

**REGULAR MEETING MINUTES
TOWN PLAN AND ZONING COMMISSION
MONDAY, DECEMBER 1, 2008
LEGISLATIVE CHAMBER
ROOM 314, TOWN HALL, WEST HARTFORD, CT 06107**

PRESENT: Chairman: Jeffrey Daniels; Commissioners: Robert Roach, Paul Freeman; Alternates: Clare Dowd, Wanda Correra, Liz Gillette; Secretary to the TPZ/IWW: Mila Limson, Deputy Corporation Counsel: Patrick Alair; Recording Clerk: Christine Dorman Absent: Commissioners Doolittle and Seder; Associate Planner: Cathy Dorau

MINUTES:

1. Approval of Minutes:
 - a. Minutes of Regular Meeting, November 3, 2008
(Motion/Roach; Second/Dowd) (Dowd seated for Doolittle)
(5-0)

COMMUNICATIONS:

None.

NEW BUSINESS:

111 South Street – Application (SUP #1132) of Paws and Remember, LLC (R. Thomas Abbate, R.O.) seeking approval of a Special Use Permit to allow for an animal crematory on site to be located within an existing building. (Submitted for TPZ receipt on Monday, December 1, 2008. Suggest required public hearing be scheduled for Monday, January 5, 2009.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5-0)** (Motion/Roach; Second/Freeman)(Dowd seated for Doolittle) (Correa seated for Seder) to schedule this matter for public hearing on **Monday, January 5, 2009 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

Sutton Road – Street Line Elimination – Petition from Attorney Patrick J. Rosenberger on behalf of Jeffrey L. and Helen M. Williams and Harvey J. Saffair to eliminate the street line and associated building lines of an unimproved paper street known as Sutton Road. (Submitted for TPZ receipt on Monday, December 1, 2008. Suggest required public hearing be scheduled for Monday, January 5, 2009.)

The TPZ acknowledged the request by the applicant for withdrawal of this application.

OLD BUSINESS:

1341 New Britain Avenue – Wolcott Park - Application (IWW #930) of Wolcott Elementary School (James Capodiece, Director of Leisure Services) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area (Wolcott Park Pond). The applicant is requesting approval to install a windmill aeration system to enhance the water quality of Wolcott Pond and construct two (2) boardwalk bridges to allow access across portions of the existing trail system.(Submitted for IWWA receipt on Wednesday, November 5, 2008 under suspension of the rules. Determined to be significant and set for public hearing on Monday, December 1, 2008.)

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 (5-0)** (Motion/Freeman; Second/Dowd) (Gillette seated for Doolittle) (Dowd seated for Seder) 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:

1341 NEW BRITAIN AVENUE – WOLCOTT PARK
INLAND WETLAND APPLICATION #930
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at 1341 New Britain Avenue in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **#930** 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.

This permit is issued and made subject to the following conditions:

1. The applicant should measure the effectiveness of the windmill aeration system by gathering data such as water temperature and oxygen levels pre and post windmill installation. A summary report of the findings should be provided to the IWWA no later than December 15, 2009.
2. The Agency strongly encourages the applicant to perform a long range maintenance plan for the continued preservation of Wolcott Pond.
3. The Agency encourages the applicant to coordinate environmental education outreach efforts within the neighborhood.
4. The IWWA commends the applicant for an excellent application and thorough presentation.
5. The Agency applauds the efforts of the Wolcott School community in creating the Wolcott's Children's Forest and Wolcott Outdoor Classroom as a way to enhance the students' environmental education experience.

By this letter the IWWA is transmitting a notice of IWW permit approval. This notice is given to the West Hartford Town Clerk and to the State of Connecticut Department of Environmental Protection per the requirements of the Inland Wetlands and Watercourses Regulations.

