



DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION
REPORT: Firehouse Fence Deviation at 25 Blue Hills Avenue
 for consideration May 24, 2022

STAFF REPORT

TO: Planning & Zoning Commission
PREPARED BY: Paul Ashworth, Senior Planner
paul.ashworth@hartford.gov

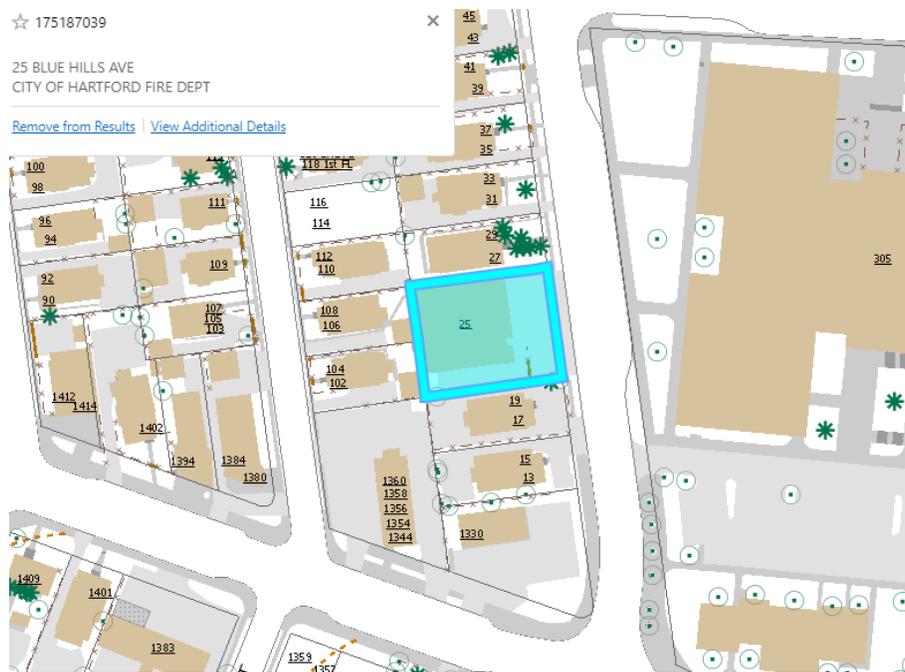
PROJECT: Blue Hills Fire Station Fence Deviation
 25 Blue Hills Avenue
 PARCEL ID: 175-187-039
 P&Z-COMM-2022-0613

ZONE: N-2-3, Neighborhood District

TYPE: Request for Special Permit for a Site Plan, pursuant to Section 1.3.4 and Section 6.13.5, including the installation of an 8’ chain link fence with privacy slats, where only 4’ is permitted in the front yard and chain link is otherwise not permitted.

APPLICANT: City of Hartford c/o Michael Kwok

OWNER: City of Hartford Fire Department



Overhead View – Hartford GIS 2022

BACKGROUND INFORMATION

The City of Hartford is replacing the fuel tank at the fire station located at 25 Blue Hills Avenue. As part of that scope of work the fencing used to secure and screen the fuel pump is proposed to be moved closer to the public right-of-way in the front yard. The existing eight (8) foot high chain link fencing was approved in 1988. See Figure 1 below showing a section of the original plan from 1988 (the entire plan is attached to this report as Attachment 1). With the City's adoption of new zoning regulations in 2016, the subject fencing was rendered nonconforming. As of today, the nonconforming fencing is not permitted to be moved, unless it is also brought into conformance. The regulations today do not permit chain link as a fence material in the front yard, and the Regulations would require some sections of the proposed fence be brought down to a height of four (4) feet with a minimum 50% transparency. The applicant has proposed to move the fence and pursue a fence deviation per Sec.6.13.5 in order to permit the new fencing at the same eight (8) foot height with the same material (chain link).

