



Issued: 9/10/2021

**TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING
WEDNESDAY, SEPTEMBER 8, 2021
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

DRAFT MINUTES

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

ABSENT: Commissioner: Andrea Gomes; Alternates: Joshua Kaplan, P.J. Louis, John O'Donnell

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

MINUTES:

1. Approval of Minutes:
 - a. Minutes of the Special Meeting, Thursday, August 12, 2021.
Motion/Gillette; Second/Binkhorst; Approved 3-0 (Prestage Abstained)
 - b. Minutes of the Special Meeting, Monday, August 25, 2021
Motion/Binkhorst; Second/Gillette; Approved 3-0 (Prestage Abstained)

COMMUNICATIONS:

2.
 - a. **2021 Woodridge Lake and Wood Pond Fall Drawdown** – Woodridge Lake Association requests permission to drawdown both Woodridge Lake and Wood Pond by approximately 30 (thirty) inches from October 1, 2021 to November 22, 2021 as part of their annual fall maintenance *Received (4-0) (Motion/Binkhorst; Second Prestage)*
 - b. **178 Westmont** – Request by Salvatore Leone (r.o.) to waive the Wetlands Map Amendment application fee related to the newly resubmitted wetlands map amendment application on the subject parcel. (agenda item number 6) *Received & Waiver Accepted (4-0) (Motion/Prestage; Second/Binkhorst)*

NEW BUSINESS:

3. **1134 Farmington Avenue** - Application (IWW#1154) of Wayne Watt on behalf of LJM Realty II, LLC, (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 has submitted a plan for regulated activities in response to a notice of violation for work conducted within the 150 ft. uplands review area. The applicant is proposing landscape site work within the 150 ft. upland review area and no direct wetlands impacts are proposed. (Submitted for IWWA receipt on September 8, 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/Prestage; Second/Gillette) to find the application to be non-significant and thus conditionally approved. By an unanimous **vote of (4-0)**, the motion was approved and proposed regulated activity was found to be **NON-SIGNIFICANT** and thus conditionally approved based on the following findings:

1134 FARMINGTON AVENUE
INLAND WETLAND APPLICATION IWW #1154
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **1134 Farmington Avenue** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1154** 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 **1134 Farmington 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.) 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 additional removal of dead trees as indicated on the plan, shall be marked in the field and inspected the Planning staff prior to the commencement of any tree clearing activity.
- 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.

- 4. **1272 Trout Brook Drive** - Application (IWW#1155) of Iouri Sinkevitch on behalf of Evan Fox, (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 the construction of an approximately 1937 s.f. new single family home with associated driveway, grading, and new utility connections. The proposed work is within the 150 ft. upland review area and no direct wetlands impacts are proposed. (Submitted for IWWA receipt on September 8, 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/Binkhorst; Second/Prestage) to find the application to be non-significant and thus conditionally approved. By a unanimous **vote of (4-0)**, the motion was approved and proposed regulated activity was found to be **NON-SIGNIFICANT** and thus conditionally approved based on the following findings:

1272 TROUT BROOK DRIVE
INLAND WETLAND APPLICATION IWW #1154
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **1272 Trout Brook Drive** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1155** 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 **1272 Trout Brook 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 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. **2 Chesterfield Lane** - Application (IWW#1156) of Thomas C Hutton & Raquel Rivera, (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 an approximately 5,241 s.f. +/- of site work within the 150 ft uplands review area consisting of a new driveway and site grading. No direct wetlands impacts are proposed. (Submitted for IWWA receipt on September 8, 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; Second/ Prestage) to find the application to be non-significant and thus conditionally approved. By a unanimous **vote of (4-0)**, the motion was approved and proposed regulated activity was found to be **NON-SIGNIFICANT** and thus conditionally approved based on the following findings:

2 CHESTERFIELD LANE
INLAND WETLAND APPLICATION IWW #1156
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **2 Chesterfield Lane** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1156** 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 **2 Chesterfield 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.

6. **178 Westmont**- Application (IWW# 1157), of Salvatore Leone, (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 and is the resubmission and amended version of application IWW1146 withdrawn at the 8/25/21 meeting. (Submitted for IWWA receipt on September 8, 2021. Suggest required public hearing scheduled for October 4, 2021.)

The TPZ, also acting as the IWWA acted by **unanimous vote (4-0)** (Motion/Gillette; Second/Binkhorst) to schedule this matter for public hearing on **Monday, October 4, 2021**.

7. **Town-wide Sewer Easement Clearing Project** - As of Right/Nonregulated Determination Request submission by the Metropolitan District Commission (MDC) for vegetation clearing within 11-12 miles of existing sewer easement areas. (Submitted for IWWA receipt on September 8, 2021. Discussion, presentation and determination of as/of right / nonregulated activated request.) *Note: This matter will be taken up upon the conclusion of all New and Old Business Items on the Agenda.

The TPZ, also acting as the IWWA, tabled this matter to the Regular Meeting on **Monday, October 4, 2021.**

OLD BUSINESS/ PUBLIC HEARING:

8. **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. Applicant requested the public hearing be continued without testimony to September 8, 2021.)

As a late item, the applicant has submitted a letter to **formally withdraw** this application. By **unanimous vote (4-0)** (Motion/Binkhorst; Second/Prestage) the TPZ has received this request.

9. **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 7, 2021. Determined to be potentially significant and set for public hearing on August 2, 2021, postponed until August 25, 2021. Applicant requested hearing be opened & immediately continued to September 8, 2021.)

