

TOWN PLAN AND ZONING COMMISSION
PUBLIC AND REGULAR MINUTES

July 11, 2016

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

Secretary Doeg read the legal notice into the record.

Chairman Dunn explained the process of the meeting to the public.

EXECUTIVE SESSION – Pending litigation Cutler, King and Lawson vs. Town of Farmington and Gretchen Hall v. Town of Farmington Plan and Zoning Commission

Upon a motion made and seconded (Brenneman/Fraprie) at 7:02 p.m. it was unanimously VOTED: To enter into Executive Session as permitted by Connecticut General Statutes Section 1-225 (a) for the purpose of an update regarding pending litigation.

Upon a motion made and seconded (Doeg/Fraprie) at 7:18 p.m. it was unanimously VOTED: To come out of Executive Session. Chairman Dunn stated that any motion to approve this settlement agreement by this Commission with by the subject of a hearing before Judge Marshal K. Berger, Jr. on August 11, 2016 at 10 am at Hartford Superior Court, 95 Washington Street, Hartford, CT – Room 111.

NEW BUSINESS

Settlement Agreement – Regarding pending litigation Cutler, King and Lawson vs. Town of Farmington and Gretchen Hall v. Town of Farmington Plan and Zoning Commission for property located at 15 Prattling Pond

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

VOTED: To approve the Settlement Agreement (Execution Version 6/1/16) regarding pending litigation in the matters of Cutler, King and Lawson vs. Town of Farmington and Gretchen Hall v. Town of Farmington Plan and Zoning Commission for property located at 15 Prattling Pond as presented. Note: Any vote to accept the recommended settlement of these zoning appeals will be the subject of a hearing before Judge Marshal K. Berger, Jr. on August 11, 2016 at 10 am at Hartford Superior Court, 95 Washington Street, Hartford, CT – Room 111.

PUBLIC HEARINGS

Bristol Farms LLC – 398 and Lot 8787 Scott Swamp Road

Special permit and site plan approval to expand off-site parking lot located at 398 and Lot 8787 Scott Swamp Road, R12 zone. The applicant requested this matter be continued to the June 25, 2016 meeting.

Keith Lagassey – 33 Fairlawn Street

Special permit application to construct new house in excess of 2,400 sq. ft. at 33 Fairlawn Street, R20 zone. Mr. Lagassey would like to construct a 3,026 sq. ft. house on the .42 acre site. The house at 29 Fairlawn Street is 2,546 sq. ft. living area with 680 sq. ft. garage. Homes at the end of the street on Centerbrook Drive are of similar size as well. Mr. Lagassey noted that all roof leaders will discharge into a Cultec system. A detailed drainage report was submitted with his application. The Commissioners asked for clarification on the size of homes in the immediate area.

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

The public hearing closed at 7:28 p.m.

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

VOTED: 4 in favor to 2 opposed (Brenneman, Tucker) to approve the application for special permit to construct a new house in excess of 2,400 sq. ft. at 33 Fairlawn Street, R20 zone as per plan presented and on file in the Planning Office.

Sushila Lamsal – 17 Depot Place

Special permit application for retail use (Asian/Indian grocery store) located at 17 Depot Place, C1 zone. Ms. Lamsal stated she would like to open a small Asian/Indian grocery store at this location. The space she would like to lease is located at the south end of the building occupied by a shoe repair business and barber shop. Ron Dahle, owner of the building, was present. Commissioners asked for clarification on parking. Town Planner Warner explained the 1,000 sq. ft. building is a non-conforming use so there is not enough parking to meet the current zoning requirements; however, there seems to be sufficient parking around the building available. Mr. Dahle stated there are twelve dedicated spaces in front of the building and six behind the building for employees. Ms. Lamsal responded to a request for hours of operation with summer hours of 10 a.m. to 8 p.m. and winter hours of 10 a.m. to 6 p.m., seven days a week. Mr. Dahle said the building has recessed lighting. There was some further discussion about parking, striping the parking lot, handicap parking and the propane tank. Mr. Dahle was asked if the propane filling station was active. He responded no and that he does not have plans to make it active at this time. Commissioners expressed concern with parking and safety of the propane tank.

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

The public hearings closed at 7:38 p.m.

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

VOTED: To approve the application for special permit for retail use (Asian/Indian grocery store) at 17 Depot Place, C1 zone with the following conditions (as amended by Fraprie/Tucker):

1. Fountain drinks and food prepared for consumption on site are prohibited;
2. The parking lot shall be striped and include handicap parking; and
3. Bollards shall be installed around the propane tank.

