

TOWN OF FARMINGTON
PLAN & ZONING COMMISSION
MEETING MINUTES
July 31, 2023

Present for the hybrid meeting were Chair St. James, Commissioners Carrier, Grabulis, Hutvagner and Alternate Commissioner Canto. Town Planner Rutherford and Clerk Michaud and Town Council Liaison Vibert (at 7:10pm) were also present. The meeting was called to order at 7:00 p.m.

Present in the Council Chambers were all Commission members, Town Planner Rutherford and Clerk Michaud.

Alternate Commission Canto was appointed to participate in place of absent Commissioner Halstead.

Commissioners Halstead, Sanford and Alternate Commissioners Bandle, Rackliffe were not present at the meeting.

Acting Secretary Hutvagner read the legal notice into the record.

NEW BUSINESS

Jim O'Brien – 5 Old Gate Lane

Mr. O'Brien stated he would like to install a fence from his deck around to the front door of his home. He is proposing a five-foot-high chain link fence. The exception is requested because a portion of the fence will be within the front yard setback area where the zoning regulations limit the height of a fence to four feet. Because the fenced area will be a space for his dog to run around he would prefer a five foot high fence. Town Planner Rutherford displayed the aerial map showing the configuration of the lots on Old Gate Lane and how Mr. O'Brien's home is positioned behind 3 Old Gate. The Commission asked if the chain link fence will be coated. Mr. O'Brien responded yes, black vinyl coated.

Upon a motion made and seconded (Carrier/Hutvagner) it was unanimously

VOTED: To approve the Jim O'Brien request for fence exception to install five-foot-tall fence in required yard at 5 Old Gate Lane as presented and on file in the Planning Office.

PUBLIC HEARING (7:07pm)

Town of Farmington – 10 Monteith Drive

Application for special permit for use of turf field lights for high school sports and recreation department fall season at 10 Monteith Drive, R40 zone. This matter has been withdrawn.

Calco Construction – 222 Talcott Notch Road (8:28pm)

Application for six-lot subdivision of 222 Talcott Notch Road with waivers, R80 zone. *Continued from July 17, 2023.* Bryan Panico, Harry Cole & Son (in-person), provided an overview of the project and revision to this proposal to add a second outlet control structure to the southern detention basin (P2). He presented the existing and post development watershed

area map to provide details/clarification regarding stormwater flows for detention pond (P2). Mr. Panico stated the only other major change is to install double-catch basins at the bottom of Cotswold Way to intercept more stormwater prior to Talcott Notch Road. There is a reduction in stormwater flow from the development site for each design point for the 2-, 25- and 100-year storms. The second outlet control structure in P2 will divert stormwater flow from design point 2 (opposite Northington Way) to design point 1 (the culvert which conveys the existing brook along the southern edge of the property). Commissioners asked for clarification regarding drainage and storm water runoff flow patterns. Mr. Panico was asked to confirm there will be a maintenance plan in place for the maintenance of the detention ponds. Mr. Panico responded, yes. Regarding the waiver of sidewalks, they would need to cut back further along the roadway to accommodate the installation of sidewalks and there are no sidewalks on Talcott Notch Road to connect to, this also adds impervious coverage to the development.

Public comment in-person

Alexandra Gillett, 335 Old Mountain Road, asked for clarification on the watershed map and expressed concern with Lot 4 and the proximity to her property.

Ronald Faibusch, 241 Talcott Notch Road, expressed concern with stormwater.

Steve Gillett, 335 Old Mountain Road, expressed concern with stormwater.

Peter Coyne, 2 Northington Way, expressed concern with stormwater and asked to present a video.

Mr. Panico responded to stormwater concerns expressed and provided additional clarification.

The public hearing closed at 9:08 p.m.

Upon a motion made and seconded (Carrier/Hutvagner) it was

VOTED: 4 in favor (Carrier, Grabulis, Hutvagner, Canto) to 1 opposed (St. James) to approve the Calco Construction application for six-lot subdivision of 222 Talcott Notch Road, R80 zone as presented and on file in the Planning Office with the condition the applicant work with staff on the addition of a bus stop at the bottom of the private road.

Upon a motion made and seconded (Carrier/Hutvagner) it was

VOTED: 3 in favor (Carrier, Grabulis, Canto) to 2 opposed (St. James, Hutvagner) to approve the Calco Construction application for waiver of sidewalks at 222 Talcott Notch Road, R80 zone as presented and on file in the Planning Office. The motion fails; waivers require a minimum of a 5/6 vote.

Carlos de la Garza/Flip Circus – 500 South Road

Application for special permit to install circus tent in the parking lot of Westfarms Mall, BR zone. Mr. de la Garza would like approval to set up a 98' diameter circus tent in the Westfarms Mall southeast parking lot. Set up of the tent will be August 29, 2023 to September 1, 2023 and the show(s) will run September 1, 2023 to September 11, 2023. There are no animals and the show is an arts based show with artists from around the globe. Traditional circus concessions and souvenirs will be sold; no alcohol will be sold. Commissioners asked for confirmation of a fire watch. Mr. de la Garza responded yes there will be a fire watch. When asked if he had reviewed the Agenda Review, Mr. de la Garza responded yes and had no issues with the items listed. He added they have their own security.

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

The public hearing closed at 9:31 p.m.

