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TOWN PLAN AND ZONING COMMISSION
PUBLIC AND REGULAR MINUTES

November 9, 2015

Present were Chairman Dunn, Commissioners Brenneman, Doeg, Fraprie, Jarvis, Matava and Alternate Commissioners Gurski and Houf and the Town Planner and Clerk. Chairman Dunn opened the meeting at 7:00 p.m. Town Council Liaison Peter Mastrobattista was also present.

Chairman Dunn explained the process of the meeting.

PUBLIC HEARING

Old Mill Commons LLC – 19 Perry Street/173 School Street/37 Mill Street

Commissioner Doeg recused himself from this matter. Alternate Commissioner Gurski was appointed to vote on Commissioner Doeg's behalf.

Old Mill Commons, LLC application for text amendment to the zoning regulations (UC/UV zones), special permit and site plan approval related to development of multi-family dwellings for property located at 19 Perry Street and an access driveway on 173 School Street and 37 Mill St. UC zone. Continued from October 26, 2015. Attorney Christian Hoheb, 314 Main Street, Farmington, briefly summarized a letter was received today from the Connecticut Water Company stating the recent plan revisions adequately address their previous concerns (applicant is seeking a waiver of thirty-five parking spaces). The applicant also attended a Board of Education ("BOE") meeting last week. The Commissioners had no immediate questions for the applicant so the Chairman asked for public comment, starting with the BOE.

Attorney Beth Critton, Shipman & Goodwin, read the Motion for Consideration the BOE adopted at their November 4, 2015 meeting into the record. The Motion for Consideration included Exhibit A (Drop-Off Lane Sketch Plan – Union Elementary School) and Exhibit B (Items related to Exhibit A and the construction phase of the project).

Commissioners asked the applicant if they are in favor of the BOE Motion for Consideration. Attorney Hoheb responded no, they feel a number of the conditions are not acceptable. Bob Landino, Centerplan, stated Exhibit A is acceptable but Exhibit B has several conditions that are not acceptable. For example, he stated they have only offered to relocate the existing playscape. Regarding requiring a school district representative to be present at DEEP meetings, they do not agree because these meetings are private between a private property owner and the DEEP. Mr. Landino added the condition regarding noise is too vague and they also don't agree with the condition regarding fencing.

Brian Hunter, Tunxis Hose, stated the improvements planned for the parking lot behind the school could negatively impact the carnival. Specifically, the fencing and curbing around the parking lot could create a safety hazard and restrict the access of the field for the carnival. Mr. Landino suggested they could remove the curbing and install a removable fence. He also suggested leaving the playscape in its current location and eliminate additional pavement.

Ed King, 11 Ledgewood Drive, commented the BOE asking for a playscape is insidious and that if the developer is complying with the requirements of the Plan & Zoning Commission the BOE has no right to ask for it. Mr. King cited the Code of Ethics for the record.

Pat Karwoski, 75 Tunxis Village, commented on the amount of proposed parking for the apartments, the proposed text amendments to the zoning regulations, the Plan of Conservation and Development and the Aquifer Protection Zone.

Jean Baron, 22 Basswood Road, BOE member, commented she doesn't think a chain link fence at the back of the school is in the best interest of the school children's safety.

Nick Statchen, 6 Bella Lane, spoke in opposition to the density of the proposed development. She expressed concern with the cost of cleanup and spoke in support of having a school district representative present at DEEP meetings regarding remediation of 19 Perry Street.

Glenn Gibbons, 22 Morgan Place, spoke in opposition to the application expressing concern with safety and disruption of education for his children attending Union School.

Jean Gorczyca, 603 Plainville Avenue, expressed concern with development impacting public events that are held at Union School and the Unionville Gazebo area during the summer months, and the safety of elderly residents at Maple Village and residents of New Horizons.

Igor Sikorsky, 111 Perry Street, spoke in opposition of the application expressing concern with traffic and the density of the development.

Mike McGinty, 126 Perry Street, displayed a Google map of the area around Perry Street expressing concern with traffic and density of the development.

Kathleen Crowe, 65 Perry Street, spoke in opposition to the application expressing concern with traffic and its impact to Unionville.

Chris Montes, 139 Perry Street, asked where the runoff from the parking lot goes.

Josh Davidson, 74 Basswood Road, spoke in opposition to the application.

