



TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
Wednesday, October 28, 2015

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

7:00 p.m.

AMENDED **A G E N D A**

RECEIVED & RECORDED IN
NEWINGTON TOWN RECORDS

2015 OCT 22 PM 2:20

BY *Tanguay*
TOWN CLERK

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

III. APPROVAL OF AGENDA

IV. PUBLIC HEARINGS

- a. Petition #31-15: Zoning Text Amendment (Section 3.22.1.C: Commercial Vehicle in Residential Zones) to change the definition of "commercial vehicle". Newington TPZ, applicant/contact. Continued from September 9, 2015. Continued from October 14, 2015.
- b. Show Cause Hearing to Revoke Special Permit #16-14: Special Exception (Section 3.15.3: Outside Restaurant Seating) at 3260 Berlin Turnpike ("Plaza Azteca Restaurant"). Hector Angel, owner; Manuel Rubio, applicant/contact. Continued from October 14, 2015.
- c. Petition #37-15: Special Permit (Section 3.2.1: Church) at 800 North Mountain Road. Hartford Liederkrantz Inc., owner; St. Thomas Indian Orthodox Church, applicant; Rev. Fr. Abraham Philip, 10 Lantern Road, Newington CT, contact. Continued from October 14, 2015.
- d. Petition #39-15: Special Permit (Section 3.11.1: Health Club) at 135 Lowery Place. Lowrey Place Realty LLC, owner; Connecticut Kenpo Karate, applicant; Wayne Tanguay, 48 Buckingham Street, Newington CT, contact. Continued from October 14, 2015.

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

VI. REMARKS BY COMMISSIONERS

VII. MINUTES

- a. Regular Meeting September 24, 2015
- b. Special Meeting September 24, 2015

VIII. NEW BUSINESS

- a. Petition #30-15: Site Plan Modification at 80 Fenn Road. Fenn Road 80 LLC, owner/applicant; Joseph Sullo, 312 Murphy Road, Hartford CT, contact.
- b. Petition #29-15: Special Permit (Section 3.2.5: Convalescent Home) at 238, 256, and 268 New Britain Avenue ("Bel-Air Manor"). Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.

- c. Petition #28-15: Site Plan Modification at 238, 256, and 268 New Britain Avenue (“Bel-Air Manor”). Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.
- d. Discuss Zoning for TOD (Transit Oriented Development).
- e. Bond Reduction for Shady Hill subdivision.
- f. Bond Reduction for Packard’s Way subdivision.

IX. OLD BUSINESS

- a. Petition #38-15: Special Permit (Section 3.11.6: Restaurant) at 39-41 Market Square. Sarjac Partners LLC, owner; Nichole Vega and Michelle Dickenson, applicants; Nichole Vega, 163 Francis Street, New Britain CT, contact.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

- a. Petition #40-15: Zoning Text Amendment (various sections) to allow second and third floor apartments in business buildings per Section 3.13.3 in all Business zones. Thermopylae LLC, applicant; Mark DuPre, 49 Mountain Road, West Hartford CT, contact.
- b. 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; Srichin Patel, 69 Cherrywood Drive, Nashua NH, contact.

XI. TOWN PLANNER REPORT

- a. Town Planner Report for October 28, 2015

XII. COMMUNICATIONS

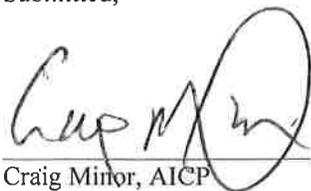
XIII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

XIV. REMARKS BY COMMISSIONERS

XV. CLOSING REMARKS BY THE CHAIRMAN

XVI. ADJOURN

Submitted,



Craig Minor, AICP
Town Planner

STAFF REPORT
“Commercial Vehicle” Definition

October 20, 2015

Petition #31-15:

Zoning Amendment (Section 3.22.1.C: Commercial Vehicle in Residential Zone).
Town Plan and Zoning Commission, applicant.

Description of Petition #31-15:

This is a revision to the current definition of “commercial vehicle” as it applies in a residential zone. The proposed amendment was drafted by Assistant Town Planner/Zoning Enforcement Officer Mike D’Amato based on his prior experience as ZEO in the Town of Somers, CT and research he has done on other towns.

Staff Comments:

The public hearing was been kept open at the last meeting to allow for more public input.

