



TOWN PLAN AND ZONING COMMISSION  
PUBLIC HEARING AND REGULAR MEETING  
Wednesday, April 22, 2015

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. PUBLIC HEARINGS

- a. Petition #10-15: Special Exception (Section 6.2.4: Free-Standing Sign) at 2897 Berlin Turnpike ("Firestone Complete Auto Care"). National Sign Corporation, applicant; SB Newington 433 LLC, owner; Darcie Roy, National Sign Corporation, 780 Four Rod Road, Berlin CT, contact.
- b. Petition #13-15: Special Exception (Section 3.11.6: Restaurant) at 464 New Britain Avenue. Allyn and Linda Brown, owner; Luigi DeNovellis, applicant/contact, 124 Two Stone Drive, Wethersfield, CT.

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

VI. REMARKS BY COMMISSIONERS

VII. MINUTES

- a. Special Meeting March 25, 2015
- b. Regular Meeting March 25, 2015
- c. Regular Meeting April 8, 2015

VIII. NEW BUSINESS

- a. Discuss Possible Moratorium on Higher-Density Residential Development in the CTfastrak Station Neighborhoods.
- b. Petition #09-15: Site Plan Approval (Continuing Care Retirement Community) at 751 Russell Road. HDC ONE LLC, owner; Amara Community Living LLC, applicant; Kari Olson, Esq., CityPlace I, 185 Asylum Street, Hartford CT, contact.

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BY *Tanya D. Lane*  
TOWN CLERK

- c. Petition #11-15: Extension to Site Plan Approval (Section 5.3.8: Time Limit) and Special Exception for Hunter Development at 751 Russell Road. HDC ONE LLC, owner/applicant; Kari Olson, Murtha Cullina LLP, 185 Asylum Street, Hartford CT, contact.

**IX. OLD BUSINESS**

- a. Petition #06-15: TPZ Approval (Section 3.23.1: Accessory Outside Use) for Fireworks Tent Sale at 56 Costello Road (T-Bowl Lanes). Keystone Novelties Distributors LLC, applicant; CMB Inc., owner; Chris Cook, 201 Seymour Street, Lancaster PA, contact.
- b. Petition #08-15: Special Exception (Section 3.2.5: Continuing Care Retirement Community) at 751 Russell Road. HDC ONE LLC, owner; Amara Community Living LLC, applicant; Kari Olson, Esq., CityPlace I, 185 Asylum Street, Hartford CT, contact.

**X. PETITIONS FOR PUBLIC HEARING SCHEDULING**

None.

**XI. TOWN PLANNER REPORT**

- a. Town Planner Report for April 22, 2015

**XII. COMMUNICATIONS**

- a. Labs4rescue adoption event at 745 New Britain Avenue
- b. Letter from Office of Policy and Management re POCD dated April 13, 2015
- c. CRCOG Referral on Proposed City of Hartford Zoning Amendment

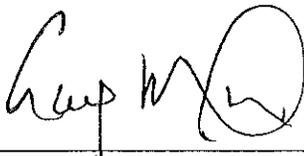
**XIII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)**

**XIV. REMARKS BY COMMISSIONERS**

**XV. CLOSING REMARKS BY THE CHAIRMAN**

**XVI. ADJOURN**

Submitted,



Craig Minor, AICP  
Town Planner



CR# 3006

Petition # 10-15

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 2897 Berlin Tpk ZONE: PD  
 APPLICANT: Darcie Roy National Sign TELEPHONE: 203-949-1154  
 ADDRESS: 780 Four Rod Rd, Berlin CT 06037 EMAIL: jdroyz@comcast.net  
 CONTACT PERSON: Darcie Roy TELEPHONE: 203-949-1154  
 ADDRESS: 780 Four Rod Rd, Berlin CT 06037 EMAIL: jdroyz@comcast.net  
 OWNER OF RECORD: 3B Newington #33 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 (Sign) 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): Install new 31'-8" x 16'-4" (60ft) pylon sign at 18' overall height.

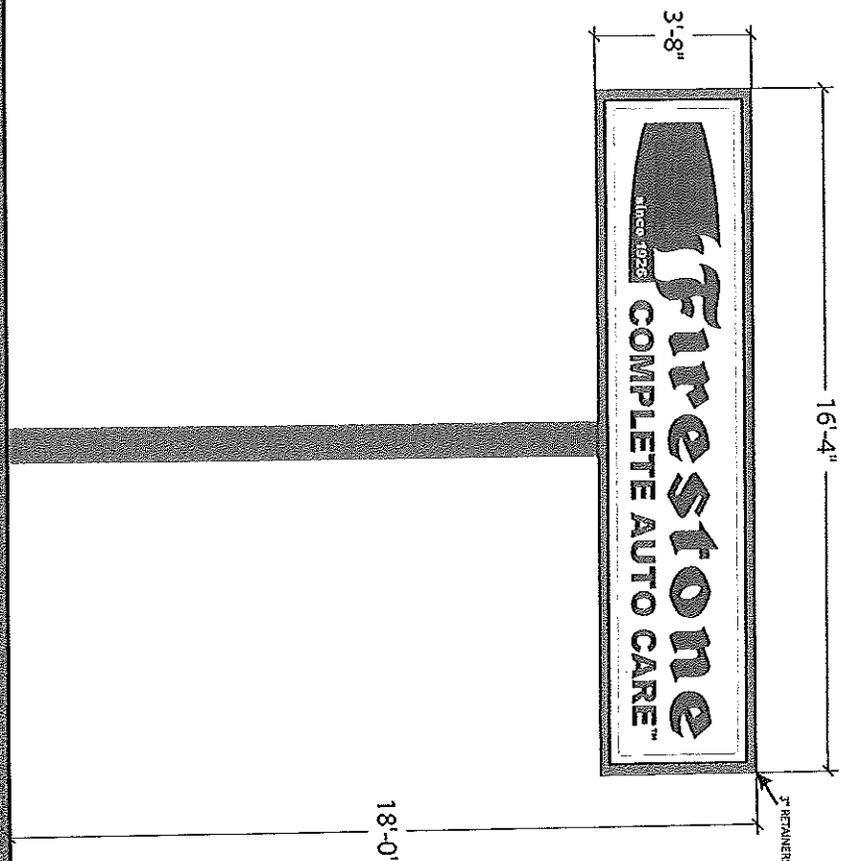
SIGNATURE:

