

TOWN PLAN AND ZONING COMMISSION
PUBLIC AND REGULAR MINUTES

April 12, 2016

Present were Chairman Dunn, Commissioners Doeg, Fraprie, Tucker, Alternate Commissioners Charette and Donald 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 Commission Jarvis for all matters. Alternate Commissioner Donald was appointed to vote on behalf of Commission Brenneman for all matters.

PUBLIC HEARINGS

Loren Godfrey – 386 Old Mountain Road

Doug Ellis, Buck & Buck, described the proposal to create a new 2.94 acre parcel out of the existing 10.6 acre parcel. The existing stone wall will be opened up for the new driveway. Some trees will be removed along the road to provide adequate sight line. Mr. Ellis stated he is working with Town staff on the final plan regarding the extent of tree removal and adequate sight line. This may involve moving the stone wall further away from the road up to ten feet in some areas, outside the area of sight line. There was some further discussion regarding the extent of tree clearing proposed along the scenic road. Mr. Ellis responded that any trees within the proposed sight line will be cleared. Mr. Ellis confirmed he had no issue complying with the Engineering staff comments.

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

The public hearing closed at 7:13 p.m.

Commissioner Fraprie moves and Commission Tucker seconds the following resolution:

Whereas the Farmington Town Plan and Zoning Commission (Commission) received an application for a re-subdivision of land to create one (1) building lot at 386 Old Mountain Road in accordance with Article III Section 6 of the Farmington Zoning Regulations and the Subdivision Regulations, including activity in a Scenic Road (regulations); 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 Subdivision Regulations and the Scenic Road Town Ordinance; and

Whereas the Commission evaluated the proposal in accordance with Section 2.05 of the 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 grants conditional re-subdivision approval with the following conditions:

- The proposal shall adhere and conform to the latest memorandum from the Engineering Division dated April 12, 2016 and all relevant sections of the regulations and representations made by the applicant;
- Clearing and disturbance in the Town right-of-way shall be limited to that displayed on the approved plan; and
- There shall be established a 50 foot conservation easement along the front of the properties to preserve the stone wall and the wooded character of the streetscape.

The motion passed unanimously.

Town Farm Development LLC – 152 Town Farm Road

Special permit for site grading, tent structures and event use located at 152 Town Farm Road, R40/FW zones. David Falt, Bozzuto's Inc., explained they were seeking approval for specific types of events, the tent structures and some site grading. The tent structures will be left up year round but the tent covering will only be left on the structures part of the year. The proposed grading is to level some site undulations on the polo playing field and pasture areas. Mr. Falt reviewed the existing conditions site plan and stated the Inland Wetlands Commission has approved their application. Examples of provided for the use of the site included but were not limited to polo/sports, flea market, concert and car show events. Mr. Falt also reviewed the sedimentation and erosion plan. Commissioners asked for clarification on the hours of operation, expressed concern with noise, parking accommodations, sanitary services and lighting. Mr. Falt commented on the primary focus of the site to become an equestrian facility. He was not sure what types of groups would approach them to use the site but commented on past events. The Commission expressed concern with noise levels/time limits for events that include music. Mr. Falt was asked to come back to the Commission with some number of events they anticipate to hold per year, the hours those events would operate and the number of anticipated attendees; specific concern was events that involve music.

Ken Giantonio, 243 Waterville Road, expressed concern with noise from the site.

Jon Schoenhorn, 155 Town Farm Road, expressed concern with traffic but stated was pleased with notice he received of events involving a great deal of noise.

Rodger Phillips, 199 Town Farm Road, expressed concern with noise but is in support of the potential educational component/relationship with the applicant.

Ted Borowski, 143 Town Farm Road, spoke in favor of the application and commented the temporary lights used in the field for parking are not an issue because they do not point at neighboring homes.

Patrick LeBouthillier, 36 Progress Avenue, spoke in favor of the application.

John Kuk, 275 Waterville Road, expressed concern with traffic and said he would support the application if event times and noise were balanced.

Mr. Falt and Mike Bozzuto gave closing comments regarding the intent of the site. Chairman Dunn suggested keeping the hearing open so the applicant can work on suggesting hours of operation and specific types/number of events that involve music.

At 8:05 p.m. the public hearing was continued to the April 27, 2016 meeting.