I sent a copy of the proposed amendment to the Executive Director of the Newington Chamber of Commerce and asked her to forward it to whomever she thought appropriate.

cc:
file

Text to be removed is shown in ~~bold strikethrough~~. Text to be added is shown in **bold underline**.

Section 3.22 **Accessory Buildings and Uses Permitted in Residential Zones**

3.22.1. Accessory Buildings and Uses Permitted

C. **Commercial Vehicles:**

1. A commercial vehicle ~~not larger than one ton and~~ customarily used by the resident for transportation is permitted for each dwelling unit. Such vehicle may be parked on a lot, but shall not be parked in the front yard or in the street right of way ~~and must be owned by the resident.~~
2. **“Commercial Vehicle” is any vehicle or piece of equipment used to carry, deliver, handle or transport goods in the conduct of business, profession, or trade. Commercial vehicles include:**
 - a. **Step vans, cargo vans, box trucks, flat bed or stake bed trucks, buses, semi-trailers, tractor trailers, dump trucks, wreckers and trailers used for commercial purposes.**
 - b. **Heavy-duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment.**
 - c. **Any vehicle outfitted with a backup alarm.**
 - d. **Any vehicle with more than 2 square feet of signage affixed to the outside, not including registration and license information identifying the owner/occupant as required by the Department of Transportation and the Department of Consumer Protection.**
 - e. **Any vehicle which has two (2) or more of the following characteristics:**
 1. **Exceeds a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds;**
 2. **Exceeds seven (7) feet in height from the base of the vehicle to the top;**
 3. **Exceeds twenty (20) feet in overall length;**
 4. **Has more than two (2) axles;**
 5. **Has more than 4 tires in contact with the ground;**
 6. **Used or built to carry more than 8 passengers;**
 7. **Designed to sell food or merchandise directly from the vehicle or trailer itself;**
 8. **Has modifications or attachments including but not limited to a plow, platform rack, hoist, spreader or hopper.**
3. **Personal vehicles used for the transportation of handicapped person(s) shall be exempt.**

Section 3.24 Prohibited Uses

3.24.9 In all residential zones, construction equipment including but not limited to flat beds, stake bed trucks, buses, semi-trailers, tractor trailers, large dump trucks, wreckers, heavy-duty earth moving equipment, cement mixers or other similar type equipment unless operated in conjunction with an approved construction activity.

Section 3.4 Special Exceptions Permitted in All Residential Zones

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission in any residential zone, subject to the following conditions and the provisions of Section 5.2 and 5.3.

3.4.8 More than one commercial vehicle as defined by Section 3.22

Section 9.2 Definitions

YARD: The open space that lies between the main exterior wall of the principal building and the nearest lot line.

STAFF REPORT
Plaza Azteca Special Permit Revocation

October 20, 2015

**Revoke Special Permit #16-14: Special Exception (Section 3.15.3: Outside Restaurant Seating)
3260 Berlin Turnpike (“Plaza Azteca Restaurant”)
Hector Angel, owner; Manuel Rubio, applicant/contact.**

Description:

An incident occurred on May 5, 2015 at the Plaza Azteca restaurant at 3260 Berlin Turnpike in connection with the “Cinco de Mayo” special event conducted there. The numbers of customers inside the building exceeded safe levels, resulting in an Incident Report filed by the Newington Police Department and the closing of the restaurant by the Newington Fire Marshall. The applicant apparently has not complied with one or more of the “conditions” of Special Permit #16-14. The TPZ is therefore considering revoking the third year of the three-year Special Permit #16-14. The purpose of this hearing is to give the applicant the opportunity to tell the TPZ what happened that night, and to say why the permit should not be revoked.

Staff Comments:

The manager of Plaza Azteca called me the Thursday after the October 14 meeting to say that he did not know about the continued hearing because he received the agenda the day after the meeting. As of this writing he and I keep missing each other on the phone, but I will let him know that he needs to come to the meeting on October 28 and to bring the information that was requested back in September.

cc:
file

STAFF REPORT
Special Permit for Church at 800 North Mountain Road

October 22, 2015

Petition #37-15:

Special Permit (Section 3.2.1: Churches and Places of Worship)

800 North Mountain Road

Hartford Liederkrantz Inc., owner; St. Thomas Indian Orthodox Church, applicant; Rev. Fr. Abraham Philip, 10 Lantern Road, Newington CT, contact.

