

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING**

June 3, 2008

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Wednesday, June 3, 2008 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

CALL TO ORDER

Chairman Joseph Hammer called the meeting to order at 7:05 p.m.

ROLL CALL & SEATING OF ALTERNATES

Clerk Knecht called the roll as follows:

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman	X		
Richard Roberts	X		
Philip Knecht	X		
Thomas Harley	X		
Robert Jurasin	X		
Earle Munroe	X		
Dorcas McHugh	X		
Frederick Petrelli	X		
James Hughes	X		
Anthony Homicki			X
George Oickle	X		
David Drake	X		

Also present: Peter Gillespie, Town Planner
Denise Bradley, Assistant Planner.

Chairman Hammer stated that there were 9 full members and 2 alternates in attendance at the time of roll call.

OLD BUSINESS

PUBLIC HEARING APPLICATION NO. 1609-08-Z. Paul Randazzo Seeking a Zone Change from the Office (O) Zone to the General Business (GB) Zone for properties located on the easterly side of the Silas Deane Highway and northerly side of Nott Street as depicted on a plan prepared for RANDEV LLC and dated November 15, 2007.---Public Hearing Closed, Action Pending.

Chairman Hammer noted that the public hearing was completed at the May 20, 2008 meeting and that no vote was taken due to open questions. He then discussed a memo dated June 3, 2008 from the town attorney. Peter Gillespie explained that he had posed a series of questions regarding whether the application submitted met the definition to be eligible as an application. The applicant only owns three of the eleven properties in question. Mr. Gillespie noted that in essence the town attorney felt the application was incomplete.

Chairman Hammer asked if the applicant had seen the latest correspondence. Mr. Gillespie noted that he had. Commissioner Drake then asked if the application could be approved with a condition attached about the other properties not being included. Mr. Gillespie responded that it was something that they could discuss but it may be considered "spot zoning". Commissioner Jurasin asked if the signatures required of the applicant would include only the properties subject to the zone change or if the abutter's would also be necessary. Chairman Hammer noted that consents of the property owner's subject to the zone change would be sought.

Commissioner McHugh asked if it would be proper to go forward changing the application so the zone change would only affect the three properties owned by the applicant and then for the town to sponsor an application to rezone the other properties in the upcoming weeks.

Commissioner Jurasin noted that many of the neighbors seemed in favor or neutral to the proposal. He felt it wouldn't be hard for the applicant to get the signatures but noted that the Commission could also consider denying the application without prejudice and then have the town sponsor an application.

Commissioner Oickle noted that the town could also waive a re-filing fee if the applicant wanted to proceed with a new proposal. Chairman Hammer also noted that the applicant could withdraw his application and the town could sponsor a new application to rezone these properties. Commissioner Harley asked if they could approve the current application with a stipulation that the applicant obtain the other property owner signatures within a short timeframe. Commissioner Jurasin noted that the town attorney stated that no new evidence could be submitted as the public hearing portion was closed.

Commissioner Oickle noted that he would like to see a town sponsored application so the current applicant does not have to incur any additional fees. Commissioner Drake voiced concern over the amount of time it is going to take to get a new application before the Commission.

Commissioner Oickle asked if any one disagreed with the town attorney's opinion. Commissioner Roberts responded that he agreed with the opinion and that was why he was trying to get the answer to this question earlier in the public hearing process when it became obvious that what the applicant thought he was applying for and what the application stated wasn't necessarily the same. He expressed concern, considering the hearing was closed, to now change the application was intended to mean. Commissioner Roberts then noted that what he would prefer to happen would be to see the application withdrawn instead of denied and have the town make the application.

Chairman Hammer noted that he agreed conceptually with Commissioner Roberts that the Commission should be dealing with this matter as a whole as opposed to in bits. He then wondered if the Commission should give the applicant an opportunity to come back with the eleven signatures or does the PZC it upon ourselves to submit an application. Commissioner Harley asked if it was a possibility to approve the application with the condition of obtaining the signatures. Peter Gillespie responded that in theory it could be done but noted that it was probably unrealistic especially since one of the properties is owned by CL&P and getting a signature could be very difficult. Mr. Gillespie then noted that if the town was the applicant, the signature wouldn't be necessary.

