

TOWN PLAN AND ZONING COMMISSION
PUBLIC AND REGULAR MINUTES

June 8, 2015

Present were Chairman Dunn, Commissioners Brenneman, Doeg, Fraprie and Matava and Alternate Commissioners Gurski and Houf and the Town Planner and Clerk. Secretary Doeg opened the meeting at 7:00 p.m. Town Council Liaison Peter Mastrobattista was also present.

Secretary Doeg read the legal notice into the record.

Chairman Dunn explained the process of the meeting. Alternate Commissioner Houf was appointed to vote on behalf of Commissioner Jarvis.

PUBLIC HEARINGS

Martin & Karen Wand – 85 Prattling Pond Road

Special permit application for 4-lot cluster subdivision and related intensive construction activities for property located at 85 Prattling Pond Road, R80 zone. Continued from May 27, 2015. Chairman Dunn asked that testimony be contained to what is new since the last meeting. Attorney Robert Reeve, Scully, Nicksa & Reeve, stated the two main reasons this hearing was continued to tonight's meeting was so the Commission could receive a report from the CIWC regarding their decision and recommendations and so that the Engineering Division could report on the alternate southerly detention basin design presented at the last meeting. The applicant understands that if the alternate basin is approved by this Commission they will have to return to the IWC for modification of their approval. Attorney Reeve commented they have reached an agreement with the northerly abutting property owner and submitted a site plan to show deeded clearing restricted areas on the new building lots and a 25 foot conservation easement along the northerly property line.

William Aston, Buck & Buck, reviewed details of the site plan submitted for the record regarding the agreement with the northerly property owner. In addition to restricted clearing areas on the new lots and a 25 foot conservation easement, the site plan also defines the minimum yard setback requirements for each lot. Construction access will be through the proposed driveway curb cut.

Commissioners asked about rock crushing and construction hours of operation, if the Declaration of Access, Utility and Drainage Easements, Maintenance Agreement and Restrictive Covenants will be filed on the land records and how perspective buyer/developer will be made aware of all the restrictions. Mr. Aston reviewed the hours of operation adding they will comply with the hours the Commission recommends. Attorney Reeve reviewed the Declaration noting it was drafted some time ago and may need some minor adjustments, which he would be willing to work with the Town Planner to complete. He then commented all documents and subdivision maps will be filed on the land records so a prospective buyer/contractor will be aware of all the restrictions.

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

The hearing closed at 7:23 p.m.

Commissioner Deog moves and Commission Houf seconds the following resolution:

Whereas the Farmington Town Plan and Zoning Commission (Commission) received an application for a special permit application for 4-lot cluster subdivision and related intensive construction activities and permission to make alterations within the scenic road right of way on Mountain Spring Road for property located at 85 Prattling Pond Road, R80 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 8-23 and Section 2.02 of the Farmington Regulations for Subdivision and Article 2 Section 19 of the Zoning Regulations and the Scenic Road Town Ordinance; and

Whereas the Commission evaluated the proposal in accordance with the Subdivision and Zoning Regulations and local ordinances, reviewed all departmental comments, considered the public testimony and gave due consideration to the Farmington Plan of Conservation and Development.

Whereas the Commission finds the plan for the smaller detention basin submitted at the May 27, 2015 hearing is preferable as it has less environmental impact, creates a 50 foot buffer between Mountain Spring Road and the basin and is more consistent with a largely wooded streetscape;

Now therefore be it resolved that the Commission approves the proposal and grants special permit, conditional subdivision / re-subdivision approval, intensive construction permit and work in the scenic road right of way 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, bonding, open space, sidewalks, lighting, fire protection, erosion & sediment control, landscape and screening etc.;
- Compliance with the latest plans, including the small southerly detention basin, dated May 13, 2015 as reviewed by and referenced in the Engineering memorandum dated June 8, 2015;
- Establishment of a conservation easement between the southern detention basin and Mountain Spring Road in favor of the Town of Farmington and all other conservation easements discussed in the hearing and displayed on the plans;
- Open space shall be deeded to the Farmington Land Trust if it is willing to accept the donation otherwise, to the Town of Farmington;
- Compliance with the memorandum from the Engineering department dated June 8, 2015;
- Compliance with the recommendations of the Conservation Commission dated May 20, 2015;
- The applicant shall go back the Inland Wetlands Commission to seek a modification of their approval to allow the smaller southerly detention basin;
- 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 Division and any conditions of approval;

- Final plans including any agreements with neighboring property owners that were presented to the Commission on June 8, 2015 shall be amended to adhere to any comments from the Engineering Division and any other conditions of approval;
- Rock crushing, if needed for the property, shall occur weekdays between 9 a.m. and 4:30 p.m.;
- Hours of work for heavy equipment used on the property shall occur weekdays between 8 a.m. and 4:30 p.m.;
- The Declaration of Access, Utility and Drainage Easements, Maintenance Agreement and Restrictive Covenants shall be filed on the land records. The sum and substance shall be submitted to Town Planner for review prior to filing on the land records. The Town Planner shall have rights to make revisions as needed.
- Final plans shall include the plan dated June 4, 2015, which shows the clearing limits. All those shall be included in the final subdivision plans; and
- There shall be monitoring for three years to ensure the establishment of planting in the drainage systems.

