



Issued: 3/10/22

**TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING
MONDAY, MARCH 7, 2022
VIRTUAL MEETING**

DRAFT MINUTES

ATTENDANCE: Chair: Kevin Ahern, Commissioners: Gordon Binkhorst, Liz Gillette, Andrea Gomes; Alternate Joshua Kaplan; Town Staff: Todd Dumais, Town Planner, Brian Pudlik, Associate Planner, Robert Gosselin, Planning & Zoning Technician.

ABSENT: Commissioner Kevin Prestage; Alternate: John O'Donnell,

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

Commissioner Kaplan joined after Item #8

MINUTES:

- 1. Approval of Minutes
 - a. Minutes of the Regular Meeting, Monday, February 7, 2022- **Motion Gillette; Approved**

COMMUNICATIONS:

- 2.
 - a. **22 Belcrest Road** - Application (SUP#1374) of Matthew Cassidy. (R.O.), is requesting to formally withdraw the Special Use Permit Application. . **Received**

NEW BUSINESS:

- 3. **15 Fernbrook** - Application (IWW #1161) of Ralph & Kim Cohen, (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 proposes to construct an elevated 3-season room and attached deck using helical piles on the same footprint as a previously existing raised brick patio that collapsed. The proposed work is within a 150 ft. upland review area and no direct wetland impacts are proposed. (Submitted for IWWA receipt on March 7, 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/Gillette) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, April 4, 2022 at 7:15 P.M. in the Legislative Chambers, Room 314, West Hartford Town Hall, 50 South Main Street.**

4. **4 Banbury Lane** - Application (IWW#1129-R1-22) of David Whitney, 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 within the 150 ft. upland review area and adjacent to the watercourse. (Submitted for IWWA receipt on March 7, 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/Gillette) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, April 4, 2022 at 7:15 P.M. in the Legislative Chambers, Room 314, West Hartford Town Hall, 50 South Main Street.**

5. **574-600 Mountain Road** - Application (IWW #1165) of Julie A. Viera 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 proposes the cleaning and restoration of a culvert. The proposed work is within a 150 ft. upland review area, wetlands soils area, and watercourse. (Submitted for IWWA receipt on March 7, 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/Binkhorst) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, April 4, 2022 at 7:15 P.M. in the Legislative Chambers, Room 314, West Hartford Town Hall, 50 South Main Street.**

6. **660, 666, and 667 Mountain Road** - Application (IWW #1166) of Julie A. Viera 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 proposes the cleaning and restoration of a culvert. The proposed work is within a 150 ft. upland review area, wetlands soils area, and watercourse. (Submitted for IWWA receipt on March 7, 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/Binkhorst) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, April 4, 2022 at 7:15 P.M. in the Legislative Chambers, Room 314, West Hartford Town Hall, 50 South Main Street.**

7. **14 Wendy Lane** - Application (IWW #1168) of Jason McCabe 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 proposes the repair and restoration of a town owned drainage system. The proposed work is within a 150 ft. upland review area and watercourse. (Submitted for IWWA receipt on March 7, 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/Binkhorst) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, April 4, 2022 at 7:15 P.M. in the Legislative Chambers, Room 314, West Hartford Town Hall, 50 South Main Street.**

8. **34-38 Fairfield Road** - Application (IWW #1171) of Jason McCabe 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 proposes the repair and restoration of a town owned drainage system. The proposed work is within a 150 ft. upland review area and watercourse. (Submitted for IWWA receipt on March 7, 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/Gomes) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, April 4, 2022 at 7:15 P.M. in the Legislative Chambers, Room 314, West Hartford Town Hall, 50 South Main Street.**

OLD BUSINESS/PUBLIC HEARING:

9. **1678 Asylum Avenue** – University of St. Joseph – Application (SUP #1336-LB-22) of John McMeeking, SMRT Architects & Engineers, on behalf of The 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 synthetic turf field and athletic field lighting. (Submitted for TPZ receipt on February 7, 2022. Required public hearing scheduled for March 7, 2022)

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

10. **25 Dover Road – St. Thomas the Apostle School** – Application (SUP #1019-R1-22) of St. Thomas the Apostle School (R.O.) requesting approval of a Special Use Permit for the installation of two shade structures on existing playground equipment. (Submitted for TPZ receipt on February 7, 2022. Required public hearing scheduled for March 7, 2022)

After detailed discussions and deliberations on the matter, the TPZ acted by **unanimous vote (5 - 0)** (Motion/Gomes) (Kaplan seated for Prestage) 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 the playground.
3. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by March, 2024, for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.

