

TOWN PLAN AND ZONING COMMISSION  
PUBLIC AND REGULAR MINUTES

January 12, 2015

Present were Chairman Dunn, Commissioners Brenneman, Doeg, Fraprie, Jarvis and Matava and Alternate Commissioners Bagdigian, Gurski and Houf and the Town Planner and Clerk. Secretary Doeg 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.

**PUBLIC HEARINGS**

**Gretchen Hall – 15 Prattling Pond Road**

Three lot subdivision, special permit and site plan approval for work in Ridgeline Protection Zone related to three lot subdivision at 15 Prattling Pond Road, R80 zone. Continued from December 8, 2014. Attorney Robert Reeve, Scully, Nicksa & Reeve, addressed comments from the last meeting regarding development of the western branch of Prattling Pond Road, safety of the road and the side yard setback of proposed Lot 48E. Regarding safety, emergency services have evaluated the proposal and stated the development of two additional homes will not impact emergency services to the site. Dave Whitney, P.E., reviewed the two revised plan sheets, the first sheet regarding possible improvements to the western branch of Prattling Pond Road. The second sheet revised the setback of the house along the side lot line to provide more of a buffer between the new house and the right-of-way to 7 and 9 Prattling Pond Road. Mr. Whitney then reviewed whether or not there is further development potential on the western branch of Prattling Pond Road.

Some Commissioners expressed concern with the existing private road width. The new section of road will be constructed to current requirements. Attorney Reeve noted there is evidence in the record from emergency services that says there is no safety concern. Commissioners appreciated the potential improvements to the private road and the side yard setback adjustment for Lot 48E. Attorney Reeve reiterated the private road is existing and that the proposed new portion meets the requirements of the zoning regulations.

Attorney Diane Whitney, Pullman Comley, LLC, represented the owners of 7 and 9 Prattling Pond Road. She submitted and reviewed a handout regarding the application. She stated Lot 48E is not large enough because it contains a private road arguing the private road cannot be used in the calculation of a lot. She submitted a copy of a case *Field Point Park Association, Inc. et al. v. Planning and Zoning Commission of the Town of Greenwich et al.* to support her statement. The judge's decision stated the Town of Greenwich building zone regulations definition of a lot states a private road cannot be included for purposes of calculating the size of a lot.

James King, 9 Prattling Pond Road, read his letter in opposition to the application dated January 12, 2015 into the record.

Alfred Covello, 21 Prattling Pond Road, submitted a letter dated January 12, 2015 regarding whether or not this is a subdivision or re-subdivision application.

Chairman Dunn asked Attorney Reeve if he had seen the case Attorney Whitney handed out. He responded he just received it from Attorney Whitney and recommended the Chairman discuss its relevance with Town Planner Warner before making a decision. Attorney Reeve then briefly responded to public comment about expanding the private road and Attorney Whitney's argument that the lot area of Lot 48E should not include the private road. He stated the Farmington Zoning Regulation definition of lot area states the total area contained within the lot lines of a lot. No exclusions for rights of way.

The hearing closed at 8:16 p.m.

Commissioner Jarvis moves and Commissioner Brenneman seconds the following resolution:

**Whereas** the Farmington Town Plan and Zoning Commission (Commission) received an application for a subdivision/re-subdivision of land to create three building lots in accordance with Article III, Section 6 of the Farmington Zoning Regulations and the Regulations for Subdivision and a special permit pursuant to Article II, Section 26 of the Zoning Regulations to allow activity in the Ridgeline Protection area; and

**Whereas** the Commission found the application to be complete and in conformance with the Zoning and Subdivision Regulations and conducted a properly noticed public hearing on the request in accordance with CGS Section 8-23 and Section 2.02 of the Farmington Regulations for Subdivision and Article IV, Section 12 of the Zoning Regulations; and

**Whereas** the Commission evaluated the proposal in accordance with Section 2.05 of the regulations and Article II, Section 26 of the Zoning Regulations, reviewed all departmental comments, considered the public testimony and gave due consideration to the Farmington Plan of Conservation and Development.

**Now therefore be it resolved that the Commission** voted 2 in favor to 4 opposed (Dunn, Doeg, Fraprie, Matava) to grant special permit and site plan approval and conditional final subdivision/re-subdivision approval for the three-lot subdivision with the following conditions:

- The proposal shall adhere and conform to all relevant sections of the regulations and representations made by the applicant including, but not limited to, open space, erosion & sediment control, landscape and screening, etc.;
- This motion is conditions on compliance with the memorandum from the engineering department dated January 12, 2015; and
- Prior to the start of any work, bonding shall be in place and the plans shall be amended to adhere to any and all departmental comments, including but not limited to, the Town Planner and Engineering and any conditions of approval.

This motion failed.

During deliberations there was discussion on whether or not the private road area should be included in the calculation of Lot 48E area. Chair argued the private road does not conform to the Town's standards of a private road.