Chairman Hammer noted that though the hearing was closed it would be appropriate to ask the applicant if he would like to withdraw the application.

Paul Randazzo stated that he would withdraw the application but noted that he had already lost time on three meetings with this current application and that he would continue to lose time until the process is completed. He hoped the town would start the process of submitting a new zone change application in a timely manner.

The application was withdrawn.

APPLICATION NO. 1618-08-Z. John Kulesza/Wethersfield Technology Group Seeking Site Plan and Design Review to construct a 19,900 s. f. office building with associate site improvements at 4 Progress Drive.

Chairman Hammer noted correspondence added to the record since the May 20, 2008 meeting as follows:

- A memo dated May 27, 2008 from Jack Bradley to Bonnie Therrien regarding the obligation to construct sidewalks along Progress Drive.

- A memo dated May 28, 2008 from Gary Santoro, Fire Marshal to Peter Gillespie noting that all previous concerns had been addressed.
- A memo dated June 2, 2008, from Peter Gillespie summarizing the proposal and its adherence to the zoning regulations.

Chairman Hammer noted that in the 2nd paragraph of the town attorney's 5/27 memo, he notes that as a condition of the Agreement, the Town acknowledged that any and all remaining items to be performed in accordance with the original subdivision approval would be the sole obligation and responsibility of the Town of Wethersfield. Additionally, whatever obligation may have existed to construct the sidewalks will be satisfied and discharged upon payment of the amount of the lien.

Chairman Hammer asked Peter Gillespie if there were sidewalks on Progress Drive currently. Mr. Gillespie responded that there are sidewalks only in front of CREC-Soundbridge School.

Commissioner Drake noted that there are no sidewalks on Wells Road and the property is in an industrial zone. He added that he couldn't picture anyone walking down Progress Drive and doesn't necessarily see the need for them.

Chairman Hammer then asked if all of the regular members in attendance were planning on participating. Commissioner Roberts and Petrelli responded that they would not be participating. Chairman Hammer asked if alternates Drake and Hughes were prepared to participate. Both responded that they were.

Commissioner Oickle made a motion to approve the application subject to the following:

1. Pavement stripping and traffic signs shall be installed to the satisfaction of the Town Engineer.
2. The final site plan shall be reviewed and approved by the Town Engineer.
3. A reduction in the perimeter landscape area requirements on the west side is granted in accordance with Section 6.1.L.1.
4. The applicant shall continue to comply with the Agreement dated July 6, 2007.

Commissioner Jurasin seconded the motion.

The members voted as follows (9-0-0)

Aye: Hammer, Harley, Drake, Jurasin, Oickle, Munroe, Hughes, McHugh and Knecht

Nay: None

Abst: None

The application was approved.

NEW BUSINESS

PUBLIC HEARING APPLICATION NO. 1601-08-Z. Sharon Carducci Seeking a Change of Zone from AA Residential to AAOS Residential at 361 Two Rod Highway.

Peter Gillespie noted that a memo from the Planning Department dated May 30, 2008 had been added to the record. He discussed the five comments offered in that correspondence.

Michael Barry of Barry, Harvey & Later presented the applicant's proposal. He noted that the property is situated on the north side of Two Rod Highway on the western side of town. He described a jog in the zoning districts in that area that encompasses two lots. He notes that the L-shaped lot is the applicant's. He also noted the lot on the corner of Victory Lane which is also in the AA residence Zone. Mr. Barry showed the Commission the area highlighted on a map exhibit and pointed out that the surrounding properties are predominately zoned AAOS.

Mr. Barry proceeded to give his opinion on how the applicant's lot and 5 Victory Lane came to be zoned differently than its neighboring properties. He noted that historically the area was all zoned AA but as Victory Lane and Kimberly Lane were carved off and developed, it left the two lots referenced above still in the AA zone.

