a portion of the building in the rear of the parcel at 596-600 North Mountain Road. The applicant submitted a detailed letter explaining the operation and the program (attached).

Staff Comments:

At the meeting on January 7, 2016 the TPZ agreed that this application appears to fall into the category of "child care center", which is allowed per Section 3.2.9 in all zones by special permit.

There are several special conditions for a child care center, but only one that is of concern:

- A. The lot shall have adequate size and frontage for the safe pick-up and drop off of users, and sufficient onsite parking for staff and visitors.

"Safe pick-up and drop off of users": According to the applicant, the children who participate in this program are not "dropped off", but are brought by their parents. In other words, all that is needed is a standard parking space:

"Autism Families CONNECTicut does not offer respite or drop off care so we do not have parents drop off and leave. Rather, parents stay on the premises and we have space for them to relax while their child participates in our programs."

“Sufficient parking for staff and visitors”: According to the applicant, they have 15 parking spaces dedicated during normal business hours, and access to the entire lot “after hours”:

“Our programs have 1 staff/volunteer to every 3 participants. In many cases, particularly with our younger children, we have 1:2 or even 1:1 participant to staff/volunteers.

As to parking spaces, we have 15 dedicated parking spaces during business hours and we are able to use the entire parking lot after hours. As our programs are primarily on the weekends, the majority of our traffic will be during off peak hours. We currently have 2 staff who work during the day and with volunteers, we could have 5 or 6 people working in the office during regular business hours.”

In our biggest program, which is our monthly teen nights, between participants, staff and volunteers, we have about 25 cars.

These were my only concerns with this application.

cc:
file



Petition # 0-16

TOWN OF NEWINGTON
PLANNING DEPT.
TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 600 North Mountain Rd ZONE: Industrial

APPLICANT: AUTISM FAMILIES CONNECT, INC TELEPHONE: 860-474-3444

ADDRESS: P.O. Box 370162 W. Hartford, CT 06137 EMAIL: INFO@AUTISMFAMILIESCT.ORG

CONTACT PERSON: MARY HELEN RITCHIE TELEPHONE: 860-474-3444

ADDRESS: P.O. Box 370162 W. Hartford, CT 06137 EMAIL: MARY HELEN@AUTISMFAMILIESCT.ORG

OWNER OF RECORD: Rondeau Investments, LLC

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

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 3.2.9 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): _____

SIGNATURE:

	<u>12/22/15</u>		<u>12/22/15</u>
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.

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, SPUR
Christina Kiley, BCBA
Jim Procaecini
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.

Creating Active Lives on the Spectrum

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



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.



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.



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.



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.





Newington GIS Web Map



Legend

Parcel

2008 color aerial photo

Red: Band_1

Green: Band_2

Blue: Band_3

Rail Road Line

Hydrography

Water

Swamp area

Stream

Vegetation Area



1: 576

Printed: 12/14/2015 1:32 PM

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.

96.0 Feet

48.00

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96.0

Notes

Notes



Tanya D. Lane
Acting 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 *CM*

Date: January 20, 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 Vallabdhham temple at 26 Church Street. "Adult Day Care" is allowed by special permit in all residential zones.

Staff Comments:

"Adult Day Care" is an activity allowed per Section 3.2.9 in all zones by special permit. There are some conditions that apply to day cares per Section 3.2.9, and several conditions that apply to all special permit activities.

3.2.9 Group Day Care Homes and Child Care Centers, and Adult Day Care Centers (Effective 12-1-01) subject to the following conditions:

A. The lot shall have adequate size and frontage for the safe pick-up and drop off of users and sufficient onsite parking for staff and visitors. (Effective 12-01-01)

I believe this requirement has been satisfied.

B. All such uses shall be approved by the appropriate department of the State of Connecticut, and such approvals shall be presented prior to issuance of the certificate of occupancy. (Effective 12-01-01)

If approved, this will be a Condition of Approval. The ZEO will verify it before signing off on the Certificate of Occupancy.