11. **245 Prospect Avenue – Planet Fitness – Application** (SUP #1375) of Kari L. Olson, Esq, Murtha Cullina, LLP, on behalf of Planet Fitness and Prospect Plaza Improvements, LLC (R.O.), requesting approval of a Special Use Permit to allow for 24-hour operations of the fitness facility pursuant to Section 177-37.1 of the zoning ordinances. (Submitted for TPZ receipt on February 7, 2022. Required public hearing scheduled for March 7, 2022)

After detailed discussions and deliberations on the matter, the TPZ acted by **unanimous vote (5 - 0)** (Motion/Binkhorst) (Kaplan seated for Prestage) 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:
 - 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.
2. Plans of record are incorporated by reference in this approval and shall guide the operation of the fitness facility.
3. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by March 2024 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
4. This letter of approval shall be stripped onto the final plan.

12. **300 Bloomfield Avenue – New England Jewish Academy** – Application (IWW #1169) of Michael Cegan, Richter & Cegan, Inc, on behalf of New England Jewish Academy, (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 construction of a new addition, a new outdoor play area and associated site work in support of expanded educational programs from Pre-K through 12th grade. The proposed work is partially within a 150 ft. upland review area and no direct wetland impacts are proposed. (Submitted for IWWA receipt on February 7, 2022. Determined to be potentially significant and set for public hearing on March 7, 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 (4-1)** (Motion/Binkhorst) (Kaplan seated for Prestage) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

300 BLOOMFIELD AVENUE
INLAND WETLAND APPLICATION IWW #1170
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **300 Bloomfield Avenue** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1169** 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 **300 Bloomfield 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.) 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 stormwater infrastructure shall be installed per the standards and specifications of the Town of West Hartford Division of Engineering.
- 6.) The proposed “buffer” plantings shall be installed prior to the issuance of a Certificate of Occupancy and shall be maintained in good health.
- 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

- 12. **300 Bloomfield Avenue – New England Jewish Academy** – Application (SUP #1150-R1-22) of Michael Cegan, Richter & Cegan, Inc, on behalf of New England Jewish Academy, (R.O), requesting approval of a Special Use Permit for the construction of a new addition, a new outdoor play area and associated site work in support of expanded educational programs from Pre-K through 12th grade. (Submitted for TPZ receipt on February 7, 2022. Required public hearing scheduled for March 7, 2022.)

The TPZ acted by **unanimous vote (5 - 0)** (Motion/Binkhorst) (Kaplan seated for Prestage) to **GRANT** the Special Use Permit application with conditions. During its discussions and deliberations on this matter, the commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-37.4 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 school and expanded outdoor play areas.
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. The proposed “buffer” plantings shall be installed prior to issuance of a Certificate of Occupancy and shall be maintained in good health.
6. All stormwater infrastructure shall be installed per the standards and specifications of the Town of West Hartford Division of Engineering.
7. Prior to the filing of the Special Use Permit on the Land Records, the Applicant shall submit for review and approval by the Town Engineer and Town Planner, a yearly maintenance plan for the on-site stormwater infrastructure.
8. A final as built survey shall be submitted to the Town Planner upon completion of all work.
9. 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.
10. This letter of approval shall be stripped onto the final plan.

14. **25 Kane Street** – Application (IWW #1170) of David Shipe, Starbucks Coffee Company on behalf of Thomas R. Evans, (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 reconfiguration and reconstruction of an existing commercial parking lot, building

accessibility/ ADA improvements, the relocation of an existing trash enclosure relocation and landscaping improvements. The proposed work is within a 150 ft. upland review area and no direct wetland impacts are proposed. (Submitted for IWWA receipt on February 7, 2022. Determined to be potentially significant and set for public hearing on March 7, 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/Gomes) (Kaplan seated for Prestage) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

25 KANE STREET
INLAND WETLAND APPLICATION IWW #1170
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **25 Kane Street** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1170** 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 **25 Kane Street**.

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.) Prior to issuance of a Certificate of Occupancy, the project Engineer and/or Soil Scientist shall certify that the construction of the rain garden is complete and all plantings have been installed per the plans of record. A plan for future maintenance of the rain garden shall also be submitted to the Town Planner for review and approval.
- 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.

- 15. **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 continued, without testimony, to the March 7, 2022 meeting.

TOWN COUNCIL REFERRAL:

16. **245 Prospect Avenue** – Application (SDD #11-R1-22) filed on behalf of Prospect Plaza Improvements, LLC, owner of 245 Prospect Avenue, Special Development District #11, more commonly known as Prospect Plaza. The stated purpose of the application is a request for modification to the existing conditions of approval of the SDD in order to remove restrictions on current uses and permit all uses allowed in the underlying zoning district for parcel. (Received by Town Council on February 8, 2022. Set for public hearing on March 22, 2022. Referred to TPZ and DRAC.)
Recommend Approval; vote 5-0 (Motion/Gomes) (Kaplan seated for Prestage).

TOWN PLANNER’S REPORT:

17. **Discussion of zoning ordinance amendments**

INFORMATION ITEMS:

18. **None**

MEETING ADJOURNED: 10:00 P.M. Motion/Gomes (Kaplan seated for Prestage); Vote 5-0