Mr. Barry noted that the only difference between the dimensional requirements in the AA and AAOS zones is as follows:

	<u>AAOS</u>	<u>AA</u>
Min. Lot Size:	15,000 s. f.	20,000 s. f.
Min. Lot Frontage:	90 ft.	110 ft.
Min. Rear Yard:	40 ft.	50 ft.

Mr. Barry then took the Tax Assessor's Maps showing Kimberly Lane and discussed that none of the lots would meet the required AA dimensions with regards to lot size and frontage. He concluded that to change the zone would not result in any lots be in nonconformance with the neighborhood.

Chairman Hammer asked for clarification regarding the applicant's ultimate intent to subdivide into two lots. As he understands, the applicant is requesting the PZC to change the zone which helps the proposed lots to comply with some of the requirements but still would not put them into full compliance and would still require several variances from the ZBA. Mr. Barry responded that Mr. Hammer was correct. He noted that his client could have gone directly to ZBA for variance requests but instead wanted to try and rezone the property so he would be asking for less variances. Mr. Hammer asked Mr. Barry to clarify what requirements that the applicant would be able to comply with by virtue of the zone change. Mr. Barry responded that it would put the property into compliance with the minimum square footage requirement and frontage requirement for Parcel "B".

Commissioner Jurasin asked if the figures being discussed are part of the public record. Chairman Hammer noted that the closest you get to a zoning table is depicted graphically on the 3rd sheet of the plans. Commissioner Jurasin asked Mr. Barry what requirement would not be met if the lot were subdivided. Mr. Barry noted that proposed Parcel "A" would not meet the minimum square footage requirement. Commissioner Jurasin then asked Mr. Barry if the lots would be able to meet the 25% open space area requirement. Mr. Barry indicated that it would not meet the requirement but he felt that issue could be dealt with during the re-subdivision process.

Chairman Hammer noted that in the zone that the applicant is requesting to be changed to, requires that at least a 25% of the land area is preserved as open space. Mr. Barry noted that it may be something that the applicant looks to waive or modify during re-subdivision. Mr. Hammer stated that the Kimberly Lane. Subdivision that Mr. Barry had used as a benchmark when he said that they don't meet the AA dimensional requirements either in terms of how big the lots are but his understanding is that development as a whole did include a full 25% open space when it was approved as an AAOS subdivision. Mr. Barry noted that was his understanding as well but that his point was that his client wouldn't be creating lots that are smaller than those in the neighborhood.

Chairman Hammer expressed concern is simply that the PZC is being asked by the applicant to rezone a property to AAOS when it can't meet the 25% requirement even though that seems to be the intent of that zone. Commissioner Oickle felt that the applicant may be enabled to get a variance while not having to commit to what all the other owners in the area have had to dedicate in terms of open space. He noted that the Town of Wethersfield has seen fit to put aside funding for the purchase of open space and noted that there was unfortunately no fund for the applicant to contribute to in-lieu-of providing open space lands on site.

Chairman Hammer then opened the floor for public questions and comments.

Rita Sulick, 15 Monticello Drive noted that she has been thrilled to watch the property's rehabilitation and transformation.

George Pappas, 21 Victory Lane expressed his concern with the application and noted that in his opinion the existing house should be demolished and one conforming structure be rebuilt on the lot.

Rosie Barrett, 38 Victory Lane questioned how the zone change could be approved if the proposed lots won't meet the dimensional requirements. She noted that she was opposed to the application and wouldn't support a re-subdivision. She discussed ongoing concerns with property maintenance issues.

Gregory Costanza, 5 Victory Lane noted that trying to squeeze another lot out of the property would ruin his own property values and added that he was particularly concerned that the rear yard setback wouldn't be sufficient to buffer his viewshed.

Paul Pace, 26 Victory Lane noted that the proposed lots wouldn't meet all the area requirements and expressed concern with the shortage in proposed open space. He has been happy to see the improvements to the existing house but is not in support of this proposal.

