

TOWN PLAN AND ZONING COMMISSION
PUBLIC AND REGULAR MINUTES

June 27, 2016

Present were Chairman Dunn, Commissioners Brenneman, Doeg, Fraprie, Jarvis and Tucker, 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.

PUBLIC HEARINGS

Robert Schechinger Jr. – 592 New Britain Avenue

Special permit for school bus storage and maintenance facility with waiver to allow up to fifty percent impervious coverage for property located at 592 New Britain Avenue, C1 zone. This application was withdrawn on June 26, 2016.

Beata Tanski – 9 Orchard Road

Special permit to raise poultry at 9 Orchard Road, R9 zone. Ms. Tanski stated she has a coop and pen area located in the rear yard. She commented the highway is behind her property and generates more noise than her chickens. She added she has chickens so her mother can have two yolks with lemon and honey every day to treat pancreatic cancer. Commissioners asked how many chickens she has, if there are any roosters, if she sells the eggs and how long she has had the chickens. Ms. Tanski responded she has sixteen chickens, one rooster that she is trying to find a home for, she does not sell the eggs and she has had the chickens since April. Commissioners also asked for a description of the coop and pen area. Ms. Tanski responded the coop size is approximately 2 meters by 4 meters and the pen area is approximately 10' x 40'. When asked how the waste is handled, Ms. Tanski said the waste is used to fertilize their gardens.

Kurt Von Hone, 11 Orchard Road, stated he and his wife are not opposed to the application but he asked for clarification on the zoning requirements regarding the location of the coop and fencing. Mr. Von Hone was told the coop is treated like an accessory structure and must be a minimum of five feet from the side and rear property lines. Mr. Von Hone agreed that the only noise comes from the rooster and he was asking that rooster not be permitted.

Ms. Tanski commented she reviewed the location of the chicken coop with Mrs. Von Hone when it was installed and she had no issue.

The public hearing closed at 7:15 p.m.

Commissioner Jarvis moves and Commission Brenneman 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 I Section B.16. of the Farmington

Zoning Regulations (“regulations”) for poultry raising of less than 20 fowl providing they are suitably confined at 9 Orchard 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 to raise poultry with the following conditions:

1. There shall be no roosters;
2. There shall be no more than 16 chickens at any one time;
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; and
4. The existing rooster must be removed from the property by the end of July 2016.
(condition added by amendment to the motion by Doeg/Tucker)

The motion passed unanimously.

Micheal Padelli – 18 Girard Avenue

Special permit for home business (transfer of firearms) located at 18 Girard Avenue, R40 zone. Mr. Padelli appeared with his father Robert Padelli. Robert Padelli, 27 McKinnley Drive, New Britain, stated he is a member of the USCCA, NRA, is a firearms instructor, range safety officer, retired military(Marines and Air National Guard). Currently employed by Homeland Security as TSA at Bradley International Airport. They are trying to obtain a Federal Firearms License (FFL) ultimately to open a store front and shooting range. This license requires a physical address and they stated the license would not be used for retail use at the house. Only firearms and ammunition for personal use will be stored at the house. They will not advertise the business to the public but the license will allow them to contact firearm and ammunition distributors in preparation of opening a store and shooting range. Micheal Padelli said they will be able to transfer firearms for friends and family purchased by a buyer through the internet or out of state. This license requires them to conduct a background check on everyone obtaining a firearm transfer through them. Commissioners asked how many firearms they anticipate having at one time and how they are handled. Micheal Padelli responded maybe one a month. He explained the firearms are delivered in an unmarked package and must be signed for and are then kept in a locked safe in the business office area. In addition to the safe being locked, the door to the office area will also be locked. Commissioners asked how often the home business office will be used and how long it will be before they relocate to a store front/shooting range. Micheal Padelli responded the office will be used on a daily basis to contact dealers regarding the store front business. Robert Padelli stated they plan to relocate to a suitable business location in one to two years. Selling pre-memberships to the shooting range will provide the funding for the business startup. The Commissioners asked if children reside in the house and if so, how many. Micheal Padelli responded he has three children, ages 16, 10 and 7 years of age and that they have all taken a firearm safety class. There was some discussion about the closest gun shop and shooting

