

TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MINUTES

June 26, 2017

Present were Chairman Dunn, Commissioners Brenneman, Doeg, Jarvis and Matava and Alternate Commissioner Charette and the Town Planner and Secretary. Secretary Doeg opened the meeting at 7:00 p.m. and read the legal notice into the record.

Chairman Dunn explained the process of the meeting and appointed Alternate Commissioner Charette was appointed to vote on behalf of Commissioner Tucker.

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. Attorney Robert Reeve, Scully, Nicksa & Reeve, LLP, represents the applicant and property owner and stated for the record that notices were sent out and signs were posted as required. He described the project site as four vacant parcels of land at the corner of Birdseye Road and Colt Highway. Attorney Reeve proceeded to review the process that has led them to this application. The uses sought by this application are restaurant and retail uses. They have met with the Economic Development Commission and the Architectural Design Review Committee, receiving positive referrals from both of them. Letters of support are in the application record file. They have also met with and received approval from the Inland Wetlands Commission. Outreach meetings with property owners within 200 feet of the property have taken place and they have specifically tried to meet and work with the abutting residential property owners on Birdseye Road and Colt Highway. Attorney Reeve then commented on blasting concerns stating no blasting is anticipated; test holes have been dug at the site and they have determined blasting will not be necessary. Attorney Reeve next reviewed the existing uses at the intersection and stated they do not believe constructing more single family residences is the safest, most practical development of the site. The proposed building architecture is the result of meetings with the Architectural Design Review Committee. They were presented with a more colonial style building and a contemporary building. The Committee felt the contemporary design is more appropriate for this area of Town and will create a high quality gateway to Town.

Mike Cegan, Richter & Cegan, described the parcel as zoned R20 and having acreage of approximately 1.86 acres and they are seeking a zone change to B1. The site plan shows the building close to the intersection with parking and access away from the intersection. At the corner a stone wall is proposed creating an outdoor dining terrace. The site includes a landscape plan that preserves the 48" oak tree along the property line of 155 Birdseye Road; screening fencing around the dumpster area and the property boundary along 155 Birdseye Road and Lot 8130 Colt Highway. The access driveways to the site are approximately 400 feet from the intersection of Birdseye Road and Colt Highway. Mr. Cegan reviewed the photometric plan for site lighting showing zero foot candles at the property lines.

Tom Daly, P.E. with Milone & MacBroom, reviewed the site plan in more detail; public water and sanitary sewer will serve the site; the MDC provided a letter indicating they have completed an availability and capacity analysis of the water distribution system for the proposed 7,535 sq. ft. one-

story building and have determined that there is sufficient availability and capacity in their water distribution system. Mr. Daly reviewed the proposed underground galley systems noting there will be no drainage directed to the north or off site. Regarding blasting concerns the proposed building has no basement. They dug thirteen test pits on site and ten out of thirteen penetrated an average of seven feet without hitting rock. A small area of rock will be removed mechanically. Regarding environmental concerns about groundwater; the groundwater does not flow from the south side of Route 6 north. Scott Bristol, LEP with Milone & MacBroom submitted a letter in which he states he reached out to Eric Henry with Kleinfelder about the groundwater at the 348 Colt Highway parcel. The groundwater at this site is seasonally present above the bedrock surface and that generally the horizontal direction of groundwater flow is to the southwest; away from the proposed project site. It was further stated in the letter “that the predominant direction of groundwater flow at 348 Colt Highway is actually nearly vertically downward, resulting in very little horizontal migration of contaminants.”

Chris Milliard, Architect with Phase Zero Design, reviewed the layout of the proposed building; elevations and exterior materials; as well as presence at the corner. The building has two fronts, a flat roof with parapets that will screen roof mechanicals. The façade of the building is broken up with different materials. Mr. Milliard stated the approximate building height to the highest point is 30 feet.

Kwesi Brown, P.E., P.T.O.E., with Milone & MacBroom, reviewed the traffic impact study; identifying the study area; when traffic counts were done; the location of proposed site driveways; explained how they came up with the proposed trips to be generated due to site development. Mr. Brown also explained timing improvements recommended for the intersection of Birdseye Road and Colt Highway; dedicated left turn lane into the site on Colt Highway. No widening of the roadway is proposed and no left turn onto Route 6 from the site will be permitted. No traffic light is proposed on Birdseye Road at Mountain Road.

