

WETHERSFIELD PLANNING AND ZONING COMMISSION

PUBLIC HEARING AND MEETING

February 17, 2016

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, February 17, 2016 at 7:00 p.m. in the Wethersfield Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

1. CALL TO ORDER

Chairman Harley called the meeting to order at 7:01 p.m.

1.1 ROLL CALL AND SEATING OF ALTERNATES (5 members required for a quorum)

Member Name	Present	Absent	Excused
Thomas Harley, Chairman	√		
Antonio Margiotta, Vice Chairman	√		
Richard Roberts, Clerk	√		
James Hughes			√
George Oickle	√		
Joseph Hammer			√
Anthony Homicki	√		
Thomas Dean	√		
Ryan Allard	√		
Leigh Standish (alternate)			√
Yolanda Antoniak (alternate)	√		

Chairman Harley noted at the time of roll call that there are eight (8) members present. Chairman also explained how the meeting shall be conducted with an explanation of the rules and procedures.

Also present were: Peter Gillespie, Town Planner/Economic Development Manager & Denise Bradley, Assistant Planner.

Members of the Public were Present

2. OLD BUSINESS

There was no old business to discuss at this meeting.

3. NEW BUSINESS

3.1 PUBLIC HEARING APPLICATION NO 1896-16-Z Lucas Kyriakos seeking a Special Permit in accordance with Section 5.2 of the Wethersfield Zoning Regulations to amend Application No. 1700-10-Z, 1723-10-Z and 1857-15-Z at 222 Main Street (Lucky Lou's).

Chairman read the Application and asked the Applicant to step forward to present the application.

Attorney Fatima Lobo representing Mr. Lucas Kyriakos stating they were here last year for a 5 year approval that expired on 12/31/15 and extended through the seasonal outdoor dining, music/entertainment. Some valid concern regarding noise was raised. The hours of operation are Sunday through Thursday until 10 p.m. and Friday and Saturday until 11 p.m. The attorney indicated that they have not received any reports regarding the noise levels and have addressed all the legitimate concerns. She stated the applicant addressed them by testing decimal levels and tried to be vigilant about the entertainment regarding the types of music he takes into the restaurant. The applicant has his own method of determining decimal levels to be sure they are not above the legal levels. Improvements to the property have been made to the handicap ramp and the patio area. They are requesting that rather than come back each year, they would like a 5 year extension, since the investments in 222 Main Street have been great and would like to invest more if the 5 year extension is granted. Attorney Lobo indicated that they had a good year and noted The Hartford Magazine article garnered good attention to the area and stated that the patio is a huge portion of the income. The applicant is looking forward to working with the Historic District Commission to make future improvements to the patio. The applicant draws most business on Friday and Saturday, weather permitting. Applicant does want to invest in the building and in Wethersfield and wants to have the option to have music. Attorney stated her client will answer any specific questions and Lucas Kyriakos took the podium with his attorney.

Chairman Harley said for the record in a memo dated February 12, 2016, Planner Gillespie did summarize the previous three permits and history and what has been going on.

Commissioner Homicki said he thought Mr. Gillespie's reconciliation of the last 5 years summarized things very well and that Lucas, the applicant, has maintained and achieved everything that has been approved. Mr. Homicki said that there were no violations in 2015 and that is a compliment to the applicant. Commissioner Homicki is happy that we are here tonight before the season, April/May, and asked Attorney Lobo if she has read or seen this documentation.

Attorney Lobo has not seen documentation that is bringing forward to 2015. Discussion ensued by attorney on past meetings.

Commissioner Homicki summarized a possible six stipulations.

Commissioner Roberts questioned the last item, noise issues, and the applicant mentioned he had developed a system to monitor noise and the Commissioner asked can you address what you did do to implement the noise issue?

Attorney Lobo responded that applicant purchased his own decimal reader so he can spot check and is more mindful of the acts he hires. Mr. Kyriakos commented that he does a sound check with the bands, with the decimal meter he purchased. Prior to the bands going live Lucas monitors the bands volume. The hardest part is when you get 100 people or so on the patio that adds to the volume it gets tricky so it gets loud the applicant stated. He had a good year and kept it in check. Applicant Lucas also addressed the tree issue indicating Ms. Sally Katz, Director of Physical Services is allowing him to put arborvitae in the back but does not think it will stop the volume, more eye candy for the property.

