

TOWN PLAN AND ZONING COMMISSION  
PUBLIC HEARING AND REGULAR MINUTES

June 12, 2017

Present were Chairman Dunn, Commissioners Brenneman and Tucker and Alternate Commissioners Charette and Donald and the Town Planner and Secretary. Acting Secretary Brenneman opened the meeting at 7:00 p.m. and read the legal notice into the record. Town Council Liaison Mastrobattista was also present.

Chairman Dunn explained the process of the meeting to the public and made an announcement that the 5 Corners – Farmington Associates, LLC public hearing will not be heard tonight per the request of the applicant.

Alternate Commissioner Donald was appointed to vote on behalf of Commissioner Doeg. Alternate Commissioner Charette was appointed to vote on behalf of Commissioner Jarvis.

**PUBLIC HEARING**

5 Corners – Farmington Associates, LLC - 8031 and 8037 Birdseye Rd & 8121 and 8129 Colt Hwy

Application for zone change from R20 to B1 zone, special permit and site plan approval for restaurant and retail uses at 8031 and 8037 Birdseye Road and 8121 and 8129 Colt Highway; at the intersection of Birdseye Road and Colt Highway. In a letter dated June 12, 2017 the applicant requested the public hearing be opened and immediate continued to the June 26, 2017 meeting.

Upon a motion made and seconded (Brenneman/Donald) it was unanimously

VOTED: To continue this matter to the June 26, 2017 meeting.

Sculpt Fitness – 497 Main Street

Application for special permit to allow outdoor fitness activity in connection with fitness operation at 497 Main Street, C1 zone. Tabled from the May 22, 2017 meeting. Jeff Wood, Sculpt Fitness, presented the request to utilize a portion of the rear yard for outdoor exercise and group activity during daylight hours only. Mr. Wood explained the business has grown immensely in the last twenty-eight months and they would like to offer outdoor obstacle course training and general outdoor exercise for their clients. The yard is not lit and he proposed conditions that no outdoor group activity will take place before 9 a.m. Monday through Saturday. Mr. Wood stated outdoor use of the rear yard will not be harmful to the community as they are quiet people. When asked whether or not outdoor music, whistles or amplification would be used for this activity Mr. Wood responded no. The Commission asked for clarification of the type of activity that may be conducted outdoors and group training size. Mr. Wood gave examples of possible activity of army crawls, climbing wall, rope climbing and the group size range depending on the day and time of day; a range of 8 to 10 and up to 15; but mostly anticipated conducting one-on-one training. There was further discussion about outdoor equipment, noise and lighting. Mr. Wood was asked if the street would be used for group running activity; he responded no. He submitted photographs and a map of the site for clarification on the area and portion of the site proposed for outdoor use. The proposed outdoor fitness area is approximately 350 to 400 feet from the road.

Attorney Christian Hoheb represented Allen and Deborah Quigley, 486 Main Street, stating they have significant concerns with how this request fits into the neighborhood. He submitted a map of the neighborhood showing the proximity of residences. He expressed concern with the outdoor hours, music, types of equipment and general use of outdoor activity at this location.

Deborah Quigley, 486 Main Street, submitted a petition for the record and then stated she walked around the neighborhood with the petition stating the people she spoke with were concerned with noise. Ms. Quigley expressed concern with the impact of noise to the neighborhood from the proposed activity adding she has had no issue with the original approval because of the condition that their activity is limited to indoors only.

Mikalai Filon, 9 Half Acre Drive, expressed concern with noise, hours and the number of possible participants.

Chairman Dunn stated for the record that a letter dated June 6, 2017 from Judith Falge, 12 Half Acre Drive and Helena Cichon, 11 Half Acre Drive expressing concern with noise from the proposed use was received and is part of the application file.

Mr. Wood stated he agrees to the request for no music; the size of groups vary but said they will not exceed twelve; they are not noisy people and he felt this was a natural progression of their business; there will never be lighting in the rear yard and they will never compete on site.

The public hearing closed at 7:42 p.m.

Commissioner Brenneman moved and Commissioner Tucker seconded the following resolution:

Whereas the Farmington Town Plan and Zoning Commission (Commission) received an application for a special permit to allow outdoor fitness activity in connection with fitness operation at 497 Main Street; and

Whereas the Commission found the application to be complete and conducted a properly noticed public hearing on the request in accordance with CGS Section 8-3(c); and

Whereas the Commission evaluated the proposal in accordance with Article IV Section 12 of the regulations, considered the public testimony and gave due consideration to the Farmington Plan of Conservation and Development.