Attorney Reeve stated the Market Study Report provided by Donald J. Poland, PhD, AICP, in October 2016 has not changed.

The Commission asked about the feasibility of combining the lots for residential homes. Attorney Reeve responded they do not believe that is the safest development at this location; adding curb cuts for residential homes on State roads so close to the corner is not safe. The applicant was asked that although the proposed building shows room for four tenants, could the building be for one or two tenants. Attorney Reeve responded it is possible but added no tenants have been identified at this time. The Commission asked for clarification on the proposed wall and the viability of the large oak tree during construction. Mr. Cegan responded the wall is a low wall and they will work closely with an arborist to protect the tree during construction if approved. There was a brief discussion on the small area of permeable pavement proposed. Mr. Daly stated Town staff is looking for a detailed maintenance plan for the permeable pavement area. The Commission asked for clarification on timing improvements of the traffic light at the intersection; prohibiting left turns onto Route 6 from the site and the DOT process. Mr. Brown clarified for the Commission. Commissioners asked for clarification on the drainage plan. Mr. Daly reviewed the DOT drainage system that is in place and his plan. The applicant was asked about the projected hours of operation. David Lattizori responded they expected to primarily focus on the work force and anticipate hours of operation to be 8 or 9 a.m. to 8 or 9 p.m. but they have not identified tenants yet. There was some discussion about the lack of places to eat in this area of Town. Mr. Lattizori responded the objective is to anchor two restaurant tenants and some other retail use to be successful. The proposed space layout if for demonstration

purposes only. The applicant was asked if they would object to conditions of approval regarding hours of operation and having one or two restaurant tenants. The Commission asked about noise generated from the site and if there will be screening for noise. Mr. Cegan responded there may be some noise related to the outdoor dining area but the building will buffer the abutting residences. Noise from vehicles at the site will be screened/buffered with plantings and the proposed eight foot fence. There was some discussion about parking area lighting cutoff timing, number of delivery vehicles and trash pickup. Attorney Reeve said they have no objection to any reasonable conditions of approval. Until tenants have been identified it is difficult to know how many deliveries will be made to the site. Mr. Brown was asked to clarify how the number of trips generated from the development site was derived. Mr. Brown explained they used the industry standard trip generation manual. Commissioners also asked about the use of the tenant spaces; LED lighting asking that it have the ability to be dimmed and site coverage. Attorney Reeve responded to the site coverage noting the site is small due to the large State R.O.W. and that if the area of the R.O.W. was included in the development the coverage would drop to 38%. The Commission also asked why the architecture of the building was more modern when they asked the applicant to consider a traditional colonial style building. Attorney Reeve stated they presented the both options to the Architectural Design Review Committee and that Committee preferred the architecture submitted with the application. They have committed to working with the Committee for final review of landscaping and building materials. Additional discussion ensued regarding the traffic study.

Frank Thopsey, 8 Jeffrey Drive, expressed concern with traffic and water supply.

Azam Saeed, 18 Douglas Way, expressed concern with existing traffic adding that traffic makes the area undesirable.

Howard Fuller, 149 Birdseye Road, stated blasting was one of his concerns but expressed concern with the force of mechanical removal of rock. He also expressed concern with traffic.

Carl Gross, 19 Petemont, spoke in opposition to the application and commented on the need for a traffic signal at the intersection of Mountain Road and Birdseye Road.

Ted Jones, 55 Wolf Pit Road, expressed concern with traffic and suggested a traffic study be done when school is in session.

Jim Sfiridis, 16 Paul Spring Road, spoke in opposition to the application expressing concern with traffic.

Silvia Sadowski, 22 Ellen Drive, agreed with previous comments made and expressed concern with increased trash in the area.

Jed Hayes, 10 Waterside Drive, spoke in favor of the project welcoming the opportunity for a greater variety of business in the area to attract millennials to the area. His employees complain all the time there are limited restaurant options in the area.

Jack Hayes, 10 Waterside Drive, commented on the market demand for this type of development in this area. Mr. Hayes felt the proposed development is the highest and best use of this site and a tremendous opportunity to beautify this vacated corner of Town.

Don Paquette, 69 Birdseye Road, agreed with previous concerns regarding traffic.