Chairman Hammer then asked if there were any additional comments from the public. There were none.

After a brief discussion Commissioner McHugh made a motion to close the public hearing. Commissioner Petrelli seconded the motion.

The members voted as follows (9-0-0)

Aye: Hammer, Harley, Roberts, Jurasin, Oickle, Munroe, Petrelli, McHugh and Knecht

Nay: None

Abst: None

Commissioner Jurasin expressed his concern with the proposal considering the open space requirement as well as several of the other requirements of the AAOS zone can't be met and that the neighbors are overwhelmingly opposed. Chairman Hammer expressed that he has been happy to see the improvements made to the property but is very concerned that the rezoning wouldn't satisfy the open space requirements. Chairman Hammer also noted the importance of having an ordinance for monetary donations to an open space fund. Commissioner Harley expressed concern with not meeting 25% open space requirement. Commissioner Oickle added that the applicant has also provided no indications as to how the open space issue would be treated.

Commissioner Oickle made a motion to approve the application. Commissioner Peterlli seconded the motion.

The members voted as follows (3-6-0)

Aye: McHugh, Petrelli & Monroe

Nay: Jurasin, Harley, Oickle, Knecht, Roberts and Hammer

Abst: None

The application was denied.

PUBLIC HEARING APPLICATION NO. 1619-08-Z. Church of the Incarnation Seeking a Special Permit in accordance with Section 6.7 of the Wethersfield Zoning Regulations for the installation of outdoor site lighting at 544 Prospect Street.

Mike Orsini, 38 Garden Street was representing the applicant and described the church's proposal to install four new pole lights on the west side of the church property. He noted that poles were all dual headed. Three of the new lights will be installed within the parking lot islands and the forth will be located on the corner.

Mr. Orsini noted that the lights are being proposed now because the church has plans to repave the parking lot in the late summer. He added that there will be no light spillage over the property lines, as indicated on the photometric plans. The light fixtures are a square shoebox type light similar to those used at Emerson Williams. The lights will have a metal halide (white light) look.

The lights will be used from October thru March for the Saturday evening mass from 4:30 – 6:30 p.m., possibly on Tuesday and Wednesday evenings for CCD classes and about 10-12 miscellaneous events in the winter. The lights will be turned on manually and aside from Christmas Eve mass, will generally be turned off by 8:30 to 9 p.m.

Chairman Hammer then asked if there were any additional comments from the public. There were none.

Commissioner Drake made a motion to close the public hearing. Commissioner Roberts seconded the motion.

The members voted as follows (9-0-0)

Aye: Hammer, Harley, Roberts, Jurasin, Oickle, Munroe, Petrelli, McHugh and Knecht

Nay: None

Abst: None

A brief discussion ensued and Commissioner Oickle made a motion to approve the application allowing a fixture mounting height of 20 ft. Commissioner Knecht seconded the motion.

The members voted as follows (9-0-0)

Aye: Hammer, Harley, Roberts, Jurasin, Oickle, Munroe, Petrelli, McHugh and Knecht

Nay: None

Abst: None

OTHER BUSINESS – A brief discussion ensued regarding the summer meeting schedule. Commissioner Oickle made a motion to cancel the regularly scheduled meetings of July 1, 2008 and August 19, 2008. Commissioner Hughes seconded the motion.

The members voted as follows (9-0-0)

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING**

June 3, 2008

Aye: Hammer, Harley, Roberts, Jurasin, Oickle, Munroe, Petrelli, McHugh and Knecht

Nay: None

Abst: None

MINUTES – There were no minutes to approve.

STAFF REPORTS – There were no staff reports.

PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING. - There was no public comment.

CORRESPONDENCE - There was no correspondence.

ADJOURNMENT

Commissioner Oickle made a motion to adjourn the meeting. Commissioner Hughes seconded the motion and all voted in favor.

Respectfully submitted,

Denise Bradley, Assistant Planner