



Issued: 12/7/21

**TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING
MONDAY, DECEMBER 6, 2021
VIRTUAL MEETING**

DRAFT MINUTES

ATTENDANCE: Chair: Kevin Ahern, Commissioners: Gordon Binkhorst, Liz Gillette, Andrea Gomes (arrived late; seated on items 7-9 & 11-13) , Kevin Prestage; Alternate: Joshua Kaplan (arrived late; not seated on any items) Town Staff: Todd Dumais, Town Planner, Brian Pudlik, Associate Planner

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

CALL TO ORDER/ROLL CALL: 6:00 P.M.

MINUTES:

1. Approval of Minutes
 - a. Minutes of the Special Meeting, Wednesday, October 7, 2021 – **Motion Gillette; Approved**
 - b. Minutes of the Special Meeting, Wednesday, October 19, 2021 – **Motion Gillette; Approved**

COMMUNICATIONS:

2.
 - a. **4 Banbury Lane** – Application (IWW#1129) of Martin Ringey on behalf of Nancy & Don Hunt, (R.O), requesting leave open and immediately continue the public hearing. New public hearing date to be January 3, 2022. – **Received**

NEW BUSINESS:

3. **840 North Main Street - Intensive Education Academy** – [Application](#) (SUP #1351-LB-21) of Jeffrey Forman, Executive Director of the Intensive Education Academy, Inc., (R.O.), requesting TPZ review and look-back of compliance with the conditions of SUP #1351. Originally approved November 6, 2019 for an expanded and new playground areas. (Submitted for TPZ receipt on December 6, 2021. Suggest required public hearing to be scheduled for January 3, 2022.)

The TPZ acted by **unanimous vote (4-0)** (Motion/Gillette) to schedule this matter for public hearing at the regularly scheduled meeting on **Monday, January 3, 2022 at 6:15 P.M. as a virtual meeting.**

4. **228 Bloomfield Avenue - University of Hartford** – [Application](#) (SUP #1353-LB-21) of Chris Dupuis on behalf of University of Hartford, (R.O.), requesting TPZ review and look-back of compliance with

the conditions of SUP #1353. Originally approved November 6, 2019 for an outdoor fire pit and landscaping improvements. (Submitted for TPZ receipt on December 6, 2021. Suggest required public hearing to be scheduled for January 3, 2022.)

The TPZ acted by **unanimous vote (4-0)** (Motion/Binkhorst) to schedule this matter for public hearing at the regularly scheduled meeting on **Monday, January 3, 2022 at 6:15 P.M. as a virtual meeting.**

5. **119 Flagg Road - Westmoor Park** – Application (SUP #1352-LB-21) of Helen Rubino-Turco, Director of Leisure Services, on behalf of the Town of West Hartford, (R.O.), requesting TPZ review and look-back of compliance with the conditions of SUP #1352. Originally approved November 6, 2019 for an open-air outdoor classroom structure. (Submitted for TPZ receipt on December 6, 2021. Suggest required public hearing to be scheduled for January 3, 2022.)

The TPZ acted by **unanimous vote (4-0)** (Motion/Binkhorst) to schedule this matter for public hearing at the regularly scheduled meeting on **Monday, January 3, 2022 at 6:15 P.M. as a virtual meeting.**

6. **116 Westmont** – Application (IWW #1159) of Bret Bowin, Urform, LLC, on behalf of Nancy Prather & Michael Shaughness, (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 a new deck and addition project with 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 December 6, 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 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:

116 WESTMONT
INLAND WETLAND APPLICATION IWW #1143
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **116 Westmont** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1159** 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 **116 Westmont**.

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.) 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. **40 Still Road** – [Application](#) (IWW #1162) of Nadia Wright, Juliano’s Pools, on behalf of Jessica Tagliarini, (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 a 22’ x 36’ in-ground pool with associated site improvements including a patio, addition to an existing deck, and screened in porch. The proposed work is within the 150 ft. upland review area and no direct wetlands impacts are proposed. (Submitted for IWWA receipt on December 6, 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) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, January 3, 2022.**

8. **920-924 Farmington Avenue** – [Application](#) (IWW #1163) of Farmington Avenue Acquisitions, 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 is proposing the demolition and redevelopment existing office buildings to support a mixed-use building with associated parking, landscaping, site and utility improvements. The proposed work is within the 150 ft. upland review area and no direct wetlands impacts are proposed. A companion SDD application will be submitted to the Council and ultimately referred to the TPZ. (Submitted for IWWA receipt on December 6, 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/Binkhorst) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, January 3, 2022.**

OLD BUSINESS/PUBLIC HEARING:

9. **10 Ridgebrook Drive** – [Application](#) (IWW 1164) of Brad & Liz Normand, (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 December 6, 2021. Suggest required public hearing to be scheduled for January 3, 2022.)