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

- C. Any permit issued under this section shall not be transferable, but may be revoked for good cause after a public hearing.

Understood.

- D. A zoning permit will be issued for two (2) years and coincide with the state license or renewal date. The permittee must apply to the Building Department for permit renewal. The permit shall be issued without hearing upon verification that conditions of the Special Exception and site plan approval are in compliance. The permit shall become null and void if not renewed.

If approved, this will be a Condition of Approval.

- E. Renewals shall be applied for no later than 45 days prior to expiration. The permit shall continue in effect until the renewal application is acted upon by the Building Department.

If approved, this will be a Condition of Approval.

- F. All day care centers shall register with the Building Department.

If approved, this will be a Condition of Approval.

- G. If the proposed location of such use is in a residential zone, the following additional requirements shall apply:

- 1 The building in which such use is conducted shall be occupied as the primary residence of the applicant.

Not applicable, since this applies to in-home day care.

- 2 No announcement sign shall be permitted exceeding two (2) square feet in area.

Understood.

- 3 The building floor area devoted to the conduct of said activity shall not exceed twenty-five (25%) of the floor area of the building.

Not applicable, since this applies to in-home day care.

- 4 Any parking proposed or required in excess of two (2) spaces shall be behind the building line and shall be so screened or hidden from view that no intrusion is made in the residential integrity of the neighborhood.

Not applicable, since this applies to in-home day care.

- 5 The Commission shall review the application with specific attention to the impact of such use on the residential character of the neighborhood.

This is a judgment call for TPZ to make. In my opinion, "impact" includes tangible issues such as noise, light, parking, crowding, trash, smoke, odors, etc. as well as intangible issues such as the character of the neighborhood, privacy, etc.

Tangible Issues: The applicants have said that the day care will operate during normal business hours, so it does not appear that there will be a problem with noise. The applicants have also agreed to have the dumpster pickup take place after 7 am, which can be a Condition of Approval. The parking lot is more than adequate to accommodate the parking needs of the staff. Participants will be brought to the site and taken home by van, so there is no parking or safety issue.

Intangible Issues: The building and the parking lot are already there, and worshippers are already using the building, so I don't believe the day care activity will have any additional intangible impact on the neighborhood.

The following excerpt from Section 5.2 pertains to all special exception applications:

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

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

I think it is reasonable to conclude that Newington needs more adult day care. I wish the applicants had made some attempt to quantify the presumed unmet need, but they didn't.

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

This is subjective, but I don't believe adult day care will impact the existing and future character of the neighborhood.

- 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.

Not applicable, since no new construction is involved.

- 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 effected. 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.

I believe the applicants have addressed this satisfactorily.

- 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)

Not applicable.

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

Not applicable.

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

The temple owners have said that they intend to install a fence around the property, with or without this adult day care activity. I think that, plus the promise to have trash pickup take place after 7 am, will safeguard adjacent property.

I believe the Commission members understand that the issues the neighbors have had with the religious activities of the temple (open burning, fireworks, late night assembly, excessive traffic, noise, and trash) are not relevant to this application.

There has been considerable discussion about the for-profit status of the applicants. In my opinion this is not relevant to the decision at hand. TPZ's responsibility is to regulate land use so as to promote and protect the public health, safety, and welfare. In a general sense TPZ is concerned with business opportunities, growing the grand list, and economic development, but that concern is Town-wide – not with any one business. It has been said that this applicant will have an unfair advantage over adult day cares that do not pay property taxes. That may be true, but I don't believe it should be a factor in making this decision.

cc:
file



Tanya D. Lane
Acting 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 *CM*
Date: January 21, 2016
Subject: Zoning for Transit Oriented Development (TOD)

At the meeting on January 13, 2016 I presented the draft regulations for the TOD Overlay District. A couple of changes were suggested, which I have made.