Bill Baker, 17 Red Coat Lane, BOE member, stated every community group he spoke to about this project is in support of it. Mr. Baker added he is in support of the BOE motion without Exhibit B.

Paul Canning, 143 Main Street, stated he was an original member of the Unionville Improvement Association and is not in support of the project.

Alexander Nakhimovsky, 53 Walnut Street, said he hopes the development goes forward with a higher level of ADA accommodations.

Attorney Critton, responded to comments regarding the carnival adding that if curbing is removed and a removable fence is installed it may raise safety concerns.

Chairman Dunn asked Attorney Critton what is the land use law regarding requiring a developer to provide off-site improvements. Attorney Critton said it varies depending on the type of application.

Kathleen Greider, Superintendent, explained the playscapes at all the schools are inspected by the insurance company annually. She stated they are not asking for money for a playscape but added concern that when the playscape is relocated they may have issues with it because of its age. Ms. Greider stated the last inspection report gave no indication that this playscape was out of compliance or a danger in any way.

Commissioner Brenneman commented on the suggestion to remove the curb and install a removable fence around the new parking lot behind the school. She expressed some concern regarding drainage if curbing is removed from the parking lot.

Mr. Landino responded to comments. The never felt involving the replacement of the playscape was an appropriate fit for the project. Regarding the Plan of Conservation and Development, the site is currently blighted. They have presented evidence at a prior meeting that clean-up and development of the site will increase property values. The Connecticut Water Company endorses the project which cleans-up the site their wells are located on. The units will be heated with natural gas, no underground tanks will be installed. Mr. Landino commented on the proposed text amendments and clarified the change in slope of twenty feet from the street down to the river. Bill Fries, Centerplan, reviewed the storm water system proposed. He added the Department of Energy and Environmental Protection will also review the storm water plan. Mr. Landino stated traffic concerns were previously addressed.

There was a brief discussion regarding the conditions of approval and parking on the street in front of Union School. Superintendent Greider said they would like to keep short term parking on Perry Street.

Attorney Hoheb offered closing comments regarding the application. The application complies with the requirements of the UC/UV zones, provides connectivity for the community, is endorsed by the Chamber of Commerce, the Economic Development Commission, the Unionville Improvement Association. Town staff and a third party thoroughly reviewed the application and all of the related reports. The applicant is comfortable with conditions of approval as presented by Town staff.

Town Planner Warner commented the Town Manager has assured the carnival will go on.

The hearing closed at 9:01 p.m.

Commissioner Jarvis moves and Commission Gurski seconds the following resolution:

Whereas the Farmington Plan and Zoning Commission (Commission) received an application for text amendments to the zoning regulations (UC/UV zones), a special permit and site plan approval related to development of multi-family dwellings at the property located at 19 Perry Street, UC zone as displayed on plans entitled “Charles House Commons Permit Plans-For the Construction of A Proposed Residential Development-19 Perry Street Farmington (Unionville), Connecticut” dated August 14th, 2015” latest revision September 30th, 2015; and

Whereas the Commission received the application on August 25th, 2015 and found the application to be complete; and

Whereas, the Commission conducted a properly noticed public hearing on the application in accordance with Connecticut General Statutes and the Farmington Zoning Regulations on September 28th, 2015, October 14th, 2015, October 26th, 2015 and November 9th, 2015; and

Whereas the Commission evaluated the proposal in accordance with its regulations and has received a report regarding the approval of the project by the Farmington Inland Wetlands Commission and the Unionville Architectural and Design Review Committee; and

Whereas the Commission evaluated the proposal in accordance with Article IV Section 12 of the Farmington Zoning Regulations and gave due consideration to the Farmington Plan of Conservation and Development as required in CGS 8-3(b); and

Whereas the Commission retained traffic and environmental engineers from the consulting firm of VHB to conduct a third party review of traffic and environmental information and recommendations made by the applicant.