Michael Lane and Janet Tabora-Davis – 37 Mountain Spring Road

Special permit for bed and breakfast use at 37 Mountain Spring Road, R80 zone. Mr. Lane spoke about his work experience and the history of 37 Mountain Spring Road. He described the proposal to use four of the nine bedrooms in his home for the bed and breakfast operation. Parking will not be visible from the street, a maximum of four bedrooms will be used for guests, the guest entrance to the house is through the courtyard behind the house, smoking and alcohol consumption on the site is not permitted. No signs will be posted advertising the bed and breakfast. The exterior character of the home will not change. There will be no outdoor guest events and the neighbors will not be disturbed. Mr. Lane also stated restoration/renovation of the house will continue. Commissioners asked for additional information regarding the bed and breakfast. Mr. Lane responded the maximum number of guests per room is two, they plan to operate the business themselves, they may have a chamber maid or landscape help, no additional lighting is proposed and there is enough existing parking for ten vehicles. The proposed use will be no more intense than a family occupying the nine bedroom house. Mr. Lane said he and his wife are retired and plan to operate the bed and breakfast from the fall to early spring of each year. The rest of the year they will not operate the bed and breakfast. He expects guests to primarily visit on weekends. The length of stay will likely be one or two nights. Commissioners expressed some concern about the proposed business use in a residential neighborhood.

Janet Tabora-Davis stated the bed and breakfast will be owner occupied. She stated she has read many letters in opposition to their proposal and responded to the concerns. Regarding the concern about additional garbage, they will only serve a continental breakfast to guests so there will be no change to the normal single family trash pick-up service they currently have. Regarding concerns of bringing strangers in the neighborhood, increased traffic, etc. Guests will be required to make advanced reservations; the bed and breakfast is not a pass by and stop in motel/hotel type of place to stay.

Attorney Caleb Hamel, Branse & Willis, LLC, represented Oliver Tostmann and Margaret Heiner of 29 Mountain Spring Road and Mark and Linda Hatten of 49 Mountain Spring Road. He read his letter dated April 12, 2016 into the record expressing concern with the completeness of the application.

Portia Corbett, 11 & 21 Mountain Spring Road, asked if the applicant always intended to have a bed and breakfast when they decided to purchase the property. She then talked about the history of uses of her property.

Henry Zachs, 181 Mountain Spring Road, expressed concern with the business use in a residential neighborhood, traffic and property values.

Sanford Cloud, 25 Mountain Spring Road, expressed concern with the business use changing the character of the neighborhood.

Hal Grainger, 199 Mountain Spring Road, expressed concern with traffic and the business use changing the character of the neighborhood.

Margaret Heiner, 29 Mountain Spring Road, said the business use may jeopardize the character of the neighborhood.

Oliver Tostmann, 29 Mountain Spring Road, expressed concern with safety and future character of the neighborhood.

John Stephenson, 52 Mountain Spring Road, expressed concern with business in neighborhood and safety.

Joanna Kordek, 40 Mountain Spring Road, agreed with previous comments.

Mark Hatten, 49 Mountain Spring Road, reiterates previous comments and expressed concern with precedent.

CJ Thomas, 149 Mountain Spring Road, agreed with previous comments.

Mr. Lane, explained they are not requesting a change of zone, the bed and breakfast use is permitted in a residential zone by special permit only. They are not proposing to change the appearance of the site. They did ask about and consider the bed and breakfast use prior to purchasing the property. Ms. Tabora-Davis commented on concerns raised and noted that a bed and breakfast is operating at 92 Mountain Spring Road and questioned why their proposal is any different.

The public hearing closed at 9:37 p.m.

Commissioner Doeg moves and Commission Fraprie seconds the following resolution:

Whereas the Farmington Town Plan and Zoning Commission (Commission) received an application for a special permit to use four (4) bedrooms as a bed and breakfast facility at 37 Mountain Spring Road; 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 facility shall be owner occupied;
- No more than four (4) bedrooms shall be available for no more than eight (8) transient guests;
- All parking shall be behind the principal dwelling and not visible from the street;
- Parking shall be provided at a rate of 1 spaces per room and an additional 3 spaces for the single family home;
- One (1) full bathroom shall be provided for each two (2) guest rooms for transient visitors;
- The length of stay shall not exceed three days per guest. Food service shall be limited to continental breakfast for guests only and there shall be no service of alcohol;
- The use of the building shall preserve the architectural style and integrity of the dwelling and any stairways for access to floors above ground level shall be located inside the dwelling.

The motion was voted 0 in favor and 6 opposed. The application was denied.

Commissioners voting in opposition expressed concern with the proposed business use at this location.

