

TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MINUTES

March 27, 2017

Present were Chairman Dunn, Commissioners Brenneman, Doeg, Matava and Alternate Commissioners Charette 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 to the public and appointed Alternate Commissioner Charette to vote on behalf of Commissioner Tucker and Alternate Commissioner Houf to vote on behalf of Commissioner Jarvis.

PUBLIC HEARING

Green Tails Market LLC – 1085 Farmington Avenue

Application for special permit for retail use (pet supply store) at 1085 Farmington Avenue, BR zone. Paul Fryer, Owner, stated the business is currently located at 784 Farmington Avenue and they are seeking a special permit to relocate to 1085 Farmington Avenue. Mr. Fryer reviewed the existing paved and gravel parking areas available. The existing sign at 1085 Farmington Avenue will be replaced with a wood panel and raised letters as shown in the application packet. The lighting will not change. The owner of the building is replacing the siding and removing the awning. Commissioners asked for the hours of operation, deliveries, handicap parking and for confirmation that the store van will be not parked in front of the building. Mr. Fryer responded the hours of operation are Monday thru Friday from 10 a.m. to 6:30 p.m., Saturday from 10 a.m. to 5 p.m., closed Sunday. Box truck deliveries are received Tuesday a.m. and p.m. and Wednesday a.m. only. Mr. Fryer clarified handicap parking and accessibility to the building. He added the store van will not be parked in front of the building.

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

The public hearing closed at 7:09 p.m.

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

VOTED: To approve Green Tails Market LLC application for special permit for retail use (pet supply store) at 1085 Farmington Avenue, BR zone as presented and on file in the Planning Office.

A motion was made and seconded (Brenneman/Matava) to amendment to the previous motion to include a request that the applicant work with staff on the color of the new siding and was voted 3 in favor to 3 opposed (Dunn, Doeg, Houf). The motion failed. Commissioners voting in opposition felt it was not appropriate or within their purview to regulate the color of the building's siding.

The original motion passed unanimously.

Estate of Paul Krell – 373 Meadow Road

Chairman Dunn recused himself from this matter.

Application for two-lot re-subdivision of property located at 373 Meadow Road, R40 zone. Jim Cassidy, Hallisey, Pearson & Cassidy, represented the Estate of Paul Krell Sr. Mr. Cassidy reviewed the proposed site plan with the existing house and shed. A small wetland area was shown on the west edge of the property. The site has little wooded area and has a significant amount of cultivate fields. To settle the estate the heirs would like to subdivide the parcel creating a lot around the existing house and shed, a second building lot and to add land to the property known as 155 Judson Lane owned by Mark and Iris Krell. The remaining land will remain undeveloped at this time. Mr. Cassidy commented they are seeking a waiver of the subdivision regulation regarding open space. The area south and west of the site is owned by the Town of Farmington. Concern was expressed that no open space was proposed and that it may be overlooked in the future. Attorney Tim Furey, representing Paul Krell Jr., noted there is no aggressive development planned at this time and if in the future development is proposed at that time it may make sense to set aside open space. After further discussion Attorney Furey suggested continuing the hearing to they can discuss the matter with staff and their clients.

Mark Krell, 155 Judson Lane, spoke in opposition to the request to set aside open space. He does not plan to subdivide his property at this time and would like to leave land to his children and does not want to set aside open space.

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

At 7:32 the public hearing was continued to April 24, 2017.

Paul Albert – 17 Depot Place

Application for special permit for relaxation center use at 17 Depot Place, C1 zone. Mr. Albert would like to offer a space where people can come in and decompress. He plans to offer relaxation services to the public through guided services and single occupant relaxation booth. He will work with one client at a time and will not have any employees. The proposed hours of operation are Monday thru Saturday from 12 p.m. to 7 p.m. Mr. Albert will have a small 21” x 34” door sign. The space has four dedicated parking spaces. Commissioners asked for clarification on how relaxation will be provided. Mr. Albert said one way is through medication, music, or through other relaxing sounds, etc. When asked about licensing Mr. Albert said he is a licensed in hypnosis. No other medical type uses are proposed for this space. There was a brief discussion about group therapy sessions and if proposed in the future Mr. Albert would need to come back for approval. No activity is proposed outside and there is no retail sales proposed with this use.

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

The public hearing closed at 7:40 p.m.

Commissioner Doeg moved and Commissioner Charette seconded the following resolution:

Whereas the Farmington Town Plan and Zoning Commission (Commission) received an application for a special permit for a personal service use at 17 Depot Place; 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 hours of operation are limited to Monday through Saturday noon to 7 p.m.