Upon a motion made and seconded (Carrier/Hutvagner) it was unanimously

VOTED: To approve the Carlos de la Garza/Flip Circus application for special permit to install circus tent in the parking lot of Westfarms Mall, BR zone as presented and on file in the Planning Office with the following conditions:

1. If granted, the permit shall be limited to this user for this event and will not run with the land and will not run year to year.
2. Servicing of restrooms and staff RV's shall occur on a regular basis to ensure a clean and sanitary condition at all times and shall not create a public nuisance.
3. Servicing of dumpsters shall occur on a regular basis to ensure a clean and sanitary condition at all times and shall not create a public nuisance.
4. Water service shall be coordinated with the mall or the local water company. Direct connection to a hydrant is not permitted without approval of the water company.
5. The applicant shall adhere to Town of Farmington and West Hartford ordinances, including noise ordinance requirements for each municipality.

Metro Realty Management Corp. - Amendments

Application to amend the POCD and amend the MORF Zoning Regulation.

Upon a motion made and seconded (Carrier/Hutvagner) it was unanimously

VOTED: To continue the Metro Realty Management Corp. application to amend the POCD and amend the MORF Zoning Regulation to September 27, 2023.

Metro Realty Management Corp. – 111 South Road

Application for change of zone from PR to MORF at 111 South Road.

Upon a motion made and seconded (Carrier/Hutvagner) it was unanimously

VOTED: To continue the Metro Realty Management Corp. application for change of zone from PR to MORF to September 27, 2023.

The Commission took a break from 9:34 pm to 9:37 pm.

Executive Mountain Estates – 62 Pinnacle Road

Application for special permit for construction of home/expanded home in the ridgeline protection area, R40 zone. Attorney James Ziogas introduced the application to construct a single-family house at 62 Pinnacle Road. They had a tree survey done and submitted as part of the application record. An additional ten evergreen / pine trees to enhance the ridgeline will be installed thirteen feet on center. Sev Bovino, Kratzert Jones & Associates prepared the plans and proceeded to review the existing condition of the site, the proposed development and the location of the new home. Removal of the existing foundation will take place and the new home will generally be located in the same location but a little further away from the ridgeline. Roof leaders will connect to two underground storage units. They have responded to staff comments. Town Planner Rutherford provided comparable house sizes of homes in the area in response to a request by the Chair. There was some discussion about the proximity of other homes in the area from the ridgeline, setbacks and plantings for clarification.

Steven Setzko, 73 Pinnacle Road, expressed concern blasting may take place, noise and disturbance during construction, soil in the roadway.

Attorney Ziogas responded to questions. Blasting is not anticipated and they will follow the Town's regulations/ordinances for construction. He further confirmed the basement is not currently proposed for living area.

Stephen Barberino commented he designed/built many of the homes in the neighborhood and they chose a location of the new home on the lot that would create the least disturbance. He encouraged Mr. Setzko to contact him if there are any concerns during the construction process.

The public hearing closed at 10:29 p.m.

Upon a motion made and seconded (Carrier/Hutvagner) it was unanimously

VOTED: To approve the Executive Mountain Estates LLC application for special permit for construction of house in excess of 4,000 sq. ft. finished living area and 5,000 sq. ft. of total area at 62 Pinnacle Road, R40 zone as presented and on file in the Planning Office with the following conditions:

1. Ridgeline buffer plantings are to be maintained in perpetuity.
2. Selective clear cutting, tree removal, tree trimming, etc. within the 150 ft Ridgeline Setback shall require staff review in accordance with Article II, Section 26.
3. Dimension to the property line and reference to the rear yard variance shall be added to the final plan. The proposed house shall comply with all setbacks.

Upon a motion made and seconded (Carrier/Hutvagner) it was unanimously

VOTED: To approve the Executive Mountain Estates LLC application for special permit for clearing and grading within the Ridgeline Protection Zone for construction of this house at 62 Pinnacle Road, R40 zone as presented and on file in the Planning Office with the following conditions:

1. Ridgeline buffer plantings are to be maintained in perpetuity.
2. Selective clear cutting, tree removal, tree trimming, etc. within the 150 ft Ridgeline Setback shall require staff review in accordance with Article II, Section 26.
3. Dimension to the property line and reference to the rear yard variance shall be added to the final plan. The proposed house shall comply with all setbacks.

PLANNER'S REPORT

15 Farm Springs Road

Town Planner Rutherford provided additional information regarding the proposal for pickleball courts within the former banquet hall/meeting space. The courts will be available for public rent while also offering a membership option that grants access to the courts and all amenities of the property (fitness center, pools, etc.). Staff believes the proposal is consistent with the goals of the SIF Zone and providing a mixed-use building with public services. The restaurant area remains available. With this proposal the owner is requesting consideration to ease the restrictions of the approval limiting the Certificates of Occupancy for the residential units to no more than 65% prior to completion of the public amenity spaces. The request contemplates solely the completion of the pickleball courts and does not tie the tenancing the restaurant space to the residential CO's. Staff is considering reversing the percentage request put forth by the owner: 10% at building permit, 10% at 50% complete, 10% at completion and CO of the pickleball courts. The final 5% to be retained until the full public access space is tenanted or TPZ and staff can consider an acceptance of a bond. Representatives for the owner were online and provided some clarifying information to the request and Commissioner questions. After a brief discussion the Commissioners were in support of the Town Planner's proposed percentage request as stated and agreed the proposed pickleball courts satisfy the intent of the mixed-use requirement of the SIF zone.

WORK SESSION – 2023 Residential Zoning Review

The next work session is scheduled for August 2, 2023.

MINUTES

Meeting Minutes

Upon a motion made and seconded (Carrier/Hutvagner) it was unanimously

VOTED: To approve the July 17, 2023 Town Plan & Zoning Commission meeting minutes, the July 19, 2023 Town Plan & Zoning Commission Work Session minutes, and the July 24, 2023 Town Plan & Zoning Commission Work Session minutes.

The meeting was adjourned at 10:51 p.m.

SJM