



Issued: 3/3/2020

**TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING
MONDAY, MARCH 2, 2020
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

FINAL MINUTES

ATTENDANCE: Chair: Kevin Ahern, Vice Chair: Kevin Prestage, Commissioner: Liz Gillette, Alternate: Gordon Binkhorst. Staff: Todd Dumais, Town Planner; Catherine Dorau, Associate Planner

ABSENT: Commissioners: Michele Maresca, John O'Donnell, Alternate: Andrea Gomes.

CALL TO ORDER/ROLL CALL: 7:00 P.M.

MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.

Gordon Binkhorst seated for John O'Donnell on all items.

MINUTES:

1. Approval of Minutes:
 - a. Minutes of the Regular Meeting, Monday, February 3, 2020
Motion/Binkhorst; Second/Gillette; Vote 3-0. (Prestage Abstained)
 - b. Minutes of the Special Meeting, Monday, February 24, 2020
Motion/Prestage; Second/Binkhorst; Vote 4-0.

COMMUNICATIONS:

2.
 - a. None

NEW BUSINESS:

3. **847 South Quaker Lane (Beachland Park)** - Application (IWW #1120) of the Town of West Hartford, (Helen Rubino-Turco, Director of Leisure Services) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The applicant is proposing to

remove accumulated sediment from a silt pond and restore a drainage ditch located within Beachland Park. The proposed activity takes place within wetlands, a watercourse and adjacent 150' upland review area. (Submitted for IWWA receipt on March 2, 2020. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (4-0)** (Motion/Prestage, Second/Binkhorst) (Binkhorst Seated for O'Donnell) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, April 6, 2020 at 7:15 P.M. in, Room 400, West Hartford Town Hall, 50 South Main Street.**

4. **1563 Asylum Avenue (Elizabeth Park)** – Application (IWW #1121) of Mary Dehais, To Design, LLC, on behalf of The City of Hartford, (R.O.) requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an onsite soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on March 2, 2020. Suggest required public hearing be scheduled for April 6, 2020.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (4-0)** (Motion/Binkhorst, Second/Prestage) (Binkhorst seated for O'Donnell) to schedule this matter for public hearing on **April 6, 2020 at 7:15 P.M. in Room 400, West Hartford Town Hall, 50 South Main Street.**

5. **1563 Asylum Avenue (Elizabeth Park)** – Application (IWW #1122) of Mary Dehais, To Design, LLC, on behalf of The City of Hartford, (R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland regulated area. The applicant is proposing a parking area expansion, including associated site lighting and drainage improvements. The proposed activity takes place within both a wetlands and adjacent 150' upland review area. (Submitted for IWWA receipt on March 2, 2020. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (4-0)** (Motion/Binkhorst, Second/Prestage) (Binkhorst Seated for O'Donnell) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, April 6, 2020 at 7:15 P.M. in, Room 400, West Hartford Town Hall, 50 South Main Street.**

6. **1563 Asylum Avenue (Elizabeth Park)** – Application (SUP #1355) of Mary Dehais, To Design, LLC, on behalf of The City of Hartford, (R.O.) requesting approval of a Special Use Permit for the expansion of the existing parking area in association with the Visitors Center renovation. Improvements include parking, stormwater management, plantings, and site lighting. (Submitted for TPZ receipt on March 2, 2020. Suggest required public hearing be scheduled for April 6, 2020.)

The TPZ acted by **unanimous vote (4 - 0)** (Motion/Binkhorst; Second/Prestage) (Binkhorst seated for O'Donnell) to schedule this matter for public hearing on **Monday, April 6, 2020 at 7:15 P.M. in, Room 400, West Hartford Town Hall, 50 South Main Street.**

7. **25 Kane Street** – Application (IWW#1123) of Thomas R. Evans (R.O.), requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland and watercourse area. The applicant is proposing a restoration and enhancement project in response to a Notice of Inland Wetlands & Watercourse Violation issued by the Designated Agent for work without permits within a regulated area. The proposed activity takes place within wetlands, a watercourse, and adjacent 150' upland review area. (Submitted for IWWA receipt on March 2, 2020. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (4-0)** (Motion/Gillette, Second/Binkhorst) (Binkhorst Seated for O'Donnell) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, April 6, 2020 at 7:15 P.M. in, Room 400, West Hartford Town Hall, 50 South Main Street.**

OLD BUSINESS:

8. **36 Ferncliff Drive** – Application (IWW# 1118) of Jason Levesque, requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland area. The applicant is proposing the construction of a new single family home and garage with an approximately 2,821 s.f. footprint; with associated grading, drainage, and utility improvements. A portion of the proposed project takes place within the 150' upland review area. (Submitted for IWWA receipt on December 4, 2019. Determined to be potentially significant and public hearing scheduled for January 6, 2020. Public hearing opened and immediately continued to February 3, 2020. Public hearing kept open and immediately continued to March 2, 2020.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (4-0)** (Motion/Prestage; Second/Binkhorst) (Binkhorst seated for O'Donnell) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

36 FERNCLIFF DRIVE
INLAND WETLAND APPLICATION IWW #1118
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **36 Ferncliff Drive** in West Hartford, Connecticut pursuant to an Inland Wetlands and Watercourses application **IWW #1118** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

[1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.