<u>Darcie Roy</u> APPLICANT	<u>3/6/15</u> DATE	<u>See attached</u> OWNER	<u>                    </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.

Install new 31-8" x 161-4" (604) pylon sign at 18' overall height  
 Setback = 35'



ALUMINUM FABRICATED CABINET & RETAINERS, FTD TO MATCH PMS# 300C  
 NEW 3/16" POLYCARBONATE PAN-FORMED FACES W/ EMBOSSED FACES WITH POLYCARBONATE  
 COLORS:  
 (A) TOP PART OF LOGO - 3M DARK RED # 3630-73  
 (B) BOTTOM PART OF LOGO - 3M BRISTOL BLUE # 3630-97  
 (C) FIRESTONE - 3M DARK RED # 3630-73  
 (D) COMPLETE AUTO CARE - 3M BRISTOL BLUE # 3630-97  
 (E) FACE BKGD - WHITE SHO-TIRLU  
 (1) CONCRETE PAD W/ #3 REBAR ON 1" CENTERS - BY G.C.  
 CONCRETE PER REQD. - SIZE & DEPTH VARIES PER LOCAL CODE  
 WALL STEEL SUPPORT REQD. - SIZE & LENGTH VARIES PER LOCAL CODE

**ELECTRICAL ESTIMATE -**  
 TOT AL AMPT. CIRCUITS REQD. = 1  
 VOLTAGE = 120V  
 TOT AL DRAW AMPS (CIRCUIT BREAKERS) = 20



**P** 60 SF. Pylon Sign @ 18' OAH.  
 One required - Manufacture and Install

<b>Design</b>	
Monument / Pylon	
Location	
Address Newington CT	
Acct. Rep.	
Coordinator	
Designer	
Date	
Approval/Date	
Client	
Sales	
Estimating	
Art	
Engineering	
Landscape	
Artst/Date: MR 9/23/2010	
Revisions	
Rev. 1:	MR 1/11/2010
Rev. 2:	MAH 1/1/15
Rev. 3:	MAH 1/1/15
Rev. 4:	MAH 2/24/15
Rev. 5:	MAH 3/5/15
IMPORTANT APPROVAL NOTIFICATION THE PROJECT DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES IN THE JURISDICTION OF THE PROJECT. Author's Signature: _____ Print Name: _____ Date: _____ <input type="checkbox"/> Approved as shown <input type="checkbox"/> Approved with Changes Noted	
2655 International Parkway P.O. Box 5175 Virginia Beach, VA 23450 757-427-1300	
Coverage for the exclusive territory of Architectural designs incorporated hereunder is hereby established by agreement of the parties.	
<b>FINAL ELECTRICAL CONNECTION BY CUSTOMER</b> 	