At the meeting Chairman Aieta asked the members to review the draft carefully and come to the next meeting prepared to discuss it in detail.

CC:
file

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Section 3.19A Transit-Oriented Development (TOD) Overlay District

1. General

a. The Transit-Oriented Development (TOD) Overlay District is an overlay of the Planned Business (PD) and Industrial (I) Zones, to allow appropriate development **of properties on Fenn Road and streets adjacent to Fenn Road that are** within walking distance (one-half mile) of the CTfastrak Cedar Street Station on Myra Cohen Way.

b. The use of land, buildings and other structures within the TOD Overlay District shall be established and conducted in conformity with the underlying zoning classification of the Planned Business Zone (PD) and the Industrial Zone (I), and subject to the additional requirements of this Section. This is not intended to prohibit any use otherwise permitted in the PD and I zones. Rather, its purpose is to give property owners the ability to use proximity to CTfastrak to leverage development of greater community and/or economic value.

2. Purpose

a. The purpose of the TOD Overlay District is to promote high quality development within walking distance of the CTfastrak station on Myra Cohen Way which will grow Newington's grand list, create employment, and provide Newington residents with additional retail, commercial, residential and entertainment opportunities.

b. Such development shall be in accordance with the "General Goal" of locating development in places and at densities which support the desired overall character of Newington, including smaller mixed land uses adjacent to transit stations (Page 24 of the 2020 Plan of Conservation and Development).

c. This purpose will be achieved through the following specific objectives:

1. Mixed-use development, which will provide opportunities to live, work, shop, and/or be entertained within a single project, and when appropriate, in the same building.
2. Dining and entertainment clusters.
3. Medical offices and [high tech research].

3. Incentives

a. Development proposals that contain any of the above "specific objectives" may be eligible for the following incentives:

1. Less mandatory landscaping (i.e. more useable floor area).
2. Less mandatory on-site parking.
3. Reduced side yard setbacks.

b. Eligibility for the above incentives will be based on the following:

1. The need for the proposed activity, as determined by the TPZ.
2. The public benefit of the proposed activity, as determined by the TPZ.
3. Public amenities included in the proposed activity.
4. The extent to which the development enhances pedestrian access in and around the TOD Overlay District.
5. Architectural and/or functional compatibility of the proposed activity with nearby buildings and activities.

4. Procedure

a. Any application for approval of an activity that fully complies with the underlying PD or I zoning shall be processed in accordance with Section 3.16, Section 3.17, Section 3.18, or Section 3.19 as appropriate.

b. Any application for approval of an activity that does not comply with the underlying PD or I zoning but includes one or more of the "specific objectives" listed above and/or proposes to utilize one or more of the "incentives" listed above shall proceed in the following manner:

1. The applicant shall apply for a TOD Special Permit in accordance with Section 5.2.

2. The application shall include a detailed description of the activity, and how it promotes the purpose of the TOD Overlay District.

3. If the application proposes to utilize any of the above incentives, the application shall include a detailed description of the following:

- A. The need for the proposed activity, as determined by the TPZ.
- B. Architectural or functional compatibility with adjacent or nearby buildings and activities.
- C. Public amenities included in the proposed activity.

2. The applicant shall apply for Site Plan Approval in accordance with Section 5.3 of the zoning regulations.

Terms and phrases used in this regulations that should be defined:

- 1. "Mixed-use development":
- 2. "Dining and entertainment clusters":
- 3. "[high tech research]"



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 21, 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:

As of this writing I have not cleaned up Sections 4 through 9, but I will try to get that done in time to mail to you prior to the January 27, 2016 meeting.

cc:
file

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www.newingtonct.gov



Tanya D. Lane
Acting Town Manager

TOWN OF NEWINGTON

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Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP
Date: January 21, 2016
Subject: **Petition #02-16: Special Permit (Section 6.2.2.C: Church Bulletin Board) at 580 Church Street. Southern New England Conference Association of Seventh Day Adventists, owner/applicant; Jeff Linthwaite, P. O. Box 1169, S. Lancaster MA, contact.**

Description of Petition #02-16:

The Southern New England Conference Association of Seventh Day Adventists is almost finished constructing this long-delayed church building, and would like to have a sign out in front. Unfortunately the sign regulations do not allow free-standing signs in a residential zone – not even for a church or school.

