



Issued: 12/12/23

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING  
MONDAY, DECEMBER 4, 2023  
LEGISLATIVE CHAMBER, ROOM 314  
TOWN HALL, WEST HARTFORD, CT 06107**

**MINUTES**

**ATTENDANCE: Commissioners: Gordon Binkhorst, Liz Gillette, Josh Kaplan; Alternates Nancy Grassilli; Town Staff: Todd Dumais, Town Planner**

**ABSENT: Kevin Ahern, Andrea Gomes, Donald Neville & John Lyons**

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

\*\*\*\*\*

**MINUTES:**

1. Approval of Minutes:
  - a. Minutes of the Regular Meeting, Monday, October 2, 2023 – **Motion/Kaplan; Second Grassilli; Vote 4-0**
  - b. Minutes of the Special Meeting, Monday, October 23, 2023 – **Motion Grassilli/Second Gillette; Vote 4-0**

\*\*\*\*\*

**COMMUNICATIONS:**

2.
  - a. Approval of Annual Calendar - 2024 TPZ Meeting and Filing Dates - **Motion/Grassilli; Second Kaplan; Vote 4-0**
  - b. Request to open and immediately continue application IWW #1217 for 119 Flagg Road to the January 3, 2023 regular meeting of the TPZ/IWWA - **Motion/Kaplan; Second Gillette; Vote 4-0**
  - c. Request to open and immediately continue application IWW #1218 for 173 Mountain Road to the January 3, 2023 regular meeting of the TPZ/IWWA - **Motion/Kaplan; Second Gillette; Vote 4-0**
  - d. Request to open and immediately continue application SUP #1425 for 14-16 Oakwood Avenue to the January 3, 2023 regular meeting of the TPZ/IWWA - **Motion/Gillette; Second Kaplan; Vote 4-0**

\*\*\*\*\*

**NEW BUSINESS:**

3. **37 Ranger Lane** – Application (IWW #1209) of J. Kemper, 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 construct a +/- 1488 square foot addition, which includes a deck. The applicant also proposes the installation of retaining walls, stormwater management structures and associated site grading. Work is proposed within the 150 ft. upland review area with no direct wetland impacts proposed. (Submitted for IWWA receipt on December 4, 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 **unanimous vote (4-0)** (Motion/Gillette; Second/Kaplan) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on **Wednesday, January 3, 2024 at 7:15 in room 314 of Town Hall, located at 50 South Main Street.**

\*\*\*\*\*

4. **176 Newington Road** – Application (SUP #1431) of GreenDrop, requesting approval of a temporary Special Use Permit to construct a +/-358 square foot mobile “GreenDrop” donation trailer within the existing undeveloped pad site within the existing shopping plaza for a period of 1 year. (Submitted for TPZ receipt on December 4, 2023. Suggest required public hearing be scheduled for January 3, 2024).

The TPZ acted by **unanimous vote (4-0)** (Motion/Kaplan; Second/Gillette) to schedule this matter for public hearing at the regularly scheduled meeting on **Wednesday, January 3, 2024 at 7:15 in room 314 of Town Hall, located at 50 South Main Street.**

\*\*\*\*\*

**OLD BUSINESS:**

5. **137 North Main Street** – Application (SUP #1429) of The American School for the Deaf, requesting approval of a temporary Special Use Permit to construct a 24’ x 24’ equipment storage garage within the existing parking area at the northwest corner of the property for a period of 2 years. (Submitted for TPZ receipt on November 6, 2023. Required public hearing scheduled for December 4, 2023).

After detailed discussions and deliberations on the matter, the TPZ acted by **unanimous vote (4 - 0)** (Motion/Gillette; 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.
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. Pursuant to West Hartford Code of Ordinances Section 177-42A (5b), this approval shall be valid for two years until January 2026.
5. This letter of approval shall be stripped onto the final plan.

\*\*\*\*\*

6. **139 Stoner Drive** – Application (IWW #1210) of R. Thibadeau, 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 partially dredge a portion of the northern end of the pond, which spans five properties on Stoner Drive. Work is proposed within the 150 ft. upland review area and within a limited area of the pond. (Determined potentially significant on October 2, 2023 and set for public hearing on November 6, 2023. This item was continued on November 6, 2023 to December 4, 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 (3-0)** (Motion/Gillette; Second/Grassilli) (Kaplan abstained) 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:

**139 STONER DRIVE**  
**INLAND WETLAND APPLICATION IWW #1210**  
**COMPLIANCE WITH SECTION 10.2 and 10.4**  
**STANDARDS AND CRITERIA FOR DECISION**