Now therefore be it resolved that the Commission finds that the proposed zoning text amendments and overall development as displayed on the engineered drawings entitled “Charles House Commons Permit Plans-For the Construction of A Proposed Residential Development- 19 Perry Street Farmington (Unionville), Connecticut”, dated August 14th, 2015 latest revision September 30th, 2015, are in conformance with the requirements found in the Farmington Zoning Regulations and Connecticut General Statutes; and

Therefore be it further resolved the Commission approves the application for zoning text change amendment with an effective date of November 24, 2015 and approves the special permit/site plan application with an effective date of November 30th, 2015, subject to the following conditions:

1. The proposal shall adhere to all engineering division comments and conditions in their latest memorandum dated October 14th, 2015 and all previous memorandums, all relevant sections of the zoning regulations, representations made by the applicant during the public hearing;
2. The proposal shall require the approval of the State of Connecticut - Office of State Traffic Administration and shall adhere to all recommendations made in the applicant’s traffic study subject to State of CT and Farmington Engineering Division review and approval;
3. The proposed back entrance drive on the Town of Farmington’s 173 School Street property as displayed on the plans shall be eliminated along with the proposed parent pick up / drop off lane. The developer has agreed to and will construct the off-site improvements shown on the plan entitled “DROP-OFF LANE SKETCH PLAN - UNION ELEMENTARY SCHOOL 173 SCHOOL STREET FARMINGTON (UNIONVILLE), CONNECTICUT, dated 10/22/2015 (amended 10/23/2015,

- 10/30/2015, 11/02/2015) prepared by Center Design LLC, submitted into the public record on 11/9/2015 and subject to town engineering staff final revisions. The developer will need to secure any and all approvals to construct these improvements. If such approvals are not secured, it has no effect on the validity of this approval;
4. The applicant shall comply with the letter from the Connecticut Water Company dated October 26th, 2015 and will continue to work closely with CT Water to insure continued safety and enhancement of the drinking water supplies on the property;
 5. The applicant shall comply with the approval and recommendations from the Farmington Conservation Commission dated October 7th, 2015;
 6. The landscaping and architectural design of the buildings shall be as displayed on the approved plans and shall comply with any details within the October 8th, 2015 approval of the Unionville Architectural / Design Review Committee;
 7. The applicant shall develop and undertake a maintenance plan for the project's river frontage, excluding the 10.59 acre conservation easement area which will remain largely undisturbed, but including the river frontage on the town owned property at 173 School Street. This shall include a plan and program for the control of invasive species;
 8. Invasive species monitoring shall be done annually for the first three years and additional monitoring every two years over the following four years (total of five monitoring reports). Monitoring reports, including recommendations, shall be submitted to the Town following each inspection and the applicant will comply with any recommendations endorsed by the Town Engineering staff;
 9. Final re-vegetation plan following invasive species removal to be approved by Town staff and on 173 School Street property by Town staff and BOE staff;
 10. As displayed on the plans there shall be no net increase in fill within the 100 year flood elevation;
 11. Final location for the riverfront trail extension, including through the 10.59 acre conservation easement area, shall be field determined to minimize tree removal and soil disturbance in consultation with Town staff and on 173 School Street property by Town staff and Board of Education (BOE) staff;
 12. There shall be a public access and maintenance agreement established in favor of the Town of Farmington for the entire length of the proposed trail, including the area within the conservation easement;
 13. Tree removal within the riparian area of the Farmington River, specifically on the Town property between the Union School athletic fields and the Farmington River at 173 School Street shall be minimized to the greatest extent possible. All trees to be

- removed on the property shall be flagged in the field and reviewed with Town and BOE staff prior to removal;
14. The storm water management and maintenance plan as developed by the project engineer shall be incorporated into the condominium documents and any rules and/or operating procedures for the apartment complex;
 15. Rain garden plan and other storm water quality areas and plantings shall conform to the UCONN Cooperative Extension System publication entitled "Rain Gardens in Connecticut", as applicable.
 16. Grounds management plan, including an Integrated Pest Management Plan, and snow management plan, as discussed during public hearing, shall be submitted to Town staff for final review and approval;
 17. Remediation work (loading and removal of contaminated soil) shall be undertaken and completed between the end of the school year and the beginning of the following school year. No remediation work (loading and removal of contaminated soil) is to take place while school is in session.
 18. No certificate of occupancy shall be issued for the development until such time the entire parcel has been remediated in conformance with the "Supplemental Investigation Report and Remedial Action Plan: Former C.W. House & Sons Inc. Site 19 Perry Street Unionville, Connecticut dated June 2005" and any revisions, requirements and/or updated standards of the Connecticut Department of Energy and Environmental Protection (DEEP);
 19. The applicant shall develop a plan, in accordance with DEEP, State Health Department, OSHA and any other relevant agency, to adequately protect workers and others associated with the project who may be onsite during the remediation;
 20. The applicant shall develop a plan, in accordance with DEEP, State Health Department, OSHA and any other relevant agency, to adequately safeguard and minimize any impact on the surrounding neighborhood and the occupants of Union School during the remediation process;
 21. A representative of the BOE shall be invited to attend all pre-construction and construction meetings, throughout the project;
 22. The applicant shall provide Town staff and BOE staff with biweekly progress reports during the remediation and shall establish, and maintain weekly, a web site which updates any interested parties regarding the remediation;
 23. A dust control plan shall be submitted to Town staff for approval;
 24. All truck traffic shall enter and exit on the north west side of the property and there shall be no truck traffic from the development during the hours 8:20 AM – 8:50 AM and 3:15 PM – 3:45 PM when school is in session;

