



Issued: 7/20/2021

**TOWN PLAN AND ZONING COMMISSION
SPECIAL MEETING
WEDNESDAY, JULY 14, 2021
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

DRAFT MINUTES

ATTENDANCE: Chair: Kevin Ahern, Vice Chair: Gordon Binkhorst, Commissioners: Kevin Prestage, Liz Gillette, Andrea Gomes; Town Staff: Todd Dumais, Town Planner, Brian Pudlik, Associate Planner

ABSENT: Alternates: Joshua Kaplan, P.J. Louis, John O'Donnell

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

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

MINUTES:

- 1. Approval of Minutes:
 - a. Minutes of the Regular Meeting, Monday, June 7, 2021
Motion/Binkhorst; Second/Prestage; Approved 4-0 (Gomes Abstained)

COMMUNICATIONS:

- 2.
 - a. **125 Stoner Drive** – Application (IWW#1144) of Gregory Gingeleskie, (R.O.), is formally withdrawing the Inland Wetlands & Watercourses Regulated Activity application. *Motion/Binkhorst; Second/Gomes; Received 5-0.*
 - b. **349 South Main Street** – Application (SUP#1364) of Jessica Lyons on behalf of Sydney Lyons (R.O.), requesting to open and immediately continue the public hearing. New public hearing date to be July 7, 2021. *Received; No Action Taken*
 - c. **7 Oak Ridge Lane** – Recommendation of the Town Planner to amend the conditions of approval, for recently approved IWW #1139. *Motion/Gillette; Second/Binkhorst; Received 5-0.*

NEW BUSINESS:

3. **41 Ravenwood Road** – Application (IWW#1147) of Nadia Wright, Juliano’s Pools, on behalf of John Macca, (R.O), requesting approval of an Inland Wetlands and Watercourse Permit to conduct certain regulated activities which may have an adverse impact on a wetlands regulated area. The applicant is proposing to construct an in ground pool with associated site improvements. The proposed work is partially within the 150 ft. upland review area and no direct wetlands impacts are proposed. (Submitted for IWWA receipt on July 14, 2021. 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 (5-0)** (Motion/Gillette; Second/Prestage) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, August 2, 2021.**

4. **7 Country Lane** – Application (IWW#1148) of Michael Vengruskas, Pools and More LLC, on behalf of Jeff Simon, (R.O), requesting approval of an Inland Wetlands and Watercourse Permit to conduct certain regulated activities which may have an adverse impact on a wetlands regulated area. The applicant is proposing to construct an in ground pool with associated site improvements. The proposed work is partially within the 150 ft. upland review area and no direct wetlands impacts are proposed. (Submitted for IWWA receipt on July 7, 2021. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, in accordance with the Town of West Hartford Inland Wetlands and Watercourse Regulations, a motion was made by the IWWA (Motion/Gillette) to find the application to be non-significant and thus conditionally approved. By an unanimous **vote of (5-0)**, the motion was approved and proposed regulated activity was found to be **NON-SIGNIFICANT** and thus conditionally approved based on the following findings:

7 COUNTRY LANE
INLAND WETLAND APPLICATION IWW #1148
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **7 Country Lane** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1148** 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 **7 Country Lane**.

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.) 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 additional site disturbance, all sediment and erosion controls 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 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.

5. **170 Kingswood Road** – Kingswood Oxford School – Application (SUP#1367) of Josh Balabuch on behalf of Kingswood Oxford School, requesting approval of a Special Use Permit to use temporary lights for a one time sporting event on October 23, 2021. (Submitted for TPZ receipt on July 7, 2021. Suggest required public hearing to be scheduled for August 2, 2021.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Binkhorst; Second/Gomes) to schedule this matter for public hearing at the regularly scheduled meeting on **Monday, August 2, 2021**

6. **1678 Asylum Avenue** – University of Saint. Joseph – Application (SUP#1336-LB-21) of John McMeeking, SMRT Architects & Engineers, on behalf of University of St. Joseph, (R.O.), requesting TPZ review and look-back of compliance with the conditions of SUP #1336. Originally approved May 6, 2019 for a new synthetic turf field and new athletic field lighting. (Submitted for TPZ receipt on July 7, 2021. Suggest required public hearing to be scheduled for August 2, 2021.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Gomes; Second/Gillette) to schedule this matter for public hearing at the regularly scheduled meeting on **Monday, August 2, 2021**

7. **227 South Main Street – Noah Webster House** – Application (SUP#1335-LB-21) of Jennifer Matos, Noah Webster House, on behalf of the Town of West Hartford, (R.O.), requesting TPZ review and look-back of compliance with the conditions of SUP #1335. Originally approved May 6, 2019 for an outdoor patio and new shed & fence. (Submitted for TPZ receipt on July 7, 2021. Suggest required public hearing to be scheduled for August 2, 2021.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Gomes; Second/Binkhorst) to schedule this matter for public hearing at the regularly scheduled meeting on **Monday, August 2, 2021**

OLD BUSINESS/ PUBLIC HEARING:

8. **7 Fawn Brook** – Application (IWW#1138) of Rahul & Meghana Gaiki, (R.O.), requesting approval of an Inland Wetlands and Watercourse Permit to conduct certain regulated activities which may have an adverse impact on a wetlands regulated area. The applicant is proposing to construct a two tier retaining and associated site improvements within the 150 ft. upland review area. No direct wetlands impacts are proposed. (Submitted for IWWA receipt on April 5, 2021. Determined to be potentially significant and public hearing set for May 3, 2021. Applicant requested the public hearing to be opened and immediately continued to June, 7 2021 and again to July 7, 2021. . Public Hearing postponed to July 14, 2021.))

