



Issued: 1/6/22

**TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING
MONDAY, JANUARY 3, 2022
VIRTUAL MEETING**

DRAFT MINUTES

ATTENDANCE: Chair: Kevin Ahern, Commissioners: Gordon Binkhorst, Kevin Prestage, Liz Gillette, Andrea Gomes (arrived late; seated after Item 3, absent for Item 8); Town Staff: Todd Dumais, Town Planner, Brian Pudlik, Associate Planner, Robert Gosselin, Planning & Zoning Technician.

ABSENT: Alternates: John O'Donnell, Joshua Kaplan

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

MINUTES:

- 1. Approval of Minutes
 - a. Minutes the Regular Meeting, Monday, December 6, 2021 – **Motion ; Approved**

COMMUNICATIONS:

- 2.
 - a. **4 Banbury Lane - Application (IWW#1129)** of Martin Ringey on behalf of Nancy & Don Hunt, (R.O), requesting to leave open and immediately continue the public hearing. New public hearing date to be February 7, 2022.– **Received**

NEW BUSINESS:

- 3. **289 South Main Street – Rockledge Golf Course** – Application (IWW#1167) of Helen Rubino-Turco, on behalf of the Town of West Hartford, (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 purposes the mechanical dredging of Rockledge Golf Course’s irrigation pond and onsite reuse of dredged soils. The proposed work is partially within a watercourse, wetlands area, and 150 ft. upland review area. (Submitted for IWWA receipt on January 3, 2022. 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) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, February 7, 2022.**

OLD BUSINESS/PUBLIC HEARING:

4. **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 (5-0)** (Motion/Prestage), The IWWA immediately continued, without testimony, the public hearing on this application to **Monday, January 3, 2022.**

5. **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. Required public hearing scheduled for January 3, 2022.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Binkhorst) to determine that the Special Use Permit did not require additional conditions of approval.

6. **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. Required public hearing scheduled for January 3, 2022.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Binkhorst) to determine that the Special Use Permit did not require additional conditions of approval

7. **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. Required public hearing scheduled for January 3, 2022.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Prestage) to determine that the Special Use Permit did not require additional conditions of approval

8. **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.)

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) (Gomes Abstained) to

APPROVE the proposed amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford

9. **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. Determined to be potentially significant and set for public hearing on January 3, 2022.)

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/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:

40 STILL ROAD
INLAND WETLAND APPLICATION IWW #1162
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **40 Still Road** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1162** 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 **40 Still 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.) 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. Once installed, but before the commencement of any disturbance, the Town Planner shall be notified and provided the opportunity to inspect.
- 5.) All work within the 10 foot mutual drainage easement shall be in full compliance with Section 11 of the Declaration of Covenants and Restrictions of Still Brook Subdivision, West Hartford Connecticut, filed on the Town of West Hartford Land Records on June 20, 2011 and found in volume 4585, page 177.
- 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.

10. **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. (Submitted for IWWA receipt on December 6, 2021. Determined to be potentially significant and set for public hearing on January 3, 2022.)

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/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:

920-924 FARMINGTON AVENUE
INLAND WETLAND APPLICATION IWW #1162
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **920-924 Farmington Avenue** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1163** 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 **920-924 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. As noted by the Agency, additional soil and erosion controls measures along the eastern perimeter of the site, adjacent to Trout Brook, shall be added to the plan, subject to the review and approval of the Town Planner.
- 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. Once installed, but before the commencement of any disturbance, the Town Planner shall be notified and provided the opportunity to inspect.
- 5.) The construction staging and management plan shall be updated to ensure all fuel storage and washout areas are located outside of the upland review area on site.
- 6.) Designated snow storage area shall be prohibited in areas along the eastern perimeter of the site, adjacent to Trout Brook.
- 7.) The landscape areas along the property frontage and within the parking area shall be updated to reflect the inclusion of Low Impact Development design features.

- 8.) 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.

11. **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 February 7, 2022 meeting.

TOWN COUNCIL REFERRAL:

12. **920-924 Farmington Avenue** - Application filed on behalf of Farmington Avenue Acquisitions, LLC, owner of 920 and 924 Farmington Avenue. The stated purpose of the application is to request a change of the underlying zone for .98 acres currently split zoned BC (Central Business District) and RM-3 (Multifamily Residence District) to (CBDH) Central Business High Intensive District with a new Special Development District (SDD) designation for a proposed new mixed-use development. (Received by Town Council on December 14, 2021, Town Council Public hearing set for January 25, 2022. Referred to the Town Plan & Zoning Commission.) ***To Recommend Approval. Motion/Prestage; Vote 5-0***

13. **1105-1115 New Britain Avenue, 12 Grove Street, and 5 Newington Road** - Application filed on behalf of JJJ New Britain Avenue Associates, LLC, owner of 12 Grove Street, 1105-1115 New Britain Avenue and 5 Newington Road. The stated purpose of the application is to request a change of the underlying zone for 12 Grove Street, currently zoned R-6 (One-Family Residence District) to RP (Residence Parking District) and then the designation of 12 Grove Street, 1105-1115 New Britain Avenue and 5 Newington Road to a new Special Development District (SDD) to allow for the expansion of parking lot area to support the existing commercial properties on New Britain Avenue. (Received by Town Council on December 14, 2021, Town Council Public hearing set for February 8, 2022. Referred to the Town Plan & Zoning Commission.) ***To Recommend Approval. Motion/Prestage; Vote 4-1. (Gillette voted against)***

14. **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 December 14, 2021, Town Council Public Hearing set for January 24, 2022. Referred to the Town Plan & Zoning Commission.) ***To accept on the Agenda; Motion/Prestage; Vote 5-0. To Recommend Approval; Motion/Gomes; Vote 5-0.***

TOWN PLANNER'S REPORT:

15. None

INFORMATION ITEMS:

16. None

MEETING ADJOURNED: 11:16 P.M. Motion/ Gomes; Vote 5-0

U: shareddocs/TPZ/Minutes/2022/January 3_Draft