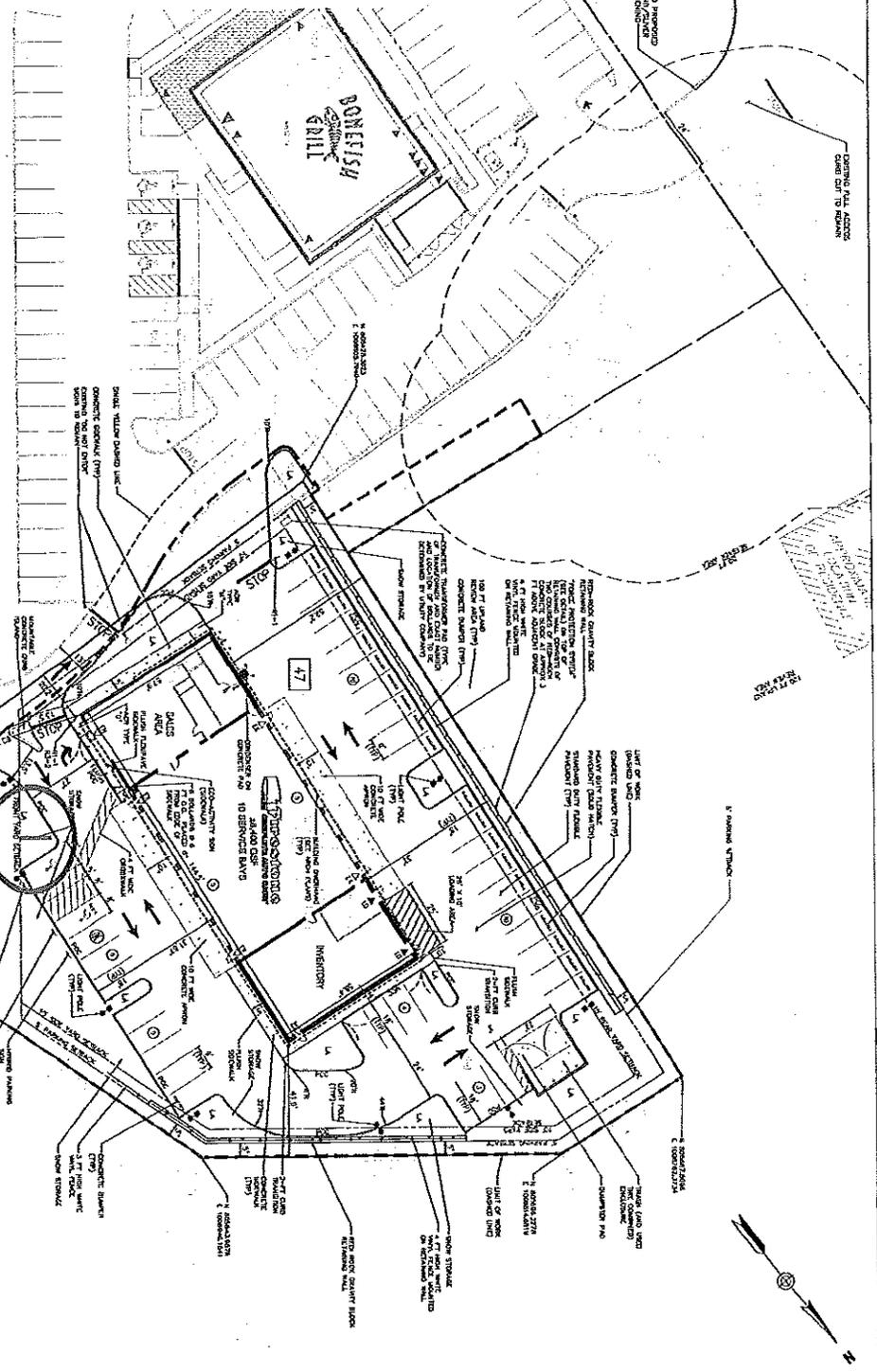
**MAIN STREET  
(CONN. RTE. 176)**

**Parking Summary Chart**

Description	Area	Required	Available	Excess
Handicap Accessible	10 x 10	10	10	0
Standard	10 x 10	10	10	0
Total		20	20	0

**Zone Summary Chart**

Zone	Area	Required	Available	Excess
Commercial	10 x 10	10	10	0
Industrial	10 x 10	10	10	0
Residential	10 x 10	10	10	0
Total		30	30	0



APPROVED BY THE NEWINGTON  
TOWN PLAN AND ZONING COMMISSION  
PETITION NO. 28-12, 28-12, 28-12  
AT THE MEETING OF: 4/18/13  
CHAIRMAN: \_\_\_\_\_  
DATE: \_\_\_\_\_

APPROVED BY THE NEWINGTON  
CONSERVATION COMMISSION  
PETITION NO. 2812.33  
AT THE MEETING OF: 2/28/12  
CHAIRMAN: \_\_\_\_\_  
DATE: \_\_\_\_\_

**BERLIN TURNPIKE  
(U.S. RTE. 5 & CONN. RTE. 15)**

28-124 17 1 1



**Firestone COMPLETE AUTO CARE**  
2903 BERLIN TURNPIKE  
NEWINGTON, CT 06111  
OWNER: WEX-TUCK REALTY, L.L.C.  
121 PARK STREET  
NEW CANAAN, CT 06840

**Firestone**  
COMPLETE AUTO CARE

SHEET TITLE: LAYOUT AND MATERIALS PLAN  
DRAWN BY: C-3



**STAFF REPORT**  
***Free-Standing Sign at 2897 Berlin Turnpike ("Firestone Complete Car Care")***

**April 15, 2015**

**Petition #10-15:**

**Special Exception (Section 6.2.4: Free-Standing Sign) at 2897 Berlin Turnpike ("Firestone Complete Auto Care").**

**National Sign Corporation, applicant; SB Newington 433 LLC, owner;**

**Darcie Roy, National Sign Corporation, 780 Four Rod Road, Berlin CT, contact.**

**Description of Petition #10-15:**

The applicant would like to install an 18' tall free-standing sign, with a signage area of 60 square feet, double-sided, as allowed in Section 6.2.4 (Free Standing Business Signs). The location of the sign is behind the front yard setback, as required for all properties along the Berlin Turnpike.

**Staff Comments:**

This application meets all of the requirements. There is currently no wall signage on the premises, so the usual concern about a building exceeding the total amount of allowable signage does not apply here.

The question came up during the scheduling of this public hearing as whether it was proper for TPZ to grant zoning approval to a project that is the subject of pending litigation. I asked the Town Attorney to address that question, and his answer was succinct:

Yes. An Application has been filed and should be treated as all Applications. No stay has been granted by the Court on that matter.

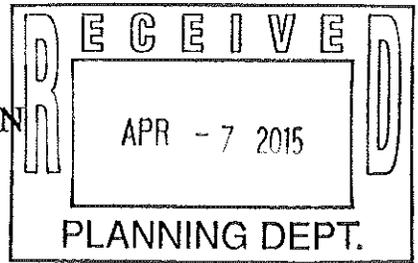
cc:  
National Sign Company, Inc.  
file