The regulations do, however, allow “one bulletin board on church or school property”, of a size that is acceptable to the church. After discussing it with Chairman Aieta, the staff suggested to the church that they apply for a “bulletin board” special permit.

Staff Comments:

I recommend the public hearing be scheduled for the next meeting on February 10, 2016.

cc:
file

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CR # 16460

Petition # 02-16

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 580 CHURCH ST ZONE: R-12

APPLICANT: Southern New England Conference Assn. of Seventh-day Adventist TELEPHONE: 978-365-4551

ADDRESS: PO Box 1169 S. LANCASTER, MA 01561 EMAIL: JLinthwaite@SNECOnline.org

CONTACT PERSON: Jeff Linthwaite TELEPHONE: 978-5024897

ADDRESS: SAME AS ABOVE EMAIL: SAME AS ABOVE

OWNER OF RECORD: APPLICANT

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

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
Subdivision
Resubdivision (Public Hearing required).
Special Exception per Section 6.2.2 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
Site Plan Approval or Modification

Other (describe in detail, or attach): Permit for installation of a road side sign, indicating the name, denomination, phone number and days of services. SE 6.2.4 signs

SIGNATURE: [Signature] APPLICANT DATE 1/15/16 OWNER SAME DATE 1/15/16

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.

Minor, Craig

From: Jeff Linthwaite <JLinthwaite@sneconline.org>
Sent: Thursday, January 21, 2016 9:27 PM
To: Minor, Craig
Subject: RE: 580 Church Street Sign Application

Dear Mr Craig Minor, AICP

The Southern New England Conference Association of Seventh-day Adventist and the Three Angels Seventh-day Adventist Church, located at 580 Church Street is applying for permission to have a sign erected on our property.

We have contracted with Bianca Signs located at 99 Newington Ave New Britain, CT 06051 to draft the design.

They have assisted us to design a sign that meets the guidelines of the town of Newington while identifying who we are. We believe this sign will be long lasting and low maintenance. Due to the season, our anticipated installation time frame is late February or early March 2016. We have submitted a rendering of the proposed sign. At some date in the future we anticipate adding LED lighting, being very careful not to affect drivers on Pane Road.

The design we have chosen will display our International church logo, name, phone number and service times. We would like to place the sign on Pane Ave so that it would be visible from traffic passing by both East and West. A portion of the Site Plan showing the intended location of the sign has been provided. The sign would be on the same street as our entrance to identify us clearly to those seeking to find our building.

We believe that to serve the community best a sign identifying who we are how to contact us and our service times is essential. It is our goal to install and maintain a sign that is an attractive and functional addition to the property.

Sincerely;

Jeff Linthwaite
Property Manager
SNECA of SDA

-----Original Message-----

From: Minor, Craig [mailto:CMinor@NewingtonCT.Gov]