The motion passed unanimously.

Lovely Development Inc. – 50 Junior Road

Application for two-lot re-subdivision of property located at 50 Junior Road, R12 zone. This matter was tabled to allow time for notification of the project to the Town of Plainville and the Capitol Regional Council of Governments.

Metro Realty Group LTD – Text Amendment

Application for amendment to Article II Section 30 Medical Office / Research Floating Zone of the zoning regulations.

Metro Realty Group LTD – 55 and Lot 8859 South Road

Application for change of zone from R40 to MORF zone and site plan approval for medical office/research facility located at 55 and Lot 8859 South Road (adjacent to 55 South Road).

Attorney Christian Hoheb represented the applicant. On March 22, 2017 the Inland Wetlands Commission voted to approve the proposed medical office building project. On March 23, 2017 the Architectural Design Review Committee reviewed the plans for this project and made some recommendations and complemented the development team on the landscape plan. They will need more time to consider some of the recommendations. Geoff Sager, Metro Realty Group, gave a presentation on the existing health center neighborhood medical buildings and approved medical office buildings. He reviewed the evolution of the Medical Office Research Floating Zone bound by South Road, Middle Road and Munson Road. The development team has conducted neighborhood meetings and met with residents individually during the development of this proposal. The proposed building is one story with associated parking will be located on these parcels with a conservation easement area protecting the wetlands. Tom Daly, Milone & MacBroom, described the proposed 24,700 sq. ft. one-story building. The driveway will align with the driveway across South Road at 54 South Road. The site plan shows a parking area with a loop driveway and drop off area at the main entrance. The dumpster area is located to the rear

of the parking lot. Public water and sanitary sewer will be provided for the site. Mr. Daly stated storm drainage will be picked up and directed toward the wetlands on site adding a curtain drain will be installed behind the building. The plan also included a sidewalk along the South Road portion of the site. Charlie Nyberg, Associated Architects, reviewed the architectural features of the proposed building. The building has been designed with the possibility of six individual tenants. He elected not to have a pitched roof because it did not seem appropriate for the area. The exterior building materials will be consistent with the medical office buildings in the Farmington Medical Arts Campus; exterior walls base cast stone, brick, beige efface and green tinted windows. Mark Vertucci, Fuss & O'Neill, presented the traffic impact study. The proposed medical office building will provide 120 parking spaces on site. Mr. Vertucci provided detailed information of the traffic volumes, speeds, counts; overall conditions in the area. The determination of the study of impact on traffic conditions are that the proposed development, with the recommendation noted in the report on the signal timing be adjusted, will not have a significant impact to traffic operations within the study area. The Commission asked about lighting. Mr. Daly stated a photometric plan of the full cutoff lights was done and the foot candles at the property lines virtually zero. Regarding the tree line adjacent to 63 South Road the applicant made many attempts to meet directly with the property owner but have had no response. A planting plan was designed to supplement the adjacent property's existing tree line. Mr. Vertucci was asked to provide expected traffic counts into/out of the site. He responded 69 entering the site and 18 exiting during the a.m. peak hour and 36 entering/94 exiting during the p.m. peak hour. The general anticipated hours of operation are 8 a.m. to 5 p.m. but they won't have set hours until they have tenants for the space. Commissioners discussed the proposed text amendment to the MORF zone yard requirements, off street parking and landscaping for development adjacent to other institutional use or non-residential use. A suggestion was made to the development team to spread out the handicap parking spaces if multiple tenants occupy the building, to be closer to the tenant entrances. The applicant had no objection. During discussion about lighting the application stated they anticipate the lights to shut off between 9 p.m. and 10 p.m. The conservation easement is proposed over the delineated wetland area on site but does not extend to Middle Road. This allows room for future extension of a sidewalk on Middle Road at some point in the future. When asked about whether or not a generator will be on site and if so when it would be routinely tested, Mr. Sager responded a tenant may possibly need a generator and if so they testing would be scheduled on a Saturday around noon for approximately 30 minutes.

Attorney William Tracy, of Furey, Donovan, Tracy, represented Gertrude Wheeler, 54 South Road. His client is concerned about lights from exiting traffic from the new development and the alignment of the new driveway with her driveway. He reviewed the history of application and commented on the proposed text amendment and that "institutional use" is not defined. Attorney Tracy also questioned whether or not sufficient parking is provided for the size of the building. Attorney Hoheb proposed a remedy that he submit a revised amendment to staff. There was further discussion with the Commission about inserting additional language for clarification.

The public hearing closed at 8:50 p.m.

