



Issued: 5/3/2023

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
MONDAY, MAY 1, 2023
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

MINUTES

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

ABSENT: Andrea Gomes, Donald Neville

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

MINUTES:

1. Approval of Minutes:
 - a. Minutes of the Special CIP Meeting, Monday, April 3, 2023: **Motion to approve minutes as amended – Grassilli/ Second; Binkhorst - Vote: 5-0**
 - b. Minutes of the Regular Meeting, Monday, April 3, 2023: **Motion to approve minutes as amended – Kaplan/ Second; Binkhorst - Vote: 5-0**

COMMUNICATIONS:

- a. None

NEW BUSINESS:

2. **300 Bloomfield Avenue** – Application (IWW# 1169-R1-23) of the New England Jewish Academy, requesting to modify a previously issued Inland Wetlands and Watercourses Permit, which may have an adverse impact on a wetland regulated area. The applicant proposes the planting and restoration of a wetland and upland review area, which was inadvertently cleared and in violation of a previously approved IWW permit. The proposed work is within both the 150-foot upland review area and wetland soils. (Submitted for IWWA receipt and set directly for public hearing on May 1, 2023.)

No action taken by the TPZ on this item.

3. **37 Briarwood Road** - Application (IWW #1199) of P. J. Lewis (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 installation of an approximately 16' x 33' in-ground pool and patio along with rain garden and associated site grading. The proposed work is

within a 150 ft. upland review area with no direct wetlands impacts proposed. (Submitted for IWWA receipt and determination of significance)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Binkhorst; Second/Kaplan) 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:

37 BRIARWOOD ROAD
INLAND WETLAND APPLICATION IWW #1199
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **37 Briarwood Road** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1199** 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 **37 Briarwood 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.) A final comprehensive as built survey shall be submitted to the Town Planner upon completion of all work. Such survey shall demonstrate that all work was completed in a manner consistent with the approved plans associated with this application.
- 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.

- 4. **11 Winterset Lane** – Application (IWW# 1190) of Warren & Susan Berey (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 March 20, 2023. Public hearing scheduled for April 3, 2023 and immediately continued to May 1, 2023 on April 3, 2023)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Binkhorst; Second/Kaplan) to **APPROVE**

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

5. **77 Sunny Reach Drive** – Application (IWW# 1193) of M. Ellis, 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 April 3, 2023. Suggest required public hearing be scheduled for May 1, 2023.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **vote (4-0-1)** (Motion/Binkhorst; Second/Kaplan; Ahern abstained) to **APPROVE** the proposed amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford

6. **56 Pheasant Chase** – Application (IWW #1189) of EZ Aqua Pool and Patio, LLC, 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 installation of a 16’ x 40’ in-ground pool, a 12’ x 16’ shed, hardscape improvements, an underground stormwater detention system and associated grading. The proposed work is within a 150 ft. upland review area with no direct wetlands impacts proposed. (Application determined potentially significant on March 20, 2023 and set for public hearing on April 3, 2023. Item was opened and immediately continued to May 1, 2023)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Binkhorst; Second/Grassilli) 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:

56 PHEASANT CHASE ROAD
INLAND WETLAND APPLICATION IWW #1189
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **56 Pheasant Chase** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1189** 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 **56 Pheasant Chase**.

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 comprehensive as built survey shall be submitted to the Town Planner upon completion of all work. Such survey shall demonstrate that all work was completed in a manner consistent with the approved plans associated with this application.
- 6.) Prior to project completion, certification from the Design Engineer that all proposed stormwater improvements have been installed properly and are functioning as designed, shall be submitted to the Town Planner for review.
- 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.