Chairman Harley said Planner Gillespie noted that complaints went down. It seemed that quality control did work with your meter and there were no actual violations in 2015, which was better than previous years. The last time the Commission went for the three year, we ended up last year with a number of violations so the Commission felt uncomfortable to consider a longer approval. Assuming a longer period of time is approved, discussion of how to put in a trigger mechanism to monitor the applicant's efforts enabling the Commission to come back, if there were violations.

Commissioner Roberts indicated that we did in 2012 give the staff the ability to issue an annual report card and if there were consistent violations of current conditions, we could issue a show cause hearing requiring the applicant to come back in with an explanation and show why we shouldn't invoke permit for violations of conditions.

Commissioner Dean asked what the rationale for extending is. Is it to amortize various improvements asking if the Applicant would provide what is planned and cost estimates figures and how that will improve the property. Attorney Lobo indicated he was already in the process of improving the property last time they were here. A loan was obtained from the Department Economic Development, so it is kind of a match. She continued saying the Historic District wants it to be more aesthetically pleasing and safer and already her client put his own dollars in. It is a process. She said historic means pricey. The applicant has already made an investment and the patio was built with her clients own funds and some matching funds from the State.

Mr. Kyriakos noted that the business loses money in January and February. Landscape wise there are plans on doing more. To operate the building, applicant keeps it going by booking bands, most bands want to book for the season, but the applicant cannot make that commitment since applicant must go back for permit yearly. It makes no sense to the applicant and costly to keep coming back from year to year.

Commissioner Oickle asked if applicant had interest in obtaining an approval for more than five (5) years. To which the attorney replied he absolutely would, although as a lawyer it doesn't work for me. However, applicant responded, of course he would, and he would go for seven (7) years. Attorney commented on the cost associated with booking solidly. More discussion ensued regarding hours and decimals; up to 10 o'clock 55 dp level and 45 dp level until 11 o'clock. Commissioner Oickle asked if applicant is asking to approve beyond eleven o'clock and Attorney Lobo discussed extending.

Commissioner Roberts reminded the attorney and applicant that it is up to Town Council and this Commission is not responsible for that.

Chairman Harley asked for additional questions and if anyone would like to speak on this application.

Maria Sipala, 36 Marsh Street, purchased the property 20 years ago never thinking she would be listening every night to live amplified music during the seasonal hours of operation (spring, summer, autumn) of Lucky Lou's until 11 p.m. Initially Ms. Sipala did not oppose the music permit nor did she realize how it would infringe on her life, her family. Ms. Sipala trusted that Lucas would be responsible and comply with requirements outlined in the permit, which included presumably by the Commission to preserve the environment and the ambiance of Old Wethersfield. Ms. Sipala indicated she understood the value of music to the business but that it should not be to the detriment of the neighbors. Ms. Sipala feels that Applicant Lucas doesn't

understand or care and should preserve the environment as the original permit suggested. It is more than just a nuisance; Ms. Sipala indicated that applicant paints a picture that Ms. Sipala just does not like music or has a hidden agenda. This is a complex issue and not black and white. Ms. Sipala asked the Commission if they would want to live next to live music three (3) seasons out of the year and you cannot escape the noise. Her home is the only single family house in close proximity to the restaurant indicating some of the other properties have some sound resistance due to her arborvitaes, garage and fences. Also, 26 Marsh Street has experience significant turnover. The people that are there are willing to live with the music for whatever reason. The agreement last year was made with caveats stipulating that Applicant Lucas would consult a sound engineer, he was going to put up sound barriers, and complete the planting of trees, and nothing has been done. Ms. Sipala indicated that she had to call police and it took police extended periods of time (40 to 60 minutes) to arrive, and therefore the police could not measure the decibels of noise. Ms. Sipala continuing indicating she pays significant amount of taxes, and that she is unable to enjoy reading a book on her porch since the music is so loud. In closing, she indicated that both need to compromise, suggesting to end it at ten instead of eleven, with non-amplified music, and put in trees as a sound barrier as originally issued. She feels the applicant has not been accepting of this. She feels these are reasonable solutions and we can live in harmony and come to a common agreement. Ms. Sipala is asking for these changes.

Commissioner Oickle asked Ms. Sipala what plantings she is requesting. Some say these do not attenuate the sound and asked for thoughts. Ms. Sipala said evergreens 6' would help and a sound barrier would make a huge difference, if the music is amplified.