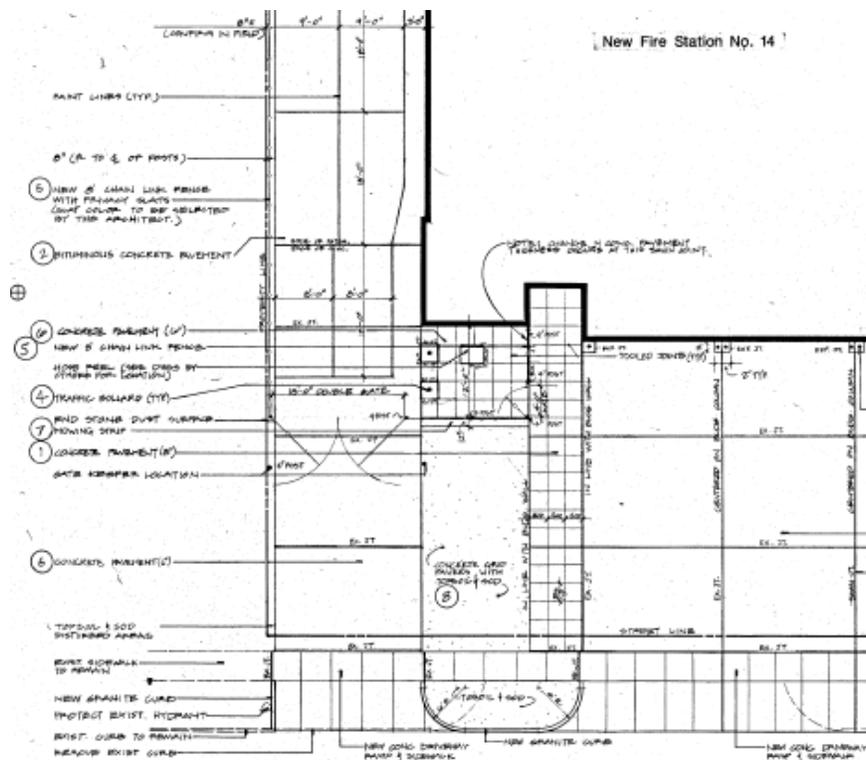


Figure 1. Plan approved in 1988 showing the fuel tank, pump and 8' chain link fencing – Smith Edwards Architects 1988

The subject property is not designated historic or within a historic district. At the time of the 1988 site plan, the property received approval for four (4) variances to facilitate the construction of the firehouse building: a reduction to the required lot area, lot occupancy, northerly side yard and rear yard requirements.

KEY APPLICATION TIMELINES

- Application Submission Date: April 6, 2022
- Date Application Accepted as Complete: April 6, 2022

- Application Date of Receipt: April 26, 2022 (sooner of either: date of next regularly scheduled meeting, or 35 days after acceptance of complete application)
- Public Hearing is scheduled to open on Tuesday, May 24, 2022; Open Hearing Deadline: June 30, 2022.
- Close Hearing Deadline (if opens May 24, 2022): (35 days after opening) Tuesday, June 28, 2022
- CT General Statutes Sec.8-7D allow that the applicant may consent to one or more extensions of time, provided the total extension of all time periods shall not be for longer than 65 days.

LEGAL STANDARD

Standard for Application Type:

The Commission reviews site plans in accordance with Zoning Regulations section 1.3.3. Site plans may be modified, conditioned, or denied only if they fail to satisfy the zoning regulations, inland wetland regulations, or subdivision regulations. The Commission may deviate from the minimum requirements for building siting, height, street facades, accessory structures dimensions, tree installation, landscape installation, buffers, fencing, lighting, parking, signage, and street design by up to 15% upon certain findings.

