TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
MONDAY, JANUARY 4, 2016
LEGISLATIVE CHAMBER, ROOM 314,
TOWN HALL, WEST HARTFORD, CT 06107

DRAFT MINUTES

ATTENDANCE: Kevin Prestage, Chair; Michele Maresca, Vice Chair; Commissioner Kevin Ahern; Alternates: Liz Gillette and Mishone Donelson; Todd Dumais, Town Planner/TPZ Secretary; Patrick Alair, Deputy Corporation Counsel; Kimberley Boneham, Assistant Corporation Counsel; Catherine Dorau, Associate Planner

ABSENT: Commissioners: Paul Freeman and Michael Seder; Alternate: John O'Donnell

ADJOURNMENT: Motion/Gillette; Second/Donelson; (Gillette seated for Freeman) (Donelson seated for Seder) (Vote: 5-0). Meeting adjourned at 10:59 PM

ANNUAL MEETING: TPZ election of officers, selection of committee representatives and approval of rules and regulations. Tabled until April 2016.

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availability. ***Motion to approve. Motion/Gillette; Second/Ahern (Gillette seated for Freeman) (Donelson seated for Seder) (Vote: 5-0).***

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TPZ / IWWA 2015 Annual Report – Communication from the TPZ/IWWA on the Draft 2015 Annual Report of activities of the Commission/Agency to the Town Council. ***Motion to receive. Motion/Maresca; Second/Ahern (Gillette seated for Freeman) (Donelson seated for Seder) (Vote: 5-0).***

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433 South Main Street – Letter from Lew Wise, attorney for Corporate West Associates, LLC, requesting an extension of time IWW permit #869. The Inland Wetland & Watercourse permit was approved on February 5, 2007.

The IWWA acted by **unanimous vote (5-0) (**Motion/Ahern; Second/Maresca) (Gillette seated for Freeman) (Donelson seated for Seder) to accept the communication item. The Agency granted the extension of time request for an additional five (5) years to February 4, 2021.

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NEW BUSINESS:

1678 Asylum Avenue (University of Saint Joseph) – Application (SUP #1286) of the University of Saint Joseph (Bill Carone, Grounds Manager, Facilities Department) seeking a Special Use Permit to construct a temporary practice soccer field to be used exclusively by the University along Albany Avenue and adjacent to the Saint Mary Home. The field will be unlit and used between the hours of 8am and 8pm. A black vinyl chain link fence along three (3) sides (north, south, and east) of the field is proposed. (Submitted for TPZ receipt on January 4, 2016. Suggest required public hearing be scheduled for February 1, 2016.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (4 -0)** *(*Motion/Ahern; Second/Gillette) (Gillette seated for Freeman) (Donelson for Seder) (Maresca recused herself) to schedule this matter for public hearing on **Monday, February 1, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

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OLD BUSINESS SCHEDULED FOR PUBLIC HEARING ON DECEMBER 7, 2015; CONTINUED TO JANUARY 4, 2016:

27 Park Road and 14 Ringgold Street - Application (IWW #1041) of Center Development Corporation (Contract Purchaser/Developer) (Susan A. Hays, Attorney), requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities in a wetland and/or watercourse and the upland review area. The applicant proposes to redevelop and reuse the existing primary building and construct a new residential building to house a total of 310 apartments and 36 residential living units along with the associated parking, site grading, drainage, and landscape improvements at property located at 27 Park

Road and 14 Ringgold Street. (Submitted for IWWA receipt on November 5, 2015. Determined to be potentially significant and set for public hearing on December 7, 2015. Public hearing continued to January 4, 2016.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous vote (4-0)** (Motion/Ahern; Second/Maresca) (Gillette seated for Freeman) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit to be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

27 PARK ROAD AND 14 RINGGOLD STREET
INLAND WETLAND APPLICATION IWW#1041
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

[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. To support this action, the applicant's professional soil scientist, John P. Ianni of Highland Soils, Inc., has submitted a report dated October 9, 2015.

[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 parcels of land are located at 27 Park Road and 14 Ringgold Street.

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.

2) 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 soil and erosion controls, and site drainage prior to the commencement of any site work and the issuance of building permits to ensure completion of the project as proposed to the IWWA in the official record documents, drawings and exhibits. The bond shall also guarantee corrections of any adverse effects such as siltation occurring downstream. This performance bond shall remain in force and effect until all required improvements are completed and installed.

3) Before filing the bond with the IWWA as provided above, the applicant shall submit to the Town Planner, for review of approval by the Town Engineer, a cost estimate for all required improvements to be covered by said bond, prepared by a professional engineer. The cost estimate shall be based on unit costs established by the Town Engineer. Together with the filing of said bond with the Agency, the applicant shall submit two (2) copies of the approved estimate as approved by the Town Engineer.