Commissioner Homicki asked if it is typically 45 minutes for police to show up. Ms. Sipala indicated it depends on what they are doing. Stating she has encountered that more times than not. Commissioner asked does she have reason to believe this has a negative effect on your market value. Responding that it has and she is considering selling in a few years but will not be able to show the property on the weekend. Commissioner Homicki asked if she ever considered going to the Local Board of Assessment Appeals. She didn't realize that.

Chairman Harley requested to hear any other individuals. Also for the record, we did receive a letter from David Kelly, President First School Society dated 2/11/2016, who has no objection to Application 1723-10-2.

Amy Wittorff, 17 Center Street, Executive Director of the Wethersfield Historical Society. We do have an issue, it is not all black and white and the people that came up to speak do really care about Wethersfield. Ms. Wittorff said she understands and has experienced hearing music daily, since she lives near the Webb Stevens Barn. However, that goes with living in the kind of vibrant Historic District and that is her personal opinion. The Historical Society leases the Standish House from the town and sub-leases it to the applicant. He has invested considerable funds into the business. They find him to be an excellent tenant and the most successful restaurateur we have had there. The house directly next door to the patio is the Hurlburt Dunham House, a museum, and the second floor is occupied by a security tenant, Linda Wiles, 212 Main Street, who considers it a perk to live there. We are in favor of it.

Chairman Harley asked if anyone else would like to speak.

Antonio Lenoci, 281 - 146 Main Street stating he is all in favor of applicant but does understand the noise factor having lived at 123 Wolcott Hill Road. He did move due to the noise of traffic, not music, and placed tenants in the property. However, he indicated that it is something you need to deal with and it is a personal thing and felt that property value in the area is going up higher not down. His family is investing a lot of money in that area, as Lucas has. Mr. Lenoci is in favor of the application.

Attorney Lobo wished to address a few more things. Regarding the police response, she indicated there were 24 complaints and only 7 generated any kind of violation and some were minor decimal levels and the history is in the files. Further adding that Ms. Sipala just doesn't like it on a personal preference level and will not be happy no matter what we do; there is no perfection. She continued on that note commenting Ms. Sipala made five (5) separate complaints to police stating some time frames and her conversation ensued. Attorney Lobo saying it is not good that police were at his business. Also, she said that Peter Alter was mentioned as opposed to the music but he had a fiduciary responsibility to his client. I think it is appropriate to extend it to five (5) years. Conversation by attorney ensued restating previous arguments.

Chairman Harley discussed the last time the Commission talked about trees and they were to work it out with staff, nothing got done and how do we address that going forward.

Attorney Lobo indicated that arborvitaes do not fix everything, and they are not sound barriers. The trees somewhat divert the noise the other way. She further added, the only complaint is the one neighbor, who exaggerates and all we can only do is put a bubble around it.

Chairman Harley continued to ask the attorney if she can speak to the issues he put before her. Attorney Lobo indicated it will not work. At that point, the applicant came to the podium to address the issue stating that he did reach out to the attorney and they never got back to us and secondly the town did take down some trees. Last week, Sally Katz did get back to the applicant giving permission for the trees to be planted. He further indicated that Ms. Cindy Hughes is trying to help find some mature trees but the noise will not be taken away. I will say I will do that. It will enhance the beauty but will not take away the noise.

Chairman Harley said thank you and that he was looking for that in regard to putting in trees. Applicant Lucas discussed the wind factor in the area and then reiterated that he wanted another five (5) to seven (7) year extension maybe (ten) 10 years. He will not do anything that will take away from his business and he is sorry if I have offended one home two houses away.

Commissioner Dean commented that he was sympathetic to the application submitted. The troubling factor is various kinds of recommendations floating around for years now in regard to the sound attenuated issue is that they are all non-data, amateurish without any acoustical engineering expertise. Last time a strong recommendation was made to applicant that you engage a professional engineer for the purposes of obtaining an impartial acoustical engineer, professional engineer, who does it for buildings, architectural purposes, to examine the issue and make recommendations.

Mr. Kyriakos commented that he had various bands from the casinos that he spoke to. Commissioner Dean reiterated that it should be an impartial acoustical engineer that does this type of thing. Attorney Lobo said that it is an open space...and Lucas commented that music travels and a barrier behind will push everything stating that the speakers were pointed to the street.

