

TOWN PLAN AND ZONING COMMISSION  
PUBLIC AND REGULAR MINUTES

January 25, 2016

Present were Chairman Dunn, Commissioners Brenneman, Doeg, Jarvis, Tucker and Alternate Commissioners Charette, Donald 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 to the public.

Alternate Commissioner Charette was appointed to vote on behalf of Commissioner Fraprie.

**PUBLIC HEARING**

John Adorno – 71 Walnut Street

Special permit for placement of more than 100 cubic yards of fill (400 c.y.) for property located at 71 Walnut Street, R40 zone. Tabled from the January 11, 2016 meeting. Mr. Adorno would like to bring in 400 cubic yards of material to fill in a bowl section of his lawn. The Inland Wetlands Commission (“IWC”) approved the addition of 100 cubic yards of material November 4, 2015. The request was reviewed by the IWC because the area of the lawn in question is within 150 feet of a brook. Mr. Adorno handed out photos of his property for clarification of the area of lawn fill would be placed. The bowl area he would like to fill remains wet because storm water collects making it difficult to have lawn in this area. Commissioners asked if Mr. Adorno had any concerns addressing staff comments or with the Commission limiting the hours that trucks will be permitted to deliver fill. Mr. Adorno stated he did not feel he would have an issue addressing the engineering comments and he had no objection to limiting the hours for delivery of fill. Commissioners asked for confirmation that the neighbors have not expressed concern regarding this project. Mr. Adorno responded no, they did not have an issue with his proposal. Commissioners asked for details on the bowl area; the depth and that the filled area will be seeded as lawn area. Mr. Adorno responded the deepest area is 2 to 2 ½ feet deep and yes, he would like the area to be lawn. Commissioners asked for clarification on where the storm water will flow after the proposed fill is installed. Mr. Adorno reviewed through photos and plan presented.

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

The public hearing closed at 7:12 p.m.

Commissioner Jarvis moves and Commission Tucker 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 24 of the Farmington Zoning Regulations (regulations) to allow for importation of 400 CY of fill at 71 Walnut St.; 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;
- Truck traffic shall be limited to the hours of 9 AM and 3 PM Monday through Friday and the applicant shall be responsible for road sweeping when deemed necessary by the Zoning Officer.

The motion passed unanimously.

#### Leslie Rock – 65 Burnt Hill Road

Two lot re-subdivision of property located at 65 Burnt Hill Road, R20 zone. Per a written request from the applicant's attorney this matter was continued to the February 8, 2016 meeting.

#### Metro Realty Group

Petition to amend the Town of Farmington Plan of Conservation and Development, specifically in regard to the health center neighborhood. Attorney Christian Hoheb explained the applicant went before the Town Council after the last meeting and although they had several questions they seemed to generally be in support of the proposal. Rebecca Augur, Milone & MacBroom, presented some amendments made in response to staff requests. The PowerPoint slide presented showed the existing public transit routes in the Southern Health Center Neighborhood, the proposed medical research/office area and the study area. Ms. Augur added there is interest in providing further investment to expand public transit in the area. Also, at this time the proposal is for medical research and medical office uses only and not high density residential use. Commissioners asked if a study has been done regarding the impact on traffic regarding public transit. Ms. Augur stated the Capitol Regional Council of Government ("CRCOG") is conducting a study and that it should be available soon.

Cynthia Scoville, Executive Director of the Farmington Chamber of Commerce, read a letter dated January 11, 2016 in support of the proposal into the record.

Stephen Libucha, 27 Munson Road, asked why high density residential use was removed from the proposed uses of the proposal. Ms. Augur responded it was in response to a recommendation of staff.

Attorney William Tracy, representing the Wheeler family, commented that although the proposal says it will eliminate "leap frogging" development in the area, since there is only one undeveloped parcel the amendment as proposed would create leap frogging. He asked that the

Commission consider building height, landscaping and architecture for future development in the area.