Frederic Carter, 23 Heritage Drive, Avon, spoke in opposition to the application.

Kim Davirro, 379 Colt Highway, spoke in opposition to the application expressing concern with traffic, water supply and increase in litter.

Ann Mullen, 40 High Street, spoke in opposition to the application. She expressed concern with traffic and commented the building is not appropriate and should be representative of Farmington in design.

Christo Spyropoulos, 354 Colt Highway, stated he is trying to open a restaurant at this location.

Stella DeLuca, 3 Harlan Road, spoke in opposition to the application expressing concern with traffic.

Katie Bradley, 9 Waterville Road, spoke in opposition to the application and stated she agrees with other comments made.

Bob Scata, 8 Fir Drive, spoke in opposition to the application commenting on snow storage, low lighting and wildlife.

Eric Steinfeld, 3 Baldwin Drive, expressed concern with traffic, noise and garbage.

Kristine Green, 13 Bonnie Drive, spoke in opposition to the application expressing concern with traffic.

Barbara Maselek, 42 Bonnie Drive, spoke in opposition to the application expressing concern with traffic.

Matt Pogson, 270 Brickyard Road, expressed concern with traffic.

Richard Floeser, 10 Bonnie Drive, spoke in opposition to the application.

Ms. Sadowski, 8 Bonnie Drive, spoke in opposition to the application.

Ryan Kubasek, 30 Stanford Drive, spoke in favor of the application. He is on the Farmington Chamber of Commerce Board of Directors and believes this project is a potential benefit to Town.

Rob Phillips, 18 Farmington Ridge Drive, spoke in support of the project. He said it is difficult to take a left onto Birdseye Road off Mountain Road at times but commented the applicant will have to go to the D.O.T. for approval of improvements proposed. Development of this underutilized area could be a catalyst to future development in this area.

Augusto Russell, 36 Maple Ridge, Economic Development Commission, spoke in support of this project. He commented we need to look at the common goal adding there isn't much land left in Town to develop.

Lisa Pawlik, 367 Colt Highway, spoke in opposition to the application. Expressing concern with traffic, increased litter, wild life and noise.

Gary Pawlik, owner of 367 Colt Highway and Lot 1830 Colt Highway, spoke in opposition to the application. Expressed concern with traffic, noise and garbage. Mr. Pawlik said he told the applicant to “buy me out” but they would only offer him 70% of the appraised value of his property.

Attorney Reeve commented he has two letters to Mr. Pawlik; the first offering him 95% of the appraised value of his properties and the other offering him 100%. Regarding comments about traffic, Attorney Reeve said he grew up on Bonnie Drive and played at this intersection forty-five years ago. It was busy then and will always be busy. This proposed project will add approximately 1% to the vehicles that current travel through this intersection. The proposed traffic improvements will improve the level of service.

The public hearing closed at 10:40 p.m.

The Commission tabled the decision to the next regularly scheduled meeting.

The Commission took a break until 10:50 p.m.

Parker Benjamin Real Estate Services – 37 Mill Street

Application for special permit for residential use (Unit 37C) located at 37 Mill Street, Building D, UC/UV zone. Brian Lyman, Parker Benjamin Real Estate Services, stated he would like to convert Unit 37C into two apartments. He reviewed the most recent parking survey showing that there are 47 available spaces. These units are not visible from the road and are better suited as apartments than retail. When asked if there are dedicated parking spaces for these units Mr. Lyman responded no, they have an open parking plan in the complex and it has not been an issue. Mr. Lyman was asked to clarify the size of the lower level and the proposed apartments. Mr. Lyman stated the space is approximately 2,000 sq. ft. and each apartment will be 1,000 sq. ft. and have one bedroom. There is no proposed change to exterior lighting on the building.

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

The public hearing closed at 10:55 p.m.

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

VOTED: To approve the Parker Benjamin Real Estate Services application for special permit for residential use (Unit 37C) located at 37 Mill Street, Building D, UC/UV zone as presented and on file in the Planning Office.

NEW BUSINESS

Upon a motion made and seconded (Jarvis/Matava) it was unanimously

VOTED: To move New Business Agenda Item No. 1. up on the agenda to be heard next.