Associated Architects – 4 Bridgewater Road

Special permit for personal service shop use (dog groomer and hair salon) in existing maintenance building located at 4 Bridgewater Road, BR zone. Jason Davis, Associated Architects, reviewed the proposed conversion of the first floor of the existing maintenance building to four tenant spaces. Mr. Davis stated the property owner no longer needs as much storage space. Businesses interested in leasing space at this time are a dog groomer and a hair salon. Mr. Davis stated the existing parking exceeds the requirement of the existing businesses and the proposed two tenant uses because the office building addition was not constructed. Elevations show the overhead doors on the maintenance building will be removed and replaced with a French door and windows to match dormer windows. The only signs provided for the tenants will be awning signs. Plans submitted show three gooseneck lamps over each awning. A separate sign application will be submitted for approval of this application if approved. Commissioners asked how many additional parking spaces would be required if the medical office addition is constructed and the two new tenant spaces are occupied. Mr. Davis was not certain but estimated ten to fifteen additional spaces would be needed. When asked if the pavement in front of the maintenance building will be removed and more green space provided, Peter Fishman, PKT Development, responded no, he would install large planters in front of the building instead. Mr. Fishman added removing the pavement would create issues with ice

damming in the winter months. The Commission asked if an updated traffic study was provided with the application as promised by Mr. Fishman when the approval for the maintenance building etc. was granted in 2012. Mr. Fishman responded no. He was then asked if he would forfeit the medical office addition approval if the conversion was approved. Mr. Fishman responded yes adding he will come back to the Commission if the addition is needed in the future. The Commission asked about traffic, number of employees for the proposed tenants, etc. Mr. Fishman responded the groomer would have four grooming stations and the salon would have six seats/six employees. The Commission also asked about the outdoor storage area on the side of the building. Mr. Fishman stated this area will be fenced in in about two weeks or so. Most of the items being stored were removed in the last few days. Concern was expressed regarding traffic and lack of green space around the building. The Commission commented when the maintenance garage was approved Mr. Fishman needed this large building for equipment of vehicles and he is now asking to convert the entire space and lease it after stating the space would not be leased. He was then asked where vehicles, etc. will be stored. Mr. Fishman responded he only has four vehicles. One will be stored at another location. He stated does not have as much to store anymore and no longer has the need for so much space.

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

The public hearing closed at 9:55 p.m.

Commissioner Donald moves and Commission Tucker seconds the following resolution:

Whereas the Farmington Town Plan and Zoning Commission (Commission) received an application for a special permit to convert two of the bays of the existing maintenance building at 4 Bridgewater Road to a dog groomer and hair salon; 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;
- Signage for the new uses shall be limited to attached building signage and there shall be no free standing signs;
- The new uses shall be strictly limited to dog grooming and hair salon and any change of use or future use must seek a new special permit; and
- The approval for the office building addition not constructed

The motion was voted 0 in favor and 6 opposed. The application was denied.

Commissioners voting in opposition to this application expressed concern with traffic; the application lacked an updated traffic study and they would like to see an overall plan for the entire site.

NEW BUSINESS

Olga Lifhits – 185 River Road

Mrs. Lifhits requested an extension of approval of a special permit granted February 24, 2014. A condition placed on the 2014 approval required the applicant to ask for an extension. The business operation has not changed and there have been no complaints received by the Planning Office regarding the operation of the home business.

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

VOTED: To approve Olga Lifhits' request for extension of approval of special permit granted February 24, 2014 for home business located at 185 River Road.

Eric & Emily Jipp – 715 Plainville Avenue

As required Town Planner Warner stated for the record that no complaints have been received regarding the special permit to raise poultry. He visited the site and found that the property is for sale and that there are currently no chickens.

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

VOTED: To approve the extension of approval of special permit to raise poultry at 715 Plainville Avenue for one year.

Sign Pro, Inc. – 175 Scott Swamp Road

Bob Kuczpa, Sign Pro Inc., stated ConnectiCare would like to replace the existing attached sign on Building One with the new ConnectiCare letters and logo. The sign area is 42" x 328" and is made up of halo lit channel letters. The Commissioners asked for confirmation the size of the sign complied with the Zoning Regulations and if the halo lighting could be on a dimmer. Mr. Kuczpa responded yes.

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

VOTED: To approve the Sign Pro, Inc. sign application for ConnectiCare located at 175 Scott Swamp Road as per plan presented with the condition that a dimmer be installed for the halo lighting.

PLANNER'S REPORT

Companions and Homemakers – 613 New Britain Avenue

A community tag sale charity event will be held at this site in May. In addition to the tag sale, Highland Park Market will be cooking food on site and they are trying to have a pet adoption. There will be no parking in the street.

Southern Health Center Neighborhood Floating Zone

Town Planner Warner submitted the draft regulation to the Commissioners with the amendments discussed at the last meeting. A public hearing will be scheduled.

MINUTES

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

VOTED: To approve the minutes of the March 21, 2016 meeting.

The meeting adjourned at 10:30 p.m.

SJM