Petition # 13-15



*2/27/15*  
*1354*

TOWN OF NEWINGTON  
TOWN PLAN AND ZONING COMMISSION  
APPLICATION FORM

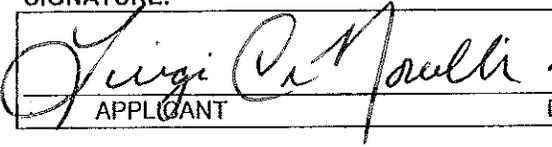


LOCATION OF PROPERTY: 464 New Britain Ave ZONE: B  
 APPLICANT: Luigi DeNovellis TELEPHONE: (860) 518-1404  
 ADDRESS: 124 Two stone Dr, Weth, CT, 06109 EMAIL: luigi.denovellis33@gmail.com  
 CONTACT PERSON: Luigi DeNovellis TELEPHONE: (860) 785-8944  
 ADDRESS: 464 New Britain Ave EMAIL: luigi.denovellis33@gmail.com  
 OWNER OF RECORD: Alan Brown Allyn Brown

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

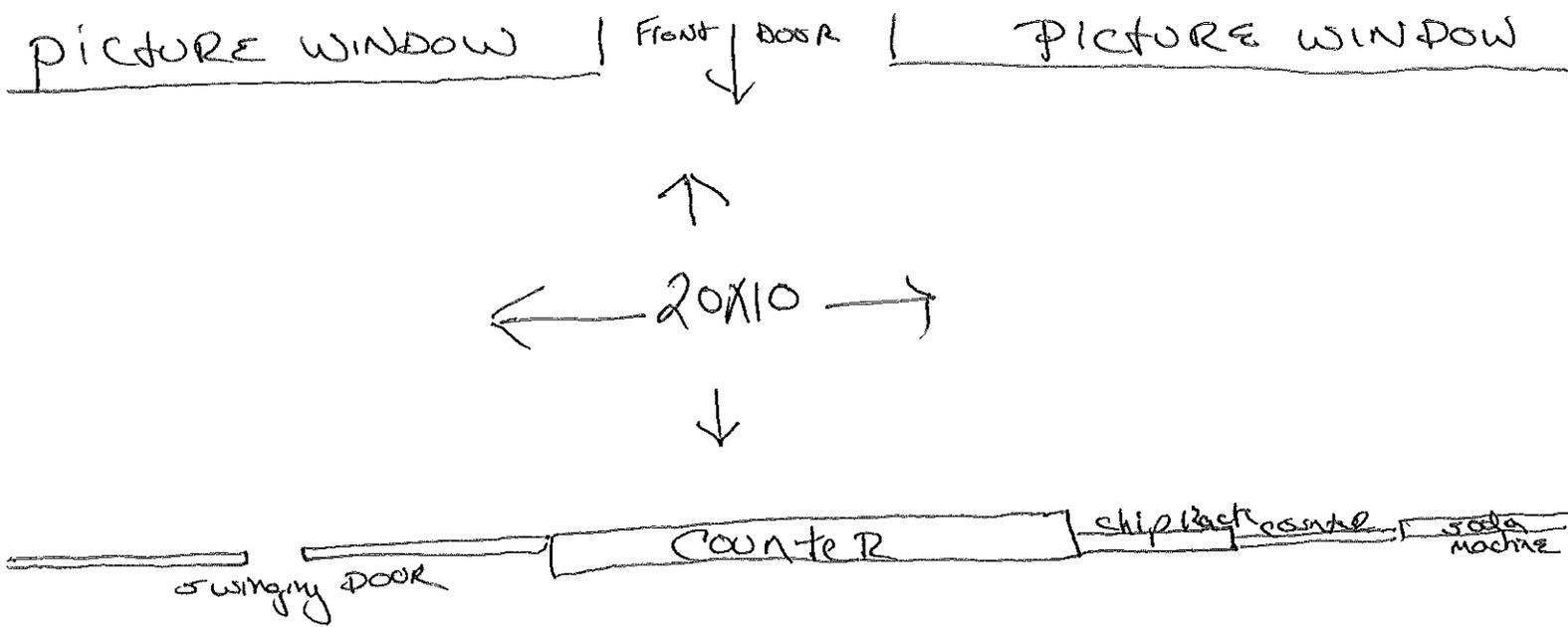
- Zoning Map Change from the \_\_\_\_\_ to the \_\_\_\_\_ Zone (Public Hearing required).
- Zoning Text Amendment to Section \_\_\_\_\_. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 3.11.6 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:**

 APPLICANT	<u>4-7-15</u> DATE	 OWNER	<u>4-7-15</u> DATE
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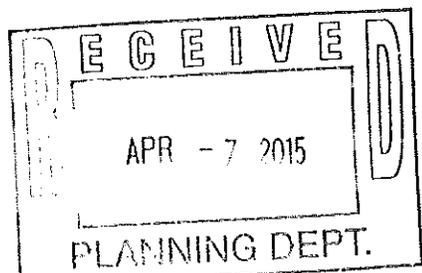
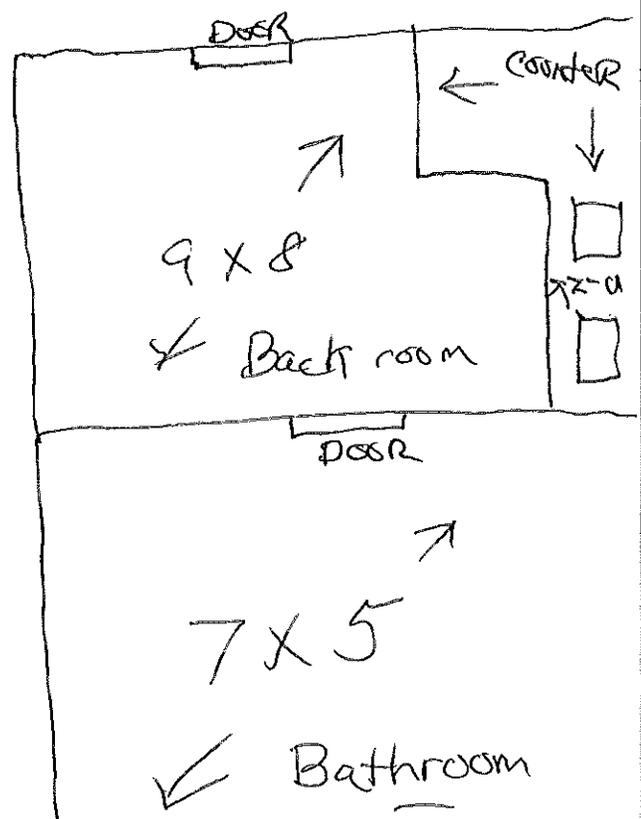
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17 x 20

(Kitchen)



#13-15, 464 New Britain Ave.