1341 New Britain Avenue – Wolcott Park - Application (SUP #1131) of Wolcott Elementary School (James Capodiece, Director of Leisure Services) requesting approval of a Special Use Permit for the installation of a windmill aeration system to be located in the public garden of Wolcott Park. The applicant also proposes to improve the existing forest trails with two (2) walking bridges. (Submitted for TPZ receipt on Wednesday, November 5, 2008 under suspension of the rules. Required public hearing scheduled for Monday, December 1, 2008.)

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/Freeman; Second/Roach)(Gillette seated for Doolittle) (Dowd 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.
2. To determine possible noise impacts, noise level measurements should be performed by the applicant prior to the installation of the windmill aeration system and after installation. A summary report should be presented to the TPZ no later than December 15, 2009.
3. As indicated in the “Wolcott Elementary School Project Proposals” report dated November 17, 2008 the Wolcott Forest/Pond Team with support from the Wolcott Parent Teachers Organization should be responsible for the maintenance of the windmill.
4. The TPZ appreciates the thorough and well presented application.
5. The applicant shall return to the TPZ no later than December 15, 2009 for further review and evaluation.

25 Lakeview Drive – Application (IWW #928) of Lauren Benthien, 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 on-site soil survey prepared by a professional soil scientist. (Submitted for IWWA receipt on Wednesday, November 5, 2008. Required public hearing scheduled for Monday, December 1, 2008.)

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 (5 - 0)** (Motion/Roach; Second/Freeman) (Correa seated for Doolittle) (Gillette seated for Seder) to **APPROVE** the subject application. During its discussion and deliberation on this matter, the Agency made the following findings:

1. **The proposed amendment has been prepared by a certified soil scientist and is based on an on-site soil survey following approved wetland identification techniques.**
2. **A mylar of the approved wetland map amendment shall be provided to the Town Planning Office for filing in the wetland map files. The approved amendment shall also be submitted in electronic format for inclusion into the Town’s Geographic Information System.**

By this letter the IWWA is transmitting a notice of IWW permit approval. This notice is given to the West Hartford Town Clerk and to the State of Connecticut Department of Environmental Protection per the requirements of the Inland Wetlands and Watercourses Regulations.

25 Lakeview Drive - Application (IWW #929) of Lauren Benthien, R.O. requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area (Willow Lake). The applicant is proposing a vertical and horizontal expansion to an existing single family home. The horizontal expansion will add approximately 712 s.f. to the existing building footprint. Second floor expansion allows for additional bedroom/living area. Approximately 700 s.f. of new patio area is proposed to the rear of the existing house. Proposed grading is approximately 50' from the edge of the proposed new wetland soils boundary and building footprint is approximately 75' from the wetland boundary. (Submitted for IWWA receipt on Wednesday, November 5, 2008. Presented for determination of significance. Determined to be significant and set for public hearing on Monday, December 1, 2008.)

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 (5-0)** (Motion/Roach; Second/Correa) (Correa seated for Doolittle) (Gillette seated for Seder) 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:

25 LAKEVIEW DRIVE
INLAND WETLAND APPLICATION #929
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at 25 Lakeview Drive in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application #929 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. To support this action, the applicant's environmentalist, Edward Pawlak of Connecticut Ecosystems, LLC has submitted a report dated October 27, 2008.
- [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 of land is located 25 Lakeview Drive.

This permit is issued and made subject to the following conditions:

1. To further enhance water quality, the applicant should continue to explore the use of pervious material for the lower patio area.

2. As recommended by the applicant's certified soil scientist, staked hay bales shall be installed along the back of the entire row of silt fence.
3. The applicant's practice of not applying fertilizers and pesticides to the lawn should continue.
4. As noted in Edward Pawlak's, October 27, 2008 report, the goose population on Willow Lake inputs significant nutrients in the form of droppings. Mr. Pawlak recommends the installation of a 10-15 foot wide shoreline buffer strip as a method to deter the geese. The applicant should implement Mr. Pawlak's recommendations and evaluate its effectiveness in deterring the geese.
5. Plans of record are incorporated by reference in this permit as fully set forth herein.
6. The wetland permit is subject to full compliance with the Town erosion and sediment requirements.
7. This IWWA permit approval shall be stripped onto the final plan set.

