



Issued:2/6/2020

**TOWN PLAN AND ZONING COMMISSION  
REGULAR MEETING  
MONDAY, FEBRUARY 3, 2020  
LEGISLATIVE CHAMBER, ROOM 314  
TOWN HALL, WEST HARTFORD, CT 06107**

**FINAL MINUTES**

**ATTENDANCE:** Chair: Kevin Ahern, Commissioner: Liz Gillette, John O'Donnell, Alternate: Gordon Binkhorst. Staff: Todd Dumais, Town Planner; Catherine Dorau, Associate Planner

**ABSENT:** Vice Chair: Kevin Prestage, Commissioner: Michele Maresca, 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 Kevin Prestage on all items.**

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**MINUTES:**

1. Approval of Minutes:
  - a. Minutes of the Regular Meeting, Monday, January 6, 2020  
*Motion/Binkhorst; Second/Gillette; Vote 3-0.*

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**COMMUNICATIONS:**

2.
  - a. **380 Tunxis Road (a.k.a. Middle Road, Farmington)** – Letter of Jeff Webster owner of Orchard Heights Developers, LLC, (R.O.) requesting a second 90 day extension of time for the filing of the final subdivision plans for Subdivision #298 at 380 Tunxis Road. Consistent with C.G.S. Chapter 126, Section 8-25 and Article VI, Section 184-34 of the Subdivision Regulations of West Hartford, this is the last eligible extension of time request available to the Applicant. If approved, the deadline to file the final plans will be May 20, 2020. If not filed within the prescribed time, the subdivision shall become null and void. (Submitted for TPZ receipt on February 3, 2020.) *Request Granted; Motion/O'Donnell; Second/Binkhorst; Vote 4-0.*

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- b. **TPZ / IWWA 2019 Annual Report** – Communication from the TPZ/IWWA on the Draft 2019 Annual Report of activities of the Commission/Agency to the Town Council. (Submitted for TPZ review and action on February 3, 2020.)  
*Received; No Action*

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- c. **DRAC 2019 Annual Activities Report** – Communication from the DRAC on their 2019 Annual Report of Activities to the Town Council and TPZ. (Submitted for TPZ receipt on February 3, 2020.) *Received; Motion/Gillette; Second/Binkhorst; Vote 4-0.*

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- d. **Wolcott Park – 1341 New Britain Avenue** – Notice of Inland Wetlands & Watercourse Violation.  
*Received; No Action*

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- e. **Inland Wetlands and Watercourses Regulations, Section 14** – Review of memo from Garmon Newsom, Assistant Corporation Counsel regarding IWWR Penalties. (Submitted for TPZ review on February 3, 2020.)  
*Received; No Action*

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- f. **Town Council Communications**  
*Withdrawal of Ordinance Permitting Sponsorship Signs in Municipal Parks – received, no action.*

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**NEW BUSINESS:**

- 3. **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. 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 Maresca) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, March 2, 2020 at 7:15 P.M. in Legislative Chambers, Room 314, West Hartford Town Hall, 50 South Main Street.**

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4. **25 Kane Street** – IWWA request for an update on the IWW Violation for tree clearing and site disturbance within regulated IWW areas. *A restoration plan was received – additional information requested by the IWWA. The Agency agreed to set a new application, if complete, directly to a public hearing at their next regularly scheduled meeting on March 2<sup>nd</sup>.*

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**OLD BUSINESS:**

5. **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.)

The IWWA acted by **unanimous vote (4-0)** (Motion/O’Donnell; Second/Binkhorst) (Binkhorst seated for Prestage) to keep open and continue, without testimony, the public hearing on your application to **Monday, March 2, 2020** at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

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6. **1800 Asylum Avenue** – Application (IWW #1119) of Bestech Inc. on behalf of Fintech Village, LLC c/o Ideanomics, 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 requested activities include the abatement and removal of the former Library building and adjacent soils. A portion of the proposed activities are within wetland soils and the 150’ upland review area. (Submitted for IWWA receipt on January 6, 2020. Determined to be potentially significant and set for public hearing on Monday, February 3, 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/O’Donnell) (Binkhorst seated for Prestage) 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:

**1800 ASYLUM AVENUE**  
**INLAND WETLAND APPLICATION IWW #1119**  
**COMPLIANCE WITH SECTION 10.2 and 10.4**  
**STANDARDS AND CRITERIA FOR DECISION**

The request to conduct certain regulated activities at **1800 Asylum Avenue** in West Hartford, Connecticut pursuant to an Inland Wetlands and Watercourses application **IWW #1119** 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 Watercourse 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 **1800 Asylum 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 final plans shall be amended to include an updated notation regarding the possible additional soil removal area within the identified 407 s.f. at the northwest corner of the building as depicted on Sheet C-ES1.
- 3.) 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.
- 4.) 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.
- 5.) 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.
- 6.) No additional work in the wetlands area is permitted without the prior review and approval of the Agency.
- 7.) The Agency shall receive a copy of all confirmatory soil sampling reports from Eagle Environmental.
- 8.) All demolition and remediation equipment shall be properly stored.
- 9.) Monthly progress reports on the status of the demolition and soil remediation work shall be submitted to the Town Planner and transmitted to the Agency.