Malcolm Ross, 101 South Road, expressed concern with traffic on South Road and with the ability of the roadway to handle additional traffic for future development.

Attorney Hoheb asked for confirmation that the CRCOG letter, finding no conflict with the proposal, was in the record. Town Planner Warner said yes.

The hearing closed at 7:28 p.m.

Commissioner Doeg moves and Commission Brenneman seconds the following resolution:

**Whereas** the Farmington Plan and Zoning Commission (Commission) received a request to amend its 2008 Plan of Conservation and Development in accordance with Connecticut General Statutes Section 8-23; and

**Whereas** the Commission received the request and the proposed *Southern Health Center Neighborhood Planning Study* on October 14<sup>th</sup>, 2015 and found the request to be complete; and

**Whereas** the Commission referred the proposal to the Capital Region Council of Governments (CRCOG) and received a favorable report dated November 20<sup>th</sup>, 2015; and

**Whereas** the Commission filed the request in the Office of the Town Clerk and on the Town web site; and

**Whereas** the Commission referred the proposal to the Farmington Town Council and the Town Council discussed the report on January 12, 2016; and

**Whereas**, the Commission conducted a properly noticed public hearing on the request on January 11<sup>th</sup>, 2016, and January 25<sup>th</sup>, 2016; and

**Whereas**, the applicant mailed certified letters to all property owners within the study area giving them notice of the public hearing and invited all property owners to four (4) workshops. The workshops occurred on Sept 23, 2015 - 12 attendees, Sept. 30, 2015 - 10 attendees, Jan. 6, 2016 - 17 attendees, Jan. 7, 2016 – 6 attendees; and

**Whereas** the Commission evaluated the proposal in accordance with CGS 8-23 and considered public input, the changes that have occurred in the area, past zone changes approved by the Commission, existing infrastructure, development constraints, future development potential and the anticipated market demand for medical offices and gave due consideration to the existing Farmington Plan of Conservation and Development; and

**Whereas** the Commission agrees with the following as articulated in the study:

*“The greatest potential for economic growth in the Health Center neighborhood comes from the expansion of small companies through UCONN’s Technology Incubation Program (TIP). The TIP provides laboratory space for startup companies ranging from 200 to 1,000 square feet. The Bioscience Connecticut Program will double the amount of incubator space in Farmington to*

*56,000 square feet, supporting up to 50 companies. It is anticipated that as bioscience startups outgrow their incubator spaces, there will be demand for new off-campus office and laboratory space in the surrounding neighborhood....” “Due to its proximity to UCHC, planned highway access improvements, and its existing water and sewer infrastructure, it is likely that the area between Middle Road and Interstate 84 will continue to see market demand for professional office and laboratory land uses.”; and*

**Whereas** the Commission and future commissions need to plan for this future growth and, where appropriate, accommodate this growth carefully prepared zoning regulations.

**Now therefore be it resolved that the Commission** finds that the proposed request and study entitled **Southern Health Center Neighborhood Planning Study** dated October 2015 and the approval process undertaken is in conformance with the requirements of the Connecticut General Statutes; and

**Therefore be it further resolved that** the Commission approves the request to amend the 2008 Plan of Conservation and Development by incorporating the **Southern Health Center Neighborhood Planning Study** into the Plan of Conservation and Development as a special area study in accordance with CGS 8-23 with an effective date of February 15<sup>th</sup>, 2016 with the following amendments:

