

TOWN OF FARMINGTON
PLAN & ZONING COMMISSION
MEETING MINUTES
February 12, 2024

Present for the hybrid meeting were Chair Halstead, Commissioners Bandle, Canto, Carrier, St. Germain, and Alternate Commissioners Polsky, Tucci, Zimmermann. Town Planner Rutherford and Clerk Michaud were also present. The meeting was called to order at 7:00 p.m.

Present in the Council Chambers were all Commission members (except Commissioner Zimmermann), Town Planner Rutherford and Clerk Michaud.

Commissioner Zimmermann was present online until 8:35 p.m.

Acting Secretary Bandle read the legal notice into the record.

Alternate Commission Tucci was appointed to vote in place of absent Commissioner Sanford.

NEW BUSINESS

Nagaprasanna Nagarajan – 8 Circle Drive

Accept application for special permit for home business (commercial kitchen) use in the R9LG zone and schedule public hearing (recommend hearing date of March 11, 2024).

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

VOTED: To accept the Nagaprasanna Nagarajan application for special permit for home business (commercial kitchen) use in the R9LG zone and schedule public hearing for March 11, 2024.

PUBLIC HEARING

Town of Farmington – 10 Monteith Drive

Application for special permit application for renovation of 1928 Building in the R40 zone.

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

VOTED: To continue the Town of Farmington application for special permit for renovation of 1928 Building in the R40 zone to the March 11, 2024 meeting.

Carrier Holdings, LLC – 34 West District Road

Commissioner Carrier recused himself from this matter and left the room.

Alternate Commissioner Polsky was appointed to participate in place of recused Commissioner Carrier.

Application for three-lot subdivision, special permit to construct three new homes in excess of 3,200 sq. ft. and special permit for consideration for the protection of historic factors in the R30

zone. Attorney James Ziogas represented the applicant. He began by presenting the request to demolish the existing structures as part of the subdivision to construct three new homes. He reviewed the home inspection and photos showing the condition of the home to support his statement that the house is in serious disrepair. Mike Carrier represented Carrier Holdings and SOMAK Property Management. Mr. Carrier conducted the inspection and took the photos of the structures. He provided details of the inspection report and photos. Kathleen Ruzbasan Neuhausser explained her firsthand knowledge of the overall condition of the home. The family cannot afford to repair the home and worked extensively to sell the home as-is with the barns; however, the cost to rehabilitate the home is prohibitive. Attorney Ziogas stated although the structures are on the State Historic Registry, they are not on the National Historic Register nor is it in the Farmington or Unionville Historic Districts. Next, Attorney Ziogas presented the request for special permit to construct three new homes with up to 2,700 sq. ft. of finished living area and 3,500 sq. ft. of total area; approximately 300 sq. ft. larger than allowed by the zoning regulations. He noted there are four homes in the vicinity of this lot that are of similar size and scale, per the assessor's records. Lastly, Attorney Ziogas stated they are seeking approval of a three-lot subdivision of the property. The plans were revised in response to staff comments. Bryan Panico, Cole Civil & Survey, stated the property is zoned R30 and the three proposed lots meet the zoning requirements for the zone. All homes will be connected to public water and sanitary sewer. Mr. Panico reviewed the design plan to connect roof leaders to an underground infiltration system and sump pumps to yard drains, with overflow connections of both to the closed drainage system in West District Rd. Attorney Ziogas stated the existing sidewalk is in disrepair and they are in agreement that it will be replaced along the property frontage. The existing stonewalls will remain; but the wire fence will be removed. A portion of the fence appears to be on the adjoining neighbor's property and with their permission the applicant will remove it for them. Commissioners asked for confirmation that the accessory structures (shed and barn) will also be removed. Attorney Ziogas confirmed all structures will be demolished. The Commissioners asked general clarifying questions about the removal of the wire fence and confirmed the stonewall will remain. The Commissioners asked and the applicant confirmed it is a safety hazard to do nothing with the structures. When asked the reason for the increased house size, Attorney Ziogas responded marketability. Chair Halstead asked Town Planner Rutherford to provide a brief explanation of the difference between the Farmington and Unionville Historic Districts and the Historic Inventory. Town Planner Rutherford provided an explanation.

In Person Public Comment (7:47pm)

Gerald Hancock, 5 Westview Terrace, stated he did not have an issue with the applicant removing the wire fence and that they may go on his property to remove it. While disappointed with the removal of the structures, he indicated he understood and was in general support of the application.

Janet Culver, 39 West District Road, expressed concern with the expanded home portion of the application and drainage due to a high-water table in the area.

Maria Incorvaia, 6 Westview Terrace, asked about the timeline for construction and commented on the size of the proposed homes.

Doris Fillion, 28 West District Road, expressed concern with the removal of the structures and with potential storm water runoff from the new house site into her back yard.

Mr. Hancock commented there are some trees that seem to be dying or dangerous and asked if the developer would look at them when they begin site work.

Steve Busel, 7 Westview Terrace, expressed concern with the height of the new homes and stormwater.

Ms. Neuhauser responded to comments made about keeping the property as a farm as it used to be, stating there are no animals on the property and the lot no longer meets the requirements of a farm. They tried to sell as is and the repair cost for the existing structures is too great.

Kate Mitchell, 24 West District Road, expressed concern with additional stormwater runoff resulting from development of the site.