The Commission reviews special permits in accordance with Zoning Regulations section 1.3.4. Special permits may be approved, approved with conditions, or denied. Considerations the Commission may weigh in special permit review include: harmony with the plan of conservation & development; compliance with the purposes of the district; effect on existing development; creation of safety hazards in vehicular and pedestrian circulation; effects on traffic; compatibility with adjacent properties; suitability of arrangement of buildings, open space, and provision of light and air; impact on essential services; impact on stormwater runoff; impact on city services and infrastructure; tree and landscape provision; and pedestrian amenities. The Commission may deviate from the minimum requirements for building siting, height, street facades, accessory structures dimensions, tree installation, landscape installation, buffers, fencing, lighting, parking, signage, and street design by up to 15% upon certain findings.

STANDARD SPECIFIC TO THE USE

Section 1.5.4.F Moving of Nonconforming Structures – No non-conforming structure may be moved to any other part of a parcel of land upon which the structure is manifest, except those required by law or ordinance or such as may be required for safety.

Section 6.12.2 Screening Requirements

B. Utility Appurtenances Screening Requirements – Large (greater than 4’ in height) private mechanical equipment shall be fenced with opaque wood or brick-faced masonry on all sides facing right-of-way.

Section 6.13.3 Types & Materials

B. Chain link, plastic, and vinyl fencing are prohibited in any front yard or corner side yard in any district and shall not satisfy fencing requirements of 6.12.

Section 6.13.5 Deviations – Notwithstanding the provisions of these fence requirements, the commission can approve deviations of these regulations as a special permit to an overall site plan.

**Plan of Conservation & Development
Green400**

- **Resiliency** – Hartford has begun to plan for resiliency, that is, the ability to recover quickly when problems arise. Ensuring that Hartford families and businesses are resilient during and after power outages, food shortages, drought, infestation, and other threatening conditions can ensure the city thrives.
- **Plan for flexible transportation during emergencies.**
- **Advance the regional natural hazard mitigation plan.**

FINDING OF FACTS

Existing Conditions

- 2,000-gallon underground fuel tank in the front yard.
- Fuel pump and nozzle in front yard
- 8' chain link fence with privacy slats encloses the fuel pump in the front yard and continues to the western property line and then along the western property line to the rear of the site.

Proposed Conditions

- Replace existing underground fuel tank with an ~7.5' tall above ground 2,000-gallon fuel tank with integrated pump and nozzle.
- New tank will occupy more above ground space, but will condense the number of appurtenances over all.
- New 8' chain link fence is proposed in the front yard enclosing the above ground tank and the side yard parking in a similar configuration.
- The new 8' chain link fence will be ~9' closer to the front property line than the existing.
- Nine (9) concrete bollards will also line the outside of the fuel tank enclosure.
- Existing 8' chain link fence surrounding the parking area in the side yard will be extended forward ~9' in-line with the fuel tank enclosure.



Figure 1. View of existing fuel tank and pump area from Blue Hills Ave – Hartford Staff 2022



Figure 2. View of side yard parking area adjacent to existing pump & tank area – Hartford Staff 2022

COMMENTS RECEIVED (DEPARTMENTS, AGENCIES, NRZs, PUBLIC)

The Blue Hills NRZ was notified of the subject request on May 4, 2022. The Blue Hills NRZ responded the same day asking for a presentation at the upcoming NRZ meeting on May 5th. The applicant's point of contact confirmed that they attended the meeting but that "Firehouse 14 did not get brought up during the NRZ meeting." As of this writing no comments have been received from the NRZ.

The Department of Public Works, in coordination with the Fire Marshall and the City's consultant submitted a justification statement for the proposed design of the fence and fuel tank. Please find the complete justification statement attached to this report as Attachment 2.

ANALYSIS

The proposed fencing is the subject of this special permit. The applicant has requested a deviation to the fence standards of Section 6.13. The replacement fuel tank could be permitted administratively as a one-for-one replacement of a nonconforming structure. Fuel pumps are not permitted in the N-2-3 district, but the existing pump and tank were approved in 1988 and the property will retain the right to such a structure in that location in perpetuity until it is abandoned. The fuel tank is also part of a larger resiliency strategy consistent with the Plan of Conservation & Development (POCD). The presence of a satellite fueling site provides additional capability and flexibility to emergency services in the event of a citywide emergency or disaster.