**STAFF REPORT**  
**Restaurant at 464 New Britain Avenue**

April 15, 2015

**Petition #13-15:**

**Special Exception (Section 3.11.6: Restaurant) at 464 New Britain Avenue.  
Allyn and Linda Brown, owner;  
Luigi DeNovellis, applicant/contact, 124 Two Stone Drive, Wethersfield, CT.**

**Description of Petition #13-15:**

The applicant would like to open a restaurant in a portion of this existing building. Restaurants are allowed by special exception in the B zone.

**Staff Comments:**

As of this writing I have not been able to verify that the site has enough parking, because the floor plan sketch that the applicant submitted was inconclusive. I hope to have that resolved prior to the public hearing.

I have advised the applicant that if he intends to serve alcohol, he needs a separate TPZ approval.

cc:  
Luigi DeNovellis  
file

**STAFF REPORT**  
***Moratorium in CTfastrak Neighborhoods***

**March 30, 2015**

**Petition #03-15:**

**Moratorium on Higher-Density Housing in CTfastrak Neighborhoods  
Newington Junction and Myra Cohen Way  
Newington TPZ, applicant/contact.**

**Background:**

TPZ is concerned about being pressured into approving higher-density housing in the two CTfastrak station neighborhoods before adopting TOD residential zoning regulations. This moratorium would prohibit the submission of any such application for twelve months, or until the TPZ adopts such regulations, whichever comes first.

**Comments:**

At the last meeting I was asked to provide TPZ members with a draft moratorium on higher-density housing in the CTfastrak neighborhoods.

In my previous memo I informed TPZ that the Connecticut Supreme Court ruled in 1984 that a moratorium is a lawful exercise of zoning power if done thoughtfully and in moderation. To be legally valid (and avoid a "taking" complaint), a moratorium needs to contain the following elements:

1. Must be enacted with all procedural regularity of a zoning text amendment;
2. Cannot prohibit all economic use of a parcel;
3. Must be limited in scope (area) and duration (time);
4. Must be for a specific purpose, with a desire outcome.

Elements 1 through 3 are pretty straight-forward.

Element 4 calls for a "specific purpose", which in this instance would be to prohibit higher-density housing construction in the two CTfastrak neighborhoods until appropriate zoning regulations are adopted. The "desired outcome" is: TOD ("transit oriented development") zoning regulations that result in appropriate higher-density housing (multi-family, single-family, and mixed-use) in the two CTfastrak neighborhoods.

3. Draft Moratorium: see attached. I have sent a copy to the Town Attorney for his review, as requested.

cc:  
file

## SECTION 3: ZONE USE REGULATIONS

### [new] Section 3.0 Higher-Density Residential Development Moratorium

#### 3.0.1 Temporary Moratorium in the CTfastrak Station Areas

- A. Intent and Purpose: There are two CTfastrak stations in Newington, at 160 Willard Avenue (“Newington Junction Station”) and on Myra Cohen Way (“Cedar Street Station”). CTDOT has projected CTfastrak ridership will eventually be as high as 16,000 riders per day. The demand for housing in the areas around these two stations will therefore almost definitely increase.

The current zoning regulations allow housing at densities ranging from 5 units per acre to 20 units per acre. To ensure appropriate residential development in the vicinity of the two CTfastrak stations, the Plan and Zoning Commission intends to adopt TOD (transit-oriented development) residential zoning regulations for these areas. To prevent the construction of inappropriate higher-density housing before such TOD zoning regulations can be adopted, a moratorium on higher-density housing in the vicinity of the two CTfastrak stations is warranted.

B. Activities Subject to this Moratorium:

1. The submission any application for residential development other than single-family housing consistent with the underlying zoning within ½ mile of a CTfastrak station;
2. The submission of any application for a zone change within ½ mile of a CTfastrak station;
3. The submission of any application for a text amendment of any higher-density residential zoning regulation on property that is within ½ mile of a CTfastrak station.

C. Effective Date and Expiration:

1. This moratorium shall take effect upon adoption by the Town Plan and Zoning Commission.
2. This moratorium shall expire 365 days from adoption.
3. If the TPZ adopts TOD zoning regulations and/or amendments to the current higher-density residential zoning regulations before this moratorium expires, this moratorium shall expire on the effective date of such zoning regulation or amendment.
4. The TPZ reserves the right to terminate this moratorium at either location prior to the expiration date stated in Paragraph C.2.

**STAFF REPORT**  
**Site Plan Approval for Amara Continuing Care Retirement Community**  
**at 751 Russell Road**

April 14, 2015

**Petition #09-15:**

**Site Plan Approval (Continuing Care Retirement Community) at 751 Russell Road. HDC ONE LLC, owner; Amara Community Living LLC, applicant; Kari Olson, Esq., CityPlace I, 185 Asylum Street, Hartford CT, contact.**

**Description of Petition #09-15:**

This is an application for site plan approval of a proposed "Continuing Care Retirement Community" (CCRC) at 751 Russell Road. This is the same location as the Hunter Development mixed used development that was approved by TPZ in 2007.