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Gillette; Second/Binkhorst) 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:

7 FAWN BROOK
INLAND WETLAND APPLICATION IWW #1138
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **7 Fawn Brook** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1138** 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 **7 Fawn Brook**.

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.) Bi-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 additional site disturbance, all sediment and erosion controls and tree protection shall be installed. Construction fence shall be installed outside of the Conservation easement area to ensure to guard from site disturbance encroachments. Once installed, but before the commencement of any disturbance, the Town Planner shall be notified and provided the opportunity to inspect..
- 5.) A final as built survey shall be submitted to the Town Planner upon completion of all work.
- 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.

9. **349 South Main Street** – Application (SUP#1364) of Jessica Lyons on behalf of Sydney Lyons (R.O.), requesting approval of a Special Use Permit for the creation of a Rear Lot. (Submitted for TPZ receipt on May 3, 2021. Required public hearing scheduled for June 7, 2021. Applicant requested the public hearing to be opened and immediately continued to July 7, 2021. Public Hearing postponed to July 14, 2021)

Per applicant’s request, by **unanimous vote (5-0)** (Motion/Gomes; Second/Binkhorst), The TPZ opened and immediately continued, without testimony, the public hearing on this application to **Monday, August 2, 2021.**

10. **41 Pine Brook Lane** – Application (IWW# 1141), of Dan Morgan, Morgan Contacting Inc., on behalf of Jerry & Nancy Lemega, (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 June 7, 2021. Required public hearing scheduled for July 7, 2021. Public Hearing postponed to July 14, 2021)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Binkhorst; Second Gomes) to **APPROVE** the proposed amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford

11. **33 Sheep Hill Drive- Eisenhower Park** – Application (IWW#1145) of Marc Blanchard, of the Town of West Hartford Leisure Services, approval of an Inland Wetlands and Watercourse Permit to conduct certain regulated activities which may have an adverse impact on a wetlands regulated area. The applicant is proposing to install a Sand Volleyball Court. The proposed work is partially within the 150 ft. upland review area and no direct wetlands impacts are proposed. (Submitted for IWWA receipt on June 7, 2021. Determined to be potentially significant and public hearing set for July 7, 2021. Public Hearing postponed to July 14, 2021)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Gillette; Second/Gomes) 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:

33 SHEEP HILL DRIVE
INLAND WETLAND APPLICATION IWW #1145
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **33 Sheep Hill Drive** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1145** 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 **33 Sheep Hill 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.) 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 additional 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.) A final as built survey shall be submitted to the Town Planner upon completion of all work.

- 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.

12. **33 Sheep Hill Drive- Eisenhower Park** – Application (SUP#1362) of Marc Blanchard, of the Town of West Hartford Leisure Services, requesting approval of a Special Use Permit for the construction of a Sand Volleyball Court. (Submitted for TPZ receipt on June 7, 2021. Required public hearing scheduled for July 7, 2021. Public Hearing postponed to July 14, 2021)

After detailed discussions and deliberations on the matter, the TPZ acted by **unanimous vote (5 - 0)** (Motion/Prestage; Second/Gillette) to **APPROVE** the Special Use Permit application subject to the following conditions.

1. The proposal meets the finding requirements of Section 177-37.4 and 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 and shall guide the appearance, layout and operation of volleyball courts.
3. 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.
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. Prior to the initial opening of the volleyball courts, an inspection by the Planning Division is required to ensure compliance with the approved plan.
6. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by July 2023 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
7. The letter of approval shall be stripped onto the final plan.

EXECUTIVE SESSION:

13. **Executive Session pursuant to section 1-200(6)(B) regarding strategy and negotiations with respect to pending claims or pending litigation.**

Town Plan & Zoning Commission Attending Members Entered Executive Session at 8:15 PM also included was Town Staff: Todd Dumais, Town Planner, Brian Pudlik, Associate Planner, and Gina Varano, Deputy Corporation Counsel. (Motion/Prestage; Second/Gomes)

Town Plan & Zoning Commission Exited Executive Session at 8:54 PM no votes were taken.

TOWN COUNCIL REFERRAL:

14. **None**

TOWN PLANNER'S REPORT:

15. **None**

INFORMATION ITEMS:

16. **Ordinance Establishing a Procedure for the Honorary and Historic Renaming of Public Streets. No Formal Action Taken**

MEETING ADJOURNED: 9:10 P.M. Motion/Gomes; Second/Gillette; Vote 5-0