Description of Petition #28-15:

The applicants would like to purchase the building and conduct religious services there. This is allowed by special permit in all zones.

Staff Comments:

At the public hearing on October 14, 2015 an abutting property owner at 416 Hartford Avenue raised some concerns that the TPZ asked me to look into.

1. MDC Easement: The abutting property owner claimed that there is an MDC sewer easement in his favor on the property at 800 North Mountain Road, and he was concerned that the church use could somehow impact that easement. As of this writing I have not completed my research so I cannot confirm or deny that claim, but I will be able to at the meeting.

2. Future Alcohol-related Use: The abutting property owner also asked if, should this application be approved, he would be able to convert his auto-related business to one that serves alcohol at some time in the future.

Section 6.6.3.A states that no alcohol-related use may be located within 500' of a college, school, church or hospital. The only alcohol-related use allowed in the I zone is a "fraternal organization" that holds a liquor license. Per Section 6.6.3.B any such club would have to be at least 1,500 feet from any existing club. There are currently two fraternal organizations on North Mountain Road within 1,500 feet of 416 Hartford Avenue - the Portuguese Club at 730 North Mountain Road, and the Hartford Saengerbund at 719 North Mountain Road. 416 Hartford Avenue is therefore not able to conduct an alcohol-related use.

cc:
file

STAFF REPORT
Special Permit for Kenpo Karate at 135 Lowrey Place

October 22, 2015

Petition #39-15:

Special Permit (Section 3.11.1: Health Club)

135 Lowery Place

Lowrey Place Realty LLC, owner; Connecticut Kenpo Karate, applicant;

Wayne Tanguay, 48 Buckingham Street, Newington CT, contact.

Description of Petition #39-15:

The applicants would like to move their existing karate studio from 66 Market Square to a vacant store in the Best Yet Market plaza. "Health club" is allowed by special permit in the B-TC zone.

Staff Comments:

This hearing was kept open to comply with the legal notice requirements for public hearings.

Assuming nothing derogatory comes up at the hearing, I have no objection to approving this application.

cc:
file

STAFF REPORT
Site Plan Modification for Parking Lot Improvements
at 80 Fenn Road

October 22, 2015

Petition #30-15:

Site Plan Modification (Section 3.16.1: Processing or Assembly of Components or Goods)
80 Fenn Road
Fenn Road 80 LLC, owner/applicant; Joseph Sullo, 312 Murphy Road, Wethersfield CT,
contact.

Description of Petition #30-15:

The owner of the building at 80 Fenn Road wants to lease space in the building to a material transport business ("Triumvirate"). The prospective tenant needs to be able to bring trucks to the back of the building where they can be temporarily secured in a locked area. Changes to the parking lot, aisles, and landscaping are therefore needed.

Staff Comments:

The Town Engineer has received only some of the information from the applicants that he needs to confirm that the stormwater management design complies with the LID regulations. As of this writing I am therefore not in a position to make any recommendation.

cc:
file

STAFF REPORT
Special Permit for Additions to Bel-Air Manor

October 22, 2015

Petition #29-15:

Special Permit (Section 3.2.5: Convalescent Home)

238, 256, and 268 New Britain Avenue (“Bel-Air Manor”).

Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.

Description of Petition #29-15:

The applicants would like to construct an approximately 12,000 square foot addition onto the existing convalescent home, with approximately 40 additional parking spaces.

Staff Comments:

The public hearing was closed at the previous meeting.

The outstanding issue is the visual impact of the addition and the new parking lot in front of it. The revised plans dated October 13, 2015 deleted all but twelve of the new parking spaces (six parallel to the street, and six along the western lot line), and added a 2' high berm with five ornamental fruit trees east of the existing pine trees, partially screening the addition.

At the public hearing a citizen submitted photographs of the existing pine trees. The absence of any lower branches makes these trees unsuitable for screening. I questioned the lack of any plantings on the east side of the driveway, and that the proposed landscaping creates a visual screen only to the couple of houses directly across the street and not all the other nearby houses. Several Commissioners questioned the need for the row of six parking spaces parallel to the street. Mr. Bongiovanni acknowledged that the existing pines do not provide any screening, and he said that he would talk to the owners about additional plantings.