7. **300 Bloomfield Avenue** – Application (IWW# 1169-R1-23) of the New England Jewish Academy, requesting to modify a previously issued Inland Wetlands and Watercourses Permit, which may have an adverse impact on a wetland regulated area. The applicant proposes the planting and restoration of a wetland and upland review area, which was inadvertently cleared and in violation of a previously approved IWW permit. The proposed work is within both the 150-foot upland review area and wetland soils. (Submitted for IWWA receipt and set directly for public hearing on May 1, 2023)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Gillette; Second/Binkhorst) 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 #1169-R1-23
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-R1-23** 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.) The applicant is strongly encouraged by the IWWA to consider a wider variety of plant species as part of this mitigation plan to encourage biodiversity within the area being restored. A final plant inventory shall be submitted as part of a Landscape Architect certification at the conclusion of the project.
- 6.) Prior to implementation of this mitigation plan, the applicant shall provide to the Town Planner written communication from the vendor of the Conservation/Wildlife Seed Mix, which justifies use of Festuca Rubra (Creeping Red Fescue) within the proposed mix.
- 7.) Prior to project completion, a plan for invasive species monitoring shall be submitted to the Town Planner for review and approval. Such plan shall include monitoring for a period not less than two (2) years after restoration is completed through the two (2) subsequent growing seasons. If invasive species are found to be inhibiting restoration, an invasive species management plan shall be developed and implemented to guide their eradication and/or control.
- 8.) Prior to project completion, certification from the Landscape Architect stating that all proposed mitigation plantings have been installed and are in good health, shall be submitted to the Town Planner for review. After completion, the plantings areas will be monitored for one year through the following growing season to evaluate the successful establishment of at least 75% of the plantings.
- 9.) 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.

8. **312 North Main Street** - Application (SUP #1405) of K. Tofflemire, requesting approval of a Special Use Permit to operate an out-patient veterinary ophthalmology clinic. The application proposes no changes to the interior or exterior of the existing site. (Submitted for TPZ receipt on April 3, 2023. Suggest required public hearing be scheduled for May 1, 2023.)

After detailed discussions and deliberations on the matter, the TPZ acted by **unanimous vote (5 - 0)** (Motion/Grassilli; Second/Kaplan) 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 veterinary office.
 - 3. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by May of 2025 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.

- 9. **139 North Main Street** - Application (SUP #1404) of the American School for the Deaf requesting approval of a Special Use Permit to build two one-story dormitory buildings in the campus quadrangle and make associated site improvements (Submitted for TPZ receipt on April 3, 2023. Required public hearing scheduled for May 1, 2023.)

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

- 5. 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.
- 6. Plans of record are incorporated by reference in this approval and shall guide the appearance, layout and operation of the new dormitories and all associated work.

7. 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.
8. 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.
9. Existing light assessment plan shall be submitted to the Town Planner prior to filing of this special use permit on the land records. Any lighting found to be out of compliance with section 177-25 of the zoning ordinances (Shielding of Outdoor Lighting) shall be brought into compliance and shall be inspected by Town staff prior to building permit issuance.
10. A fencing replacement plan shall be submitted to the Town Planner for review and approval prior to building permit issuance. All fencing replacements identified in the plan shall be completed no later than September 1, 2023
11. All stormwater infrastructure shall be installed per the standards and specifications of the Town of West Hartford Division of Engineering.
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 on-site stormwater infrastructure.
13. A final as built survey shall be submitted to the Town Planner upon completion of all work.
14. Certifications from all professionals involved in the design of this project, which state that all elements were constructed in the manner consistent with the approved plans, shall be submitted to the Town Planner prior to CO issuance.
15. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by May of 2026 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
16. This letter of approval shall be stripped onto the final plan.

TOWN COUNCIL REFERRAL:

10. None

TOWN PLANNER’S REPORT:

11. **POCD Implementation Update & Discussion** – No formal action required or taken by the TPZ
12. **Discussion on Options for Administrative Amendment Approval Process for Special Use Permits** – No formal action required or taken by the TPZ

INFORMATION ITEMS:

13. **None**

MEETING ADJOURNED: 10:45 P.M. Motion/Binkhorst; Second/Kaplan; Vote 5-0

U: shareddocs/TPZ/Minutes/2023/May 1_Draft