



Issued: 8/15/24

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
MONDAY, AUGUST 5, 2024
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

MINUTES

ATTENDANCE: Chair, Kevin Ahern; Commissioners: Gordon Binkhorst, Liz Gillette, Josh Kaplan, Andrea Gomes; Alternates Nancy Grassilli, John Lyons; Town Staff: Todd Dumais, Town Planner, Brian Pudlik, Senior Planner, Finn Ashworth, Planning & Zoning Technician

ABSENT: Don Neville

CALL TO ORDER/ROLL CALL: 7:00 P.M.

MINUTES:

1. Approval of Minutes:
 - a. Minutes of the Regular Meeting, Monday, July 1, 2024 – **Motion/Grassilli; Second/Gillette; Vote 4-0**
 - b. Minutes of the Special Meeting, Monday, July 17, 2024 – **Motion/Binkhorst; Second/Kaplan; Vote 5-0**

COMMUNICATIONS:

2.
 - a. Request to withdraw application SUP #1448, for 137 North Main Street, to the August 5, 2024 regular meeting of the TPZ.

The TPZ acted by **vote (4-1)** (Motion/Gomes; Second/Binkhorst) to **receive** this request.

NEW BUSINESS:

3. **95 Westminster Drive** – Application (SUP #1455) of the Town of West Hartford requesting approval of a temporary Special Use Permit to install an approximately 5,000 s.f. +/- temporary classroom building at the Duffy School. (Submitted for TPZ receipt. Suggest required public hearing be scheduled for September 4, 2024.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Gomes; Second/Kaplan) to schedule this matter for a special meeting to be held on **Monday, August 19th, 2024 at 7:15pm in room 314 of Town Hall, located at 50 South Main Street.**

OLD BUSINESS:

4. **1800 Asylum Avenue** – Application (IWW#1225) of WEHA Development Group, LLC requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland regulated area. The applicant proposes the redevelopment of the former UConn Campus at 1800 Asylum Avenue, including the demolition of all existing buildings and the construction of twelve (12) new buildings, including commercial / mixed-use and residential, a new private roadway and surface parking lots along with associated site improvements, including landscaping pedestrian pathways and site drainage. Work is proposed within the 150 ft. upland review area and with identified direct wetland and watercourses impacts. (Submitted for TPZ receipt on May 6, 2024 and set for public hearing on June 24, 2024. On June 24th, the public hearing was opened and immediately continued, without testimony to July 17, 2024. On July 17, 2024, the public hearing was continued to August 5, 2024. Public hearing testimony concluded and the hearing closed on August 5, 2024.

The TPZ / IWWA acted by a **vote of (4-1)** (Motion/Gomes; Second/Kaplan) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

1800 ASYLUM AVENUE
INLAND WETLAND APPLICATION IWW#1225
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at 1800 Asylum Avenue in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1225** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.
- [4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.
- [5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcels of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel of land is located at 1800 Asylum Avenue.

This permit is issued and made subject to the following conditions:

- 1) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.
- 2) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained as depicted on the plans and in accordance with the 2024 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
- 3) The applicant shall file a performance bond or other acceptable surety in the amount of the estimated cost of the project's, environmental controls, including soil and erosion controls, site drainage, and wetland mitigation planting plan prior to the commencement of any site work to ensure completion of the project as proposed to the IWWA in the official record documents,

drawings and exhibits. This performance bond shall remain in force and effect until all required improvements are completed and installed.

- 4) Before filing the bond with the IWWA as provided above, the applicant shall submit to the Town Planner, for review of approval in consultation with the Town Engineer, a cost estimate for all required improvements to be covered by said bond, prepared by a professional engineer/wetlands scientist. The cost estimate shall be based on unit costs established by the Town Engineer.
- 5) The applicant shall retain a professional engineer to inspect/oversee construction and the installation/maintenance of the sedimentation and control measures. Inspections shall occur bi-weekly and after significant rainfall events and an inspection report of the sediment and erosion controls shall be submitted to the Town Planner. Additional erosion and sediment control measures shall be implemented and/or installed throughout the course of construction as/if deemed necessary and directed by the overseeing professional engineer and/or West Hartford Town officials.
- 6) Prior to the start of any site disturbance, all sediment and erosion controls and tree protection shall be installed. Once installed, but before the commencement of any disturbance, including tree removal, the Town Planner shall be notified and provided the opportunity to inspect.
- 7) Any modifications to the overall Project Phasing Plan shall be subject to the review and approval of the Town Planner. Prioritization of site mitigation, wetland creation, wetlands restoration, riparian and buffer enhancement is strongly encouraged where feasible. Disturbed areas shall be limited to the minimum area necessary to complete each phase of construction activity.
- 8) Disturbed areas shall be limited to the minimum area necessary to complete each phase of construction activity and construction fencing installed at all times to clearly delineate sensitive areas beyond the area of work. The location of construction fencing shall be adjusted as-needed throughout the construction process in order to maintain a maximum buffer from construction activity to wetlands, watercourses and other sensitive areas.
- 9) A permanent conservation easement area shall be provided consistent with the extents shown on the Conservation Easement Exhibit. Upon completion of site work, the boundary area of the easement shall at all times be plainly marked by permanent signs or by an equivalent permanent marking designating the area as a conservation area. All plantings (species types and quantities) in said conservation area shall be maintained in accordance with the plan. The Conservation Easement shall be approved by the Office of Corporation Counsel before it is recorded on the land records.
- 10) The applicant shall retain a professional soil scientist/wetland scientist to oversee and review all Wetland mitigation, creation and enhancement plan, as outlined in the plans and in the Wetlands Assessment Report prepared by All-Points Technology Corp., P.C. dated 7-26-24. The professional soil scientist shall provide yearly reports to the Town Planner for as outlined in the mitigation plan. Said report shall, at a minimum, provide for an assessment of the invasive species removal, wetlands creation, and wetland enhancement plantings and identify any corrective actions required.
- 11) A final comprehensive as-built survey and certifications from the relevant professionals, shall be submitted to the Town Planner upon completion of all work. Such survey and certifications shall demonstrate that all work was completed in a manner consistent with the approved plans associated with this application. All wetland mitigation work shall be certified as consistent with approved plans upon completion of each phase of said mitigation pursuant to the phasing plan submitted as part of this application and as may be amended in consultation with the Town Planner.