The request to conduct certain regulated activities at **139 Stoner Drive** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1210** 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 **139 Stoner 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.) 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. 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.) 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. **106 Waterside Lane** – Application (IWW #1215) of T. Mastronarde, 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 install a 10' x 12'

freestanding deck, which is proposed to extend over Wood Pond by three (3) feet. Work is proposed within the 150 ft. upland review area and within a pond. (Submitted for IWWA receipt on November 6, 2023. Determined potentially significant and set for public hearing on December 4, 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 (4-0)** (Motion/Kaplan; Second/Gillette) 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:

**106 WATERSIDE LANE**  
**INLAND WETLAND APPLICATION IWW #1215**  
**COMPLIANCE WITH SECTION 10.2 and 10.4**  
**STANDARDS AND CRITERIA FOR DECISION**

The request to conduct certain regulated activities at **106 Waterside Lane** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1215** 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 **106 Waterside Lane**.

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.) 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. 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.) 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. **119 Flagg Road** – Application (IWW #1217) 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 replace an existing bridge spanning Hart Meadow Brook along with the bridge’s supporting abutments within Westmoor Park. Work is proposed within a wetland area and immediately adjacent to the watercourse. (Submitted for IWWA receipt on November 6, 2023. Determined potentially significant and set for public hearing on December 4, 2023. The applicant has requested that this item be opened and immediately continued to the TPZ/IWWA regular meeting on January 3, 2024)

The TPZ acted by **unanimous vote (4-0)** (Motion/Gillette; Second/Kaplan) to **continue** this matter to the regularly scheduled meeting on **Wednesday, January 3, 2023 at 7:15 in room 314 of Town Hall, located at 50 South Main Street**.

\*\*\*\*\*

9. **173 Mountain Road** – Application (IWW #1218) 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 replace an existing bridge spanning the stream that outlets into McGovern Pond along with the bridge’s supporting abutments within Spicebush Swamp Park. Work is proposed within a wetland area and immediately adjacent to the watercourse. (Submitted for IWWA receipt on November 6, 2023. Determined potentially significant and set for public hearing on December 4, 2023. The applicant has requested that this item be opened and immediately continued to the TPZ/IWWA regular meeting on January 3, 2024)

The TPZ acted by **unanimous vote (4-0)** (Motion/Gillette; Second/Kaplan) to **continue** this matter to the regularly scheduled meeting on **Wednesday, January 3, 2023 at 7:15 in room 314 of Town Hall, located at 50 South Main Street.**

\*\*\*\*\*

10. **1341 New Britain Avenue** – Application (SUP #1428) of the Town of West Hartford, requesting approval of a Special Use Permit to replace the existing restroom building and renovate and expand the existing easterly parking area, both within Wolcott Park. (Submitted for TPZ receipt on November 6, 2023. Required public hearing scheduled for December 4, 2023).

After detailed discussions and deliberations on the matter, the TPZ acted by **unanimous vote (4 - 0)** (Motion/Kaplan; Second/Gillette) 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 new bathroom and parking area and all associated work.
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. All stormwater infrastructure shall be installed per the standards and specifications of the Town of West Hartford Division of Engineering.
6. 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.
7. 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.
8. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by December 2025 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
9. This letter of approval shall be stripped onto the final plan.

\*\*\*\*\*

11. **14-16 Oakwood Avenue** – Application (SUP #1425) of R. Mercier, requesting approval of a Special Use Permit to operate a new Indoor Recreation or Amusement Facility pursuant to sections 177-2(B), 177-6(B) and 177-42(A) of the zoning ordinances. (Submitted for TPZ receipt on November 6, 2023. Suggest required public hearing be scheduled for December 4, 2023).

The TPZ acted by **unanimous vote (4-0)** (Motion/Gillette; Second/Grassilli) to **continue** this public hearing to the regularly scheduled meeting on **Wednesday, January 4, 2024 at 7:15 in room 314 of Town Hall, located at 50 South Main Street.**

\*\*\*\*\*

**TOWN COUNCIL REFERRAL**

12. Application filed on behalf of Bloomin’ Brands, Inc, owners of Flemings Prime Steakhouse & Wine Bar, lessee of a suite in Special Development District (SDD) #113, located at 40 South Main Street and more commonly known as Blue Back Square. The application seeks permission to amend the existing SDD to allow for the installation of additional tenant signage.

The TPZ acted by **unanimous vote (4-0)** (Motion/Kaplan; Second/Binkhorst) to recommend that the Town Council approve this application.

\*\*\*\*\*

**MEETING ADJOURNED: 8:52 P.M. Motion/Grassilli; Second/Kaplan; Vote 4-0**