Other than building a wall which he is not allowed to do, it will become more of a hazard, since it is hard to hold up walls and ceilings outside. Attorney Lobo stated, it is a huge amount of money, and then let's direct away from the person that is complaining and prefer that you are direct it to another person. She continued to conclude that the Commission was expressing more noise should go one way rather than another. Applicant Lucas noted walls will start to take away the beauty of the place.

Commissioner Dean said that he understands what they are saying but that everything you are stating is non-data based opinion. If the Commission had a report from a professional engineer that deals with acoustics, and reached the same conclusions as the applicant, at least we would then have as a foundation data base to make a formal opinion rather than an individual who is uninformed and based on predilections and biases and a lack of expertise.

Mr. Kyriakos asked regarding the decimals, which part of the application is he violating. Attorney Lobo indicated it was unreasonable to expect to pay thousands of dollars so that music can be diverted for one person to be made happy. In summarizing her perspective, the attorney indicated that there is no other complaint, based on the way applicant's attorney looks at the history on record referring to calls coming in after ten o'clock. The attorney further said that one of the Commissioners not here raised the issue of diverting the sound. Conversation ensued which was discussed previously regarding diverting sound, cost, decimal levels, calling police.

Commissioner Homicki indicated that he gave reference to the six items from before primarily because item number six (6) focuses on this one issue and made the comment, if he were a business owner looking for a 10 year approval for this type of application, he would be open to a permanent structure acoustical and it is possible for permanency. Commissioner Homicki proposed that we keep seven items in addition to annual report by the support staff. And, indicated that applicant did accomplish many things over the past year and the job is being done and instead of being defensive, be positive and see that progress is being made. Also that you accept the trees, which is some kind of a buffer.

Mr. Kyriakos responded, let's get a 10 year. Attorney Lobo replied a 10 year permit is different more conversation ensued.

Commissioner Homicki asked them if they are clearly open to keeping that item number in the approval process. They answered affirmatively, yes.

Commissioner Oickle said there is nothing now along that back stretch. As my colleague states get an engineer to prove it one way or another. Town Planner Gillespie said there were some larger mature trees. They were weedy and cleaned out and the soil conditions are pretty weak and it is dark, so we must be thoughtful as to what goes in there. Planner Gillespie spoke to Physical Services this morning. The patio is elevated 8 to 10 feet above the parking lot where these evergreens would go and from a sound attenuated prospective, it is not going to have much effect. The noise bounces off buildings and goes in at different angles. Planner Gillespie said short of having someone with expertise getting into the nitty gritty, decimal levels, without an acoustical analysis, we will not know. But short of enclosing the whole thing the noise will and disperse into the neighborhood.

Commissioner Roberts ask the Planner if he sees any value in replacing shrubs for things like headlights and buffering the neighbors. Planner Gillespie indicating that it certainly can't hurt but

Mr. Gillespie did not want to leave the Commission with the impression that it will solve the problem. Some trees at least 6' in height and something that will grow vigorously. There is a willingness from town and applicant to come up with a plan.

Chairman Harley asked if anyone else would be willing to speak.

Cindy Hughes has given time as a volunteer, she spoke to Sally Katz from the town and Ms. Katz gave permission to replace the evergreens (arborvitaes) for the applicant, stating that evergreens will grow 1' a year. There is enough room to replant in that area and with a nice green buffer to screen and it does insulate you from a neighboring property. Commissioner Oickle asked if Ms. Hughes thought the soil was conducive. Ms. Hughes indicated that evergreens will grow fine. Indicating they have the trees and people available to help out with that, and there are different types of evergreens and suggests consulting with Milane's Nursery or another. Referring to Attorney Alter before, Ms. Hughes commented that people come and go, they rent but she knew some of those people and the ones Ms. Hughes saw and spoke to, they enjoyed Lucky Lou's.

Commissioner Antoniak asked when the patio opens to music and when do you start having the bands.

Mr. Kyriakos indicated weather permitting. If we have 65 degree weather tomorrow, applicant would open. Commissioner Antoniak questioned the months to applicant April or late March for bands that play. The applicant replied Friday and Saturday but sometimes private events and sometimes they request a band or D.J. sometimes Sunday falls on a long week end. Attorney Lobo spoke adding also weddings. Applicant affirming yes in regard to weddings. Attorney said weekends, Sunday and applicant confirmed.