**Now therefore be it resolved that the Commission** approves the special permit with the following conditions:

- The proposal shall adhere to all relevant sections of the regulations, the submitted plans and representations made by the applicant; and
- Conditions on hours of operation and music and amplification.

After further discussion Commissioner Tucker moved and Commissioner Charette seconded the following amendment to the above motion:

- There shall be no lights for the proposed outdoor activity;

- Outdoor activity is limited to the hours of 9 a.m. to dusk with no Sunday hours;
- There shall be no exterior music, amplification, whistles, horns or other noise-making apparatus;
- The group class size for the outdoor activity use is limited to no more than ten (10) people;
- Structures shall observe all setback requirements for accessory structures;
- A drawing/site plan of the apparatus shall be provided to the Town Planner for review; and
- This approval shall be reviewed in one year.

The amendment passed unanimously.

The original motion passed by a vote of 4 in favor and 1 opposed (Dunn).

Neeraj Gupta – 70 Wood Pond Road

Application for special permit for addition greater than 30 percent of existing house located at 70 Woodpond Road, R20 zone. Mr. Gupta explained he purchased the long abandoned house and would like to renovate it for his family. They are proposing to increase the size of the existing 1,665 sq. ft. house more than 30%. Mr. Gupta described the details of the additions and commented the presence of the house on the street will not change significantly. The majority of the addition will not be visible from the street. They have received approval from the Inland Wetlands Commission and the Zoning Board of Appeals for the proposed work. The Woodridge Association has also reviewed their plans and submitted a letter dated April 14, 2017 reflecting their comments. There was some clarifying discussion on the size of the project, the size of homes in the neighborhood and the letter from the Woodridge Association.

There was no public comment in favor or in opposition to the application.

The public hearing closed at 7:55 p.m.

Commissioner Brenneman moved and Commissioner Charette seconded the following resolution:

Whereas the Farmington Town Plan and Zoning Commission (Commission) received an application for a special permit expansion of a house beyond 30% at 70 Wood Pond Road, R20 zone; and

Whereas the Commission found the application to be complete and conducted a properly noticed public hearing on the request in accordance with CGS Section 8-3(c); and

Whereas the Commission evaluated the proposal in accordance with Article IV Section 12 of the regulations, considered the public testimony and gave due consideration to the Farmington Plan of Conservation and Development.

**Now therefore be it resolved that the Commission** approves the special permit with the following conditions:

- The proposal shall adhere to all relevant sections of the regulations, the submitted plans and representations made by the applicant; and
- The applicant shall comply with the requests of the Woodridge Association stated in their April 14, 2017 letter.

The motion passed unanimously.

Evjen Academy LLC – 504 Main Street

Application for special permit for dance academy use in portion of building located at 504 Main Street, C1 zone. Diana Evjen, Evjen Academy LLC, explains she has been located at various locations in Town for years and has once again outgrown her existing space at 1051 Farmington Avenue. She would like to operate her classical/contemporary dance studio at 504 Main Street. Ms. Evjen detailed plans for improvements to the space; including installing an HVAC system, removing overhead door and replacing with standard doors, create six studios within the 8,000 sq. ft. area and provide ADA accessibility. Although she predominantly teaches ballet she plans to offer yoga and palates classes. The Commission asked for confirmation that there will be no outdoor activity; hours of operation; and lighting for the parking area. Ms. Evjen reviewed the available parking on site and explained lighting exists in the parking area but she will make sure it is sufficient for her students/parents. Her hours of operation are 4 p.m. to 8 p.m. Monday through Friday; 9 a.m. to noon on Saturday for classes and private lessons Saturday afternoons and Sundays. The new space will be ADA accessible and she has twelve employees, six classes with each class size between five and ten students. The class start and end times are staggered. It was noted for the record that if any outdoor lighting changes are needed Ms. Evjen will need to come back to the Commission for approval.

Attorney Christian Hoheb, represented Allen and Deborah Quigley at 486 Main Street. They have met with the applicant and are generally in support of the use. Attorney Hoheb asked that a condition of approval be placed on this use stating sound proofing material will be installed. Ms. Evjen confirmed she will be installing the same material she currently uses at her dance studios. Other conditions the Quigleys would like placed on an approval are; windows and doors stay closed; an eight foot fence be installed along the property line in place of the existing fence; overhead doors be replaced; no outside activity; and regarding the HVAC system location, they would like clarification on where it would be located.

