

Issued: 7/7/22

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
WEDNESDAY, JULY 6, 2022
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

DRAFT MINUTES

ATTENDANCE: Vice Chair: Gordon Binkhorst & Commissioners: Liz Gillette, Andrea Gomes & Kevin Prestage; Alternates Joshua Kaplan (Joined 7:05 PM), Nancy Grassilli; Town Staff: Todd Dumais, Town Planner; Brian Pudlik, Associate Planner.

ABSENT: Commissioners: Kevin Ahern; Alternate: John O'Donnell

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

MINUTES:

1. Approval of Minutes
 - a. Minutes of the Regular Meeting, Monday, June 6, 2022- **Motion Gillette/Second Prestage; Approved**

COMMUNICATIONS:

2.
 - a. **2 Ferncliff Drive** -- Application (IWW #1178) of Derek Schwalenberg, (R.O.), Request to open and immediately continue the public hearing for the Regulated Activity Permit to the August 8, 2022 TPZ Regular Meeting.

The TPZ acted by **unanimous vote (5-0)** (Motion/Prestage; Second/Gomes) to receive this communication

NEW BUSINESS:

3. **11 Midlands** – **Application** (IWW# 1180) of William and Deborah Doran, (R.O.), requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetlands regulated area. The applicant proposes to reconstruct and extend an existing failed retaining wall and conduct drainage, grading and other site improvements including the installation of a new shed. The proposed work is partially within a regulated wetlands soils area and is within a 150 ft. upland review area. (Submitted for IWWA receipt on July 6, 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 (5-0)** (Motion/Prestage; Second/Gomes) (Grassilli seated for Commissioner Ahern) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, August 8, 2022 at 7:15 the Legislative Chambers, Room 314, West Hartford Town Hall, 50 South Main Street.**

- 4. **25 Flagg Road** -- Application (SUP #1349-LB-22) of James Dougherty, on behalf of the Hartford Tennis Club, (R.O.), requesting TPZ review and lock-back of compliance with conditions of SUP #1349. Originally approved October 7, 2019 for a 10' x 12' shed near the southeast corner of the property. (Submitted for TPZ receipt on July 6, 2022. Suggest required public hearing be scheduled for August 8, 2022.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Gillette; Second/Prestage) (Kaplan seated for Commissioner Ahern) to schedule this matter for public hearing at the regularly scheduled meeting on **Monday, August 8, 2022 at 7:15 in room 314 of Town Hall, located at 50 South Main Street.**

- 5. **160 Mohegan Drive – The Emanuel Synagogue** -- Application (SUP #1383) of The Children’s Museum Inc., on behalf of The Emanuel Synagogue, (R.O.), requesting approval of a Special Use Permit to convert approximately 7,618 sf of unused pre-school space on the 1st floor of the synagogue for a temporary relocation to accommodate the Children’s Museum. (Submitted for TPZ receipt on July 6, 2022. Suggest required public hearing be scheduled for August 8, 2022.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Gomes; Second/Prestage) (Grassilli seated for Commissioner Ahern) to schedule this matter for public hearing at the regularly scheduled meeting on **Monday, August 8, 2022 at 7:15 in room 314 of Town Hall, located at 50 South Main Street.**

- 6. **170 Kingswood Road – The Kingswood Oxford School** -- Application (SUP #1382) of The Kingswood Oxford School, (R.O.), requesting approval of a Special Use Permit to use temporary athletic lights on September 24, 2022 for a “Kick-off” football game on the existing turf field. (Submitted for TPZ receipt on July 6, 2022. Suggest required public hearing be scheduled for August 8, 2022.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Gomes; Second/Kaplan) (Kaplan seated for Commissioner Ahern) to schedule this matter for public hearing at the regularly scheduled meeting on **Monday, August 8, 2022 at 7:15 in room 314 of Town Hall, located at 50 South Main Street.**

- 7. **975 North Main Street – Hall High School** -- Application (SUP #1385) of Robert Palmer, Director of Plan & Facilities Services, on behalf of The Town of West Hartford, (R.O.), requesting approval of a Special Use Permit for the installation of a new scoreboard on the varsity softball field. (Submitted for TPZ receipt on July 6, 2022. Suggest required public hearing be scheduled for August 8, 2022.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Gomes; Second/Prestage) (Grassilli seated for Commissioner Ahern) to schedule this matter for public hearing at the regularly scheduled meeting on **Monday, August 8, 2022 at 7:15 in room 314 of Town Hall, located at 50 South Main Street.**

OLD BUSINESS/PUBLIC HEARING:

- 8. **11 Midlands** – Application (IWW# 1179) of William and Deborah Doran, (R.O.), requesting approval of a map amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford. The proposed amendment is based on an onsite soil survey prepared by a

professional soil scientist. (Submitted for IWWA receipt on June 6, 2022. Required public hearing scheduled for July 6, 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; Second/Gomes) (Kaplan seated for Commissioner Ahern) to **APPROVE** the proposed amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford

9. **200 Whitman Avenue – Fairview Cemetery** -- Application (SUP #1384) of Brook Nelson, Department of Public Works, on behalf of the Town of West Hartford, (R.O.), requesting approval of a Special Use Permit for the development of 360 grave sites for in-ground burials at Fairview Cemetery. (Submitted for TPZ receipt on June 6, 2022. Required public hearing scheduled for July 6, 2022.)