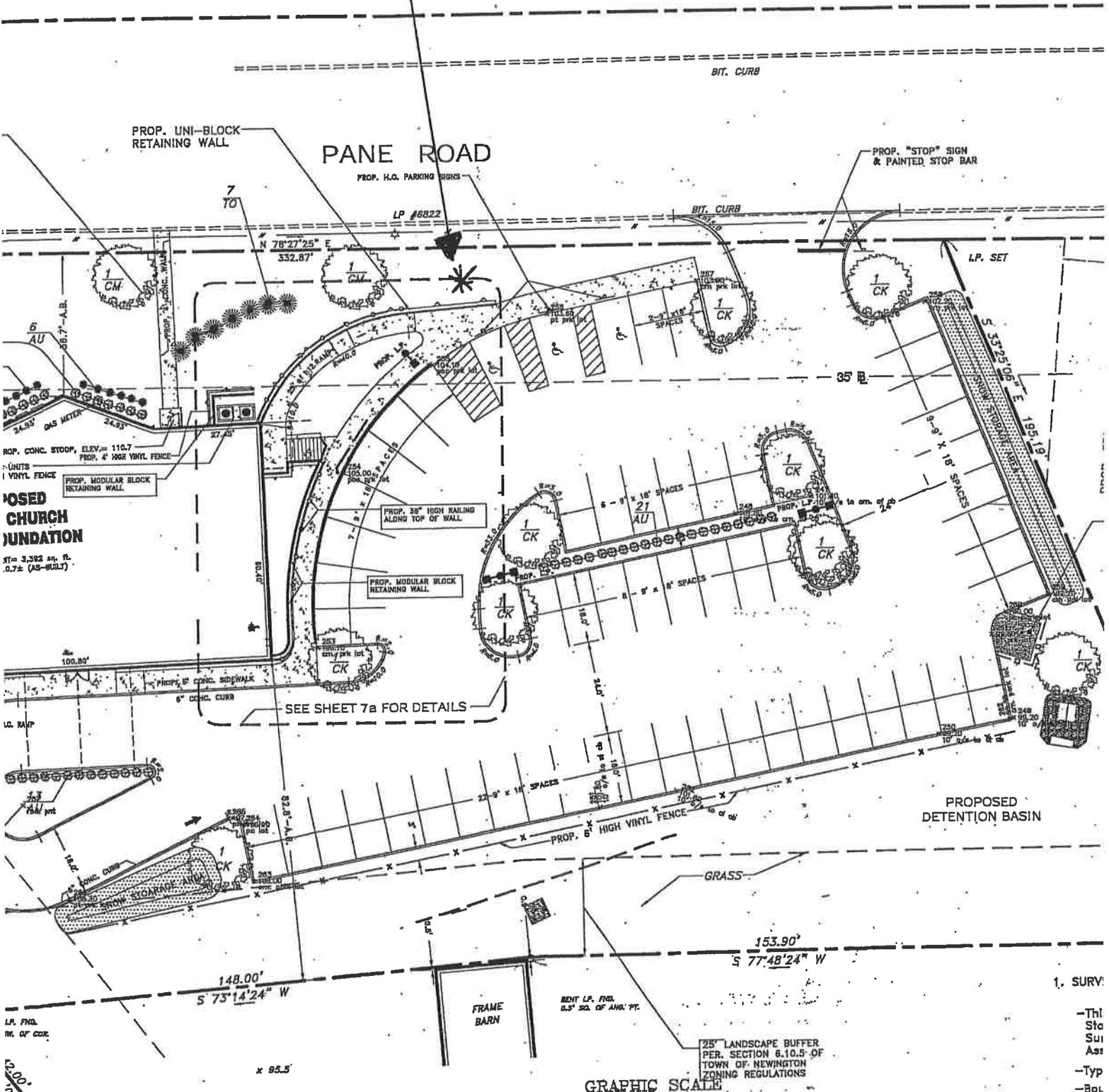
- Colors to Match Sketch
- Routed Sign Foam Material; 2" Thick; 15lb
- Painted Letters

*Proposed location of sign

70' from parking entrance & 4'-6' outside the ROW

LED lighting, mounting location TBD (on sign or ground)

15' From edge of curb to edge of sign.



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GRAPHIC SCALE

25' LANDSCAPE BUFFER PER SECTION 6.10.5 OF TOWN OF NEWINGTON ZONING REGULATIONS

0.00'

x 95.5'



Tanya D. Lane
Acting 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 21, 2016
Re: **Town Planner Report for January 27, 2016**

1. Zoning Enforcement Issues Raised at Previous TPZ Meetings

a. Vallabhdham Hindu Temple:

Earlier this month Attorney Paul Doyle submitted to me the attached proposed "Memo of Understanding" with list of issues and proposed remedies. He also sent this document and list to the temple's neighbors, as he reported to you at the final public hearing on the adult day care application. I have forwarded it to the Acting Town Manager for her endorsement, as I told you I would do in my previous Town Planner report.

