

TOWN OF WEST HARTFORD

**CERTIFIED
COPY**

TOWN COUNCIL PUBLIC HEARING

JUNE 13, 2023, 7:22 p.m.

LEGISLATIVE CHAMBERS

**Re: Ordinance Amending the Application Approval
Procedures for Special Use Permits**

DEBRA A. CHASSE, CSR #00055

APPEARANCES:

Town Council Members Present:

SHARI CANTOR, MAYOR

LIAM SWEENEY, DEPUTY MAYOR

CAROL BLANKS

ALBERTO CORTES

DEBRA POLUN

MARY FAY

ALSO PRESENT:

RICK LEDWITH, TOWN MANAGER

LEON DAVIDOFF, TOWN CLERK/COUNCIL CLERK

DALLAS DODGE, CORPORATION COUNSEL

1 MAYOR CANTOR: I would like to begin
2 the hearing for Ordinance Amending the Application
3 Approval Procedures for Special Use Permits. Role
4 call, Mr. Davidoff.

5 MR. DAVIDOFF: Thank you, Madam
6 Mayor. Councilor Blanks.

7 MS. BLANKS: Present.

8 MR. DAVIDOFF: Mayor Cantor.

9 MAYOR CANTOR: Here.

10 MR. DAVIDOFF: Councilor Cortes.

11 MR. CORTES: Here.

12 MR. DAVIDOFF: Councilor Fay.

13 MS. FAY: Present.

14 MR. DAVIDOFF: Councilor McGinnis.
15 Councilor Polun.

16 MS. POLUN: Here.

17 MR. DAVIDOFF: Deputy Mayor Sweeney.

18 MR. SWEENEY: Here.

19 MR. DAVIDOFF: Councilor Wenograd.
20 Councilor Zydanowicz. Six councilors present.

21 MAYOR CANTOR: Thank you, Mr.
22 Davidoff. We'll begin with the presentation, Mr.
23 Ledwith.

24 MR. LEDWITH: As stated, the purpose
25 of this public hearing is to present the Ordinance

1 Amending the Application Approval Procedures for
2 Special Use Permits. This ordinance was presented at
3 the CPED meeting back in May and was amended based on
4 feedback that we received from the town council at that
5 meeting through you, Madam Mayor. I will ask our town
6 planner, Mr. Dumais, to provide a summary of these
7 changes, as well.

8 MR. DUMAIS: Madam Mayor, members of
9 the council, Todd Dumais, town planner, for the record.

10 The ordinance before you this
11 evening, really the genesis of it is the request of
12 Planning and Zoning Commission. Perhaps the town
13 clerk, Mr. Davidoff, will remember his days on the
14 Planning & Zoning Commission. A lot of the work they
15 handle with that's not wetlands related comes by the
16 way of special use permit approval. A special use
17 permit is a type of use or class of use under our
18 zoning that's deemed to be unique in character. Think
19 of church, place of worship, or governmental
20 facilities, golf courses. They're generally located in
21 residential zones. Because they're not a residential
22 use, they're treated somewhat differently. To have a
23 special permit approved, you must go through a public
24 hearing process to establish that use. Any time that
25 use is changed or amended, even very minor things, that

1 same public hearing process has to occur. There's
2 notice to neighbors, there's legal notices, there's a
3 hearing process just like this, and it was the
4 experience of the Planning Commission that we were
5 receiving a number of very minor amendments, such as a
6 small shed on a school, a shade structure on a
7 playground at a school, a greenhouse at a church. We
8 had two of those in the past six months, and all of
9 those did not have an approval path, other than going
10 back through that same hearing process.

11 So they asked staff, begged staff,
12 to see if there was something else they can do and,
13 fortunately, there was. It's something that the
14 council has been comfortable with for a number of years
15 now and, on a routine basis, handles vis-à-vis an
16 administrative approval process for special development
17 district amendment. In fact, there's one on the agenda
18 later this evening.

19 So with that as a context, the
20 ordinance was drafted and based on that same approval
21 process granting the town planner limited authority,
22 and we actually dialed back the authority to approve
23 very minor amendments to preexisting special uses, and
24 those were around the accessory structures less than
25 250 square foot, additions to existing buildings of up

1 to 500 square feet or 10 percent of the existing square
2 footage of the building, whichever is less, changes to
3 the parking, either increase or decrease onsite parking
4 by up to five spaces, or 10 percent, whichever is less,
5 and I could not impose or approve a change that would
6 exceed the underlying standards of the zone.

7 The way that this would operate
8 would be I would have to send notice to the Planning &
9 Zoning Commission ten days prior to one of their
10 meetings. It would appear on their agenda. There
11 would be a sign posted on the property for the public
12 to have notice, and at that meeting the Planning
13 Commission could overturn my recommendation for
14 approval and then, if so, the application would have to
15 go down a normal public hearing process.

16 The last time this was presented at
17 a CPED meeting, I think Councilor Polun, there was some
18 concern that the language as written wasn't very clear
19 on process, and I agree. Corporation counsel did a
20 good job listening to the meeting and I think
21 correcting this to make it more clear and track the
22 existing admins in the process.

23 That's what the genesis of this
24 ordinance does and seeks to do. With a little bit of
25 history, we went back to 2012 and, believe it or not,

1 the Planning & Zoning Commission conducted 178 public
2 hearings for special use permits. Looking at those and
3 trying to analyze of those what could have been
4 eligible and perhaps avoided a public hearing and there
5 was 30. That's a fairly significant number when you
6 think of the time and effort involved to have churches
7 or schools or daycares engage with professional staff,
8 attorneys, landscape architects, civil engineers to go
9 through this process for a shed.

10 I think there is merit in this
11 ordinance, and I certainly support it on behalf of the
12 Planning & Zoning Commission.

13 MAYOR CANTOR: Thank you very much,
14 Mr. Dumais. I also just to want to give another thank
15 you to Tiffani McGinnis who chairs our CPED, who has
16 gone through -- happened there and all of the
17 councilors and Miss Polun, that you just heard, would
18 weigh in and discuss them, and the ordinance is better
19 now with clarification. So I appreciate that. This
20 makes a lot of sense. And we, not only with our office
21 and staff so busy, but our volunteers are
22 extraordinarily overbooked and their meetings
23 oftentimes go very, very late. So if we can streamline
24 the process reasonably, it seems to make a lot of
25 sense. So I appreciate that very much. I would like

1 to see if there's any public comments. Mr. Clerk, have
2 you had any written comments submitted?

3 MR. DAVIDOFF: No written comments.

4 MAYOR CANTOR: Thank you very much.
5 Nobody has signed up. Is there anybody else that would
6 like to speak to this public hearing? Questions,
7 comments from town council? None? Okay.

8 Then I will read into the record
9 letter dated June 9, 2023 from Town Planning & Zoning
10 Commission recommending approval, letter dated June 12,
11 2023, from the Capitol Region Council for Governments
12 finding no apparent conflict with regional plans and
13 policies or the concerns of neighboring towns.

14 With nothing further, it looks like
15 we can adjourn this public hearing, and we'll begin the
16 council meeting when everyone comes back.

17 (Whereupon, the hearing was
18 adjourned at 7:28 p.m.)
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C E R T I F I C A T E

I, DEBRA A. CHASSE, Court Reporter and Notary Public within and for the State of Connecticut, duly commissioned and qualified, do hereby certify that the foregoing 8 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Public Hearing held before the West Hartford Town Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 28th day of June, 2023.



Debra A. Chasse, CSR
Notary Public
State of Connecticut

My Commission Expires:
June 30, 2026
CSR No. 00055