10.) The Agency shall receive copies of all materials, correspondence and permits received from Connecticut Department of Energy and Environmental Protection and the United States Environmental Protection Agency.

11.) 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.

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7. **660 Mountain Road** – Application (IWW #1061-R1-19) of Kevin Solli, P.E., on behalf of Gledhill Estates LLC (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 application seeks a modification of the existing wetlands permit to facilitate the separation of the attached duplex units; Units 11 & 12, into detached, single-family residences and to make associated site grading and drainage improvements. A portion of the proposed activities are within the 150’ upland review area. (Submitted for IWWA receipt on January 6, 2020. Determined to be potentially significant and set for public hearing on Monday, February 3, 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/O’Donnell) (Binkhorst seated for Prestage) 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:

**660 MOUNTAIN ROAD**  
**INLAND WETLAND APPLICATION IWW #1061-R1-19**  
**COMPLIANCE WITH SECTION 10.2 and 10.4**  
**STANDARDS AND CRITERIA FOR DECISION**

The request to conduct certain regulated activities at **660 Mountain Road** in West Hartford, Connecticut pursuant to an Inland Wetlands and Watercourses application **IWW #1061-R1-19** 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 **660 Mountain Road.**

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 applicant shall submit to the Town Planner for review and approval by the Town Engineer final as-build plans certifying that all grading and public improvements were completed in accordance with the approved plans. Such certification shall be made by a registered professional engineer.
- 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.

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8. **660 Mountain Road** – Application (SUP #1299-R1-19) of Kevin Solli, P.E., on behalf of Gledhill Estates LLC (R.O.) requesting approval to modify Special Use Permit #1299 for the open space residential development known as “Gledhill Estates”. The requested modifications are to facilitate the separation of the attached duplex units; Units 11 & 12, into detached, single-family residences and to make associated site grading and drainage improvements. (Submitted for TPZ receipt on January 6, 2020. Required public hearing scheduled for February 3, 2020.)

The TPZ acted by **unanimous vote (4 - 0)** (Motion/O’Donnell; Second/Gillette) (Binkhorst seated for Prestage) to **GRANT** the Special Use Permit application with conditions. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
  - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
  - c. The parking, loading, trash and recycling facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. Plans of record are incorporated by reference in this approval as fully set forth herein and modified by the conditions below.



3. The form and content of the final “DECLARATION OF OPEN SPACE PRESERVATION AND RESTRICTIONS GLEDHILL ESTATES” shall be consistent with the requirements of Section 177-13 B(5-7) and shall be provided to the Corporation Counsel for review and approval.
4. The special use permit approval 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.
5. 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.
6. Prior to the issuance of any building permits, the final Stormwater report and infrastructure design shall be reviewed and approved by the Town Engineer.
7. The Applicant shall submit to the Town Planner for review and approval by the Town Engineer final as-build plans certifying that all building, grading and stormwater infrastructure and improvements were completed in accordance with the approved plans. Such certification shall be made by a registered professional engineer.
8. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by December 2021 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
9. The letter of approval shall be stripped onto the final plan.

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**TOWN COUNCIL REFERRAL:**

9. **Zoning Ordinance Amendment to Section 177-6 (B)** – Proposed zoning ordinance amendment to the Schedule of Permitted Main Uses for Experiential Recreation and Restaurant Facilities. The amendment seeks to expand the Experiential Recreation and Restaurant Facilities use to the BG districts. (Town Council receipt on January 28, 2020. TPZ receipt on February 3, 2020. Town Council public hearing on March 10, 2020.) ***Recommend to Approve. Motion/Gillette; Second/O’Donnell; Vote 4-0.***

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10. **Zoning Ordinance Amendment to Section 177-37.4 (B)** - Proposed zoning ordinance amendment to the parking requirements for Food Truck Parks. The amendment seeks to reduce the parking requirements for Food Truck Parks to a rate of one space for every five seats provided. The current standards is one space per three seats provided. (Town Council receipt on January 28, 2020. TPZ receipt on February 3, 2020. Town Council public hearing on March 10, 2020.) ***Recommend to Approve. Motion/O’Donnell; Second/Gillette; Vote 4-0.***

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**WEST HARTFORD PLAN OF CONSERVATION AND DEVELOPMENT UPDATE:**

11. **Plan of Conservation and Development Update:** Public hearing on Plan adoption scheduled for February 24, 2020 at 7:00pm in Room 314, Town Hall.

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**TOWN PLANNER'S REPORT:**

12. **None**

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**INFORMATION ITEMS:**

13. **None**

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**MEETING ADJOURNED: 8:50 P.M.**

U: shareddocs/TPZ/Minutes/2020/February 3\_Final