The proposed fencing is in many ways a direct replacement as well. The existing nonconforming 8' high, chain link fencing with privacy slats was approved in 1988 and has the same nonconforming rights as the fuel pump and tank. However, the proposed plan would move the fencing ~9' towards the right-of-way. Section 1.5.4 of the Regulations states generally that no non-conforming structure may be moved. The intent of this plan to move the fencing triggers the requirement that the relocated fencing come into compliance with the current regulations.

Section 6.12 "Screening of Necessary Appurtenances" requires that large accessory mechanical equipment, such as a fuel tank, be fenced with opaque wood or masonry of a height equal to the equipment, on all sides facing a right-of-way. In this case, because the fuel tank and pump are approximately 7.5' tall, Section 6.12 would require a fence at the proposed height and opacity. On its face this is a justification for this part of the deviation. However, staff find that chain link fencing with privacy slats is not consistent with the intent of the regulations as it relates to design using high quality materials for improved relationship of the pedestrian to the built environment. Further, accessory utility structures are generally required to be located in the rear or internal side yards. The nonconforming location of this accessory utility structure makes the screening for this structure more visible and of more importance than most screen fences. Staff recommend a masonry wall designed to emulate the aesthetic of the primary structure be used to screen the fuel tank. A masonry screen wall would provide an inflammable, appropriate façade for the nonconforming accessory utility structure. It would be located ~22' from the sidewalk, still providing for visibility. The masonry alternative would also satisfy many of the same justifications used by the Department of Public Works (DPW) and the Fire Marshall for the chain link fencing such as the safety, security and level of flammability of the proposed screen fence. The wall could be softened with a planting bed in front of it.



Figure 3. Aerial view of subject property with existing utility screening fence shown – Eagleview 2022

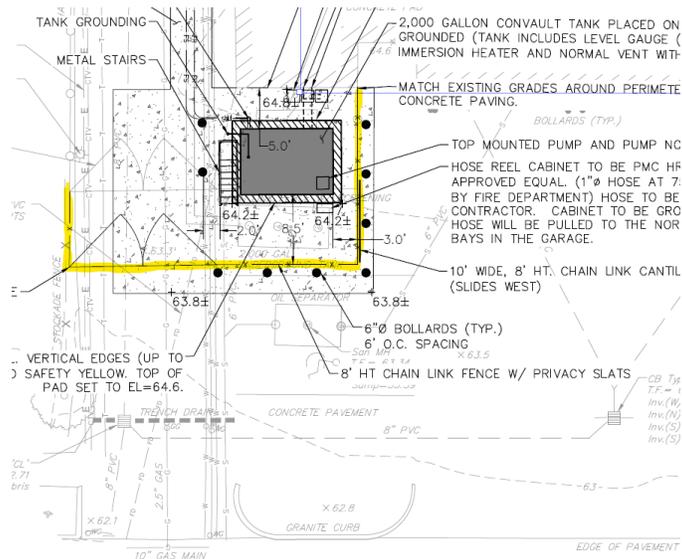


Figure 4. Site plan excerpt showing location of proposed fencing highlighted – Freeman Companies 2022

Included in the ~30' span of fencing under review is the vehicle gate which encloses an area that is used for on-site parking. This gate does not directly obscure the accessory utility structure and is therefore not subject to the additional height and opacity provision of Section 6.12 "Screening of Necessary Appurtenances". The standard requirements of the regulations permit fencing made of wood, metal (non-chain link) or

masonry in the front yard with a maximum height of 4' and a minimum transparency of 50%. The applicant has stated that the position of the gate is important to the ease of access to the fuel pump. Staff find that the use of an 8' fence for the sole purpose of securing a parking area is incompatible with the scale of the N-2-3 district. While, staff recommend allowing the height deviation to continue across the whole 30' span for overall cohesion along the facade, staff also recommend that the gate be constructed using a higher quality material (such as metal) and in a way that meets the minimum transparency requirement. It should also be noted that parking is not permitted forward of the building. Moving this gate will have the effect of expanding the enclosed parking area. Staff recommend a condition of approval that the area within the enclosure that is forward of the building remain free and clear of parked vehicles.