range. There were also comments from the Commission regarding concern that this type of home business does not seem to fit the intent of the zoning regulations. Robert Padelli commented there is currently a business called Steve' Supplies at 15 Great Oak that has an FFL. Messrs. Padelli were asked if the FFL will transfer to the store front and shooting range when they find a location and cease for the house location. Robert Padelli responded yes.

Norma Hartley, 32 Girard Avenue, spoke in opposition to the application, stating the quiet neighborhood is not an appropriate location for business use.

Tom Williams, 22 Girard Avenue, spoke in opposition to the application commenting he believes they have already received firearm deliveries.

Michael Smith, 24 Girard Avenue, spoke in opposition to the application. Stating they have come together in the past for proposed business use in the neighborhood. Does not feel this is an appropriate use in the neighborhood.

Annie Smith, 24 Girard Avenue, spoke in opposition to the application expressing concern with strangers coming to the neighborhood.

Susanne McNamara, 31 Girard Avenue, spoke in opposition to the application stating the proposed business use was not appropriate for this neighborhood.

Sheila Llewellyn, 116 Town Farm Road, spoke in opposition to the application also stating the proposed business was not appropriate.

Evelyn Berry, 114 Town Farm Road, felt it was more appropriate to find a storefront for this type of business.

Nigel Landrau, 120 Town Farm Road, spoke in opposition to the application stating it was more appropriate to have a storefront.

Micheal Padelli responded they have not received firearm deliveries to the house. However, they are doing some remodeling at the house so they have received deliveries related to those projects. Robert Padelli said he understands the concerns but they would be transferring firearms to people they know only. They do not want the expense of a leased office space at this time and he does not want to have a business address in New Britain.

The Commission asked the applicant if they would object to a condition of approval that they cannot receive or transfer firearms or ammunition at this location but they could get their FFL and proceed with finding an appropriate storefront. Robert Padelli said he did not object.

The public hearing closed at 8:05 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 as required pursuant to Article I Section B.16. of the Farmington Zoning Regulations (“regulations”) for home business (transfer of firearms) at 18 Girard Avenue; 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 for home business (transfer of firearms) with the following conditions:

1. The business is limited to office use only to transact business over the phone;
2. No visitors are permitted on site for the purposes of transacting business;
3. No transfer of firearms are permitted on site; and
4. The special permit shall be reviewed in one year.

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

Bristol Farms LLC – 398 and Lot 8787 Scott Swamp Road

Commissioner Houf recused himself from this matter.

Text amendment, special permit and site plan approval to expand off-site parking lot located at 398 and Lot 8787 Scott Swamp Road, R12 zone. Attorney Timothy Furey, Furey Donovan, Tracy & Daly, P.C., represented the applicant. Attorney Furey stated for the record that he submitted the certified mail receipts for notices mailed and that the zoning hearing sign was posted as required at the site. The proposed text amendment to add Article II, Section 3.B.4. of the Farmington Zoning Regulations state: *Offsite parking to serve a business use located on a separate lot which has frontage on a state highway and under the same ownership as the use being served. The provisions of Article IV Section 12.B. shall be applied.* Attorney Furey gave the Commissioners photos of the existing employee parking lot, traffic on Route 6, standing in the driveway of the single family house at the site and trees screening the existing employee parking lot. With the expansion of the employee parking lot they will have 80 parking spaces and expect to have room for all employees to park in these off-site lots and this will free up space at the dealership. Letters of support were submitted for the record from; John Lodovico dated June 27, 2016; Carol Kelley, Farmington Marriott dated September 24, 2015; Sal Belcaro, Fancy Bagels, dated September 23, 2015; Steve Cromack, Water Works Car Wash, dated September 23, 2015, Mike Kaszewski, Cumberland Farms, dated September 23, 2015; and Lou Pandolfi, Tunxis Plantation Country Club, dated September 23, 2015. Rob Hiltbrand worked on the design of the existing lot including an underground storm water storage system and designed a similar underground system for the new parking lot. He has worked with Town staff and far reduced the number of Engineering Division comments. He briefly discussed the State DOT's plan to redo the intersection of Route 6, Wasley Way and Camp Street. The line of trees along Route 6 will remain and they are requiring that if a sidewalk is installed that it be located off their right-of-way. The same type of landscaping used on the existing parking lot is proposed for the new lot. Commissioners asked for confirmation that the parking lot is for employees only. Attorney Furey responded yes but they are also working with the condo association to make the parking lot available when the dealership is closed. It was also confirmed that there will be no