- The final report shall be referred to the Town Manager, Town Council and Traffic Review Board for study and implementation of the public improvements mentioned in the report.
- The area redesigned to Medical Research / Office designation shall be limited to the area bounded by Middle Road on the north and west, Munson Road on the east and South Road on the south. At this time high density residential shall not be included in the designation and the properties between the I84 off ramp and South Road are a logical expansion of the area in the future. Figure 7 in the study shall be amended to reflect these modifications.
- The following amendments shall be made to the recommendation section of the study:
  - The Town will not use eminent domain for future economic development
  - The Town will strive to address traffic concerns
    - The Town should enforce speed limits in the neighborhood.
    - The Town’s Engineering Department, in collaboration with UCHC, should explore the potential for traffic calming along Middle, Munson and South Roads.
    - The Town must actively participate in State and regional transportation planning to ensure that the concerns of entire neighborhood are addressed.
  - Pedestrian safety and accessibility will improve
    - The Town and State should work to complete gaps in the sidewalk system ringing Middle, Munson and South Roads.
    - The Town’s Engineering Department should evaluate the potential and need for crosswalks on Middle, Munson and South Roads.
    - The Planning and Engineering Departments should evaluate opportunities for additional off-street pedestrian connections to existing development along Farmington Avenue and the western end of South Road.
  - Property values for all owners will be protected

- Adopting and implementing a well thought-out plan that establishes a predictable future for property owners and the neighborhood will help to protect property values.
- Ensuring future development does not detract from existing land uses will help protect property values.
- Zoning and land use conflicts will be reduced
  - The Town should establish zoning that enables logical phased development while ensuring proper buffering, noise mitigation and avoiding light trespass onto existing single-family residential uses.
  - If the Town adopts new zoning in accordance with a plan for the neighborhood, then unplanned, parcel by parcel spot zone changes should be eliminated.

The recommended plan for the Study Area and surrounding areas is shown in Figure 7. The plan calls for development that complements the mixture of land uses that have been developed over the last two decades: clustered and multi-family residential and commercial office.

Specifically, the plan highlights the southern portion of the Health Center Neighborhood as an area for **Medical Research / Office** uses. Medical Research / Office use are uses that are currently allowed under Medical Office Campus zoning.

The plan also highlights pedestrian connections needed to complete the sidewalk network in the neighborhood as well as an additional potential pedestrian connection between O'Meara Farms and existing South Road medical office complexes, if the property owners were interested in pursuing such a connection.

In order to ease the transition to these more intense uses the Planning and Zoning Commission should explore regulatory means for protecting and respecting existing land uses, such as:

- Establishing a floating zone with a minimum acreage requirement of 3 acres to land the floating zone for higher intensity development. The majority of single-family residential parcels in the neighborhood are roughly one acre. Establishing a minimum requirement will help prevent leapfrogging of new development by forcing assemblage of properties.
- Strengthening standards for buffering between new development and existing low-density residential uses will help to minimize visual impacts, and light and noise trespass. Standards should address landscaping, site grading, fencing and other design features aimed at screening and buffering existing single-family properties.
- Requiring the provision of pedestrian amenities, and that site plans consider and treat the possibility of pedestrian interconnections with other higher density residential and/or office developments, will help to complete the pedestrian network, as well as encourage site design that is respectful of existing properties.
- Establishing access management standards and encouraging site design that anticipates the potential for future parking lot and driveway connections will help to ensure cohesive development of the neighborhood while reducing traffic conflicts.

The motion passed unanimously.

Garrett Monde – 25 West District Road

Commissioner Brenneman recused herself from this matter. Alternate Commissioner Donald was appointed to vote on behalf of Commissioner Brenneman on this matter.

Special permit to build accessory structure greater than 700 sq. ft, located at 25 West District Road, R30 open space zone. Mr. Monde handed out photos of his parcel and a summary of his reasons for the request to add onto the existing garage. The trailer discussed at the December public hearing has been relocated to behind the detached garage. Mr. Monde stated the addition would provide storage space for a summer vehicle; provide a workout space for their son and general storage for items they cannot keep in the basement/attic of their house. The basement is very wet and not usable for storage. The exterior building materials will match the existing garage. The proposed curb cut will allow ease of access to the garage addition. Chairman Dunn asked the Town Planner if the curb cut requires approval by the Commission. Town Planner Warner responded the regulations do not require approval by the Commission. The applicant would have to obtain a building permit from the Building Department to install a curb cut. Commissioners asked for confirmation that the garage/storage area will not be used for living space. Mr. Monde responded no, he has electricity for lights and heat only, no water is connected to the garage. When asked how many vehicles they have, Mr. Monde said they currently have four and when their son gets his license they plan to have one more. The Commission asked for clarification on the architecture of the addition. Mr. Monde reviewed the elevation drawings for clarification. Commissioners also asked for confirmation that the garage will have no commercial use. Mr. Monde stated he manages an auto body shop and that is where he does that type of work. The garage at his home is for hobby work only and storage.