STAFF RECOMMENDATION

Staff recommends approval of this application with the following conditions:

1. The chain link fence shall be able to be replaced at 8' provided that the replacement fence is a masonry wall and/or other high quality material that meets the intent of Section 6.12.
2. The chain link gate shall be able to be replaced at 8' provided that the replacement fence meets the transparency and material requirements of Section 6.13.3.
3. There shall be no parking forward of the building face. The enclosed front yard area shall be maintained free and clear of parked vehicles.

A draft resolution follows.

ATTACHMENTS

1. 1988 Approved Site Plan
2. Justification Statement
3. Proposed Site Plan last revised August 23, 2021

REVIEWED AND EDITED BY,

Aimee Chambers, Director



CITY OF HARTFORD
PLANNING & ZONING COMMISSION RESOLUTION
25 BLUE HILLS AVENUE
SPECIAL PERMIT FOR FENCE DEVIATION AND SITE PLAN

- Whereas,** The City of Hartford Planning & Zoning Commission reviewed the application and attached documents regarding the request for a Special Permit for a Site Plan, pursuant to Section 1.3.4 and Section 6.13.5, including the installation of an 8’ chain link fence with privacy slats, where only 4’ is permitted in the front yard and chain link is otherwise not permitted; and
- Whereas,** The subject property is located in the N-2-3, Neighborhood district; and
- Whereas,** Section 6.13 allows (non-chain link) fences of up to 4’ in height and minimum 50% transparency in the front yard; and
- Whereas,** Section 6.12 requires that in conjunction with any large accessory utility appurtenance (such as a fuel tank) that an opaque screen fence made of wood or masonry, the same height of the utility appurtenance, be installed on any side facing a right-of-way; and
- Whereas,** Section 6.13.5 states that the commission can approve deviations to the fence regulations as a special permit to an overall site plan; and
- Whereas,** The subject application is for a special permit to an overall site plan that includes the removal of an underground 2,000 gallon fuel tank and the installation of an ~7.5’ tall, above ground, 2,000 gallon fuel tank in the front yard with screen fencing; and
- Whereas,** The existing 8’ tall, chain link fence with privacy slats was approved and installed in 1988 and today stands as a nonconforming structure; and
- Whereas,** The applicant has proposed to keep and extend the existing 8’ tall chain link fence with privacy slats to satisfy the screen wall requirement around the fuel tank; and
- Whereas,** The Department of Public Works and the Fire Marshall have contended that the material and height are necessary to secure the tank consistent with federal regulations, maintain clear and swift access to the tank, and provide a screen from the right-of-way that is also

not of a flammable nature; and

Whereas, The expansion or moving of a nonconforming structure such as the existing fence is not permitted per Section 1.5.4 of the Regulations, however the fence deviation power granted by Section 6.13.5 allows the Planning & Zoning Commission to approve the proposed fencing with a finding that the request is consistent with the Special Permit requirements of Section 1.3.4; and

Whereas, The Plan of Conservation & Development (POCD) states in the Green400 element that the City shall take steps to ensure a quick recovery after power outages, food shortages, drought, infestation, and other threatening conditions, and to plan for flexible transportation during emergencies; and

Whereas, The presence of a satellite fueling site provides additional capability and flexibility to emergency services in the event of a citywide emergency or disaster; and

