

TOWN OF FARMINGTON  
PLAN & ZONING COMMISSION

July 6, 2020

Present for the online web conference was Chair Brenneman, Commissioners Carrier, Grabulis, Pogson, St. James, Schwartz and Alternate Commissioners J. Vibert and K. Vibert. The Interim Town Planner and Clerk were also present. The meeting was called to order at 7:00 p.m. Town Council Liaison Capodiferro was also present.

**PLEDGE OF ALLEGIANCE** (led by Chair)

Secretary St. James read the legal notice into the record.

**NEW BUSINESS**

Colt Highway LLC – 299 Colt Highway

Site plan application to construct four detached garage structures at 299 Colt Highway. Rock Emond, Civil Engineer with Milone & MacBroom, oriented the Commissioners to the site. The application proposes to construct four 4-bay garages on existing parking spaces. The proposal was reviewed and approved by the Inland Wetlands Commission on July 1, 2020. Mr. Emond stated the increase in impervious surface is 2,400 sq. ft. and, in his opinion, will not result in an increase in storm water. The reduction in parking spaces will leave enough parking spaces well above the minimum needed for their development. The Commissioners asked for clarification on the need for the garage spaces and site coverage. Ben Tripp commented the additional garage spaces will address demand they have from tenants and the impervious surface increases approximately one quarter of a percent.

Upon a motion made and seconded (St. James/Schwartz) it was unanimously

VOTED: To approve the Colt Highway LLC application to construct four 4-bay detached garage structures at 299 Colt Highway as presented and on file in the Planning Office.

Trumpf, Inc. – 3 Johnson Avenue

Request to install 6-ft. fence along portion of Hyde Road frontage. This matter is tabled until the July 20, 2020 meeting.

**PUBLIC HEARING**

Michael Kwas – 124 Mountain Road

Commissioner Grabulis recused himself from this matter. Alternate Commissioner K. Vibert was appointed to vote on the matter.

Application for special permit for amateur radio tower not more than 65 feet in height at 124 Mountain Road, R80 zone. Mr. Kwas presented his request for approval to install a taller amateur radio tower. He explained the zoning regulations allow a 45-foot tall tower by-right but for additional height up to 65 feet requires special permit approval from the Commission. The proposed tower style is the same lattice style on the Town Hall office building. Mr. Kwas

stated the overall height of his tower would be no more than 60 feet. One neighbor would see the tower from their home across the street and they have submitted a letter of support for the record. The tower as proposed for installation meets all safety requirements. The Commissioners asked why the additional 15 feet is needed. Mr. Kwas responded the additional height will provide better reception/signal because the trees around his home are generally 65 feet or taller. He would prefer not to remove trees. Photos were shown from the neighbor at 3 Poplar Hill and that the only portion visible is the portion of the tower that is attached to his home. The Commission asked for confirmation that the tower is for personal use and there will be no lighting required. Mr. Kwas confirmed the tower is for his personal use, no lighting is required because it doesn't meet the height requirement and in response to correspondence submitted by residents, he does not have a commercial venture with Mr. Chase. The Commission asked Mr. Kwas to explain how service of the tower would be done. Mr. Kwas explained the tower has a fold-over provision so that it can be laid over on its side. The tower doesn't usually need service but may require updating. He will use a small excavator to dig a hole to install the tower. The same fold-over provision would be done in the event of severe weather.

Jay Bombara, 13 Mountain Road, asked clarifying questions about the proposed tower; height of antenna on the tower, if guy wires are needed, how much the reception increase with the increase height, if there was a survey. Mr. Kwas responded the tower is freestanding and does not require guy wires and that the overall height of the tower will not exceed 60 feet. He showed photos of how the tower is bracketed to the house to anchor it. Interim Town Planner Rutherford displayed the survey and confirmed it met the requirements for this application showing the location of the proposed tower and that if the tower were to fall it would land on his property.

Charles and Jean Pickens, 3 Poplar Hill Drive, spoke in opposition to the application and asked if the special permit were to be approved if it would stay with the land for future owners of the property. Interim Town Planner Rutherford responded yes, the special permit runs with the land.

Courtland Lewis, 15 Poplar Hill Drive, expressed concern with the use in the residential neighborhood.

Nancy Nickerson, 45 Farmington Ridge Drive, asked about correspondence in opposition submitted with Mr. Kwas' previous application and asked the Commission to consider visibility. Interim Town Planner Rutherford explained this is a new application and correspondence from the prior application would not be automatically added to this application unless the applicant specifically requested that record be incorporated into this new application record.

Mr. Kwas reiterated that the zoning regulations allow him to install a 45-foot tower without Commission approval but because he wants to increase the height to 50 feet with a 10-foot antenna so that the overall height will be no taller than 60 feet a special permit is required. With all the trees around his property he felt given the style of tower it would be hard to see no matter what time of year unless you stop in front of his home or live directly across the street. Mr. Kwas stated he would have no issue with a condition of approval limiting the overall height to no more than 60 feet. There was some discussion on what is involved to increase the height of the tower.

The public hearing was closed at 8:09 p.m.

Upon a motion made and seconded (Carrier/St. James) it was

VOTED: 3 in favor to 3 opposed (Pogson, St. James, Schwartz) to approve the Michael Kwas application for special permit for amateur radio tower not more than 65 feet in height at 124 Mountain Road, R80 zone. The motion failed and the application was denied.

Members voting in opposition to the application were expressed concern with the overall height request of 60 feet.

## **OLD BUSINESS**

### **The Metro Realty Group, Ltd. – Text Amendment**

Application for text amendment to the Special Innovation Floating Zone. The hearing was closed June 22, 2020.

A motion was made and seconded (St. James/Grabulis) to approve the Metro Realty Group, Ltd. application for text amendment to the Special Innovation Floating Zone as presented. A discussion ensued with some Commissioners commenting it was clear the applicant has worked closely with Town Staff to make the regulation very clear; and that the parameters of the amendment are in alignment with the POCD. Other Commissioners expressed concern with the amendment, specifically the potential building height and asked if a condition of approval could be placed on the amendment to require a 5/6 vote for the height of a proposed building and for clarification on their discretion when reviewing applications to apply the floating zone. Interim Town Planner Rutherford explained the Commission's legislative discretion when a site plan is submitted with a change of zone application. After further discussion the Chair called for the motion be rescinded. Staff will consult with the Town Attorney regarding the ability to place a condition on the text amendment. The motion was rescinded.

## **PLANNER'S REPORT**

No Planner's Report.

## **MINUTES**

### **Meeting Minutes**

06-22-20

Upon a motion made and seconded (St. James/Schwartz) it was unanimously

VOTED: To approve the June 22, 2020 Town Plan & Zoning Commission meeting minutes.

The meeting adjourned at 8:50 p.m.

*SJM*