2. Status of Town Center Streetscape Phase VI

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.

As I reported in my last report, the project has been narrowed down to three options representing different configurations of amenities and project limits, all within the budget. These will be presented to the Mayor and the Acting Town Manager next week, and then to the "stakeholders" (local residents and merchants). The final design will be presented to the Town Council for its approval.

3. Solar Panels at Corbin Russwin in Berlin

At the last TPZ meeting I was asked about the extensive number of solar panels being installed on the grounds of the Corbin Russwin plant on Episcopal Road in Berlin (Church Street in Newington). I said that I had contacted the Town Planner in Berlin and asked her if Corbin Russwin would be willing to take the row of arbor vitae shown on the site plan for the east side of the property, and extend it up and around the north side of the property, so as to screen it from view from Newington residents. She subsequently replied, saying that she had conveyed our request to the consulting engineer for the project. As of this writing she has not heard back from him yet.

cc:
file

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

HENEGHAN, KENNEDY & DOYLE, L.L.C.

ATTORNEYS AND COUNSELORS AT LAW

DANIEL H. KENNEDY, JR.
PAUL R. DOYLE
DANIEL H. KENNEDY, III
MICHAEL H. HENEGHAN
1940-2015

WEST HILL CENTER
21 NEW BRITAIN AVENUE
ROCKY HILL, CT 06067-1100
TELE: (860) 563-0127 FAX: (860) 563-4711
E-MAIL: hkd@hkdlaw.com

January 13, 2016

RE: Draft Memo of Understanding

Dear Neighbor of Vallabhdham Hindu Temple:

I am writing on behalf of the Vallabhdham Hindu Temple which is located at 26 Church Street in Newington which is near to your home.

As you are aware, on December 16, 2015, the Vallabhdham Hindu Temple sponsored a public meeting at the Newington Town Hall at which you were invited and several of your neighbors attended and expressed their thoughts regarding the Temple's events and its building grounds.

After the meeting, I, as attorney for the Temple, and Craig Minor, the Newington Town Planner, met to put together a draft Memorandum Of Understanding that details the issues raised at the Temple's foregoing public meeting and provides some proposed solutions to the issues raised.

I have enclosed the draft Memorandum Of Understanding that I welcome you to review. If you have any thoughts regarding this draft Memorandum Of Understanding, I ask that you send me your thoughts via mail or email (paul@hkdlaw.com) on or before Wednesday, January 27, 2016.

It is the intention of the Town of Newington and the Temple to sign this Memo of Understanding in the near future.

Thank you for your time.

Very truly yours,



Paul R. Doyle

Encl.
PRD: jz

DRAFT

1/13/16

MEMORANDUM OF UNDERSTANDING

WHEREAS, **ROGER DESAI**, in his current capacity as President of the Vallabhdham Hindu Temple (hereafter "Temple") located at 26 Church Street in Newington, Connecticut, is duly authorized to sign this Memorandum Of Understanding on behalf of the Board of Directors of the Temple.

WHEREAS, **TANYA LANE**, in her current capacity as Acting Town Manager in the Town of Newington, Connecticut, is duly authorized to sign this Memorandum Of Understanding on behalf of the Town of Newington, including its citizens.

WHEREAS, at a certain public meeting held on December 9, 2015, in the Newington Town Hall, neighbors of the Temple presented concerns to the Temple of the Temple's impact on them at certain large religious services held on the grounds of the Temple.