Now therefore Be It

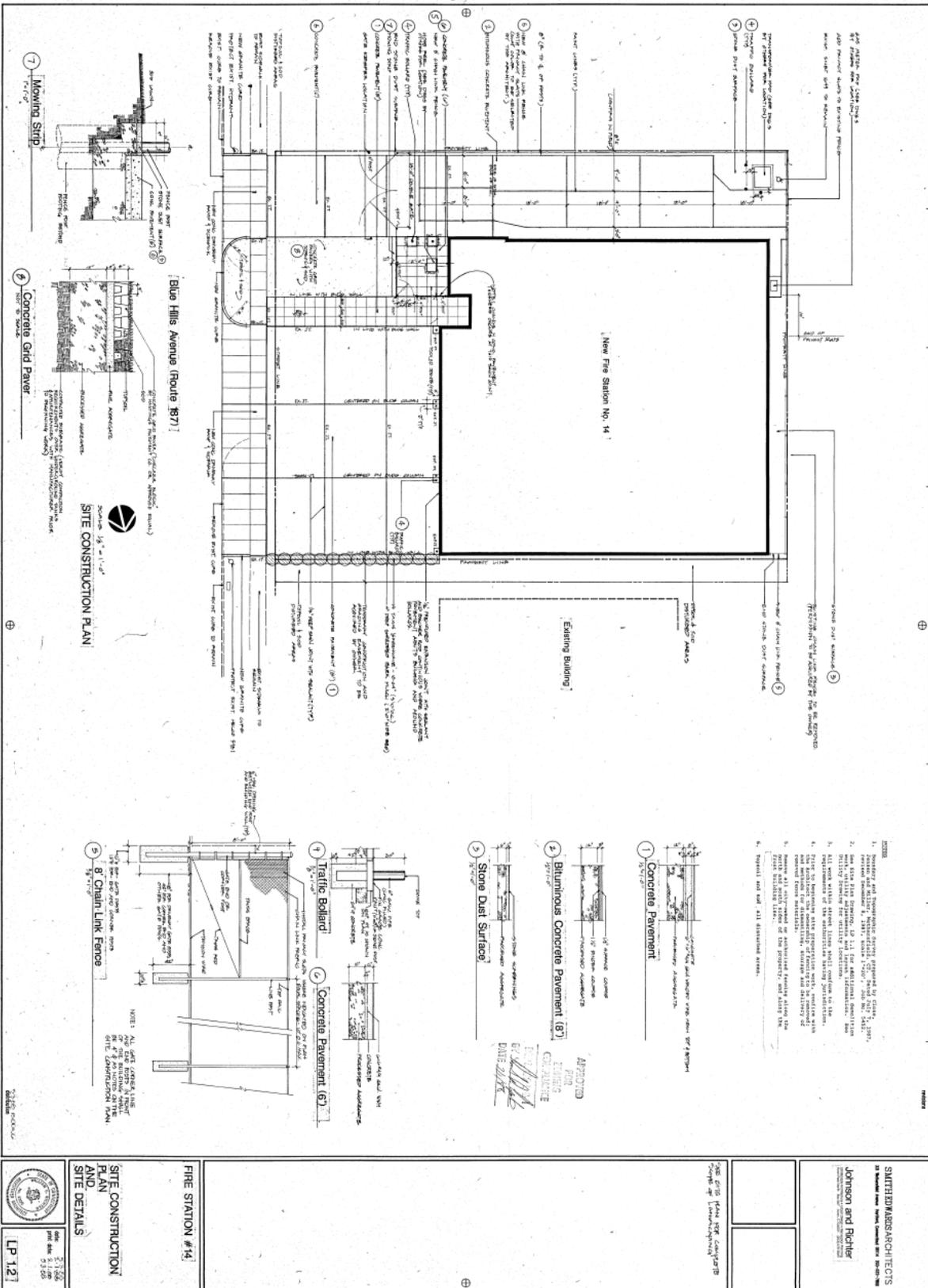
Resolved, The City of Hartford Planning & Zoning Commission hereby **denies/approves** the request for a Special Permit for a Site Plan, pursuant to Section 1.3.4 and Section 6.13.5, with the following conditions:

1. The chain link fence shall be able to be replaced at 8' provided that the replacement fence is a masonry wall and/or other high quality material that meets the intent of Section 6.12.
2. The chain link gate shall be able to be replaced at 8' provided that the replacement fence meets the transparency and material requirements of Section 6.13.3.
3. There shall be no parking forward of the building face. The enclosed front yard area shall be maintained free and clear of parked vehicles.