The motion was passed unanimously.

Jesmi Stanislawose – 18 Two Mile Road

Special permit application to raise up to 8 hens for property located at 18 Two Mile Road, R20 zone. Jaison James, 18 Two Mile Road, stated they would like permission to raise up to 8 hens. Chairman Dunn asked how they would be contained. Mr. James said they have selected a chicken coop with a small pen area. He was asked to confirm that they will not have roosters. Mr. James responded no, they will not have roosters. Commissioners asked about waste removal, number of hens, whether neighbors were notified and if there was any negative feedback, if the hens will be allowed to roam and if the eggs will be for personal consumption. Mr. James responded the waste will be bagged and thrown out with regular trash; they intend to have no more than 8 hens; they sent notices and spoke to neighbors and no negative feedback was received; the hens will roam in fences areas only and the eggs will be for personal consumption.

There was public comment in favor or in opposition of this application.

The hearing closed at 7:28 p.m.

Commissioner Matava moves and Commission Houf 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 1, Section B. 16. of the Farmington Zoning Regulations (regulations) for Poultry raising of up to 8 fowl providing they are suitably confined; 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:

1. There shall be no roosters;
2. There shall be no more than 8 chickens at any one time, and
3. The special permit shall be reviewed in one year and at that time the Commission will review any complaints concerning this use and can choose to revoke the special permit or make it permanent.

The motion passed unanimously.

MACKB LLC – 1536 New Britain Avenue

Special permit to change use from emissions testing facility to professional office, site plan approval for addition to existing building located at 1536 New Britain Avenue. William Hardy, MACKB LLC, presented his proposal to convert the use of the site to corporate office building for project management of his construction company. Mr. Hardy handed the Commissioners renderings and floor plans for the proposed modified building stating the rendering does not show landscaping. Alan Bongiovanni, The Bongiovanni Group, explained the proposal includes a 9,600 sq. ft. addition to the existing 8,000 sq. ft. building, reduction of approximately 4,000 sq. ft. of impervious surface, the addition of green space, updated parking including 56 paved parking spaces, 14 deferred parking spaces and five garaged parking spaces. Total proposed impervious coverage is 42.1%. The existing septic system is being abandoned and a new system constructed. The existing curb cut will be used for the driveway. All engineering comments are technical in nature and they will accept them as a condition of approval. Commissioners asked if there were any contamination concerns regarding the prior use of the site, if the building will have an elevator, clarification on proposed building materials, clarification on site coverage, whether automatic doors will be installed, if lighting and signage is part of this application. Mr. Hardy explained the previous owner went through the steps to ensure the site was clean. Mr. Hardy said an elevator is not planned as the space on the second level is limited. The Commission noted the zoning regulations require an elevator or lift for accessibility compliance for commercial building additions. Mr. Hardy explained the proposed siding material is an insulated stucco embossed metal panel system they will install over the existing masonry block walls. Mr. Bongiovanni clarified the coverage includes the deferred parking spaces. There was a brief discussion on the zoning regulation regarding accessibility to the building, including automatic doors and an elevator or lift. Mr. Hardy added they will be back at a later date regarding signs and lighting.

The hearing closed at 7:47 p.m.

Commissioner Houf 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 change of use and site plan approval for change from emissions testing center to corporate office; 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, including Article IV, Section 28. Standards for Accessible and Universal Design and Section 15. Fire Protection, and representations made by the applicant; and
- The applicant shall comply with the memorandum from the Engineering department dated June 8, 2015.

The motion was passed unanimously.

NEW BUSINESS

Leggett Insurance Agency – 1053 Farmington Avenue

Sign application for property located at 1053 Farmington Avenue. The applicant was not present. Town Planner Warner commented the applicant did not include information regarding color of the sign. Chairman Dunn asked that the applicant submit something from the landlord indicating they are aware of the sign application.

PLANNER'S REPORT

Cure Restaurant - 55 Mill Street

Town Planner Warner updated the Commissioners regarding the change of ownership of the former Matthew's Restaurant. He met with the new owner who would like to use the banquet room as a dining room to review the amount of seating and previously approved parking. The maximum number of seats is 104 to meet the available parking.

8-24 Legal Opinion

Town Planner Warner shared a memorandum he received from the Town Attorney. The memorandum was submitted in response to a request from the Town Council asking if an 8-24 referral to the Plan & Zoning Commission is required when the Town intends to acquire property for open space purposes only. The conclusion is that a referral to the Commission is required when the Town seeks to acquire land for open space. There was some discussion regarding the lack of presence of a representative from the Plan & Zoning Commission on the Land Acquisition Committee, the process of listing property and that the Land Acquisition List in the Plan of Conservation and Development should be updated when property is added to the List.

MINUTES

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

VOTED: To approve the minutes as corrected of the May 27, 2015 meeting.

The meeting adjourned at 8:17 p.m.

SJM