Nutmeg Public Access Television – 9 Eastview Drive

Special permit application to waive 10% landscape requirement for expansion of parking lot located at 9 Eastview Drive. Joanie Sutter, Executive Director, Nutmeg Public Access Television, handed out photos of the site depicting the original front entrance to the building. The original entrance was moved for security reasons and because of access issues for handicapped and elderly clients in addition to issue equipment pickup and parking issues at the original entrance. They would like to remove the landscape island directly across from the current entrance to the building. This change will provide four additional parking spaces. White pine trees along the property line will remain. No other changes are proposed for the site at this time.

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

The public hearing closed at 7:42 p.m.

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

VOTED: To approve the application for special permit to waive 10% landscape requirement for expansion of parking lot located at 9 Eastview Drive as per plan presented and on file in the Planning Office.

Cumberland Farms Inc. – Text Amendment

Application for amendment to the zoning regulations Article IV, Section 7.K.11. Prohibited Signs. Attorney Joe Williams presented the proposed text amendment that would allow certain gasoline filling stations to replace their existing, manually updated price signs set on top of the gas pumps with identically sized LED pump toppers. He went on to explain the Connecticut Department of Consumer Protection, in November 2015, amended their regulations to permit prices to be displayed using an electronic display with light-emitting diode technology (“LED”). Since that time, Cumberland Farms has been trying to work toward changing their pump toppers throughout the State. The proposed text amendment to Article IV, Section K.11. reads: *Signs with LED or LCD letters or symbols, except public service signs owned and operated by the Town of Farmington and located on Monteith Drive and limited to announcing public events and news alerts, and in the B1 zone only, price display signs that comply with Section 16a-15-9 of the Regulations of CT State Agencies and are no more than 2.25 square feet in surface area may be affixed to the top of fuel dispensers situated perpendicular to the road at gasoline filling stations otherwise conforming to these regulations and located along a state highway, using illuminated white numbers viewed on an electronic display using light-emitting diode (“LED”) technology with a black background, provided the price display signage does not create glare beyond the property lines or create a danger to vehicular traffic, and further provided that the Commission shall approve the LED intensity and brightness for each such sign in conjunction with an application for sign approval.* Attorney Williams suggested other restrictions and that the intensity and brightness of the signs can be adjusted. Commissioners expressed concern with brightness, number of signs, that the proposed amendment would only allow Cumberland Farms

to have these signs. Carolyn Parker provided a sample sign to demonstrate the intensity/brightness of the LED sign. The reasons for the proposed amendment were stated as safer for employees and that it is more economical and better for business.

Scott Coughlin, 27 High Street, asked about other types of screens to reduce glare and intensity. Attorney Williams responded they do not have the technology yet.

The public hearing closed at 8:11 p.m.

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

VOTED: 0 in favor to 6 opposed to approve the application for amendment to the zoning regulations Article IV, Section 7.K.11. Prohibited Signs and the sign application.

NEW BUSINESS

Cumberland Farms Inc. – 352 Scott Swamp Road

The proposed sign application does not comply with the Zoning Regulations and was denied with the proposed text amendment.

5 Corners-Farmington Associates LLC – Informal Discussion

Attorney Robert Reeve, Scully, Nicksa & Reeve, introduced the informal discussion regarding development of four parcels at the northeast corner of Colt Highway and Birdseye Road. This property is just under two acres and is zoned R20. They do not feel constructing four residences and additional curb cuts on the State highway are the best use of this location. The Plan of Conservation and Development prohibits further commercial development at this location but suggested modifying the Plan to allow commercial development at this site excluding automotive uses. Michael Cegan, Richter & Cegan, presented a concept plan to zone the parcels B1 for a restaurant/retail building. The building would be located close to the intersection with parking toward the adjacent residential properties. Kwesi Brown, P.E, PTOE. Milone & MacBroom, spoke about traffic access to the site, proximity of site access to the intersection and provided general traffic information. Comments made by the Commission were hours of operation impact on the adjacent residences; lighting; and consider a more traditional looking building.

729 Farmington Avenue – Informal Discussion

Attorney Daniel Kleinman, Hinkley Allen, introduced the informal discussion for possible future development of luxury rental homes at 729 Farmington Avenue. Bill Crosskey, Crosskey Architects, stated the plan would restore and preserve the existing house and carriage house. Four additional buildings were shown on a schematic plan providing, with the existing house, a total of 64 luxury rental units. Mike Galante, Frederick P. Clark, provided general traffic information for the site. The façade of the new buildings would be in keeping with the existing house. Sidewalks would connect to Farmington Avenue toward Brickwalk Shops and the Center. They have met with the Department of Transportation and have preliminary support. Comments from the Commission were traffic concerns, elevators in the buildings and density.

PLANNER'S REPORT

No Planner's Report.

MINUTES

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

VOTED: To approve the minutes of the June 27, 2016 meeting.

The meeting adjourned at 10:03 p.m.

SJM