Section 5.2.5 of the Zoning Regulations states that

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

The size of this building has increased dramatically in the 40 years since it was originally built. The front wall was originally over 500' back from the street, behind a house and a dense double row of white pine trees. Over the years the front wall has moved to 300' from the street, to 100', and now to 45' from the street, with no public hearings until the current application. The “character of the area” on the south side of New Britain Avenue is single family.

Section 5.2.6 of the Zoning Regulations reads as follows (my underlining):

- 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.
 - B. The existing and probable future character of the neighborhood in which the use is located.
 - C. The size, type and location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity.
 - D. Traffic circulation within the site; amount, location and access to parking, and traffic load or possible circulation problems on existing streets or proposed streets and driveways considering impact on existing streets are 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.
 - E. Availability of public water and sewer, and possible overloading of water and sewage systems and the adequacy of the existing off site storm water system serving the property to safely accommodate any increase in drainage. (Effective 12-01-01)
 - F. Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties.

In my opinion the amount of screening shown on the plans revised October 13, 2015 does not adequately abate the visual impact of the addition and the parking lot on the residential character of the neighborhood. Deleting the row of six parking spaces is reasonable, and hopefully the owners will direct Mr. Bongiovanni to add a sufficient amount of additional plantings across the entire front of the site.

The deadline to make a decision on this application is 65 days from October 14, 2015.

cc:
Applicant
Bongiovanni Group Inc.
file

STAFF REPORT
Site Plan Approval for Addition to Bel-Air Manor

October 22, 2015

Petition #28-15:

Site Plan Modification (Section 3.2.5: Convalescent Home)

238, 256, and 268 New Britain Avenue (“Bel-Air Manor”).

Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.

Description of Petition #28-15:

The applicants would like to construct an approximately 12,000 square foot addition onto the existing convalescent home, with approximately 40 additional parking spaces.

Staff Comments:

The applicants have addressed most of the items in my letter dated September 16, 2015 with a few minor exceptions that I feel can be addressed as a “condition of approval”. As of this writing I have not received comments from the Town Engineer but I should have them prior to the meeting on October 28, 2015.

The landscape screening/buffer issue is better addressed as part of the special exception approval process.

This site plan has been approved by the Conservation Commission.

cc:
file



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: October 22, 2015
Re: Zoning for TOD

At the last meeting, I suggested TPZ conduct a “visual preference survey” (VPS) to find out what type of TOD development would be acceptable to the residents of Newington Junction and to the other citizens of Newington. The Commission was very receptive to this idea.

A VPS is a process that starts with a set of photographs of buildings, streets, sidewalks, shopping areas, parks, and other examples of a neighborhood’s built or natural environment. Photos of buildings of various residential densities and various types of business would be included. The images are usually taken from within the community, although some images may be from other areas if a certain design principle (such as high density housing) cannot be found in the survey area (Commissioner Claffey suggested that it might be better to use photos not from Newington, to provide for a more objective response by the participants). The photos are shown to residents at a public workshop or meeting, and/or on the Town’s website, to get maximum participation. Residents rate each photo; the results are analyzed, and presented to the participants and the general public at a subsequent meeting. In this way, the residents of Newington build consensus on what kind of TOD development they would like to see in Newington Junction and in the Cedar Street CTfastrak station.

A VPS is a process that requires professional assistance, to make sure we “get it right”. I have made inquiries to determine how much should be budgeted for these services, and will have that information at the meeting.

cc:
file

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



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 *CM*
Date: October 22, 2015
Re: **Release of Restrictive Covenant at Shady Hill Lane ("Harvest Ridge")**

Last year the developer of the Harvest Ridge subdivision on Shady Hill Lane got permission from TPZ to file a "restrictive covenant" in lieu of posting a performance bond. Under the terms of a restrictive covenant, the developer agrees to not sell any lots until the subdivision is either complete or a performance bond is posted for any remaining work. The restrictive covenant is filed on the land records, and when the subdivision is done (or a performance bond is posted), a second document is filed releasing the covenant.

The developer has completed a substantial amount of the work and would now like to post a bond to cover the remainder. The Town Engineer has inspected the site, and recommends the bond be in the amount of \$50,500.