After detailed discussions and deliberations on the matter, the TPZ acted by **unanimous vote (5 - 0)** (Motion/Prestage; Second/Gomes) (Grassilli seated for Commissioner Ahern) to **CONTINUE** the Special Use Permit application to the August 8, 2022 meeting of the TPZ for the following reasons:

1. The TPZ asks that the applicant consider planting white oaks in place of red maples where appropriate.
2. The TPZ asks that the applicant explore options to prevent vehicle conflicts between those coming in and out of the cemetery and those parking to visit gravesites in the new burial area.
3. The TPZ asks that the applicant explore options for additional plantings along the road frontage on both the east and west sides of the cemetery entrance drive in order to better screen the burial areas.
4. The TPZ asks that the applicant consider eliminating the southerly-most row of proposed gravesites in order to allow for additional screening opportunity.
5. The TPZ asks that the applicant clarify on the plan the gravesites being added as part of this application.
6. The TPZ asks that staff review whether the Cemetery Advisory Board, as described in Chapter 5, Article XXII of the Town Code, is an active board and if yes, what, if any, their roll is in this type of application.

10. **25 Brixton Street** -- Application (IWW #1176) of John Philips, Director of Public Works, on behalf of the Town of West Hartford, (R.O.), requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetlands regulated area. The applicant proposes the closure of a landfill and the redevelopment of the existing waste and recycling center. The proposed work is partially within a 150 ft. upland review area, no direct wetland impacts are proposed. (Submitted for IWWA receipt on June 6, 2022. Determined to be potentially significant and set for public hearing on July 6, 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; Second/Gomes) (Kaplan seated for Commissioner Ahern) 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 Brixton Street
INLAND WETLAND APPLICATION IWW #1176
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **25 Brixton Street** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1176** 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 Brixton 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. A final completion of report which certifies that all work was completed per plan, prepared by qualified professional, shall be submitted to the Town Planner.
6. The Agency shall receive copies of all materials, correspondence and permits received from Connecticut Department of Energy and Environmental Protection or Army Corps of Engineers as may be required.
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.

11. **1678 Asylum Avenue –University of Saint Joseph** -- Application (IWW #1177) of Andrew Levesque, on behalf of the University of Saint Joseph, (R.O.), requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetlands regulated area. The applicant proposes a new gravel parking area with associated site improvements. The proposed work is partially within a 150 ft. upland review area, no direct wetland impacts are proposed. (Submitted for IWWA receipt on June 6, 2022. Determined to be potentially significant and set for public hearing on July 6, 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; Second/Gillette) (Grassilli seated for Commissioner Ahern) 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:

1678 ASYLUM AVENUE
INLAND WETLAND APPLICATION IWW #1177
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **1678 Asylum Avenue** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1177** 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 **1678 Asylum 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. All stormwater infrastructure shall be installed per the standards and specifications of the Town of West Hartford Division of Engineering.
5. 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.
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.

12. **1678 Asylum Avenue – University of Saint Joseph** -- Application (SUP #1381) of Andrew Levesque, on behalf of the University of Saint Joseph, (R.O.), requesting approval of a Special Use Permit for a new gravel parking area with 74 spaces proposed. (Submitted for TPZ receipt on June 6, 2022. Required public hearing scheduled for July 6, 2022.)

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

8. 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.
- 9. Plans of record are incorporated by reference in this approval and shall guide the appearance, layout and field, parking area and associated improvements.
- 10. 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.
- 11. 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.
- 12. 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 gravel parking area and associated stormwater improvements.
- 13. Prior to the filing of the Special Use Permit on the Land Records, the Applicant shall satisfactorily address all outstanding comments from the West Hartford Division of Engineering.
- 14. All stormwater infrastructure shall be installed per the standards and specifications of the Town of West Hartford Division of Engineering.
- 15. A final as built survey shall be submitted to the Town Planner upon completion of all work.
- 16. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by October 2024 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
- 17. This letter of approval shall be stripped onto the final plan.

- 13. **2 Ferncliff Drive** -- Application (IWW #1178) of Derek Schwalenberg, (R.O.), requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetlands regulated area. The applicant proposed the construction of a new single-family home with associated site improvements. The proposed work is within a 150 ft. upland review area, no direct wetland impacts are proposed. (Submitted for IWWA receipt on June 6, 2022. Determined to be potentially significant and set for public hearing on July 6, 2022.) ****Note this item is subject to a request to open and immediately continue to August 8th as described in Agenda item 2 a above.*

The TPZ acted by **unanimous vote (5-0)** (Motion/Gomes; Second/Kaplan) (Kaplan seated for Commissioner Ahern) to open and immediately continue this public hearing.

TOWN COUNCIL REFERRAL:

- 14. **None**

TOWN PLANNER’S REPORT:

- 15. Affordable Housing Advisory Working Group Update: [Presentation from Dr. Poland](#): *Understanding Housing Markets and Affordable Housing: Economics and Financial Feasibility*

Received by the TPZ; No action taken

INFORMATION ITEMS:

- 16. **None**

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

U: shareddocs/TPZ/Minutes/2022/July6_Draft