Janet Culver, 39 West District Road, spoke in support of the application.

Benjamin Leopold, 5 Red Coat Lane, spoke in support of the application.

The public hearing closed at 7:55 p.m.

Commissioner Doeg moves and Commission Jarvis seconds the following resolution:

**Whereas**, the Farmington Town Plan and Zoning Commission (Commission) received an application for a special permit to build accessory structure greater than 700 sq. ft. (add onto existing detached garage); 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. The garage/storage area shall not be used for overnight occupancy; and

2. Heating and lightings are permitted but plumbing is not permitted in the garage/storage area.

The motion passed unanimously.

Udolf Properties – 780 Farmington Avenue

Special permit to convert existing commercial office use to apartment use at 780 Farmington Avenue, FC/FV zone. Jack Kemper reviewed the request to convert the use of one unit at 780 Farmington Avenue to an apartment. The 680 sq. ft. space would be converted to a one bedroom unit. Several other units between 778 and 780 were apartments in the past according to Robert Udolf. Commissioners asked for an explanation of the finishes of the proposed apartment. Mr. Udolf and Mr. Kemper presented materials and colors. Photos of a kitchen and bath were also submitted to show the finishes. They would like to have a mix of retail and residential use between the two buildings. Commissioners asked about parking and if exterior improvements to the building will be made. Mr. Udolf stated there are 41 parking spaces for the two buildings, this apartment will have two dedicated parking spaces. The only change that they may make to the exterior is replacing one window.

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

The public hearing closed at 8:04 p.m.

Commissioner Jarvis moves and Commission Doeg seconds the following resolution:

**Whereas**, the Farmington Town Plan and Zoning Commission (Commission) received an application for a special permit to convert existing commercial space to a one bedroom apartment; 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 and conform to the latest memorandum from the Engineering Division and all relevant sections of the regulations and representations made by the applicant; and
- Prior to the issuance of a certificate of occupancy the Zoning Officer shall inspect the finished space for compliance with the representation made at the hearing.

The motion passed unanimously.

Mystic Property Management Inc. – 5 Spring Lane (Parcel 2)

Change of zone from CR to RDM for 5 Spring Lane (Parcel 2). Attorney Robin Pearson, Alter & Pearson, represented Mystic Property Management Inc. Attorney Pearson reviewed the site plan clarifying which parcel is the subject of the proposed zone change from CR to RDM. This change of zone is required to convert the three hotel buildings on Parcel 2 to multi-family units. Tom Daly, Milone & MacBroom, reviewed the site plan modification for the widening of the entrance and the addition of a gate. They are working with the Fire Marshal to have a master key at the gate for emergency access to the site. An area of the parking area in Parcel 1 will be repaved to correct a grade issue and meet ADA compliance requirements. Mr. Daly also showed the location of seven curbed deferred parking spaces. If they need to be constructed they must work with engineering staff to show how drainage will be addressed. There was a brief discussion about internal changes and finishes of the existing buildings to convert to apartment use. Commissioners asked clarifying questions regarding parking, unit sizes and the number of accessible units. There will be a combination of one and two bedroom apartments and four units will be accessible ground floor units. The rental/business office on site will remain.

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

The public hearing closed at 8:30 p.m.

Commissioner Tucker moves and Commission Brenneman seconds the following resolution:

**Whereas** the Farmington Town Plan and Zoning Commission (Commission) received an application for a zoning map amendment from CR to RDM at 5 Spring Lane; 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 on January 25th, 2016; 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 8-3(b).

