



Issued: 1/25/24

**TOWN PLAN AND ZONING COMMISSION SPECIAL MEETING  
WEDNESDAY, JANUARY 17, 2024  
LEGISLATIVE CHAMBER, ROOM 314  
TOWN HALL, WEST HARTFORD, CT 06107**

**MINUTES**

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

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

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

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**EXECUTIVE SESSION:**

1. Executive Session pursuant to section 1-200(6)(E) of the Connecticut General Statutes regarding discussion of an Attorney-Client Privileged and Confidential Legal Memorandum regarding IWWA #1203 and the Intervenor Petition.

The Commission acted by **unanimous vote (5 - 0)** (Motion/Binkhorst; Second/Kaplan) to enter executive session.

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**OLD BUSINESS:**

2. **1700 Asylum Avenue** – Intervener Petition: Christine Feely, Jessica Rubin and Gary Schulman.

After a detailed review of the record, the Commission acted by **unanimous vote (5-0)** (Motion/ Binkhorst; Second/Kaplan) in finding that they are NOT being asked to authorize conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the natural resources of the state.

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3. **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 and was opened and immediately continued to October 2, 2023, then again immediately continued to October 23, 2023, then again immediately continued November 6, 2023 and then again to November

29, 2023. On November 29, 2023, public hearing testimony began and the hearing was continued to December 11, 2023 and again to December 13, 2023. Public hearing testimony concluded and the hearing closed on December 13, 2023.

The TPZ 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:

**1700 ASYLUM AVENUE**  
**INLAND WETLAND APPLICATION IWW#1203**  
**COMPLIANCE WITH SECTION 10.2 and 10.4**  
**STANDARDS AND CRITERIA FOR DECISION**

The request to conduct certain regulated activities at **1700 Asylum Avenue** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1203** 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 parcels 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 of land are located at **1700 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 as depicted on the plans and in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
- 3) The applicant shall file a performance bond or other acceptable surety in the amount of the estimated cost of the project's, environmental controls, including sediment and erosion controls, site drainage, and wetland mitigation planting plan prior to the commencement of any site work to ensure completion of the project as proposed to the IWWA in the official record documents, drawings and exhibits. This performance bond shall remain in force and effect until all required improvements are completed and installed.
- 4) Before filing the bond with the IWWA as provided above, the applicant shall submit to the Town Planner, for review and approval, in consultation with the Town Engineer, a cost estimate for all required improvements to be covered by said bond, prepared by a professional engineer/wetlands scientist. The cost estimate shall be based on unit costs established by the Town Engineer.

- 5) The applicant shall retain a professional engineer to inspect/oversee construction and the installation/maintenance of all sediment and erosion control measures. Inspections shall occur bi-weekly and after significant rainfall events and an inspection report 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 overseeing professional engineer and/or West Hartford Town officials.
- 6) 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, including tree removal, the Town Planner shall be notified and provided the opportunity to inspect.
- 7) Disturbed areas shall be limited to the minimum area necessary to complete each phase of construction activity.
- 8) A permanent conservation easement area shall be provided consistent with the extents shown on the Conservation Easement Exhibit. Upon completion of site work, the boundary area of the easement shall at all times be plainly marked by permanent signs or by an equivalent permanent marking designating the area as a conservation area. All plantings (species types and quantities) in said conservation area shall be maintained in accordance with the plan. A suitable reference to the conservation easement area shall appear in the deed. The Conservation Easement shall be approved by the Office of Corporation Counsel before it is recorded on the land records.
- 9) The maintenance garage shall be moved to be proximate to the proposed garages on the northern end of the northwestern portion of the site.
- 10) The southernmost underground StormTrap stormwater detention system shall be moved further west to avoid potential conflicts with the root zone system of the Champion White Oak.
- 11) The applicant shall retain a professional soil scientist/wetland scientist to oversee and review all wetland mitigation, creation and enhancement plans, as outlined in the plans and in the Wetlands Assessment Report prepared by All-Points Technology Corp., P.C. dated 12-13-23. The invasive species removal and monitoring shall be required in the forested area in between the St. Joseph's Brook and the ball fields. The professional soil scientist shall provide yearly reports to the Town Planner as outlined in the mitigation plan. Said report shall, at a minimum, provide for an assessment of the invasive species removal, wetlands creation, and wetland enhancement plantings and identify any corrective actions required.
- 12) A final comprehensive as-built survey and certifications from the relevant professionals, shall be submitted to the Town Planner upon completion of all work. Such survey and certifications shall demonstrate that all work was completed in a manner consistent with the approved plans associated with this application.
- 13) Town Planning and Engineering Divisions shall receive copies of all material transmitted by the applicant to the Connecticut Department of Energy and Environmental Protection (DEEP).

14) 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.

15) This IWWA permit approval shall be stripped onto the final set plan.

16) To the maximum extent feasible, the Applicant shall explore additional tree preservation efforts. These efforts should be focused on significantly sized native trees along the buffers of the proposed development including the area south of the proposed ballfield parking. A report shall be prepared by a qualified landscape or tree professional documenting additional tree preservation efforts, including reasons for any additional trees that cannot be preserved. This report shall be provided to the Town Planner for review.

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**MEETING ADJOURNED: 8:32 P.M. Motion/Binkhorst; Second/Kaplan; Vote 5-0**

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