dealership products in the parking lot. There was some discussion regarding the number of employees, shifts and the number of parking spaces that will be available for employees. Attorney Furey talked about and provided a photo of the condo development sign that will be relocated because of the DOT project. Commissioners asked if there were drainage concerns with the condo development and if the lot line between the parking lots will be removed. Mr. Hiltbrand stated he was not aware of any issues and was told the lots will be merged. The Commission also asked about the buffer between the parking lot and the adjacent residence. Mr. Hiltbrand stated he could use a spruce instead of pine. When asked about site coverage, Mr. Hiltbrand responded the existing site is at 40% coverage but will exceed when it is extended to the new parking lot.

Joe DiCosimo, 1469 Farmington Avenue, Bristol, spoke in favor of the application commenting there has not been a drainage issue from the existing parking lot.

Jeanette Varkal, Treasurer, 17 Winchester Court, stated there are no current drainage issues from the parking lot. She commented the association has talked to Mr. Crowley about installing a strong green fence along the property line adjacent to the condo development as well as muted lighting in the parking lot.

Eric Pizzoferrato, 15 Harold Road, said he received notice of the meeting but has not reviewed the proposed plans. He asked the Commission to continue the matter to allow additional time so he can review the plans and submit comments. He said he is in support of the business but commented on intercom noise from the site.

Attorney Furey asked the Commission to act on the proposed text amendment.

The public hearing for the text amendment was closed at 9:30 p.m.

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

VOTED: To continue the special permit and site plan hearings to the July 11, 2016 meeting.

Commissioner Fraprie moves and Commission Tucker seconds the following resolution:

Whereas the Farmington Town Plan and Zoning Commission (Commission) received a proposed zoning text amendment to allow an off-site commercial parking lot in the R12 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 8-3; 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 as require in CGS 8-3(b).

Now therefore be it resolved that the Commission approves of said text amendment and sets an effective date of fifteen (15) days after the publication of the notice of decision.

During discussion of the motion Commissioner Brenneman moved and Commissioner Jarvis seconded a modification to the above motion to add the word “adjacent” to the proposed text amendment: *Offsite parking to serve a business use located on **an adjacent** separate lot which has frontage on a state highway and under the same ownership as the use being served. The provisions of Article IV Section 12.B. shall be applied.*

The amendment was voted 5 in favor to 1 opposed (Doeg).

The motion as amended was voted 4 in favor to 2 opposed (Doeg, Tucker). The motion passed and the text amendment as modified was approved.

KAL Farmington Ltd. Ptr. – 30 Batterson Park Road

Special permit and site plan approval to expand parking area and shorten length of parking spaces at 30 Batterson Park Road, PR zone. Mark Grocki, VHB, presented the parking lot expansion for an additional 29 parking spaces to meet tenant parking demands. Mr. Grocki explained the underground detention system/drainage design for the new parking area as similar to the drainage design of the existing parking lot. The Inland Wetlands Commission and Zoning Board of Appeals have already reviewed and approved the proposed expansion. The reduction in parking stall length is for compact car spaces proposed, in compliance with the requirements of the zoning regulations. Commissioners asked for confirmation that the applicant has received staff comments and will not have an issue addressing them. Mr. Grocki responded he would like to remove proposed sidewalks; did not feel dumpster area required additional screening due to enclosure and planted buffer are sufficient; and the requested additional test pit he did not feel was necessary as test pit information was provided with the last application. He added he had no objection to working with staff to address comments and was comfortable with them as a condition of approval. Mr. Grocki was asked to clarify the location of the loading area, ADA parking spaces, stall length reduction and location of the bike rack. Mr. Grocki responded by reviewing the site plan.