Philip & Joanne Siuta – 7 Chaffee Lane

Town Planner Warner presented the request to the Commission to replace an existing split rail fence with a six foot privacy/stockade fence. The fence will be installed approximately 14 feet

from the curb to add privacy to the back yard where they recently installed a pool. The lot is a corner lot and Town Planner Warner stated he had no issue with the request.

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

VOTED: To approve the request to install six foot fence along Westview Terrace in place of split rail fence as presented and on and on file in the Planning Office.

PUBLIC HEARING

CA Senior Living Holdings, LLC – Lot 8068 Bridgewater Road

Application for change of zone from R30 to SA, special permit, site plan approval and waiver of maximum building height for 120 unit assisted living and memory care facility located at Lot 8068 Bridgewater Road (south of Farmington Avenue and opposite Grandview Drive). Attorney Robert Reeve, Scully, Nicksa & Reeve, LLP, represents the applicant. The property is currently zoned R30 and the development site is approximately 13 ½ acres. They are requesting a zone change to SA for the proposed 120 unit assisted living and memory care facility. The Inland Wetlands Commission granted approval of this project. The plan proposes significant roadway improvements to the Bridgewater Road, Brickyard Road and Farmington Avenue intersection. This application includes a request for waiver of the maximum building height. The height allows them to reduce the coverage of the site, reduce the internal travel of residents of the facility and improves the architectural design of the building. The building is significantly set back from the road and the development plan proposes to preserve landscaping and add additional landscaping.

Michael Duggan, CA Senior Living, explained they have designed a high quality community and talked about the amenities. Older facilities cannot meet the needs of the growing need of these facilities. He talked about who CA Senior Living is and what they do.

Tom Daly, P.E. with Milone & MacBroom, presented a master site plan for the east of Bridgewater Road. This proposal is the centerpiece of the master plan. Sixty percent of the site will remain undeveloped. The sidewalk will be extended along Route 4 toward the Temple sidewalk. Access to the site on Farmington Avenue will be right turn in and right turn out only in addition access from Bridgewater Road. Mr. Daly reviewed the landscaping plan. A driveway is proposed around the building and more parking than required is provided. Service and dumpsters will be to the rear of the building as well as courtyard areas.

Mark Harris, Architect, Boarman Kroos Vogel Group, Inc., described the 125,000 sq. ft. building as a large New England Manor. The building is located approximately 155 feet from the edge of Farmington Avenue. Mr. Harris described in detail the exterior materials of the building.

Kwesi Brown, P.E., P.T.O.E. with Milone & MacBroom, review the traffic study report. They conducted a corridor study and have planned improvements / recommendations; dedicated turn lanes, traffic signal upgrade, new ramps and crosswalks and a new sidewalk along the site frontage.

The Commission asked if the corridor study was done based on the development of the Master Plan. Mr. Daly responded yes, the single family development, active adult development, the

assisted living/memory care facility and the approved addition to the existing office building on Bridgewater Road. There was some discussion on the ConnDOT process for the proposed traffic improvements. There some discussion about the ConnecticutWater letter dated June 23, 2017. Mr. Daly said a winter management plan will be submitted to Town staff and the water company. The Commission asked for clarification on the height of the proposed building versus the height of the Temple. The Temple is approximately 36 feet tall and the proposed facility is 44 feet tall. The Commission asked for confirmation that the facility will have sufficient staff for Emergency Services. The applicant responded they will have sufficient staff for Emergency Services.

Matt Pogson, 270 Brickyard Road, spoke in favor of the project. He commented he would like it located further away from the road so that it is less visible from Route 4. Improvements need to be made to the intersection but the proposed project appears to have a low impact to the site.

The public hearing closed at 12:28 a.m.

The Commission tabled the decision to the next regularly scheduled meeting.

NEW BUSINESS

8-24 Referral – Serra Drive

Town Planner Warner presented the request from the Town Council for Conservation Easement across Town property abutting Serra Drive in response to concerns raised by residents of Serra Drive. This would provide permanent protection over this land.

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

VOTED: To recommend placing a Conservation Easement across Town property abutting Serra Drive as requested.

PLANNER'S REPORT

No Planner's Report.

MINUTES

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

VOTED: To approve the minutes of the June 12, 2017 meeting.

The meeting adjourned at 12:32 a.m.

SJM