WHEREFORE, as a result of the foregoing concerns raised by the neighbors of the Temple, the Attorney for the Temple and the Newington Town Planner met and compiled a list of the concerns raised by the neighbors and formulated potential solutions to neighbors' foregoing concerns. The neighbors concerns and the proposed solutions are as follows:

SEE ATTACHED SCHEDULE A

The Temple will use its best efforts to achieve and adhere to the terms and conditions of this Memorandum Of Understanding.

Dated this ___ of January 2016.

VALLABHDHAM HINDU TEMPLE

TOWN OF NEWINGTON

By: _____
Roger Desai
Its President
Duly Authorized

By: _____
Tanya Lane
Its Acting Town Manager
Duly Authorized

DRAFT

DRAFT 1/13/16

SCHEDULE A

Issues Raised By Neighbors Of Temple At December 9, 2015, Public Meeting

Residents' Issue	Potential Solution	Comments
1 Lighting from the Temple driveway and Temple Premises shines into neighbors' properties.	The Temple will seek to change relevant light bulbs to softer bulbs and, to the extent possible, turn away the lighting from the neighbors' properties. As requested by Newington Police, Temple will rent temporary lights for large religious services.	It was noted that recent decision by the Temple to turn off the lights at 10:00 pm was helpful and minimized the lighting impact.
2 Noise emanating from the Temple.	The Temple will strongly encourage and direct its membership to leave the premises quietly, especially late at night to minimize noise.	
3 Traffic at and around the Temple during large religious services.	The Temple will hire police to assist with the traffic flow at large religious services. The Temple will create a shuttle system for offsite parking for large religious services. The Temple will post temporary "No Parking Signs" on Church Street in front of the Temple to minimize traffic congestion during the large religious services.	
4 Trespassing on neighbor's property during religious services.	Installation of a fence on the borders with the neighbors to minimize any trespassing on the neighbors' properties.	
5 Trash, beer cans, and other debris thrown on neighbors' properties during large religious services.	Installation of a fence on the borders of the neighbors' properties should minimize the throwing of garbage. In addition, promptly after each large religious service, the Temple will deploy members to pick up garbage on the neighbors' properties.	
6 Noise emanating from the Temple entrance in the evenings.	The Temple will explore ways to minimize noise at large religious events.	
7 Alleged lighting of illegal fireworks.	The Temple leadership only uses legal fireworks during its religious services and will continue to strongly discourage any member or guest from lighting any illegal fireworks on the Temple premises.	
8 Neighbor communication with Temple membership for issues.	The Temple will designate one person to be the Neighborhood Liaison who will be specifically charged with being the Temple contact for all neighbors so neighbors will have one person to communicate with if they have any questions or complaints about the Temple. The Neighborhood Liaison should provide the neighbors with his or her cellphone and be readily accessible to the neighbors.	

DRAFT

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1/13/16

9	Complaints that the wind carried some of the fireworks residue onto neighbors' property.	The construction of the fence abutting the neighbors' boundary line should limit said fireworks residue. The Temple will also be aware of any wind prior to them discharging any fireworks to minimize any impact to neighbors.	
10	Sufficient pickup/emptying of dumpster on Temple premises.	The Temple will ensure that their dumpsters are promptly emptied once they become full.	There is a specific exception in the Newington Zoning Regulations that allows garbage haulers to empty garbage bins early in the morning. Thus, early garbage collections cannot be changed or eliminated.
11	A request for education session for the neighborhood and town of the Temple's Hindu religion.	The Temple leadership will work to schedule a seminar at the Temple about the basic precepts of the Hindu religion and invite the neighbors and town in general to attend this educational event.	
12	A request that neighbors be given prior notice of the annual large religious services.	On an annual basis the Temple will mail to their immediate neighbors a list of the year's annual large religious services so prior notice is provided.	
13	Lighting of religious fires near the boundary lines of neighbors.	Any such religious fires will be lit sufficiently away from the neighbor's property line to minimize any negative impact.	
14	Pursuing town permits for tents for the large religious services.	The Temple leadership will obtain permits from the Town of Newington for all tents rented for their large religious services.	

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