Commissioner Antoniak continued her questioning, so primarily twice a week, Friday and Saturday and may start late March and stop October early November. Applicant indicating, not that late usually September, since it gets cold at night and during the day we don't have bands. Applicant doesn't feel heat lamps are worth it for a month.

Commissioner Margiotta stated that Lucky Lou's is an asset to the community, no question about it. Commissioner went back to the higher decimal level violations in 2013, 2014 versus 2015 no violations stating the improvement. And, an impartial judge, the police. It is usually the bass or the drum that make continuous sound and it spreads around, comparing a lawn mower indicating it was 65 db. Commissioner Margiotta asked if the applicant considered enclosures for the drums of plexi glass, which can be removed temporarily. Applicant replied we don't usually have a drummer, this summer we did, mostly acoustical, two or three piece are the biggest bands not a live drummer, but last year, they had the Savage Brothers with five or six pieces and that is when the decimals went up to 65 db. Commissioner said they are relatively low decimals. Applicant said there were no complaints even if you are 10' from the band and follow the decimals level. Further stating that he keeps a tight ship and follows a decibel level.

Motion to Close Public Hearing by Commissioner Homicki

Second by Commissioner Roberts

Chairman Harley

Aye - All

Nay - None

Abs. - None

Motion passed 8-0.

Motion to Approve by Commissioner Margiotta Application 1896-16-Z a Special Permit in accordance with Section 5.2 of the Wethersfield Zoning Regulations to amend Application No. 1700-10-Z, 1723-10-Z and 1857-15-Z at 222 Main Street (Lucky Lou's) as follows:

1. The outdoor music/entertainment permit is subject to renewal upon expiration of 12/1/21;
2. The outdoor music/entertainment must conclude at 10:00 p.m. on Sunday through Thursday;
3. The outdoor music/entertainment must conclude at 11:00 p.m. on Friday and Saturday;
4. Applicant is subject to and must comply with all applicable Town noise ordinances;
5. Upon renewal, the Application fee of Two Hundred Eighty (\$280.00) Dollars is waived and the Applicant is to assume fees associated with notice of any re-application;
6. Applicant shall submit a tree buffer planting plan for approval by town staff; and
7. Staff shall provide an annual report to the Commission indicating Applicant's compliance with the conditions of the approval.

Second by Commissioner Oickle.

Chairman Harley asked if everyone understands the conditions. A brief discussion ensued, and do not redo number five.

Commissioner Roberts wanted to have an understanding and some guidance for the applicant regarding number six (6).

Commissioner Homicki commented that they did discuss item six in quite detail and if I were in a five year agreement, I would at least investigate a Permanent Structure or a wall or acoustical thing, but that was not part of my motion, but I think we will have at least ten or twelve feet arborvitae but again that was not part of my motion.

Commissioner Roberts responded to Commissioner Homicki indicating that is not part of his Second. Commissioner Roberts was just hoping that there was some good faith effort to look into these things rather than show up five (5) years from now and say now these won't work. Commissioner Homicki commented that is important and I think if we get 20 complaints this time next year, we will definitely be talking about violations.

Commissioner Dean relative to that issue is the first question Commissioner Dean asked to the applicant which was the intended level of investment. If the investment they are planning to make, all funds combined, let us say is less than \$50K, then Commissioner Dean can understand the reluctance of the applicant to invest in any kind of engineering technical studies that might resolve this issue because this issue is sort of tangential to the real basis of their business. On the other

hand, the complaints that have been received have been received since the beginning of their application process (2010) and every time we have been dealing with speculative kinds of solutions without any real expertise to guide us with regards to noise attenuation. Commissioner Homicki comments that he agrees that if there are any violations or complaints, we will deal with them aggressively.

Commissioner Dean continued saying the other aspect of that shows a consistent downward trend in terms of these complaints and perhaps five years from now it will be a dead issue and the applicant and its supporters, given the nature of the district there are conditions to living in that area. They will have to put up with it is the nature of the beast relative to business operations. We want the business to continue and to last. It has shown to be an economic driver for Old Wethersfield and we do not want that to go away.