Allen Quigley, 486 Main Street, stated the existing fence is not tall enough because of the grade and they are still able to see some activity at this site. He said they would like an eight foot fence installed and submitted a copy of the commercial real estate listing for 504 Main Street for the record.

Brian Connolly, Vice-Chair of the Economic Development Commission (“EDC”), spoke in favor of this business. He stated Ms. Evjen has successfully operated her studio in Farmington since 2006 and would like to stay in Town. Her business adds value to our Town and the EDC would like to keep the business in Town. A letter dated June 7, 2017 from the Economic Development Commission in support of Evjen Dance Academy’s application has been submitted for the application file.

The public hearing closed at 8:15 p.m.

Commissioner Brenneman moved and Commissioner Tucker seconded the following resolution:

Whereas the Farmington Town Plan and Zoning Commission (Commission) received an application for a special permit for a dance academy use in a portion of the building located at 504 Main Street, C1 zone; and

Whereas the Commission found the application to be complete and conducted a properly noticed public hearing on the request in accordance with CGS Section 8-3(c); and

Whereas the Commission evaluated the proposal in accordance with Article IV Section 12 of the regulations, considered the public testimony and gave due consideration to the Farmington Plan of Conservation and Development.

**Now therefore be it resolved that the Commission** approves the special permit with the following conditions:

- The proposal shall adhere to all relevant sections of the regulations, the submitted plans and representations made by the applicant.

The motion passed unanimously.

### **NEW BUSINESS**

#### **Rodger Phillips – 184 Town Farm Road**

Mr. Phillips submitted a sign application to install a free standing wood sign. The nine square foot sign will be installed on six foot posts. The sign will be located at 184 Town Farm Road north of the driveway.

Upon a motion made and seconded (Tucker/Brenneman) it was unanimously

VOTED: To approve the sign application to install free standing sign at 184 Town Farm Road as presented and on file in the Planning Office.

#### **8-24 Referral – 440 and Lot 2 (8658) Plainville Avenue**

William Wadsworth reviewed the two parcels on Plainville Avenue showing their location on a map. Mr. Wadsworth described the surrounding area and the size of 440 and 8658 Plainville Avenue. The topography of these lots is relatively flat and they comply with item no. 5 of the Land Acquisition procedures. Mr. Wadsworth reviewed the appraisal and negotiation process that has taken place since the parcels were added to the Land Acquisition List in 2008. This location is a good place to create open space. The house and barn on 440 Plainville Avenue will be removed from the site.

Upon a motion made and seconded (Tucker/Brenneman) it was unanimously

VOTED: To recommend purchasing 440 and Lot 2 (8658) Plainville Avenue as presented in a map labeled Town of Farmington Public Works & Dev. Services, Planning Division, dated February 27, 2008.

8-24 Referral – Farmington High School Building Project

Alternate Commissioner Donald recused herself from this matter.

William Wadsworth, Chair of the Farmington High School Building Committee, asked if the Commission had any questions about the request. The Commissioners asked for confirmation that the plans had not changed since the last presentation of the project. Mr. Wadsworth responded there have been no changes.

Upon a motion made and seconded (Brenneman/Tucker) it was

VOTED: To recommend approval of the Farmington High School Building Project.

Fore Group Inc. – 80 Mountain Spring Road

David Whitney, P.E. represented Fore Group Inc. and requested a 90-day extension of time to file the mylar maps.

Upon a motion made and seconded (Brenneman/Tucker) it was unanimously

VOTED: To grant the request for ninety (90) day extension of time to file mylar map for the subdivision of 80 Mountain Spring Road.

**PLANNER'S REPORT**

Temporary Signs

Town Planner Warner reviewed the current Temporary Sign regulation “*Signs advertising a public or semipublic charitable, social, educational or fundraising event provided the sign may not be erected more than 14 days prior to the event and must be removed no later than two days after the event.*” He has been receiving applications from groups that submit multiple applications for fourteen day periods of time so that they can advertise for extended periods of time. After some discussion it was the consensus of the Commission that the 14-day period of time is per event/per year. Events that are not *public or semipublic charitable, social, educational or fundraising events* are not permitted.

152 Town Farm Road

Town Planner Warner said he received one complaint from the resident at 243 Waterville Road about noise from the announcement system at the polo grounds. No further information was available as to whether or not the police found the level of noise to exceed the allowable decibels at the property line.

**MINUTES**

Upon a motion made and seconded (Brenneman/Tucker) it was unanimously

VOTED: To approve the minutes of the May 22, 2017 meeting.

The meeting adjourned at 9:10 p.m.

*SJM*