25. Air monitoring shall occur as required by DEEP;
26. Developer will work with the BOE staff to mitigate noise impacts, to the extent feasible and practical, when school is in session;
27. The developer shall conduct criminal background checks on all employees, contractors and sub-contractors, working on the site;
28. The property management company shall conduct criminal background checks on all potential tenants applying to live in the complex;
29. Powerhouse renovation to be completed during summer months when school is not in session;
30. Any and all parking on Perry Street, including handicapped spaces, to be determined by the Town of Farmington in consultation with the BOE staff;
31. If the pool house, as currently depicted on the plans, is located within 300 feet of the launch location for the annual fireworks it shall remain unoccupied during the event; and
32. The BOE and the Town Council will work with the Tunxis Hose Fire Company to preserve the usefulness of the site for the annual carnival.

The motion passed unanimously.

Waiver of parking spaces:

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

VOTED: 5 in favor to 1 opposed (Brenneman) to grant the waiver of thirty-five parking spaces as requested for 19 Perry Street.

NEW BUSINESS

Canton Sign Shop – 5 Melrose Drive

Joe Garrity, Canton Sign Shop, presented the proposed twenty square foot sign. The sign “HOREN CHIROPRACTIC IDEAL WEIGHT LOSS” is made of ½” acrylic material painted matte black. An oval vinyl print logo (10” x 17.25”) is also proposed.

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

VOTED: To approve the sign application for Horen Chiropractic located at 5 Melrose Drive as presented.

Canton Sign Shop – 5 Melrose Drive

Joe Garrity, Canton Sign Shop, presented the proposed seventeen square foot sign. The sign “FARMINGTON FAMILY DENTISTRY” includes a 20” x 29” logo and is made of ½” acrylic material painted matte black.

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

VOTED: To approve the sign application for Farmington Family Dentistry located at 5 Melrose Drive as presented.

Sam Lin – 3 Melrose Drive

Richard Brown presented the sign application. Sign “A” is applied raised letter attached to the eastern side of the building. Sign “B” is a rectangular panel sign attached to the building on the northern side of the building. Sign “A” will have goose neck lighting and sign “B” will have recessed lights in the soffit. White vinyl fence surrounds an HVAC unit on roof of the addition on the north side of the building. Commissioner Doeg asked if the proposed signs comply with the requirements of the zoning regulations.

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

VOTED: To approve the sign application for Meadow Asian Cuisine located at 3 Melrose Drive as presented.

Nieslaw Prusaczyk – 29 Harold Road

On October 15, 2014 Nieslaw Prusaczyk was granted a special permit to raise hens with a condition that the approval be reviewed after one year. Town Planner Warner stated the Plan & Zoning Office has received no complaints regarding this special permit.

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

VOTED: To grant permanent approval of the special permit to raise no more than eight hens at 29 Harold Road eliminating original condition of approval for a one year review.

Modern Mechanical – 519 Cooke Street

Jeff Clement, Modern Mechanical Systems, presented the proposed 40KW diesel generator to be installed at 519 Cooke Street. The generator will be installed on the west side of the building. Commissioner Jarvis asked when the generators routine testing will run. Mr. Clement said they prefer during regular business hours.

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

VOTED: To approve the site plan modification to install a generator at 519 Cooke Street as per plan presented with the condition that testing shall occur between the hours of 9 a.m. and 3 p.m. weekdays.

2016 Meeting Schedule

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

VOTED: To adopt the 2016 TPZ/APA meeting schedule as submitted.

PLANNER'S REPORT

No Planner's Report.

MINUTES

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

VOTED: 5 in favor to 1 abstention (Doeg) to approve the minutes of the October 26, 2015 meeting.

The meeting adjourned at 9:40 p.m.

SJM

DRAFT