At the meeting on April 8, 2015 the applicants stated that they are willing to modify the Cedar Street entrance making it "right turn in, right turn out only". As of this writing I have not seen revised plans showing this.

**Staff Comments:**

See my previous staff reports on this application.

1. **Fire Marshal Review:** At the meeting on April 8, 2015 the applicants stated that they were willing to modify the Cedar Street entrance, making it "right turn in, right turn out only". I believe they have given a revised plan with turning radii for fire trucks to the Fire Marshal for his review, but as of this writing I do not have his comments.
2. **Conservation Commission Approval:** The Town Attorney is reviewing the legal opinion that was submitted by the applicant's attorney at the April 8 meeting. As of this writing I have no further information.
3. **Building Exterior Materials:** I told the applicants that the Commissioners would like to see samples of the materials to be used on the building exterior (per Section 5.3.4.B.1).
4. **Pond:** I asked the applicants if the water in the front pond would be circulating, to prevent mosquito breeding.
5. **Public Use of Facilities:** I told the applicants to discuss in more detail how the use of facilities (the pool and the auditorium) by outside groups will impact the amount of parking onsite.
6. **Jensen Machine:** The driveway to Jensen Machine does not appear to be wide enough to allow two vehicles to pass. This could cause queueing onto Russell Road and the staff entrance to Amara.

7. Right Turn Only: I told the applicants that the right-turn only proposal is a good idea, but that there are several places in Newington where “no left turn” signs are flagrantly ignored.

8. Drainage: As of this writing it appears that they will be able to comply with the Newington LID regulations. I will have a more complete report at the meeting.

cc:  
Attorney Kari Olson  
file

**STAFF REPORT**  
***Extension of Approval Deadlines at 751 Russell Road ("Hunter Development")***

**April 16, 2015**

**Petition #11-15:**

**Extension to Site Plan Approval (Section 5.3.8: Time Limit) and Special Exception at 751 Russell Road ("Hunter Development")**

**HDC ONE LLC, owner/applicant;**

**Kari Olson, Murtha Cullina LLP, 185 Asylum Street, Hartford CT, contact.**

**Description of Petition #11-15:**

This approved mixed-use development consists of a gas station, a hotel, a small retail strip building, a bank pad site and a restaurant pad site. After litigation and considerable negotiation, it was approved by TPZ in 2006. (The details of the agreement were modified in 2009.)

The owner is concerned that, should the Amara project not proceed, he might not be able to complete construction before the expiration date of May 13, 2016. He has therefore requested all approvals associated with this project be granted an extension of one year.

**Staff Comments:**

Section 5.3.8 of the Zoning Regulations reads as follows:

**5.3.8 Time Limit**

The Commission may grant additional extensions provided that all work in connection with such site plan approved on or after October 1, 1989 shall be completed within five (5) years after the date of approval of the site plan. Failure to complete all work within such five (5) year period shall result in automatic expiration of the approval of such site plan. The Commission may grant one or more extensions of such five year period, provided the total extension shall not exceed ten years from the date such site plan is approved. "Work" for purposes of this subsection means all physical improvements required by the approved plan (CGS Section 8-3(i)).

This "five year" limit is based on Connecticut General Statutes Sec. 8-3(m), which was amended in 2011 as follows:

**Section 8-3:**

(m) Notwithstanding the provisions of this section, any site plan approval made under this section prior to July 1, 2011, that has not expired prior to the effective date of this section, except an approval made under subsection (j) of this section, shall expire not less than nine years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be valid for more than fourteen years from the date the site plan was approved.

There does not appear to be much case law or guidance on granting an extension request. In my opinion the Commission should take into consideration the following:

1. Changes to the character of the surrounding neighborhood, such as an increase in development intensity;
2. Changes to the zoning district that the site is in;
3. Changes to the zoning regulations that apply to that site plan, such as changes to allowable density, minimum parking, and permitted uses.

If there haven't been any significant changes to the neighborhood or to the zoning, I would recommend approval of an extension request.

A copy of the approved site plan will be in the agenda packet.

cc:  
Attorney Kari Olson  
file



**STAFF REPORT**  
**"Keystone Fireworks" Tent Sale**

April 16, 2015

**Petition #06-15:**

**TPZ Approval (Section 3.23.1: Accessory Outside Use) for Fireworks Tent Sale  
56 Costello Road (T-Bowl)  
Keystone Novelties Distributors LLC, applicant**

**Description of Petition #14-14:**

Keystone Novelties is requesting TPZ permission to sell fireworks from the T-Bowl parking lot on the corner of Costello Road and the Berlin Turnpike, from June 24, 2015 through July 5, 2015. Section 3.23.1 states that

"Products and equipment intended for sale may be displayed in front of the principal building, but not in the required frontyard setback area, when approved by the Commission."

**Staff Comments:**

This applicant has been approved for this use at this same location for the past three years.

The Fire Marshal and the Police Department have informed me that there were no problems last year.

Nothing derogatory came up at the previous meeting, so I recommend approval with the same conditions as last year:

**Conditions:**

1. Prior to use of the tent, the applicant shall obtain approvals from the Newington Fire Marshal and Building Department.
2. The applicant shall not place any temporary signs on the ground anywhere in the Town of Newington.

cc:  
Chris Cook, Keystone Novelties  
file



**STAFF REPORT**  
***Special Exception (Continuing Care Retirement Community)***  
***at 751 Russell Road***

April 16, 2015

**Petition #08-15:**

**Special Exception (Section 3.2.5: Continuing Care Retirement Community) at 751 Russell Road.  
HDC ONE LLC, owner; Amara Community Living LLC, applicant;  
Kari Olson, Esq., CityPlace I, 185 Asylum Street, Hartford CT, contact.**

**Description of Petition #08-15:**

This is an application for a special exception to operate a "continuing care retirement community" (CCRC) at 751 Russell Road.