**Now therefore be it resolved that the Commission** approves of said change of zone and sets an effective date of February 10, 2016.

The motion passed unanimously.

Mystic Property Management Inc. – 5 Spring Lane

Special permit and site plan approval to convert use of hotel structures to apartment use and defer parking located at 5 Spring Lane. Attorney Robin Pearson asked that the testimony of the preceding application be incorporated into this public hearing.

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

The public hearing closed at 8:32 p.m.

Commissioner Tucker moves and Commission Charette seconds the following resolution:

**Whereas**, the Farmington Town Plan and Zoning Commission (Commission) received an application for a special permit to convert existing buildings from hotel use to multi-family rental; 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 and conform to the latest memorandum from the Engineering Division and all relevant sections of the regulations and representations made by the applicant; and
- Effective date February 11, 2016.

The motion passed unanimously.

## **NEW BUSINESS**

### **WDII, LLC – 8, 10, 12 Newcastle Place**

Joseph Green, P.E., Robert Green Associates, explained they come before the Commission in 2014 to remove material from these lots. A house was constructed on Lot 67 and the final elevations were lower than what was approved as part of the 2014 site plan approval. Mr. Green noted there will be no further removal of material from these lots and any material removed for foundations will be used on site. When asked if there were any issues addressing the engineering comments, Mr. Green stated he had no concern with his ability to address engineering comments dated January 22, 2016. Commissioners stated they want the applicant to make sure they satisfy the engineering staff. Chairman Dunn asked how too much material was removed from the site. Joe Truncalli stated the site developer removed material in excess of 2,500 cubic yards. Initially it did not seem to be an issue until the foundation was dug. They discovered the issue and did not discuss with Town staff. Mr. Truncalli said the Town now requires them to submit an as-built after a foundation is done. Town Planner Warner stated the Town is fining the applicant daily and the fines currently total \$6,500.00.

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

**VOTED:** To approve the WDII, LLC application for modification of prior approval to change the grade for 8, 10 and 12 Newcastle Place as per plan entitled Topographic Map & Site Development Map for Lots 65, 66, 67 & 68 Bridgehampton, prepared for WDII LLC, dated 12/21/15 and revised 1/21/16. The applicant shall address to the satisfaction of the Chief of Engineering Services the comments contained in an interoffice memorandum dated January 22, 2016.

Carol Wilusz – 1371 Farmington Avenue

Jack Kemper presented the sign application for the applicant. The proposed 21 sq. ft. sign will be a PVC sheet material partially printed graphics and partially painted. The sign will not be lit and will be located on the westerly side of the building. There was a brief discussion regarding the visibility of the sign. Town Planner Warner stated the proposed sign conforms to the requirements of the zoning regulations.

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

VOTED: To approve the sign application of Carol Wilusz for property located at 1371 Farmington Avenue as presented and on file in the Planning Office.

Falcon Sign – 1027 Farmington Avenue

Clyde Grindal, Falcon Sign, presented the proposed Round Hill Square monument sign. The new sign will be replace the existing sign and remain in the same location. The overall dimensions are 55” x 66”, the background will have a stone finish and the panel will be an aluminum sheet with carved lettering. Existing ground lighting will be used. Town Planner Warner stated the proposed sign does conform to the requirements of the zoning regulations.

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

VOTED: To approve the sign application of Falcon Sign for property located at 1027 Farmington Avenue as presented and on file in the Planning Office.

**PLANNER’S REPORT**

Town Planner Warner updated the membership regarding the Cumberland Farms sign at 352 Scott Swamp Road.

**MINUTES**

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

VOTED: 5 in favor and 1 abstention to approve the minutes of the January 11, 2016 meeting with the correction of name for the attorney representing the Wheelers for the Metro Realty matter.

The meeting adjourned at 9:22 p.m.

*SJM*