Per applicant’s request, by **unanimous vote (4-0)** (Motion/Binkhorst; Second/Prestage) the TPZ, also acting as the IWWA, opened and immediately continued, without testimony, the public hearing on this application to **Monday, October 4, 2021.**

10. **11 Pine Brook Lane** – Application (IWW# 1149) of Jon Hooker on behalf of Jonathon Pickard, (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 August 2, 2021, postponed until August 12, 2021. Required public hearing scheduled for September 8, 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 (4-0)** (Motion/Binkhorst; Second Gillette) to **APPROVE** the proposed amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford

11. **1563 Asylum Avenue – Elizabeth Park** – Application (SUP #1334-LB-21) of Mary Dehais, To Design, LLC, on behalf of The City of Hartford, (R.O.), requesting TPZ review and look-

back of compliance with the conditions of SUP #1334. Originally approved March 4, 2019 for a performance stage. (Submitted for TPZ receipt on August 2, 2021, postponed until August 12, 2021. Required public hearing scheduled for September 8, 2021.)

The TPZ acted by **unanimous vote (4-0)** (Motion/Binkhorst; Second/Prestage) to determine that the Special Use Permit did not require additional conditions of approval.

12. **1563 Asylum Avenue – Elizabeth Park** – Application (SUP #1343-LB-21) of Mary Dehais, To Design, LLC, on behalf of The City of Hartford, (R.O.), requesting TPZ review and look-back of compliance with the conditions of SUP #1343. Originally approved September 4, 2019 for a new pedestrian gateway and walk off of Fern Street. (Submitted for TPZ receipt on August 2, 2021, postponed until August 12, 2021. Required public hearing scheduled for September 8, 2021.)

The TPZ acted by **unanimous vote (4-0)** (Motion/Binkhorst; Second/Prestage) to determine that the Special Use Permit did not require additional conditions of approval.

13. **1563 Asylum Avenue – Elizabeth Park** – Application (IWW #1150) 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 August 2, 2021, postponed until August 12, 2021. Required public hearing scheduled for September 8, 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 (4-0)** (Motion/Binkhorst; Second/Prestage) to **APPROVE** the proposed amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford

14. **8 Meadow Farms Road** – Application (IWW#1152) of A. Brooks & Jenny Fischer, (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 an approximately 915 s.f. +/- addition, an approximately 182 s.f. +/- deck and make associated site improvements. The proposed work is within the 150 ft. upland review area and no direct wetlands impacts are proposed. (Submitted for IWWA receipt on August 2, 2021, postponed until August 12, 2021. Determined to be potentially significant and set for public hearing on September 8, 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/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:

8 MEADOW FARMS ROAD
INLAND WETLAND APPLICATION IWW #1152
COMPLIANCE WITH SECTION 10.2 and 10.4

STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **8 Meadow Farms Road** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1152** 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 **8 Meadow Farms 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. 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.
- 3.) 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.
- 4.) The Applicant shall, submit a statement attesting that the rain gardens as indicated on the submitted site plan will be maintained on an annual basis per a Rain Garden Maintenance Plan that will be submitted for review and approval by the Town Engineer and Town Planner. Said plan shall be consistent with the guidance contained in the University of Connecticut's Center for Land Use Education and Research' NEMO program on Rain Gardens.
- 5.) A final completion of work report which certifies the installation of proposed rain gardens as depicted on the plans, shall be submitted to the Town Planner.
- 6.) A final as built survey shall be submitted to the Town Planner upon completion of all work.
- 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:

15. **405-409 Prospect Avenue** - Application filed on behalf of 409 Prospect, LLC, owner of 405-409 Prospect Avenue District. The stated purpose of the application is to request a Special Development District (SDD) designation for approximately .355 acres of RM-1 zoned property. The property received site plan approval for the construction of townhome style dwelling units in 2019. The request for SDD designation would facilitate changes to the approved architectural plans and building massing. The site is currently under construction. (Received by Town Council on June 22, 2021, Town Council Public Hearing set for August 17, 2021. Referred to the Town Plan & Zoning Commission.) ***To Recommend Approval. Motion/Gillette; Second/Binkhorst; Vote 4-0***

16. **245 Prospect Avenue – Prospect Plaza** - Application filed behalf of Floor & Decor, a prospective tenant, of the property located at 245 Prospect Avenue, also known as Prospect Plaza, located within the Special Development District (SDD) #11. The application contemplates facade and site design changes to accommodate a new tenant for the former Shop Rite building. (Received by Town Council on August 17, 2021, Town Council Public Hearing set for September 28, 2021. Referred to the Town Plan & Zoning Commission.) *To Recommend Approval. Motion/Gillette; Second/Binkhorst; Vote 4-0*

17. **An Ordinance Extending the TOD Zoning Moratorium** - Proposed zoning ordinance extending the Moratorium on Certain Uses Not Supportive of Transit-Oriented Development. (Received by Town Council on August 17, 2021, Town Council Public Hearing set for September 28, 2021. Referred to the Town Plan & Zoning Commission.) *To Recommend Approval. Motion/Prestage; Second/Gillette; Vote 4-0*

18. **An Ordinance Allowing Restaurant Drive-Through Facilities in Certain Commercial Districts.** – Proposed zoning ordinance to establish new standards for restaurants with drive through facilities and expand eligible locations in certain commercial districts. (Received by Town Council on August 17, 2021, Town Council Public Hearing set for September 28, 2021. Referred to the Town Plan & Zoning Commission.) *Due to a split vote 2-2, a formal recommendation for approval or denial could not be reached.*

TOWN PLANNER’S REPORT:

19. None

INFORMATION ITEMS:

20. None

MEETING ADJOURNED: 10:02 P.M. Motion/Binkhorst; Second/Gillette; Vote 4-0