Text Amendment:

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

VOTED: To approve the Metro Realty Group LTD application for amendment to Article II Section 30 Medical Office / Research Floating Zone of the zoning regulations with the following modifications:

Article II, Section 30. Medical Office/Research Floating Zone:

1. G. Height and Area Requirements, 4. Yards, f. Side yard: 30 feet, provided that if the side or rear yards of lots within the Medical Office/Research Floating Zone are adjacent, i) to other MORF zone lots the site plan may utilize a zero lot line, or ii) at the discretion of the Commission to other non-residential or institutional use, then 5 feet.
2. I. Off Street Parking, 2. Parking spaces shall be set back no less than 30 feet from any property line, provided that i) if the side or rear yard of lots within the Medical Office/Research Floating Zone are adjacent, the site plan may utilize a zero lot line, or ii) at the discretion of the Commission if the side yard is adjacent to other non-residential or institutional use, the site plan may utilize 5 feet.
3. J. Landscaping: Except along a property line of a Medical Office/Research Floating Zone adjacent to a non-residential or institutional use, landscaping shall be provided in conformance with Article IV, Section 13, provided that plantings within the front yard as per Section 28.D.4.a. above shall be determined based on field conditions and controlled by a condition of approval and with the exception of the buffer yard berm but with 1.0 x plant units. In addition, a zone change/site plan application shall be accompanied by specifications of foundation plantings, walkway plantings, courtyard plantings, entrance plantings, island plantings, and irrigation system locations that will achieve uniformity. The Commission reserves the right to increase buffer areas and materials for projects adjacent to residentially zoned properties not covered by this floating zone.
4. The Commission sets an effective date of the changes of fifteen (15) days after the publication of the notice of decision. (Doeg/Houf) amended the motion which passed unanimously.

Zone Change and Site Plan:

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

VOTED: To approve the Metro Realty Group LTD application for change of zone from R40 to MORF zone and site plan approval for medical office/research facility located at 55 and Lot 8859 South Road (adjacent to 55 South Road) with the following conditions:

1. There shall be no retail use on site;
2. Exterior lights shall shut off at the same time as the main campus lights;
3. Hours of operation for patient care shall generally conclude no later than 6 p.m. Doctors can work later. Applicant can come back for a modification if needed; and
4. The applicant shall address staff comments.

NEW BUSINESS

Farmington High School

Kevin Dunst, Student Council President, presented the sign application to replace the existing sign located at the bottom of Monteith Drive with an LED sign. The detailed proposal is for a 7' 5" x 11' 10" monument with a 3' x 8' LED message board. The sign will be operated by the Town of Farmington and Farmington Public Schools and used to promote public events and public service announcements. The existing sign is an old wooden sign, has to be changed manually and can display one announcement at a time. The Commission asked for clarification regarding capabilities of the sign re; colors proposed for the messages, brightness of the sign, how messages will be displayed (e.g. scrolling, animated), number of messages a day, if the sign will always be on at all times, operation of sign. Representatives of the sign company stated the sign has capability of various colors but a black background with white lettering will be most readable. The sign panel becomes dim automatically at night and will be turned off overnight. The sign is operated through a web based program and determination on who will operate has not been determined yet. How messages are displayed was not a significant concern to the applicant at this time, just the ability to display messages. Further discussion regarding location of the sign and administration ensued. The Commission commented on possible conditions of approval; sign will be turned off from 10 p.m. to 6 a.m. except for emergency messages, the sign panel to be black with gold lettering, message shall not be scrolling, for the display of public event messages, messages can change three times per day. Russ Crist responded they prefer white lettering, not sure three messages a day will adequately provide notice of events, suggested messages change every couple minutes. The sign representative suggested eight to ten messages for flexibility but if prefer to start with six and work up to more that would be acceptable. The Commission suggested the Town Manager, Superintendent of Schools and Police Chief develop a policy to determine priority of messages and administration/operation of the sign.

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

VOTED: To approve the Farmington High School sign application for Monteith Drive with the following conditions:

1. The LED sign panel messages shall have white lettering on a black background;
2. The sign shall be dark from 10 p.m. to 6 a.m. (except for public safety messages);
3. Messages shall remain static and can only change six (6) times per day;
4. Only public events and news alerts are permitted. Various holidays are not considered public events;
5. The Town Manager and Superintendent of Schools shall come up with a policy on the priority and administration of messages to be displayed.