4) The applicant shall retain a professional engineer and either a landscape architect or a professional soil scientist to oversee construction of all improvements and related facilities and to certify they have been constructed in accordance with the approved plans.

5) 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).

6) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

7) A final landscape maintenance plan shall be submitted to the Town Planner for review and approval prior to the completion of all work. Said plan shall prohibit the use of pesticides and herbicides for the lawn and no-mow areas between the parking areas and watercourse. Efforts shall be made to include best management practices and alternatives to the use of fertilizers for the lawn and no-mow areas.

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

SPECIAL SITE DEVELOPMENT AND EROSION CONTROL CONDITIONS

An integral requirement of this approval is the early installation and construction of all drainage facilities, and all needed erosion and sedimentation control measures. Prior to the start of any construction, related to on-site improvements, site grading or unit construction, the applicant shall install the needed protective measures and shall continuously maintain such throughout the construction process. The requirement of Article VIII, at Section 177-60 through 177-67 of the Code of Ordinances related to Erosion and Sedimentation Control shall govern all site construction activity.

In addition to the above basic requirements, this permit is issued and made subject to the following conditions:

1) The applicant shall retain a professional engineer to inspect/oversee construction and the installation/maintenance of the sedimentation and control measures. Inspection shall occur weekly and after each rainstorm and during major storm events to determine all sedimentation and erosion control measures are adequately in place and effective. Weekly inspection reports shall be provided to the Town Planner and Town Engineer.
2) Site disturbance and/or the removal of topsoil will not be permitted until the required siltation/erosion control devices have been installed and inspected by the applicant's engineer. The applicant's engineer shall certify that all erosion and sedimentation controls have been installed according to the approved plan and submit written confirmation to the Town Planner.
3) Disturbed areas shall be limited to the minimum area necessary to complete each phase of construction activity.
4) The stockpiling of materials shall be limited to only that which is generated onsite and shall be a limited to location(s) approved by the Town Planner.
5) No unnecessary encroachments of construction equipment or vehicles shall be permitted in non-construction areas. Vehicular access to undisturbed areas of the site is restricted to the minimum necessary to complete erosion control and drainage systems.
6) Filters or hay bales shall be installed around all catch basins inlet grates.

7) During construction, outlets of the drainage system shall be protected by hay bale filtration screens or splash pools.
8) Additional information shall be provided to the Town Engineering regarding the process for the cleaning of the sediment /stilling basins or sediment traps. All accumulated sediment shall be removed on a regular basis.
9) In addition to the measures shown on the plans, additional erosion and sedimentation control measures shall be installed when determined necessary by the Director of Community Services, or his designee.
10) The placement and maintenance of hay bales, sediment screens and other erosion and sediment control measures must meet or exceed specifications set forth in 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, by the Connecticut Council on Soil and Water Conservation.
11) The permit shall expire if not exercised within two (2) years from the date of issuance, or date of final resolution of any legal action challenging this permit.
12) This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

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OLD BUSINESS SCHEDULED FOR PUBLIC HEARING AND DECISION ON JANUARY 4, 2016:

91 Park Road (Effie's Place Restaurant) – Application (SUP # 1204-R2-15) of Effie's Place Restaurant (John Paindiris, Owner) requesting TPZ review of compliance with the conditions of SUP #1204-R1-15 approved on July 8, 2015 to allow for acoustical music in the outdoor dining area. The Special Use Permit authorizing the thirty-two (32) seat outdoor dining area was approved on February 6, 2012. (Submitted for TPZ receipt on December 7, 2015. Required public hearing scheduled for January 4, 2016.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)** (Motion/Gillette; Second/Maresca) (Gillette seated for Freeman) (Donelson seated for Seder) to reaffirm the existing conditions of SUP #1204-R2-15 previously approved on July 8, 2015. The TPZ determined no supplemental conditions of approval are necessary.

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289 South Main Street – Application (SUP #1283) of the Town of West Hartford (Helen Rubino-Turco, Director of Leisure Services, Town of West Hartford) seeking a Special Use Permit to construct an approximately 252 s.f. addition and renovate and expand the existing deck at the Rockledge Clubhouse building which houses Angelo's on Main Restaurant. Renovations to the existing deck include additional square footage (171 s.f.), new deck railing, and energy efficient lighting. (Submitted for TPZ receipt on December 7, 2015. Required public hearing scheduled for January 4, 2016.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)** (Motion/Maresca; Second/Donelson) (Gillette seated for Freeman) (Donelson seated for Seder) to **APPROVE** the subject application. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 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 and loading 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.