By this letter the IWWA is transmitting a notice of IWW permit approval. This notice is given to the West Hartford Town Clerk and to the State of Connecticut Department of Environmental Protection per the requirements of the Inland Wetlands and Watercourses Regulations.

19 Gin Still Lane – Application (SUB #284) of Adolf and Elizabeth Jochnick, R.O. (Tom Daly, Professional Engineer) requesting approval for a two (2) lot subdivision map. The subdivision map proposes one (1) new building lot of 20,000 s.f. with frontage on Everett Avenue. The existing one family residence will remain on an 18,050 s.f. lot with frontage on Gin Still Lane. The property is located in a R-6 single family zone with a minimum lot size requirement of 6,000 s.f. (Submitted for TPZ receipt on Wednesday, November 5, 2008. Required public hearing scheduled for Monday, December 1, 2008.)

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 on a motion (Motion/Roach; Second/Freeman) (Dowd seated for Doolittle) (Correa seated for Seder) to divide the question regarding this subdivision application to consider first: the request to approve the subdivision application and second: the question regarding the proposal to waive the sidewalk requirement of the Subdivision Regulations. The motion to divide the question passed on a **majority vote (4-1)** (Daniels voted "no").

The TPZ considered a motion by Roach; second by Freeman to **CONDITIONALLY APPROVE** the subdivision application. During its decision and deliberations of this matter, the TPZ made the following findings and conditions.

1. The proposed two (2) lot subdivision is consistent with the requirements of the Subdivision Regulations found in Chapter 184 of the West Hartford Code of Ordinances.
2. The commission hereby applies the following conditions of approval to insure subdivision construction and performance are completed in a matter consistent with Chapter A184:

- a. The final plans should incorporate the plan revisions as proposed in the December 1, 2008 correspondence from Thomas J. Daly, P.E.
 - b. Prior to the commencement of on site clearing, grubbing and grading the required siltation/erosion control devices should be installed and inspected by the applicant's engineer.
 - c. The applicant shall retain a professional engineer to inspect/oversee construction and the installation/maintenance of the sedimentation and control measures and the drainage system.
 - d. To the extent possible, tree preservation and protection shall be practiced.
 - e. The applicant shall file a performance bond or other acceptable surety in the amount of the estimated cost of the project infrastructure improvements, private drainage facilities and site work to ensure completion of the project as proposed to the TPZ in the official record documents, drawings and exhibits. No permit shall be issued until this bond is provided. This performance bond shall remain in full force and effect until all required improvements are completed and installed.
 - f. Before filing the performance bond, the applicant shall submit to the Town Planner, for review and approval by the Town Engineer, a cost estimate for all required improvements to be covered by said bond. The cost estimate shall be prepared by a professional civil engineer.
 - g. Prior to the release of performance bonds or other acceptable surety, the applicant shall submit to the Town Planner a report from a certified civil engineer stating that all work has been complete according to the approved plans and the standards of the Town of West Hartford.
2. Final approved plans shall be submitted in electronic form for inclusion into the Town's Geographic Information System (GIS).
 3. This letter of approval shall be stripped onto the final plan set.

This motion was approved by **majority vote (4-1)**(Dowd seated for Doolittle) (Correa seated for Seder)(Daniels voted "no").

Finally, the TPZ then acted on a motion from Roach; second by Freeman to grant a waiver of the sidewalk requirement of the Subdivision Regulations. This motion was approved by **unanimous vote (5-0)** (Dowd seated for Doolittle) (Correa seated for Seder).