The TPZ, also acting as the IWWA acted by **unanimous vote (5-0)** (Motion/Binkhorst) to schedule this matter for public hearing on **Monday, January 3, 2022.**

10. **4 Banbury Lane - Application** (IWW#1129) of Martin Ringey on behalf of Nancy & Don Hunt, (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 to preform site work and associated landscaping. The proposed work is partially within the 150 ft. upland review area and no direct wetlands impacts are proposed. (Submitted for IWWA receipt on October 7, 2021. Determined to be potentially significant and set for public hearing on November 3, 2021.)

Per applicant's request, by **unanimous vote (4-0)** (Motion/Prestage), The IWWA immediately continued, without testimony, the public hearing on this application to **Monday, January 3, 2022.**

11. **637 New Park Avenue – Gastro Park – Application** (SUP#1341-LB-21) of Tate Norden (R.O.), requesting TPZ review and look-back of compliance with the conditions of SUP #1341 and modifications to the original approval. Originally approved September 4, 2019 for a food truck park which included space for up to four food trucks; indoor dining, bar and games areas; outdoor dining and games patio; and associated site parking. (Submitted for TPZ receipt on November 3, 2021. Required public hearing scheduled for December 6, 2021.)

The TPZ acted by **unanimous vote (5 - 0)** (Motion/Gomes) 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 177-37.4 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 and operation of the food truck park area and modified by the conditions below.
3. The applicant shall comply with the operational statement submitted as part of the application and as modified below.
 - a. Amplified music may be provided inside or outside provided that it is played at a level that does not interfere with other properties and at no point shall the noise level exceed the limits established by the West Hartford noise ordinances.

- b. Scheduled music entertainment shall be limited to the following times: Thursday-Friday 5-9p, Saturday 12-9 or Sunday 12-7p.
 - c. The hours of operation for a food truck park shall be limited to 10:00 a.m. to 11:00 p.m. Food trucks may arrive at the park one hour prior to opening to the public and must vacate the park no later than one hour after closing to the public unless the vehicle is permitted to stay as noted above.
 - d. All parking spaces shall be stripped and maintained according to the plans on file.
 - e. Contact information for the designated manager shall be provided to the Planning Division.
 - f. The modified operational statement shall be stripped onto the final plan
4. Use of the pea gravel area located above the retaining wall is restricted to seating for 24 patrons.
 5. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by September 2021 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
 6. This letter of approval shall be stripped onto the final plan.

12. **589-591 New Park Avenue** – [Application](#) (SUP#1369) of Bret Bowin on behalf of Sarjac Partners, LLC, (R.O.), requesting approval of a Special Use Permit to have a new place of worship use in the rear building on site. (Submitted for TPZ receipt on November 3, 2021. Required public hearing scheduled for December 6, 2021.)

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

7. The proposal meets the finding requirements of Section 177-37.4 and 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - d. 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.
 - e. 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.
 - f. 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.
8. Plans of record are incorporated by reference in this approval and shall guide the appearance and operation of place of worship.

9. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by December of 2023 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
10. The days and hours of operation associated with the Special Use Permit shall be limited to those as described in the operational statement dated October 25, 2021.
11. This letter of approval shall be stripped onto the final plan.

13. **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 was continued, without testimony, to the January 3, 2022 meeting.

TOWN COUNCIL REFERRAL:

14. **None**

TOWN PLANNER'S REPORT:

15. **Land Use, Low Impact Development and Stormwater Presentation:** Training and discussion facilitated by Michael Dietz and David Dickinson of the UConn Center for Land Use Education and Research. *(Please note that this portion of the meeting will start at 7pm)*

MEETING ADJOURNED: 9:06 P.M. Motion/ Prestage; Vote 5-0

U: shareddocs/TPZ/Minutes//2021/December 6_Draft