Gary Culver, 39 West District Rd., expressed concerns with high ground water in the area.

On-Line Public Comment

Paul Sanborn, 42 West District Road, expressed concern with the house sizes and stormwater/drainage.

Written Correspondence

Jay Bombara, 13 Mountain Road, submitted a letter dated February 8, 2024 asking the applicant to consider preserving the house and a portion of the barns.

Attorney Ziogas responded to public comments stating they have updated the plans that will address concerns with stormwater and grading. They will look at the tree health as requested by Mr. Hancock. The house rendering presented is only a possible home style but the new homes they construct will comply with the zoning regulations. All homes will have full basements with sump pumps and will be constructed likely during the next construction season. Mr. Panico reviewed how the sump pumps will be connected to yard drains which are already connected to the Town stormwater system. Mr. Panico also reviewed the existing drainage pattern of stormwater runoff. There is no evidence of wetlands on this property.

Commissioner Zimmermann left meeting at 8:30pm

The Commission asked for clarification on the expanded home special permit request. Attorney Ziogas responded the 300 additional square feet will be on the rear of the house and not visible from the street.

The public hearing closed at 8:57 p.m.

Three-Lot Subdivision

Upon a motion made and seconded (Bandle/Canto) it was unanimously

VOTED: To approve the Carrier Holdings LLC application for three-lot subdivision of 34 West District Road, R30 zone as presented with the condition the applicant address comments dated February 6, 2024 to the satisfaction of staff.

Special Permit Re Expanded Home Regulation

Upon a motion made and seconded (Bandle/Canto) it was

VOTED: 4 in favor (Bandle, Canto, Polsky, Tucci) to 2 opposed (Halstead, St. Germain) to approve the Carrier Holdings LLC application for special permit to construct three new homes in excess of 3,200 sq. ft., not to exceed 2,700 sq. ft. finished living area and 3,500 sq. ft. total area each at 34 West District Road, R30 zone.

Commissioners voting in favor of the special permit agreed that from the street the increase from 2,400 sq. ft. to 2,700 sq. ft. will not be noticeable.

Special Permit for Consideration of Historic Factors

Upon a motion made and seconded (Bandle/Canto) it was unanimously

VOTED: To approve the Carrier Holdings LLC application for special permit for consideration of historic factors to demolish all existing structures at 34 West District Road, R30 zone.

Commissioners voting in favor of this special permit agreed the application had sufficiently demonstrated the need to demolish the structures given their condition.

OLD BUSINESS

Michael Lavoie – 12 Winthrop Drive

Application for a special permit for home business to keep poultry and raise rabbits at 12 Winthrop Drive, R9 zone. Public Hearing Closed January 22, 2024. The Commission reviewed their comments/concerns with the number of animals on this property and whether or not it complied with the requirements of the zoning regulations for home business.

Poultry

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

VOTED: To approve the Michael Lavoie application for special permit to raise up to twenty (20) poultry at 12 Winthrop Drive, R9 zone with the following conditions:

1. The total number of poultry shall not exceed 20 to comply with Article II, Section 1.B.17;
2. The applicant has six (6) months to rehome any poultry in excess of 20;
3. Male poultry is prohibited; and
4. Food and waste management practices will be implemented in a manner so as to not cause odor, attract flies or attract vermin.

Rabbits

Upon a motion made and seconded (Carrier/St. Germain) it was unanimously

VOTED: To approve the Michael Lavoie application for special permit to raise furbearing animals (rabbits) at 12 Winthrop Drive, R9 zone with the following conditions:

1. The total number of rabbits shall not exceed 20;
2. Rabbit hutches shall be a minimum of 10 feet off the west property lines;
3. The applicant has one year to reduce the number of rabbits to 20; and
4. Food and waste management practices will be implemented in a manner so as to not cause odor, attract flies or attract vermin.

Home Business

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

VOTED: 0 in favor to 6 opposed (Bandle, Canto, Carrier, Halstead, St. Germain, Tucci) to approve the Michael Lavoie application for special permit for home business to breed and sell rabbits at 12 Winthrop Drive, R9 zone. The motion failed and this special permit is denied.

PLANNER'S REPORT (9:54 pm)

499 Farmington Avenue

Orthopedic Associates is replacing/relocating their sign at 499 Farmington Avenue. The new sign complies with the zoning regulations and is being presented to the Commission to confirm they do not have concerns with the change. The Commissioners agreed staff can let the sign proceed through the building permit process.

55 Mill Street

Amped Fitness is replacing their sign due to a name change to Ampz Fitness. The new sign complies with the zoning regulations and is being presented to the Commission so they are aware of the change. The Commission concurred this can proceed directly to building permit.

55 Mill Street

Flavors of Nawab is replacing their sign due to a name change to Bollywood Dreams. The new sign complies with the zoning regulations and is being presented to the Commission so they are aware of the change. The Commission concurred this can proceed directly to building permit.

1600 Southeast Road

Esporta Fitness at 1600 Southeast Road is changing the name of the business to LA Fitness. The signs will be updated and remain in compliance with the zoning regulations. The Commission concurred this can proceed directly to building permit.

MINUTES

January 22, 2024

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

VOTED: To approve the January 22, 2024 Town Plan & Zoning Commission meeting.

The meeting adjourned at 10:04 p.m.

SJM