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

The public hearing closed at 9:53 p.m.

Commissioner Jarvis 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 30 Batterson Park Road to expand parking lot and modify parking space dimensions as displayed on the plans in the Zoning 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:

1. The proposed shall adhere to all relevant sections of the regulations and representations made by the applicant and the latest Engineering Division memorandum.

The motion was voted unanimously.

Metro Realty Group Ltd. - 521, 529 and Lot 8244 Farmington Avenue, MOC zone

Application for special permit for blasting related to construction of medical office building located at 505, 520, 521 and Lot 8244 Farmington Avenue, MOC zone. Attorney Chris Hoheb introduced both this application and the Birdseye Road LLC application for special permit.

Birdseye Road LLC – 10 Birdseye Road

Special permit for blasting related to construction of medical office building located at 10 Birdseye Road (formerly 32, 26 & 38 Birdseye Road). (Presented with the Metro Realty Group Ltd. application for special permit.) Dave D'ambruso, D'ambruso Blasting Company, reviewed the blasting plan he submitted for blasting required for these two medical office buildings. Pre-blast surveys will be done of all structures within 250 feet of the proposed blasting area. Notification will be sent to property owners within a 500 foot radius of the blasting area. Commissioners asked about expected hours of blasting. Mr. D'ambruso said they will be limited to 3:15 to 6 p.m. weekdays because the adjacent building has a surgical center and they close at 2:30 p.m. In addition, he may need to blast during normal business hours on Saturdays. Mr. D'ambruso was asked to make sure all medical businesses in the area are aware of the blasting.

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

The public hearings closed at 9:58 p.m.

Commissioner Jarvis moves and Commission Brenneman 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 IV Section 27 of the Farmington Zoning Regulations ("regulations") to allow for blasting at 505, 520, 521 and Lot 8244 Farmington Avenue and 10 Birdseye Road (formerly 32, 26 & 38 Birdseye 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:

1. The proposal shall adhere to all relevant sections of the regulations (Article IV Section 27) including post approval performance standards and representations made by the applicant;

2. Prior to the start of any work the plans shall be reviewed and approved by the Fire Marshal and a blasting permit shall be issued by the Fire Marshal; and
3. Blasting shall be limited to the hours of 3:15 p.m. to 6 p.m. weekdays and 8 a.m. to 2 p.m. Saturdays unless otherwise approved by the Fire Marshal.

The motion passed unanimously.

NEW BUSINESS

Miss Porter's School Inc. – 44 Mill Lane and 108 Garden Street

Katie Bradley, Miss Porter's School, presented the two proposed signs; a directional sign proposed to be installed in a planted island in the parking lot and an admission's building sign proposed to be installed at the corner of Garden Street and Mill Lane. Two gooseneck lamps will shine down onto the sign at the corner of Garden Street and Mill Lane. The Town Planner was asked to confirm that the proposed signs conform to the requirements of the zoning regulations; they conform.

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

VOTED: To approve the sign applications for Miss Porter's School Inc. as presented for property located at 44 Mill Lane and 108 Garden Street.

5 Corners-Farmington Associates LLC – Informal Discussion

This matter was tabled to July 11, 2016.

PLANNER'S REPORT

No Planner's Report.

MINUTES

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

VOTED: To approve the minutes of the June 13, 2016 meeting.

The meeting adjourned at 10:32 p.m.

SJM