### Shawn Curtis – 29 Mill Street

Special permit for restaurant use and waiver for sale of alcohol located at 29 Mill Street, UC zone. Mr. Curtis, 115 West District Road, along with Mark Lubetkin, Red Stone Pub Simsbury, would like approval to open a second Red Stone Pub to be located in the building at 29 Mill Street, Unionville. Mr. Curtis reviewed the history of the building and reviewed the shared parking of the development. Commissioners expressed concern with parking. There was some discussion about proposed patio use. Mr. Lubetkin stated they haven't looked at this use yet but in Simsbury the seating on the patio is a result of moving indoor seating outdoors and not adding more overall seating to the restaurant. Hours of operation were presented as 11 a.m. to "close". Close was clarified as 1 a.m. weekdays and 2 a.m. weekends. When asked whether outdoor music was proposed for the patio area, the applicant had not determined yet.

Augusto Russell, Chairman of the Farmington Economic Development Commission, stated they support the application.

Ryan Trimble, Union Eye Works, stated as a local business person he looks forward to this new business being an active member of the community.

Tim LeBouthillier, 77 Sylvan Avenue and a member of the Unionville Village Improvement Association, spoke in support of the application.

The hearing closed at 9:05 p.m.

### Waiver for Sale of Alcohol

Commissioner Doeg moves and Commission Fraprie seconds the following resolution:

**Whereas** the applicant has requested a waiver of the regulation requiring 1,500 feet between liquor establishments, requiring 500 feet from schools and requiring the B1 and BR zone to allow a restaurant liquor license at 29 Mill Street.

**Now therefore be it resolved that the Commission** approves the request for a waiver of the regulations (Article IV, Section 5.B.) to allow a restaurant liquor license at 29 Mill Street.

The motion passed unanimously.

### Special Permit

Commissioner Doeg moves and Commission Matava seconds the following resolution:

**Whereas** the Farmington Town Plan and Zoning Commission (Commission) received an application for a special permit as required pursuant to Article II, Section 11 of the Farmington

Zoning Regulations to establish a “low turnover” restaurant at 29 Mill Street as displayed on the plans in the Zoning Office; and

**Whereas** the applicant is also seeking a parking arrangement in accordance with Article IV, Section 8 #17 to utilize shared parking based on hours of operation and peak usage; 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 request with the following conditions:

- The proposal shall adhere to all relevant sections of the regulations and representations made by the applicant;
- The liquor permit shall at all times be limited to a State of Connecticut “restaurant liquor license”;
- The plans shall be amended to include the following Commission concerns;
  1. There shall be no outside music;
  2. Hours of operation shall be no later than 1 a.m. weekdays and 2 a.m. weekends;
  3. A sign shall be posted directing patrons to the overflow parking available to the west.

The motion passed unanimously.

Liljedahl Bros. Inc. – 156 Brickyard Road

Special permit for storage use located at 156 Brickyard Road, CR zone. This application has been withdrawn.

Metro Realty Group – 505, 521 and 529 Farmington Avenue

Change of zone from R20 to MOC zone, text amendment to MOC zoning regulations, special permit and site plan approval for medical office building located at 505, 521 and 529 Farmington Avenue. Christian Hoheb, represented the applicant. Tom Daly, P.E. with Milone & MacBroom, presented the proposal to construct a 20,000 sq. ft. two-story medical office building. The site would be developed with right-hand turn only egress from the site and ingress from the east and west bound lanes on Farmington Avenue. Architecturally, the new building will look the same as the other medical office buildings in this area. Storm drainage is designed to flow to the rear of the site. The proposed retaining wall will match the wall constructed on the adjacent site. Mark Vertucci, Fuss & O’Neill, reviewed the traffic study and report. Full turns will be permitted into the site and right turns only permitted for exiting traffic. Mr. Vertucci stated they obtained traffic counts and reviewed trips during peak hours and the level of service at the site. Sight lines from the proposed driveway exceed DOT requirements. Attorney Hoheb commented the text amendment only applies to MOC zoned parcels.

Commissioners expressed some concern with a right turn only out of the site with no “U” turn opportunity to get back to I-84. After some discussion the applicant said they would look into the potential to provide literature or signage to address this concern. There was also some discussion about the potential to connect to the adjacent parking area to provide an alternate exit from the site.

Joanne Lawson, 9 Prattling Pond Road, asked for clarification on the location of the medical office building driveway and Prattling Pond Road.

James King, 9 Prattling Pond Road, also asked for clarification expressing concern with ingress/egress to the site.

The hearing closed at 9:38 p.m.

#### Change of Zone and Text Amendment

Commissioner Doeg moves and Commission Brenneman seconds the following resolution:

**Whereas** the Farmington Town Plan and Zoning Commission (Commission) received an application for a zoning map and text amendment to change an area on Farmington Avenue (Route 4) from R20/Professional Office (PR) to MOC zone and to change the side yard requirement of the MOC 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; and

**Whereas** the Commission evaluated the proposal in accordance with Article IV, Section 12 of the Farmington Zoning Regulation and gave due consideration to the Farmington Plan of Conservation and Development as required in CGS Section 8-3(a).