Chairman Harley was happy that the trees become a requirement and his expectation would be to ask, have the trees been put into place, when the report is put out from the staff next January, and he wants to see progress on item six. Chairman feels the disconnect between the two dialogues is that are they in compliance and that is true, and more to Tom's point, does that mean that they have to be at the threshold at the neighbors is there something they can do that is going to make it even better than the ordinance might otherwise require for the residences around. He questioned what else could be done on site. Hopefully 5 years will give motivation for the applicant to seek out other things, a bigger investment, and the applicant has a long time to recoup it. I will ask the planner what happened in terms of long term sound attenuation issues. Beside the issues only go to compliance with ordinance, but that is clearly discomforting for some people. Is there something that could be done that is aesthetically pleasing?

Commissioner Allard comments as you move forward is there a net decrease in sound performance, are there sound absorbent shingles he can add to the side of a building who knows what will be available. We should look into a net decrease in our neighbors, who may start having complaints.

Chairman Harley said that is his expectation of item six.

Commissioner Roberts said perhaps there is nothing feasible or prudent that can be done. We are not asking the applicant to have someone design an amphitheater to put over it. Just asking if there are other people who have done things where there is outdoor music. The answer may be no but at least we will have answer, other than nothing will work.

Commissioner Oickle asked how the new intersection is working out in relation to this, certainly slowed traffic down. Town Planner commented it certainly slowed traffic down.

Chairman Harley noted that a **motion** and a **second** had been made.

All in favor

Aye: All

Nay: None

Abs. - None.

Motion passes 8-0.

4. OTHER BUSINESS

There was no other business.

5. MINUTES

The minutes were unavailable.

6. STAFF REPORTS

6.1 Solar Energy/Photovoltaic Collection Panels

Town Planner Gillespie provided Commissioners with memorandum, dated February 4, 2016. This memo provides a status of how the regulations are in place now with the issue of Solar Energy and how it is regulated at the present time. A residential application, those are handled administratively with a Building Permit and Zoning Permit, which the Zoning Enforcement Officer reviews and approves and regulations are minimal. In Residential Zone for roof top installations it is pretty clear, in terms of Free Standing installations the regulations are less clear, in the Agriculture Zone it would appear that under present regulations it would require a Special Permit and in the Business Zone we have not seen very many and there are no exceptions, there are exceptions to height restrictions for rooftop equipment, air conditioners, no specific language in regulations. There is some language, if there is an unusual application and the Zoning Officer feels it is a more dominate visual element or feels uncomfortable with certain things, the Zoning Officer can refer these applications to the Commission for review as a Special Permit. If it is on the roof and visible from the street it must be flush to the roof, if at an angle regulations are not clear. If it is a free standing structure in the backyard and not visible, it will be an administrative function; referencing Regulation 1G, they would be considered as an accessory structure must be in the rear yard and meet 5' minimum yard requirements, maximum height restriction 18', which we can apply and only 40% of rear yard can be covered with those kind of structures. Without creating another set of regulations that would be consistent with how we handled other structures.

Commissioner Oickle and Commissioner Roberts conversation ensued regarding the height of some of these structures and dealing with them.

Commissioner Dean commented residential and agricultural zones does not seem to be the issue and no recommended changes. What seems to be the real issue is the regulations in the business zone. The regulations may need to be amended to add solar generation structures as another aspect of antennae installation or simply adding solar panels onto the existing regulations. Doesn't seem to be much of a problem in Wethersfield or none seem to be a challenge to Wethersfield aesthetics or the values.

Town Planner Gillespie reminds the Commission of the ability of staff, Zoning Officers, to send something unusual to the Commission and not that onerous for the applicant since we do not have any regulations. Not too many communities have extensive regulations that deal with these. Lastly in Residential Zones you have the Historic District, they have their own review. So there are mechanisms in place to scrutinize and clarify. There are enough safeguards in place Planner Gillespie continued in order to get that application reviewed and approved.

Commissioner Margiotta commented that there will be more and more of these coming in the future and if someone wants to put this in their backyard, you indicated it was under the accessory coverage is 40% maximum coverage in backyard and that a garage size can be up to 850 s.f. A discussion ensued regarding square footage requirements in the Regulations with Commissioner Margiotta. Planner Gillespie indicated that some specificity is lacking in the regulations.

Commissioner Oickle said I can see someone trying to make money. The issue of electricity is definitely coming.

Commissioner Margiotta stated that was his next question if someone wants to go in and put in a 5 megawatt system where would that fall.