I therefore recommend that TPZ vote to release the restrictive covenant and approve a performance bond of \$50,500.

cc:
Bradford Allen
Town Engineer
file

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

DRAFT SUGGESTED MOTION
Release of Restrictive Covenant and Approval of Performance Bond for the “Harvest Ridge” Subdivision on Shady Hill Lane

October 22, 2015

Release of Restrictive Covenant and Approval of Performance Bond
“Harvest Ridge” Subdivision on Shady Hill Lane
Bradford Allen, developer/applicant

“I move to release the Restrictive Covenant for the “Harvest Ridge” subdivision on Shady Hill Lane, and to approve a Performance Bond in the amount of \$50,500.”

No conditions.

Move/ Second										
	Anest	Serra	Hall	Sobieski	Camillo	Aieta	Andrzejewski	Claffey		
YEA										
NAY										



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 *CM*
Date: October 22, 2015
Re: **Performance Bond Reduction for "Packard's Way" Subdivision**

The developer has completed a substantial amount of work, and has asked to have all but \$14,500 of her \$57,000 performance bond released. The outstanding items are the street trees, some grading on one lot, some corner pins and monuments, and the "as built" survey to be prepared by her surveyor showing that everything is as it should be.

The Town Engineer has inspected the site, and has no objection to this request.

As of this writing the developer has not submitted evidence that the pipe from the double catch basin on Lots #5 and 7 does in fact extend to the property boundary. That will be established by the final as built. If the pipe does not extend substantially to the lot line, I will not recommend the final \$14,500 be released.

cc:
Town Engineer
Donna DiMauro
file

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

STAFF REPORT
***Zoning Text Amendment to allow Second and Third Story
Apartments in All Business Zones***

October 22, 2015

Petition #40-15:

Zoning Text Amendment (various sections) to allow second and third floor apartments in business buildings per Section 3.13.3 in all Business zones.

Thermopylae LLC, applicant; Mark DuPre, 49 Mountain Road, West Hartford CT, contact.

Description of Petition #40-15:

The applicant is the owner of a two-story commercial building on the Berlin Turnpike in the B-BT zone. The building does not have an elevator, so he cannot by Connecticut building code rent the second story as commercial space. He could, however, rent it as an apartment, but the Newington zoning regulations allow second and third floor apartments in the B zone only. He is therefore requesting that the apartment provision in Section 3.13.3 be applied to all business zones in Newington.

Staff Comments:

All town-wide zoning text amendments need to be referred to CRCOG for their review and comment not less than 30 days before the hearing. I have already made this referral, so the public hearing may take place at the meeting on November 23, 2015. This meeting is on Monday, November 23 instead of Wednesday, November 25 due to Thanksgiving.

cc:
file

CR# 181

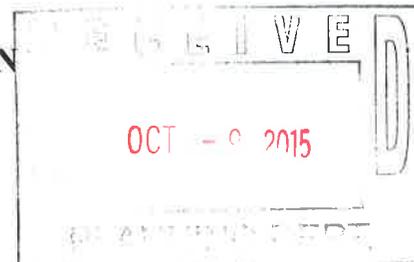
Petition # 40-15



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM



LOCATION OF PROPERTY: 2195 & 2197 Berlin Turnpike, ZONE: B-BT
 APPLICANT: Paul Gallant Thermopylae LLC TELEPHONE: 860-666-9156
 ADDRESS: 2195 Berlin Turnpike, Newington, CT 06111 EMAIL: _____
 CONTACT PERSON: Mark M. DuPre TELEPHONE: 860-670-6069
 ADDRESS: 49 Mountain Rd. West Hartford, CT 06107 EMAIL: Dupredesign@sbcglobal.net
 OWNER OF RECORD: Thermopylae, 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 B-BT 3.15.1. 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 _____ 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>10/8/15</u>		<u>10/8/15</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.



October 7, 2015

Planning and Zoning Department
Town of Newington
131 Cedar St.
Newington, CT 06111

Re: Request for Zoning Regulations Amendment

Dear Sirs/Madam,

Representing Thermopylae, LLC of 2195 and 2197 Berlin Turnpike (a single business use structure); DuPre Design is respectfully requesting consideration of an amendment to section 3.15 and other Business use zones, of the Town of Newington Planning and Zoning regulations and amendments adopted through June 10, 2015. This request is to add the existing language in section 3.13.3 "Uses permitted" as defined in section 3.15. (B-TC zone) to the B-BT zone and all Business "B" Zones,. Section 3.13.3 *Apartments in Business Buildings*, allows apartments in second and third floors of business buildings. This language currently allows apartments in second and 3rd floor business uses but is limited to the B-TC and PD zones.