[2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;

[3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures, which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourses Act of the Connecticut General

Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel(s) of land is located **36 Ferncliff Drive**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.
- 3.) Weekly inspection reports of the sediment and erosion controls shall be submitted to the Town Planner. Additional erosion and sediment control measures shall be implemented and/or installed throughout the course of construction as/if deemed necessary and directed by the Design Engineer and/or West Hartford Town officials.
- 4.) Prior to the start of any site disturbance, all sediment and erosion controls and tree protection shall be installed. Once installed, but before the commencement of any disturbance, the Town Planner shall be notified and provided the opportunity to inspect.
- 5.) The Agency shall receive copies of all materials, correspondence and permits received from Connecticut Department of Energy and Environmental Protection.
- 6.) The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.
- 7.) A buffer planting plan shall be submitted to the Town Planner for review and approval prior to the start of any site disturbance activities.
- 8.) As authorized by Section 14.4 of the Inlands Wetlands and Watercourse Regulations and Chapter 25, Article of the West Hartford Code Ordinances, the IWWA hereby imposes a \$100.00 penalty for violating the West Hartford Inland Wetlands and Watercourse Regulations.

9. **1422 New Britain Avenue** – Application (IWW# 812-R2-20) of Jim Moyer, NBC Universal on behalf of Outlet Broadcasting Inc. (R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetlands regulated area. The applicant is proposing an expansion of the existing parking areas with associated retaining wall and storm water management system. A portion of the proposed project takes place within the 150’ upland review area. (Submitted for IWWA receipt on February 3, 2020. Determined to be potentially significant and set for public hearing on March 2, 2020.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (4-0)** (Motion/Gillette; Second/Prestage) (Binkhorst seated for O’Donnell) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

1422 NEW BRITAIN AVENUE

INLAND WETLAND APPLICATION IWW #812-R2-20
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **1422 New Britain Avenue** in West Hartford, Connecticut pursuant to an Inland Wetlands and Watercourses application **IWW #812-R2-20** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.
- [4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.
- [5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;
- [6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.
- [7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and
- [8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures, which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.

- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourses Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel(s) of land is located **1422 New Britain Avenue**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.
- 3.) Weekly inspection reports of the sediment and erosion controls shall be submitted to the Town Planner. Additional erosion and sediment control measures shall be implemented and/or installed throughout the course of construction as/if deemed necessary and directed by the Design Engineer and/or West Hartford Town officials.
- 4.) Prior to the start of any site disturbance, all sediment and erosion controls and tree protection shall be installed. Once installed, but before the commencement of any disturbance, the Town Planner shall be notified and provided the opportunity to inspect.
- 5.) The Agency shall receive copies of all materials, correspondence and permits received from Connecticut Department of Energy and Environmental Protection.
- 6.) The applicant shall provide certification from a qualified landscape professional that all trees were planted according to the approved plan. These trees shall be maintained in the same location, quantity, and species type. Any future changes shall be subject to the review and approval of the Town Planner.
- 7.) The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

TOWN COUNCIL REFERRAL:

10. **1021-1023 Farmington Avenue** – Application on behalf of the Bridge Family Center, Inc. contract purchaser of the property know as 1021-1023 Farmington Avenue, requesting a change of the underlying zone for approximately .21 acres of land on the south side of Farmington Avenue from RM-3 (Multifamily Residence) to RO (Residence-Office) and Special Development District (SDD) designation for the reuse of the existing building for professional office use. *Tabled Decision to a later date.*

- 11. **12 Grove Street** - Application on behalf of JJJ New Britain Avenue Associates, LLC, owner of 12 Grove Street, requesting a change of the underlying zone for 12 Grove Street from R-6 (One-Family Residence District) to RP (Residence Parking District).
Recommend to Approve. Motion/Gillette; Second/Prestage; Vote 4-0.

- 12. **TOD Zoning Moratorium** – An Ordinance Establishing a Nine (9) Month Moratorium on Certain Uses Not Supportive of Transit-Oriented Development.
Recommend to Approve. Motion/Prestage; Second/Binkhorst; Vote 4-0.

WEST HARTFORD PLAN OF CONSERVATION AND DEVELOPMENT PUBLIC HEARING:

- 13. **West Hartford Plan of Conservation and Development 2020-2030** – Continuation of the public hearing on the draft of the West Hartford Plan of Conservation and Development 2020-2030. Plan prepared in accordance with Chapter XIII of the Charter of the Town of West Hartford and Section 8-23 of the Connecticut General Statutes of Conservation and Development. (Public Hearing opened on February 24, 2020 and continued to March 2, 2020.)
Plan approved with changes made, subject to additional edits by Town Council. Motion/Prestage; Second/Binkhorst; Vote 4-0.

TOWN PLANNER’S REPORT:

- 14. **None**

INFORMATION ITEMS:

- 15. **None**

MEETING ADJOURNED: 10:45 P.M.