- 12) The Applicant shall transmit, to the Town Planner, copies of all approvals from the Connecticut Department of Energy and Environmental Protection (DEEP) for activity on site under the jurisdiction of DEEP.
- 13) The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.
- 14) This IWWA permit approval shall be stripped onto the final set plan.

5. **1445 New Britain Avenue** – Application (SUP #1453) of SF WH Property Owner, LLC, requesting approval of a Special Use Permit to operate a new Indoor Recreation or Amusement Facility pursuant to sections 177-2(B), 177-6(B) and 177-42(A) of the zoning ordinances for Level 99. (Submitted for TPZ receipt on July 1, 2024. Suggest required public hearing be scheduled for August 5, 2024.)

After detailed discussions and deliberations on the matter, the TPZ acted by **unanimous vote (5-0)** (Motion/Gillette; Second/Gomes) to **APPROVE** the Special Use Permit application subject to the following conditions:

1. The proposal meets the finding requirements of Section 177-37.4 and 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking, loading, trash and recycling facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. The hours of operation for this use are limited to 11 AM to 10 PM, Sunday through Thursday and 11 AM to midnight on Friday and 10 AM to midnight on Saturday.
3. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by August 2026 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.
4. This letter of approval shall be stripped onto the final plan.

6. **11 Winterset Lane** – Application (IWW #1227) of W. Berey, requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland regulated area. The applicant is requesting a retroactive approval for a previously constructed bituminous sport court, in addition to approval for a newly planned rain garden to mitigate stormwater runoff. Work is proposed within the 150 ft. upland review area with no direct wetland impacts proposed. (Determined potentially significant on June 3, 2024 and set for public hearing on July 1, 2024. This hearing will be opened and immediately continued to August 5, 2024, per item 2a. on this agenda).

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (5-0)** (Motion/Binkhorst; Second/Gomes) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

11 WINTERSET LANE
INLAND WETLAND APPLICATION IWW #1227
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **11 Winterset Lane** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1227** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.
- [4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.
- [5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;
- [6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.
- [7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and
- [8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures, which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel(s) of land is located **11 Winterset Lane**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2024 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.
- 3.) Bi-Weekly inspection reports of the sediment and erosion controls shall be submitted to the Town Planner. Additional erosion and sediment control measures shall be implemented and/or installed throughout the course of construction as/if deemed necessary and directed by the Design Engineer and/or West Hartford Town officials.
- 4.) Prior to the start of any site disturbance, all sediment and erosion controls and tree protection shall be installed. Once installed, but before the commencement of any disturbance, the Town Planner shall be notified and provided the opportunity to inspect.
- 5.) All stormwater infrastructure shall be installed per the standards and specifications of the Town of West Hartford Division of Engineering.
- 6.) Installation of the rain garden and associated drainage improvements, as depicted on the approved plan, shall be completed within one year from the date of this approval in order to mitigate stormwater runoff from the previously constructed bituminous basketball court.

- 7.) A final as built A2/T2 survey, in addition to certification from the design Engineer that all work has been completed in a manner consistent with the approved plans, shall be submitted to the Town Planner upon completion of all work.
- 8.) The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

7. **137 North Main Street** – Application (SUP #1448) of The American School for the Deaf, requesting approval of a Special Use Permit to regrade the southeast portion of the campus open lawn area in order to construct a new natural turf sports field. (This application has been withdrawn by the applicant per item #2a. on this agenda.)

TOWN COUNCIL REFERRAL

8. **1445 New Britain Avenue** Application filed on behalf of SF WH PROPERTY OWNER, LLC, the owner of Special Design District (SDD) #6, more commonly known as the Corbin Collection, to amend the existing SDD to accommodate a new proposed indoor recreation or amusement facility with restaurant in the upper level of the former Sears building. Contemplated improvements include, façade, signage and site modifications.

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5 - 0)** (Motion/Gillette, Second/Kaplan) to **RECOMMEND APPROVAL** of the Special Development District Amendment finding it consistent with the Plan of Conservation and Development.

9. Resolution Authorizing the Acceptance of Easements to Support an Infrastructure Improvement Project on 1800 Asylum Avenue and 1710 Asylum Avenue.

After a detailed review of the application and its related exhibits, the TPZ acted by **unanimous vote (5-0)** (Motion/Binkhorst; Second/Kaplan) to **RECOMMEND** approval of this resolution to the Town Council.

TOWN PLANNER'S REPORT:

10. None

MEETING ADJOURNED: 9:52 P.M. Motion/Gomes; Second/Kaplan – Vote: 5-0