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289 South Main Street – Application (SUP #1272-R1-15) of the Town of West Hartford (Helen Rubino-Turco, Director of Leisure Services, Town of West Hartford) seeking a Special Use Permit to modify the existing outdoor dining permit for the Rockledge Clubhouse (Angelo's on Main Restaurant) approved on June 1, 2015 to allow for up to sixteen (16) additional seats for a maximum of seventy- two (72) seats. (Submitted for TPZ receipt on December 7, 2015. Required public hearing scheduled for January 4, 2016.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)** (Motion/Ahern; Second/Maresca) (Gillette seated for Freeman) (Donelson seated for Seder) to **APPROVE** the subject application. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of and 177.37.2 of the West Hartford Code of Ordinances.

2. Plans on file shall guide the appearance and operation of the outdoor dining area.

3. Pursuant to West Hartford Code of Ordinances Section 177-42A(8), the applicant shall return to the TPZ by May 2017 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.

4. Plans will reflect the number of outdoor dining seats at seventy-two (72) seats.

5. The applicant shall comply with the operational statement submitted as part of the application. The operational statement shall be stripped onto the final plan.

6. All previous conditions remain in full force and effect.

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

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TOWN COUNCIL REFERRALS AND REQUEST FOR REPORTS:

27 Park Road and 14 Ringgold Street - Application (SDD #145) on behalf of Center Development Corporation, contract purchaser and intended developer, and The Sisters of Saint Joseph, the owner of the property known as 27 Park Road and 14 Ringgold Street, to rezone a majority of the property from R-6 to RM-MS and then to designate the rezoned area to a Special Development District to facilitate the redevelopment and reuse of the existing primary building and the construction of a new residential building to house a total of 310 apartments units and 36 residential living units together with all associated parking, landscaping, lighting and signage. (Town Council receipt on October 27, 2015. Town Council public hearing scheduled for December 10, 2015. Town Council public hearing continued to January 12, 2016. TPZ receipt on December 7, 2015. Discussion and decision postponed until January 4, 2016.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **majority vote (4-1)** (Motion/Ahern; Second/Maresca) (Gillette seated for Freeman) (Donelson seated for Seder) (Gillette voted "no") to **RECOMMEND APPROVAL** of the subject application.

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1 Chatfield Drive - Application (SDD #41-R2-15) on behalf of Brookdale Senior Living, Inc. the owner and operator of Chatfield of West Hartford, and Brookdale Living Communities of CT-WH, Inc. the owner of 1 Chatfield Drive, to amend Special Development District #41 to construct a new entrance canopy on the existing Chatfield West Hartford Independent Living Building and make associated adjustments to landscaping, courtyards and sidewalks. (Town Council receipt on December 10, 2015. Town Council public hearing scheduled for January 12, 2016. January 4, 2016.)

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/Maresca; Second/Gillette) (Gillette seated for Freeman) (Donelson seated for Seder) to **RECOMMEND APPROVAL** of the subject application.

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243 Steele Road - Application (SDD #139-R2-15) on behalf of Steele Road, LLC, owner, to amend SDD #139 at 243 Steele Road to increase the number of units from 150 to 160 by dividing five of the existing two-bedroom units in Buildings #3 and #4 (ten units total) approximately in half to create twenty, one-bedroom units. Exterior changes to those buildings are also proposed but no increase in building size or height. (Town Council receipt on December 10, 2015. Town Council public hearing scheduled for January 26, 2016. DRAC receipt on December 16, 2015.)

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/Ahern; Second/Maresca) (Gillette seated for Freeman) (Donelson seated for Seder) to **RECOMMEND APPROVAL** of the subject application.

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747 and 777 North Main Street - Application (SDD #143-R1-15) on behalf of the owner, DHR North Main Street, LLC ("DHR"), to amend Special Development District plan #143 at 747 and 777 North Main Street. The amendment proposes modifications to the retaining walls, landscape plan, reconfiguration of the parking area, and relocation of the dumpster and transformer pad. (Town Council receipt on December 10, 2015. Town Council public hearing scheduled for January 26, 2016. TPZ receipt on January 4, 2016.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **majority vote (4-1)** (Motion/Maresca; Second/Ahern) (Gillette seated for Freeman) (Donelson seated for Seder) (Gillette voted "no") to **RECOMMEND APPROVAL** of the subject application.

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Ordinance – Solar Energy Systems – Resolution declaring a six (6) month moratorium on the approval of ground-mounted and pole-mounted Solar Energy Systems in Residential Zones. This moratorium will allow for further review of Section 177-37.3 of the West Hartford Code of Ordinances to determine if further restrictions should be required. (Town Council receipt on December 10, 2015. Town Council public hearing set for January 26, 2016. TPZ receipt on January 4, 2016)

After a detailed review of the moratorium, the TPZ acted by **majority vote (4-1)** (Motion/Gillette; Second/Donelson) (Gillette seated for Freeman) (Donelson seated for Seder) (Ahern voted "no") to **RECOMMEND APPROVAL** of the subject ordinance.

Respectively Submitted,

Todd Dumais
Town Planner / TPZ Secretary

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