Mr. Gillespie indicated they could get into these whole new set of documents and we should start to get into the regulations, based on this type of summary if Zoning Officer brings things to you. It is a continuing trend. We could use some updating to the regulations, but Planner Gillespie does not believe it is an absolute pressing thing that they should drop everything to work on these regulations at this time.

Chairman Harley asked why West Hartford instituted a moratorium.

Planner Gillespie said it had a mechanism, a ground mounted installation, going up to a significant height. He briefly described it saying it was pretty significant in the yard. Planner noted that in the town of Haddam where he lives, there are installations in front yards that are pretty large, they did not want them to be on the roof and under Haddam regulations they can place them in the front yard. Our town does not allow installations in front yards.

Commissioner Roberts said we are working with representing towns where there are proposals one is 3 acres and another for 7 acres. Planner Gillespie stating, yes, it is commercial where they are becoming solar farms and gave an example of the Meadows. In the Agricultural Zone, since they are regulated under telecommunications, they require a Special Permit for those kinds of commercial solar farms.

Commissioner Homicki remarked as you are monitoring this, how does it applies to the taxation status to include leases and if it adds market value, it can be assessed and taxed. If the price of oil goes back up to 70 or 80 dollars a barrel this might be something we will really need to attend to. Some discussion ensued.

Planner Gillespie continued regarding the Staff Report. The CREC Magnet School has a temporary Certificate of Occupancy not a final CO, since they had a bunch of things to do. When we compared the plans that you approved to the things in the field and some of the roof top utilities are much more significant than what you approved on the plan and have not been shielded and the claim was that the wall around the edge of the building (because the buildings were going to be smaller) would in essence shield the building. We took pictures from the Cumberland side and parking side, the Route 5 and 15 side, to show you what we saw today. We do not need to do anything today but if you think it rises to the level of some additional screening. Planner wanted to bring this to the Commission's attention, since they did not approve this roof plan. Discussion on what they saw ensued. Planner Gillespie showed the pictures to the Commissioners.

Commissioner Homicki asked if there is still a Bond involved in this and the Planner stated that there is but it was done mostly for the site work, which is done and we are getting ready to release it but this issue is still out there. Therefore, before we release the final Certificate of Occupancy, we wanted to bring this to your attention. It was pointed out to them late in the game and kind of fell through the cracks but they have been told.

Commissioner Dean asked whether or not these units have any sound issues. The complaints have been about lighting. They are significantly distance from the properties. The real issue is aesthetics. The discussion continued. Commissioner Homicki went through the list that was done since he was on the Board.

Commissioner Roberts said if we showed it to us ahead of time would we make them do it, and the answer is yes, and would we make the high school do it if that happened and the answer is yes. Town Planner Gillespie said we did make the High School put screening up as well.

Chairman Harley asked from what side. Commissioner Oickle I thought we should correct the roof tops visibility. Planner Gillespie answered the Chairman's question, saying that the parking lot fix is a lot less of a fix and I don't think that location was even shown on the set of plans. Planner Gillespie said this is the time to fix this up before the bond is released.

Chairman Harley asked if there was anything else to go over.

Planner Gillespie said there are a couple of applications and there are a few more on the agenda. There is the Transition Academy and the Main Street property application. We also have the handicap ramp at the Cove Deli, they have to redesign it and True Value closed and there is a user that wants to go into that space. Some discussion ensued.

Commissioner Oickle asked the Chairman, wants the Commission to express its sympathy to the families of Philip Knecht and Earle Munroe, who recently passed away. Both gentlemen offered a lot to this commission and a wide array of sense of humor said Commissioner Homicki. Commissioner Roberts said they both were dedicated volunteers and put in a lot of years on this Commission and others.

Commissioner Roberts asked Mr. Gillespie if he had anything new to report on the personnel matter or on Ridge Road.

Mr. Gillespie noted that the return of record was being prepared for the appeal. We have not had a response from the attorneys. On the personnel matter, we interviewed someone today and there is some progress and may see resolution today. And in the interim, we are still catching up with the minutes.

Motion to adjourn was made by Commissioner Homicki.

Seconded by Commissioner Dean.

Aye - All

Nay - None

Abs. - None

Motion passes 8-0.

Respectfully submitted,

Mary Lou Wall, Recording Secretary