**Staff Comments:**

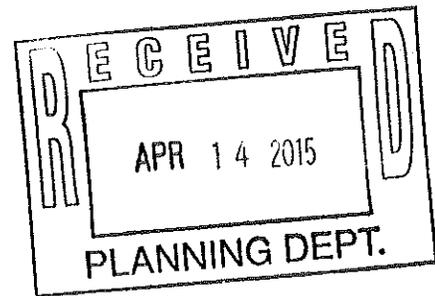
Section 5.2.6 of the zoning regulations requires the TPZ to "consider" the following special criteria, and to "record its findings in the record of the meeting":

- 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 safety accommodate any increase in drainage.
- F. Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties.
- G. Safeguards to protect adjacent property, and the neighborhood in general, from detriment including, but not limited to proper buffering.

The applicants spoke to each of these special criteria items during the public hearing and addressed them in their application. I suggest the TPZ discuss each of these individually and make a "finding" on each.

cc:  
Attorney Kari Olson  
file

Town of Newington  
Planning and Zoning  
131 Cedar Street  
Newington, CT 06111



April 10, 2015

In accordance with the CT Animal Import Regulations, I am writing to let you know of our upcoming Labs4rescue adoption event.

May 9th at The Pet Spa at Twin City, 745 New Britain Ave., Newington, CT

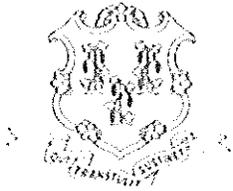
Our dogs are not adopted directly from events, as all applicants must go through our adoption process. These events are an opportunity for people to meet some of our wonderful dogs looking for their forever homes.

If you have any questions, please call me at 203-269-5496.

Sincerely,

A handwritten signature in cursive script that reads "Betsy Adams".

Betsy Adams  
Labs4rescue



State of Connecticut  
Department of Agriculture

165 Capitol Avenue G8A  
Hartford, CT 06106  
(860) 713-2506

**ANIMAL IMPORTER EVENT NOTICE**

Any animal importer who intends to offer for sale, adoption or transfer any dog or cat at a venue or location that is open to the public or at an outdoor location, including, but not limited to, a parking lot or shopping center, shall provide notice to the Department of Agriculture and the municipal zoning enforcement officer of the town where any such sale, adoption or transfer will occur, not later than ten days prior to such event

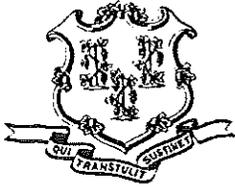
Business Name <b>Labs4rescue Inc</b>		CT Animal Importer Registration Number <b>AIR - 000118</b>	
Business Street Address <b>100 Main Street North #155</b>	City <b>Southbury</b>	State <b>CT</b>	Zip Code <b>06488</b>

Date of Event <b>05/099/2015</b>	Anticipated Number of Animals to be Offered for Sale, Adoption, or Transfer <b>6 +/-</b>		
Location Description <b>The Pet Spa at Twin City</b>			
Location Address <b>745 New Britain Ave.</b>	City <b>Newington</b>	State <b>CT</b>	Zip Code <b>06111</b>

For out of state applicants only			
Name of Connecticut-based agent		Agent's Telephone Number	
Street Address of Connecticut-based agent	City	State	Zip Code

The undersigned applicant states that all of the information contained herein is true to the best of his/her knowledge and agrees that said applicant shall comply with all laws, orders, rulings, regulations and directives issued by the Commissioner of Agriculture.		
Printed Name of Registrant <b>Betsy Adams</b>	Signature of Registrant <i>Betsy Adams</i>	Date of Signature <b>4/10/2015</b>

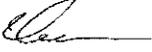
For Agency Use Only	
Date Received	Agency Approval



STATE OF CONNECTICUT  
OFFICE OF POLICY AND MANAGEMENT

*Intergovernmental Policy Division*

To: Municipal Chief Elected Officials and Chief Executive Officers

From: W. David LeVasseur, Acting Undersecretary 

Date: April 13, 2015

Subject: Guidance on Maintaining Eligibility for Discretionary State Funding re: CGS Section 8-23

The Office of Policy and Management (OPM) has received several requests from municipalities for guidance pertaining to statutory requirements for local plans of conservation and development (POCD). Specifically, **CGS Section 8-23(b)** states that municipalities that have not adopted a POCD within the past 10 years shall be ineligible for *discretionary state funding*. This prohibition on *discretionary state funding* was originally intended to be effective July 1, 2010 (P.A. 07-239), but subsequent legislation allowed a broad-scale deferral of its implementation until July 1, 2015.