Currently, the business occupant (tenant) of 2195 Berlin Turnpike, owned by Thermopylae LLC, is requesting permission to reside in the currently unused space on the second floor of the building (2197 Berlin Turnpike). Under the current regulation this is not allowed. By adding the language of section 3.13.3 to the B-BT use group and other Business use groups, the business occupant would be able to reside above the location of their business and expand their business hours. Parking requirements and Building Code compliance will be met as the second floor space is currently un-developed and will require minor renovation to comply with residential building and fire codes. Other facilities within this use group are currently providing residence to upper floor apartments, and appear to be in violation of the current use group regulations. By adopting this requested change, those currently in violation will then be permitted. Given the motels and other businesses in these zones, adoption of this apartment use is logical and will allow for greater census in Newington.

Thermopylae, LLC sincerely appreciates consideration of this request and is available to answer questions or attend a public hearing if required. Attached to this letter is a check as required for an application processing fee for a Zoning Regulations Amendment.

Respectfully submitted on behalf of Thermopylae LLC:

A handwritten signature in black ink, appearing to read "Mark M DuPre Sr.", is written over a horizontal line.

Mark M DuPre' Sr. Assoc AIA
Principal
DuPre' Design

STAFF REPORT
Adult Daycare at 26 Church Street

October 22, 2015

Petition #41-15:

Special Exception (Section 3.2.9: Adult Day Care)

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 operate an adult daycare in this building, which currently serves as a place of Hindu worship and community center.

Staff Comments:

This application arrived today so I have not had a chance to review it thoroughly, but I have discussed it briefly with the applicants. I recommend the public hearing be scheduled for the next TPZ meeting on Thursday November 12, 2015 (not Wednesday, November 11 which is Veterans' Day).

cc:
file

ck #

Petition # 41-15



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 26 Church Street ZONE: R20

APPLICANT: New Life Adult Day care, Inc. TELEPHONE: 98 978-322-0032

ADDRESS: 1251 Pawtucket Blvd #5, Lowell, MA-01854 EMAIL: newlifeddc1@gmail.com

CONTACT PERSON: Sachin B. Patel. TELEPHONE: 603-759-8308 (cell)

ADDRESS: 69 cherrywood Dr. Nashua, NH-03062 EMAIL: newlifeddc1@gmail.com *Preferred*

OWNER OF RECORD: VAISHNAV PARIVAR OF CT, INC

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>S. B. Patel</u> APPLICANT	<u>10-14-15</u> DATE	<u>[Signature]</u> OWNER	<u>10/20/2015</u> DATE
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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.

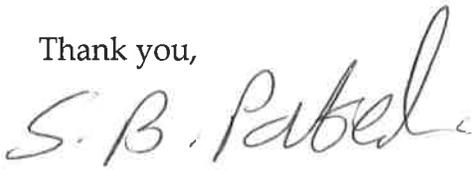
Date October 21, 2015

To,

City Of Newington

My name is Sachin Patel. We would like open an Adult Day Care Center at 26 Church Street, Newington, CT. As I talked to your building department I am sending this request with our company's narrative description & plan along with application form. Please see our philosophy and mission statement.

Thank you,

A handwritten signature in cursive script that reads "S. B. Patel".

Sachin Patel

Philosophy of New Life Adult Day Care

New Life Adult Day Care was founded in 2015 to provide adult medical day care services as an alternative to institutional care such as Nursing Home Placement.

New Life Adult Day Care will provide Adult Medical Day services five days a week from 7:00 AM to 5:00 PM. We would like to open an Adult Day Care Center at 26 Church Street, Newington, CT. Our center setting will offer stimulation and growth for participants with impairments while providing respite for families and caregivers. We are aligned with the following objectives:

- Promote the individual's maximum level of independence.
- Maintain the individual's present level of functioning as long as possible, preventing or delaying further deterioration.
- Restore and rehabilitate the individual to the highest possible level of functioning.
- Provide support, respite, and education for families and other caregivers.
- Serve as an integral part of the community service network and the long-term care continuum.

Mission Statement

New Life Adult Day Care is committed to the Service of the adults with functional health impairment and frail seniors in Newington, CT and surrounding communities.

Above all else, we are dedicated to the care and quality of life of our aging population and adults age 18 and above.

In recognition of this Commitment and Obligation, we will directly provide and advocate for a wide variety of health and social services for our seniors and adults above age 18, at all need levels in the continuum of care.

