



Issued: 12/8/22

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING  
MONDAY, DECEMBER 5, 2022  
LEGISLATIVE CHAMBER, ROOM 314  
TOWN HALL, WEST HARTFORD, CT 06107**

**DRAFT MINUTES**

**ATTENDANCE:** Chair: Kevin Ahern & Commissioners: Gordon Binkhorst, Liz Gillette, Andrea Gomes and Kevin Prestage; Alternates Nancy Grassilli and Josh Kaplan; Town Staff: Todd Dumais, Town Planner & Brian Pudlik, Associate Planner

**ABSENT:** Commissioner O'Donnell

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

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**MINUTES:**

- 1. Approval of Minutes
  - a. Minutes of the Regular Meeting, Wednesday, November 2, 2022- **Motion Gomes/Second Binkhorst; Approved 5-0**

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**COMMUNICATIONS:**

- 2.
  - a. None

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**NEW BUSINESS:**

- 3. **2240 Albany Avenue – Young Israel of West Hartford** – Application (SUP #1398) of Young Israel of West Hartford (R.O.), requesting approval of a Special Use Permit to place a portable modular trailer at the rear of the property to be used by the synagogue for worship, programming and storage needs. (Submitted for TPZ receipt on December 5, 2022. Suggest required public hearing be scheduled for January 4, 2023.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Binkhorst; Second/Gomes) to schedule this matter for public hearing at the regularly scheduled meeting on **Monday, January 4, 2022 at 7:15 in room 314 of Town Hall, located at 50 South Main Street.**

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**OLD BUSINESS/PUBLIC HEARING:**

4. **29 Wampanoag Drive – Northwest Catholic High School** -- Application (IWW #1186) of Northwest Catholic High School, (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 convert an existing natural grass sports fields to a new multi-sport synthetic turf field with associated site improvements. The proposed work is within a 150 ft. upland review area with no direct wetlands impacts proposed. (Submitted for IWWA receipt on November 2, 2022. Determined potentially significant and set for public hearing on December 5, 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) 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:

**29 WAMPANOAG DRIVE**  
**INLAND WETLAND APPLICATION IWW #1186**  
**COMPLIANCE WITH SECTION 10.2 and 10.4**  
**STANDARDS AND CRITERIA FOR DECISION**

The request to conduct certain regulated activities at **29 Wampanoag Drive** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1186** 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 **29 Wampanoag Drive**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.
- 3.) 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.) Pre-construction and post-construction stormwater runoff testing for heavy metals shall be submitted to the Town Planner for review. A pre-construction testing report shall be submitted prior to the start of any site disturbance. All testing shall be completed by a qualified professional utilizing an independent testing facility.
- 6.) Annual testing of crumb rubber infill material shall comply with all ASTM F3188-16, Standard Specification for Extractable Hazardous Metals in Synthetic Turf Infill Materials and EN 71-3, Migration of Certain Elements Toxicological Analysis. Should any of these tests fail, the Town Planner shall be notified within 14 days and a mitigation plan shall be provided.
- 7.) 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.

- 8.) Any change to the infill material used on the turf field shall be subject to review and approval by the TPZ, except that a change to an organic or natural infill product shall only require notification to the Town Planner.
- 9.) In the event that the turf field ceases to be used for its permitted and intended purpose, it shall be removed in its entirety and the area(s) restored to natural grass.
- 10.) A final as built survey shall be submitted to the Town Planner upon completion of all work.
- 11.) 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.

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5. **29 Wampanoag Drive – Northwest Catholic High School** -- Application (SUP #1391) of Northwest Catholic High School, (R.O.), requesting approval of a Special Use Permit to convert existing natural grass sports fields to a new multi-sport synthetic turf field with associated site improvements. (Submitted for TPZ receipt on September 7, 2022. Required public hearing scheduled for October 3, 2022. Public hearing continued to November 2, 2022. Public hearing continued again to December 5, 2022.)

After detailed discussions and deliberations on the matter, the TPZ acted by **unanimous vote (4 - 0)** (Motion/Gillette; Second/Prestage) (Gomes abstained) 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 and layout of the turf field, parking area and associated improvements.
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. 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.