I would like to use this opportunity to clarify and explain the practical implications for municipalities that have an expired POCD, so that you can take the necessary steps to manage the situation until a new POCD is adopted by the municipal planning commission or planning and zoning commission (PC/PZC):

- If a POCD is not adopted within the required 10-year period, the Chief Elected Official of the municipality shall submit a letter to the OPM Secretary and the Commissioners of Transportation, Energy and Environmental Protection, and Economic and Community Development explaining the reason(s) therefor. (See Attachment A – Sample “Notice of Expired POCD”)
- A copy of the Notice of Expired POCD shall be included with each application for *discretionary state funding* submitted by the municipality to any administering state agency, until a new POCD is adopted.
  - “*Discretionary state funding*” includes any source of funding that a state agency administers through a competitive process. Examples include, but are not limited to, the Urban Action Program, Small Town Economic Assistance Program, Clean Water Fund, Drinking Water State Revolving Fund, as well as various housing, historic preservation, brownfields remediation, open space and farmland preservation programs.
  - An expired municipal POCD does not impact other entitlement or formula-based programs, such as the Local Capital Improvement Program (LoCIP), Education Cost Sharing (ECS), Town Aid Road (TAR), Payment in Lieu of Taxes (PILOT) for Private Colleges, General Hospitals and State-Owned Property, the Mashantucket Pequot/Mohegan Fund, etc.
- Concurrent with the municipality’s submittal of each application for *discretionary state funding* to an administering state agency, the Chief Elected Official of the municipality may submit a separate letter to the OPM Secretary requesting a waiver of the *discretionary state funding* prohibition. (See Attachment B – Sample “Waiver Request Letter”)

- The OPM Secretary shall consider the information provided in each Waiver Request Letter and provide a timely written response to both the Chief Elected Official of the municipality and to the administering state agency's point-of-contact, as to whether or not the *discretionary state funding* prohibition is waived for the subject application.
- The 10-year clock for maintaining *discretionary state funding* eligibility re-sets whenever the municipal PC/PZC adopts a new POCD that has been prepared or amended in accordance with the process outlined in CGS Section 8-23. (Note: OPM has no role in the review of municipal POCDs.)
- In lieu of the requirement that the PC/PZC submit a hard copy of the POCD to the OPM Secretary within 60 days after adoption, OPM will accept a brief letter that includes: 1) a link to the POCD on the municipality's website; 2) certification of the POCD adoption date (e.g., PC/PZC minutes); and 3) a description of any inconsistency between the POCD adopted by the PC/PZC and the State Plan of Conservation and Development and the reasons therefor, as is currently required under CGS Section 8-23(h)(5).

In addition to maintaining eligibility for *discretionary state funding*, a municipality that regularly updates its POCD also benefits from the public involvement of its citizens and businesses in helping to address the vision, goals and evolving needs of the community. This, in turn, helps to inform regional and state plans when they are updated.

Another benefit afforded to any municipality that regularly updates its POCD is the enhanced role that it can play when an administering state agency is considering funding certain projects that are not located within state-mapped Priority Funding Areas. Specifically, CGS Section 16a-35d prohibits state agencies from funding any growth-related project located outside of a Priority Funding Area, unless the project is consistent with the municipal POCD and meets the other statutory criteria for an exception. Expired POCDs will not be considered by the administering state agency if/when such an exception is needed.

I am confident that the guidance outlined above will ensure that any municipality with an expired POCD is treated fairly and consistently during the period that it is making a good-faith effort to adopt a new POCD. Please note that, if your municipality does not intend to apply for *discretionary state funding* during the period that the POCD is expired, there is no need for you to submit a Waiver Request Letter to OPM.

If you have any questions on this guidance, please contact Dan Morley of my staff at (860) 418-6343 or [Daniel.Morley@ct.gov](mailto:Daniel.Morley@ct.gov).

Attachments: A) Sample "Notice of Expired POCD"  
 B) Sample "Waiver Request Letter"  
 C) CGS Section 8-23 re: Process for Adopting a Municipal POCD

Cc: Planning & Development Committee  
 Regional COG Directors

April 14, 2015

**TO: HARTFORD PLANNING AND ZONING COMMISSION**

**REPORT ON ZONING REFERRAL Z-2015-23: Proposed zoning amendments to create a Transit-Oriented Development Overlay District (Division 24, Sections 843 - 850) which allows uses permitted in the B-1 zone.**

**COMMISSIONERS:** Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

**COMMENT:** The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies, or the concerns of neighboring towns. For sites located on a municipal border, we recommend that the City take into consideration the uses across municipal boundaries and that any more limiting/restrictive measures to mitigate impacts related to intensity of use such as building height, particularly for sites bordering residential uses in neighboring towns, be applied. We commend the Commission for its consideration of zoning regulations which will provide for and encourage Transit-Oriented Development. The City might also find useful the recent CRCOG Sustainable Land Use Code Project Model Regulations as a resource, in particular, the Transit-Oriented Development Model Regulations. These guidelines can be found at <http://www.sustainableknowledgecorridor.org/site/content/sustainable-land-use>. The Commission may want to consider defining "in the immediate vicinity of fixed nodes of public transportation" more precisely. For example, the TOD Model Regulations classifies land within 1/4 mile of a transit station as TOD-Core subdistricts and land approximately 1/2 mile from a transit station as TOD-Ring subdistrict.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. The public hearing date has been scheduled for 4/28/2015. Questions concerning this referral should be directed to Lynne Pike DiSanto.

**DISTRIBUTION:** Planner: Windsor, Bloomfield, West Hartford, Newington, Wethersfield, East Hartford, South Windsor

Respectfully submitted,  
Sandra Bobowski, Chairman  
Regional Planning Commission

Karl Robert Profe, Vice Chairman  
Regional Planning Commission



Lynne Pike DiSanto, AICP  
Senior Planner and Policy Analyst



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 *CP*  
**Date:** April 16, 2015  
**Re:** **Town Planner Report for April 22, 2015**

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1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:** None.
  2. **Old Performance Bonds held by Town:** No changes since my last report.
  3. **Newington Junction TOD Committee:** No report.

cc:  
file

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