Culteavo and Scene Art Bar – 29 Mill Street

Claudio Shutz, Culteavo, presented a joint proposal with April Raymond, Scene Art Bar, to use the patio and lawn area at 29 Mill Street. They will set up six to eight tables with seating capacity for 24 to 36 patrons from May through September. In addition, a tent will be installed on the lawn. Light background music and ambient lighting will be provided. Use of this area includes private parties with food, beer and wine service and painting parties. Scene Art Bar will apply for an extension of use for their existing tavern permit. Hours of operation of this use are

Thursday through Sunday noon to 9:30 p.m. Commissioners asked for clarification on setup time, music noise level and ambient lighting. Background music will be at a level so that conversations can take place. The sound of the river will likely be louder than the music. Table lighting will be provided and there is existing walkway lighting.

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

VOTED: To approve the Culteavo and Scene Art Bar request for outdoor dining as presented at 29 Mill Street for one year. The applicant can come back after the first year to seek an extension of the approval.

Farmington and Avon Live Fire Training Facility – Round Hill Road

Mary-Ellen Harper presented the proposed neighborhood notification plan as requested as a condition of approval for the facility. The calendar of use of the facility is available on the Town of Farmington website for neighbors and anyone interested in the use of the building. Following approval of the Notification Plan letters will be mailed to neighbors advising them where to look for this information. Also presented was proposed exterior lighting. Volunteer firefighters usually train at night and would eliminate the need to keep apparatus and generators running for the sole purpose of providing light at night. Additionally firefighters would not have to enter and exit the facility in the dark. Ms. Harper asked for a modification in the number of live fire burns, increasing from 14 per year to 24 or 30. She explained the number of live burns needed for certification and

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

VOTED: To approve Farmington and Avon Live Fire Training Facility at Round Hill Road neighborhood notification plan, exterior lighting and limit on live fire training as follows:

1. One year approval on the following to see how it works;
2. Live fire training sessions shall be limited to 30 live burns per year;
3. Training sessions may take place up to 9p.m.;
4. Exterior lights shall be lit only on nights training is being conducted; and
5. The Commission approves the neighborhood notification plan as presented.

Chris Moreno – 8538 (Lot 3 Mountain Spring Road)

Chris Moreno presented his Eagle Scout Project to install a bird blind on Land Trust property at 8538 (Lot 3) Mountain Spring Road. The proposed cedar siding bird blind will be eight feet high, ten feet wide and four feet deep with 4x4 posts. The pergola top will be six feet wide and eight feet deep on 6x6 posts. Concrete footings will anchor the posts. The structure will be constructed off site and brought to the site. He would like to complete construct the bird blind during the week of April vacation. Commissioners asked for clarification on access, parking and proximity to neighbors.

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

VOTED: To approve the Chris Moreno site plan application for Eagle Scout Project to construct bird blind at 8538 (Lot 3) Mountain Spring Road as presented and on file in the Planning Office.

Metro Realty – 499, 501, 505 Farmington Avenue

Attorney Christian Hoheb represented Metro Realty Group and asked for an extension of 90 days to file record subdivision map for 499, 501 and 505 Farmington Avenue.

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

VOTED: To grant the ninety (90) day extension of time to file record subdivision map on the land records for 499, 501 and 505 Farmington Avenue as requested.

Fore Group Inc. – 77 and 87 Mountain Spring Road

Commissioner Doeg recused himself from this matter.

Attorney Christian Hoheb represented Fore Group who is seeking a waiver of the subdivision regulations requiring the extension of public water to 77 and 87 Mountain Spring Road. There does not appear to be development potential requiring the extension of the water line beyond this point and given the scenic designation of the roadway they do not want to disturb the roadway. Commissioners asked if during the public hearing process the neighborhood has expressed interest in extending the water line. The applicant was not the original applicant of the subdivision and did not know.

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

VOTED: To approve the request to waive the requirement of public water for 77 and 87 Mountain Spring Road.

OLD BUSINESS

Town of Farmington – Text Amendment

Commissioner Brenneman stated for the record that she listed to the public hearing recording for this matter.

There were no additional comments on the proposed text amendment to the Farmington Village District Zone, Section 29A. of the Farmington Zoning Regulations. The Commission had asked to review a final version of the amendment at the last hearing.

Commissioners eligible to vote on this application are Brenneman, Doeg, Dunn, Matava and Charette.

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

VOTED: To approved the proposed text amendment to the Farmington Village District Zone, Section 29A. of the Farmington Zoning Regulations as presented and on file in the Planning Office.

PLANNER'S REPORT

No Planner's Report

MINUTES

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

VOTED: To approve the minutes of the February 27, 2017 meeting.

The meeting adjourned at 10:55 p.m.

SJM