5. All stormwater infrastructure shall be installed per the standards and specifications of the Town of West Hartford Division of Engineering.
6. Pre-construction and post-construction stormwater runoff testing for heavy metals shall be submitted to the Town Planner for review. A pre-construction testing report shall be submitted prior to the start of any site disturbance. All testing shall be completed by a qualified professional utilizing an independent testing facility.
7. Annual testing of crumb rubber infill material shall comply with all ASTM F3188-16, Standard Specification for Extractable Hazardous Metals in Synthetic Turf Infill Materials and EN 71-3, Migration of Certain Elements Toxicological Analysis. Should any of these tests fail, the Town Planner shall be notified within 14 days and a mitigation plan shall be provided.
8. 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.
9. Any change to the infill material used on the turf field shall be subject to review and approval by the TPZ, except that a change to an organic or natural infill product shall only require notification to the Town Planner.
10. In the event that the turf field ceases to be used for its permitted and intended purpose, it shall be removed in its entirety and the area(s) restored to natural grass.
11. A final as built survey shall be submitted to the Town Planner upon completion of all work.
12. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by December 2024 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
13. This letter of approval shall be stripped onto the final plan.

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6. **170 Kingswood Road – Kingswood Oxford School** -- Application (SUP #1394) of Kingswood Oxford School, (R.O.), requesting approval of a Special Use Permit to construct dugouts and install protective netting for the varsity baseball field. (Submitted for TPZ receipt on November 2, 2022. Required public hearing scheduled for December 5, 2022.)

After detailed discussions and deliberations on the matter, the TPZ acted by **unanimous vote (5 - 0)** (Motion/Gillette; Second/Binkhorst) 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 appearance, layout and operation of the dugouts and proposed screening.
  3. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by December, 2024, for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.

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7. **433 South Main Street** -- Application (SUP 1392) of Corporate Center West Associates, LLC (RO) requesting approval, pursuant to Section 177-16.12, for a new restaurant drive-through facility. (Submitted for TPZ receipt on September 7, 2022. Required public hearing scheduled for December 6, 2022.)

After detailed discussions and deliberations on the matter, the TPZ acted by **unanimous vote (5 - 0)** (Motion/Kaplan; Second/Gomes) (Prestage Recused; 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:
  - g. 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.
  - h. 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.
  - i. 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. The public address systems associated with the operation of the drive-through shall comply at all times with section 123 of the Town Code, which regulates noise.
3. Pursuant to section 177-16.12 of the zoning ordinances, operation of the drive-through shall be prohibited between the hours of 11:00 p.m. and 5:00 a.m.
4. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by December 2024 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.

5. This letter of approval shall be stripped onto the final plan.

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**TOWN COUNCIL REFERRAL:**

8. **27-43 & 53-65 LaSalle Road, 8 & 12 Arapahoe Road and 1001 Farmington Avenue** – Application (SDD #156) of The Arapahoe Group, LLC for Change of Zone from RP, RO & RM-O to BC with Special Development District Designation for a mixed use redevelopment along Arapahoe Road, LaSalle Road and Farmington Avenue. (Received by Town Council on November 9, 2022. Set for public hearing on December 13, 2022. Referred to TPZ and DRAC.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **vote (4 - 1)** (Motion/Prestage; Second/Gomes), to **RECOMMEND APPROVAL** of this application to the Town Council.

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9. **Ordinance Permitting Certain Indoor Venues in the CBDH District to Stay Open until 1:00 AM and Operate under a Café Liquor Permit with an Age Restriction** (Proposed ordinance) (Scheduled for Public hearing on December 13, 2022.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **Unanimous vote (5 - 0)** (Motion/Prestage; Second/Gillette), to **RECOMMEND APPROVAL** of this application to the Town Council.

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**TOWN PLANNER’S REPORT:**

10. **POCD Implementation Update – Postponed to the January 4, 2023 regular meeting**

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**INFORMATION ITEMS:**

11. **None**

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**MEETING ADJOURNED: 11:22 P.M. Motion/Gomes; Second/Binkhorst; Vote 5-0**

U: shareddocs/TPZ/Minutes/2022/December5\_Draft