



Issued: 9/8/2023

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
WEDNESDAY, SEPTEMBER 6, 2023
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

MINUTES

ATTENDANCE: Chair: Kevin Ahern; Commissioners: Gordon Binkhorst, Liz Gillette,; Alternates Nancy Grassilli and John Lyons; Town Staff: Todd Dumais, Town Planner; Brian Pudlik, Senior Planner

ABSENT: Andrea Gomes, Josh Kaplan and Donald Neville

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

MINUTES:

- 1. Approval of Minutes:
 - a. Minutes of the Regular Meeting, Monday, August 7, 2023: **Motion to approve minutes – Binkhorst/ Second; Grassilli - Vote: 3-0**

COMMUNICATIONS:

- 2.
 - a. Woodridge Lake Association [Drawdown Notice](#): Communication Received – **Motion/ Binkhorst; Second/Gillette – Vote: 4-0-1**

NEW BUSINESS:

- 3. **126 & 128 Montclair Drive** – Application (IWW #1208) of the Town of West Hartford, requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland regulated area. The applicant proposes to repair a broken 12” storm drainage pipe and restore an undercut stream bank at the rear of 126 and 128 Montclair Drive and immediately adjacent to the Trout Brook. Work is proposed within the 150 ft. upland review area and within a limited area of the watercourse. (Submitted for IWWA receipt on September 6, 2023. Presented for a 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 **vote (4-0-1)** (Motion/Binkhorst; Second/Gillette) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Monday, October 2, 2023 at 7:15 in the Legislative Chambers, Room 314, West Hartford Town Hall, 50 South Main Street.**

OLD BUSINESS / PUBLIC HEARING:

4. **1700 Asylum Avenue** – Application (IWW #1202) of WEHA Development Group East, LLC 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 July 10, 2023. Required public hearing scheduled for Wednesday, September 6, 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/Gillette) to **APPROVE** the proposed amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford.

5. **1700 Asylum Avenue** – [Application](#) (IWW #1203) of WEHA Development Group East, 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 construction of four (4) multi-story residential buildings with related residential amenities, in addition to drainage, landscaping, parking and associated site improvements. Work is proposed within the 150 ft. upland review area and includes direct wetlands and watercourses impacts. (Application determined potentially significant on July 10, 2023 and set for public hearing on Wednesday, September 6, 2023. *Note: This agenda item is expected to be opened and immediately continued to October 2, 2023*)

This item was opened and immediately continued to the October 2, 2023 regular meeting of the TPZ/IWWA. Motion/Lyons; Second Binkhorst – **Vote: 4-0-1**

6. **1800 Asylum Avenue** – Application (IWW #1204) of WEHA Development Group, LLC 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 July 10, 2023. Required public hearing scheduled for Wednesday, September 6, 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/Grassilli) to **APPROVE** the proposed amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford.

7. **1800 Asylum Avenue** – Application (IWW #1205) of WEHA Development Group, 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 redevelopment of the former UConn Campus, including the demolition of all existing buildings and the construction of fourteen (14) new buildings, including commercial / mixed-use and residential, a new private roadway and surface parking lots along with associated site improvements, including landscaping and site drainage. Work is proposed within the 150 ft. upland review area and identified direct wetland and watercourses impacts. (Application determined potentially significant on July 10, 2023 and set for public hearing on Wednesday, September 6, 2023. *Note: This agenda item is expected to be opened and immediately continued to October 2, 2023*)

This item was opened and immediately continued to the October 2, 2023 regular meeting of the TPZ/IWWA. Motion/Lyons; Second Binkhorst – **Vote: 4-0-1**

- 8. **33 Sheep Hill Drive** – Application (IWW #1206) of the Town of West Hartford 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 August 7, 2023. Suggest required public hearing be scheduled for September 6, 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/Gillette) to **APPROVE** the proposed amendment to the Official Inland Wetlands and Watercourses Map of the Town of West Hartford.

- 9. **33 Sheep Hill Drive** – Application (IWW #1207) of the Town of West Hartford, requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland regulated area. The applicant proposes the demolition of the existing pool, the construction of a new inground pool, the remodel of the existing pool house, improvements to handicap accessibility, associated site grading and site work. Work is proposed within the 150 ft. upland review area with no direct wetland impacts proposed. (Submitted for IWWA receipt on August 7, 2023. Presented for a 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 **vote (4-0-1)** (Motion/Gillette; Second/Lyons) 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:

33 Sheep Hill Drive
INLAND WETLAND APPLICATION IWW #1207
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **33 Sheep Hill Drive** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1207** 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 **33 Sheep Hill 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 outstanding comments from the West Hartford Division of Engineering regarding stormwater management shall be addressed prior to the start of any site disturbance.

- 5.) 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.
- 6.) All stormwater infrastructure shall be installed per the standards and specifications of the Town of West Hartford Division of Engineering.
- 7.) Upon completion of all work, a final as-built survey shall be submitted to the Town Planner and a final inspection made.
- 8.) Upon completion of all work, certifications from all design professionals responsible for preparing the plans shall be submitted stating that all work has been completed in a manner consistent with the approved plans.
- 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.

10. **245 Prospect Avenue** – Application (SUP #1422) of Prospect Plaza Improvements, LLC, requesting approval, pursuant to Section 177-16.12, for a new restaurant drive-through facility. (Submitted for TPZ receipt on July 10, 2023. Required public hearing scheduled for September 6, 2023)

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

1. The proposal meets the finding requirements of Sections 177-37.4, 177-42A (5a) and 177-16.12 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. 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 September 2025 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.

TOWN COUNCIL REFERRAL:

11. Resolution Authorizing the Town Manager to Execute a Lease with the West Hartford Housing Authority for a report pursuant to Chapter 13, Section 6 of the Town Charter.

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **vote (4-0-1)** (Motion/Gillette; Second/Binkhorst) to **RECOMMEND** approval of this application to the Town Council.

12. Ordinance Permitting the Sale of Alcoholic Liquor in Certain Zoning Districts Under a Connecticut Craft Café Permit.

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **vote (4-0-1)** (Motion/Gillette; Second/Grassilli) to **RECOMMEND** approval of this application to the Town Council.

13. Ordinance Concerning Development Bonus Standards in the Neighborhood Business Design District, the Neighborhood Business District and the Shopping Center District.

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **vote (4-0-1)** (Motion/Lyons; Second/Binkhorst) to **RECOMMEND** approval of this application to the Town Council.

TOWN PLANNER’S REPORT:

14.
 - a. Notification to the Commission on upcoming training opportunities
 - b. Notification to the Commission of the West Hartford Vision Zero Action Plan public meeting, being held on Tuesday, September 19th from 5:30-7:30 PM in the Town Hall auditorium

INFORMATION ITEMS:

15. None

MEETING ADJOURNED: 10:00 P.M. Motion/Binkhorst; Second/Grassilli; Vote 5-0

U: shareddocs/TPZ/Minutes/2023/Sept 6_Draft