9 Tolles Street (aka 151 Vanderbilt/9 Tolles Street) - Application (SUP #1130) of Marks Group, LLC (Edward Shelton, Attorney) requesting approval of a SpecialUse Permit authorizing a private non-profit membership club. The club would occupy approximately 4,720 s.f. of the building located at 9 Tolles Street. The site is in an IG (General Industrial) zone. (Submitted for TPZ receipt on Wednesday, November 5, 2008. Required public hearing scheduled for Monday, December 1, 2008.)

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/Freeman; Second/Roach)(Gillette seated for Doolittle) (Dowd 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
2. Hours of operation shall be limited as follows:

a. Sunday	10:00 a.m. – 11:00 p.m.
b. Monday – Thursday	5:00 p.m. – 11:00 p.m.
c. Friday	5:00 p.m. – 12:00 a.m.
d. Saturday	10:00 a.m. – 12:00 a.m.
3. Sale of alcoholic beverages is prohibited.
4. As stated by the applicant during the public hearing, and reaffirmed in the operational statement dated October 24, 2008 the club premises should not be available for rental to outside groups.
5. As stated on the public hearing record, the applicant shall amend the lease to include hours of operations as limited by this permit and prohibition of the lessor renting the premises to outside groups.
6. The TPZ encourages the private club to organize a formal internal governing

structure to manage and take responsibility of the private club's operational matters.

- 7. The applicant shall return to the TPZ no later than December 15, 2009 for review and evaluation. The TPZ may consider supplemental conditions of approval if operational problems are identified.

TOWN COUNCIL REFERRAL AND REQUEST FOR REPORT:

243 and 253 Steele Road and 2021 Albany Avenue– The Terrace at Mercyknoll Petition (SDD#33-R2-08) on behalf of Mercyknoll, Inc. and Mercy Community Health, Inc. (Robin M. Pearson, Attorney) seeking approval for an amendment to the existing Special Development District to allow for a reduction in the number of units from ninety-five (95) to ninety-two (92). Minor site modifications to include parking and landscaping are also proposed. (Town Council receipt on October 28, 2008. Town Council public hearing scheduled for December 9, 2008. TPZ receipt December 1, 2008.)

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/Freeman; Second/Roach) (Correa seated for Doolittle) (Gillette seated Seder) to **RECOMMEND DENIAL** of the subject application. During its discussion and deliberation on this matter, the Commission made the following findings:

- 1. The Commission expressed concern regarding the extent and scope of amenities, improvements and landscape elements which are now identified as "possible" in the application.
- 2. Considering the recent SDD approval for the project, improvements now identified as "possible" may collectively impact the quality of the project.
- 3. The TPZ strongly urges the applicant to return with a proposal that accurately reflects improvements to be constructed.
- 4. As recommended by the Design Review Advisory Committee, the use of the exterior insulation and finishing systems (EIFS) material along the base of the building is not acceptable as it diminishes the durability of the exterior of the building.

West Hartford Plan of Conservation and Development 2009-2019 – Public hearing on the draft of the West Hartford Plan of Conservation and Development 2009-2019. Plan prepared under the provision of Chapter XIII, Section 4 of the Charter of the Town of West Hartford and Section 8-23 of the Connecticut General Statutes. Draft of the Plan of Conservation and Development is available for public review in the Office of the Town Clerk, Planning and Zoning Office, and on the Town's website www.westhartford.org (TPZ received on September 3, 2008 and scheduled for public hearing November 13, 2008. Public hearing closed. Decision tabled to Monday, December 1, 2008.)

After a review of the draft plan 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/Freeman; Second/Roach) (Dowd seated Doolittle) (Correa for Seder) to **ADOPT** the POCD.

Motion was made by Commissioner Gillette to adjourn; second by Commissioner Roach.
Vote: (5-0) unanimously approved.
Meeting adjourned at approximately 11:50 p.m.

Respectfully submitted,
Christine Dorman, Recording Clerk

U: sd/TPZ/Minutes/2008/Nov5MN_08