Be It Further,

Resolved, This 24th day of May, 2022.

Attachment 1 – 1988 Approved Site Plan



Attachment 2 – Justification Statement

5/17/2022

Firehouse #14 – Fencing & Impervious Cover Justification Study

Fire Station Fueling Locations – In the past, the Fire Department had three Fire Stations (#2, #10 & #14) with underground fuel storage tanks (UST). The existing UST's are reaching or have exceeded their design life requiring their removal. Public Works (DPW) inquired if the fueling operations at the three fire stations could be removed and future fueling operations take place at the DPW's Yard located at #40 Jennings Road. The Fire Department decided that the fueling at Firehouse #2 could be removed but the fueling operations must be maintained at Firehouses #10 and #14. The reasoning provided included:

1. Response time / coverage – If there was only one fueling location, vehicles from the south and western parts of the City would have to travel to Jennings Road. This would take the vehicles out of their service areas resulting in longer response times. Firehouse #2 was determined to be close enough to #40 Jennings Road that response times would not be adversely impacted so the fueling operations were removed at this site.
2. Redundancy – Having two additional fueling operations located at different sites throughout the municipal limits would provide alternate locations that could be utilized in the event of an emergency when the central fueling operations at #40 Jennings Road is out of service.

DPW decided to utilize above ground fuel storage tanks (AST) versus installing replacement USTs due a number of benefits of ASTs over USTs including:

1. Environment – ASTs allow for early detection of leaks as the tank can be visually inspected. Any issues can be corrected or addressed to significantly reduce the possibility of contamination of the environment. Early detection and ease of access results in less expensive cleanups and corrective actions.
2. Tank lifespan – ASTs have a longer life span as USTs are more susceptible to corrosion.
3. Possibility of relocation – In the event that work is required at a Fire Station or the Fire Department's operations are relocated, an AST can be relocated.
4. Maintenance – the maintenance of an AST is easier and less costly than an UST.
5. Regulations- Federal and State Environmental regulations are less restrictive with ASTs.

Fuel tank fencing

1. The use of an AST resulting in more than 1,320 gallons of fuel stored above ground results in the need for a Spill Prevention, Control and Countermeasure (SPCC) plan for the site. The SPCC regulations is a federal requirement. One of EPA's top priorities is to prevent, prepare for, and respond to oil spills that occur in and around inland waters of the United States. One of the major elements of the SPCC rule is the need for security measures for the AST. The proposed fencing is necessary to comply with this requirement.
2. The height of 8' is based on the height of the proposal tank for the Firehouse and appurtenances on top including but not limited to the pump, vent, etc. The main reason is for screening and security purposes. The material is proposed to be metal because it is more durable and noncombustible being near a fueling area. The location is directly above the current underground tank that needs to be removed. It cannot go to the side yard due to access required to the side and rear which is reserved for staff parking.

Side yard fencing –

1. The side yard is consistent with the front face of the screening required for the fuel tank. The location is consistent with allowing the fire fighters access to all sides of the tank which is desirable for safety. The height is matching existing and continues the screening of the fueling equipment as well as the parking in the side and rear.

Impervious Coverage –

1. Due to the nature of the fire truck turning movements in and out and fueling operations, it is required to have a hard-durable surface. Grass in the tree belt or front are at this site is not practical and will most likely be destroyed unintentionally from normal operations at the facility. The front is also needed for staff parking as it is at a minimum at this site.