**Now therefore be it resolved that the Commission** approves said changes as presented.

The motion passed unanimously.

#### Special Permit

Commissioner Doeg moves and Commission Brenneman seconds the following resolution:

**Whereas** the Farmington Town Plan and Zoning Commission (Commission) received an application for a special permit for the construction of a 20,000 sq. ft. medical building in the MOC Zone, including a sign; 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 public testimony and gave due consideration to the Farmington Plan of Conservation and Development.

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

- The proposal shall adhere to all relevant sections of the regulations and representations made by the applicant; and
- Directional sign(s) to Route I-84 approved by the CT DOT or Town of Farmington shall be installed.

The motion passed unanimously.

## **NEW BUSINESS**

### **Ebm papst Inc. – 100 & 110 Hyde Road**

William Aston, Buck & Buck, presented the application for site plan approval. Mr. Aston commented the Inland Wetlands Commission approved this application at their December 10, 2014 meeting. ebm papst would like to install a pallet storage shed and a refrigerated storage container on the site. There is no increase in impervious surface proposed and the additional structures will not be visible from the street. In addition, deferred parking spaces have been designated on the site plan.

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

VOTED: To approve ebm papst Inc. application for site plan modification to install pallet storage shed, refrigerated storage container and designate deferred parking area as presented for property located at 100 & 110 Hyde Road.

### **Brickwalk Shops – 767 Farmington Avenue**

Robert Schechinger stated since the last meeting they have responded to all comments in writing and he submitted them for the record. The landscape plan has been reviewed by the Architectural Design Review Committee and Dian Barnes reviewed and made comments. Mr. Schechinger then reviewed the list of plants. He commented he met with the Farmington Historic District Commission and they would like to see proposed screening of the mailbox units, the type of stone bollard and what the frosted and opaque panels look like on the light posts. Additional fence screening will be installed around the propane tanks and the fence along the rear property line will be extended. Mr. Schechinger stated all light posts around the perimeter of the property will have opaque back panels installed. There was some discussion on retaining sufficient lighting for safety. Commissioners asked clarification questions regarding lighting.

Barbara Taussig, 21 Main Street, asked what lighting expert the applicant used. Mr. Schechinger responded he used Apex Lighting. Lavell Thompson, 4 High Street, submitted additional photos for the record. John Taussig, 21 Main Street, submitted correspondence from Karen Fallo, 12 Winterwood Terrace, into the record. No other new concerns were presented.

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

VOTED: To approve Brickwalk Shops request for site plan modification of landscape, lighting and sidewalks at 767-771 Farmington Avenue and 2 High Street as presented with the condition that an as-built condition be reviewed to ensure the work completed is to plan presented. The applicant is reminded to also seek Farmington Historic District approval for outstanding items.

Town of Farmington – 1 Westerberg Drive

Julie Bjorkman, Wright-Pierce, reviewed the expansion/upgrade to the Water Pollution Control Facility at 1 Westerberg Drive. The Zoning Board of Appeals approved the request for variances at their December 15, 2014 meeting. This application will also go to the State DEEP for approval. Ms. Bjorkman stated this is a three year construction project. This project includes demolition or removal of existing structures or facilities, utility relocation, abandonment, construction of new structures and facilities and other ancillary site work and utility work. Facility upgrades include new facilities or modifications to the facility headworks, primary treatment systems, secondary treatment systems, solids handling systems, odor control systems, chemical phosphorous removal, disinfection and other plant-wide support and building system improvements. The upgrade will improve wastewater treatment and address CTDEEP NPDES Permit effluent requirements.

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

VOTED: To approve the application for site plan by the Town of Farmington regarding expansion of the treatment plant located at 1 Westerberg Drive as presented.

Canton Sign Shop – 230 Farmington Avenue

The sign application is for an attached 144” x 36” aluminum face sign with a 1” x 1” aluminum frame. The business is The Talcott Center for Child Development located at 230 Farmington Avenue. Town Planner Warner said the sign complies with the requirements of the zoning regulations.

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

VOTED: To approve Canton Sign Shop sign application for property located at 230 Farmington Avenue as presented.

**OLD BUSINESS**

Calco Construction Inc. – 168 Coppermine Road

Special permit for twelve-lot cluster subdivision located at 168 Coppermine Road, R30 zone. No action taken on this matter. The Commission is waiting for a decision from the Inland Wetlands Commission.

**OTHER BUSINESS**

No other business.

**PLANNER'S REPORT**

No planner's report.

**MINUTES**

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

VOTED: To approve the public and regular minutes of the December 8, 2014 meeting.

The meeting adjourned at 11:10 p.m.

*SJM*