We include clients and families in all aspects of care and care decisions.

We support the health status and knowledge of local residents; and look to continuously improve quality, service and cost efficiency.

We recognize the desire and ability of all individuals to remain as independent as possible as they do age in place with dignity.

New Life Adult Day Center is a community-based group program designed to meet the needs of adults with functional impairments through individualized plan of care. This structured, comprehensive program provides a variety of health, social and related support services in a protective setting during the day.

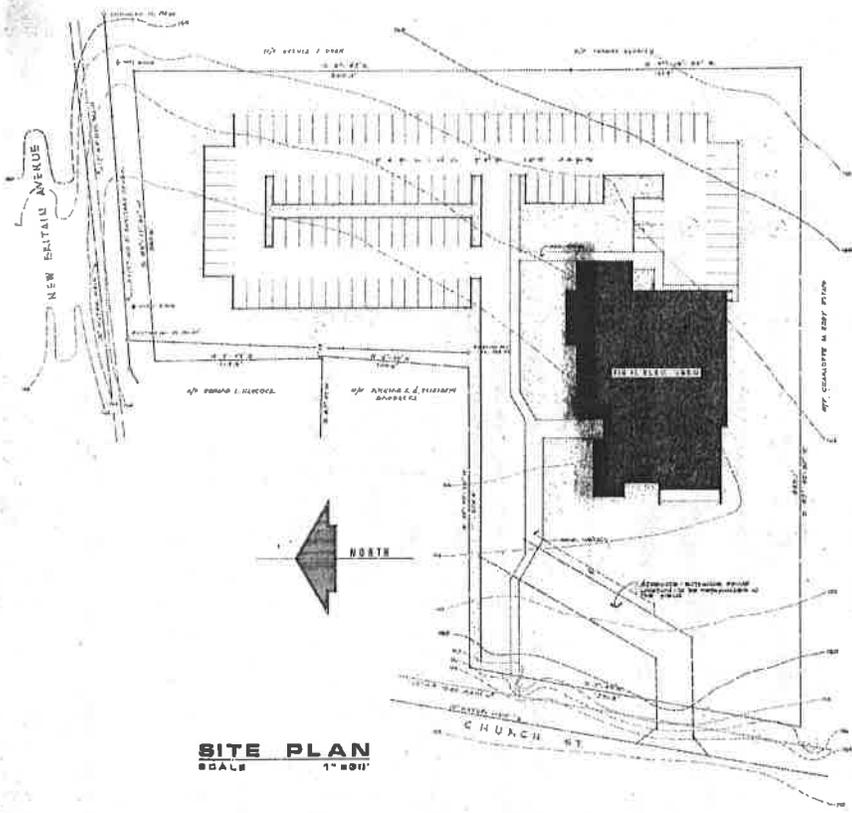
Individuals participating in New Life Adult Day Care attend on a planned basis during specified hours. We propose to assist participants to remain in the community, and this enables families and other caregivers to continue caring at home for a family member with impairment.

Our Care model

We propose the medical model program which may have intensive nursing and rehabilitative services as the primary focus. Participants who attend such programs usually have multiple chronic conditions that require monitoring and/or a nursing intervention, and medication administration at least once during the day.

Services offered

Our Medical model program offers nursing care provided by a registered nurse. The nursing care can include medication administration, wound dressing changes, injections, and overall health monitoring. Our Medical program will also provide or arrange for physical, speech, and occupational therapy. We will also emphasize opportunities for socialization and activities. Additional services that are offered are therapeutic activities; meals and snacks with special dietary accommodations (for example, diabetic or renal diet); curb to curb transportation; social services provided by a licensed social worker; shower or bath; toileting assistance; grooming; and caregiver support. Frequency of each participant's service, as prescribed by his or her attending physician may be from two to five days per week.



SITE PLAN
SCALE 1"=80'

DATE: DEC. 1, 1967
SUPERVISOR:

W. HUGH & ASSOCIATES
ARCHITECTS
17 NO. MAIN ST. W. HARTFORD

CONGREGATION B'NAI SHOLOM
SYNAGOGUE
CHURCH ST. NEWINGTON, CONN.

S I T E
P L A N

A-1



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 *CM*
Date: October 22, 2015
Re: **Town Planner Report for October 28, 2015**

1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:**

None.

cc:
file

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