

**WETHERSFIELD PLANNING AND ZONING COMMISSION  
PUBLIC HEARING  
MARCH 15, 2005**

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, March 15, 2005, at 7:00 p.m. in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph Hammer, Chairman  
Theresa Forsdick, Vice-Chairman  
Philip Knecht, Clerk  
George Oickle  
Earle R. Munroe  
Richard Roberts  
Margaret Wagner  
Peter Leombruni  
John Hallisey

Members absent:

David Edwards  
John Adamian  
Robert P. Jurasin

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

Chairman Hammer opened the public hearing and explained the format. He asked Clerk Knecht to read the legal notice into the record.

**APPLICATION NO. 1445-05-Z** Carmen Anthony Vacalebri seeking a Special Permit for the sale of alcoholic beverages (renewal of ZBA Application No. 5548-00) located on the east side of the road in a Regional Commercial District Zone at 1770 Berlin Turnpike.

Clerk Knecht then read a memo from Peter Gillespie dated March 15, 2005 into the record:

The applicant has applied for a Special Permit to continue to sell alcoholic beverages at this existing restaurant. As required by Section 5.8 of the Zoning Regulations a Special Permit must be issued by the Commission for the sale or dispensing of alcoholic beverages. In the past the ZBA has been involved with these permits through a variance process. Our new regulations have made this the exclusive authority of the PZC. In this particular case the ZBA issued a variance in January of 2000 with a condition that the permit was valid for 5 years. The five year period has now expired and the applicant wishes to continue to operate under the same terms. I do not see the need to attach a time constraint to this particular permit.

Chairman Hammer asked Mr. Gillespie to explain why the authority has changed from the ZBA to the PZC. Mr. Gillespie said that as part of the November 15, 2004 comprehensive changes to the zoning regulations, the PZC modified and clarified the procedures for alcoholic liquor permits for all types of establishments to have the special permit authority be the PZC and not the ZBA. The ZBA had a practice of establishing a time limit on many different permits, specifically liquor permits. Since the regulations have been changed, the authority is now the PZC's. The town attorney is in agreement.

Chairman Hammer asked if the ZBA granted a variance five years ago, or another kind of permit. Mr. Gillespie said that it was a variance that was granted. Commissioner Roberts suggested it was a variance because it was next to a residential zone. Mr. Gillespie indicated that he was unsure why it was a variance at that time. He understood that all

liquor permits were under the authority of the ZBA. Mr. Gillespie said that in Section 5.8, a number of criteria are given to assist the Commission in making a determination as to whether or not they should grant the permit.

Mr. Gillespie said that specifically a criteria that proximity to schools, churches, residential neighborhoods and charitable institutions, as well as the intent is not to cluster or unduly concentrate establishments such as this in a particular neighborhood. Potentially the ZBA was reviewing these sections, however his understanding is that all liquor permits were under the authority of the ZBA.

Chairman Hammer asked the applicant to come forward. Carmen Anthony Vacalabre came forward to speak. He indicated that in all of his restaurant experience he had never heard of a five year liquor permit. He also said that the location has been a restaurant with a liquor permit for forty years, so he doesn't understand why a variance was needed. He said that Carmen Anthony's Fish house has been there for five years and has never had an issue or a problem at this location. He said that he has been a good neighbor and a good corporate citizen.

Chairman Hammer asked if there would be any changes to the establishment or operations. Mr. Vacalabre indicated that nothing would change.

Commissioner Oickle asked if there was any indication why a time limit was put on this establishment. Mr. Gillespie said that there is no reason given for the time limit except that it was common practice. He added that he does not feel that in a quality establishment such as this, a time limit is not needed, he can understand that some establishments in certain locations might need such a time constraint. Mr. Gillespie added that he checked with the police department and there are no problems at this location.

Commissioner Oickle asked about the pavement and the patio. Mr. Vacalabre said that he is still within the time frame to improve these and plans to do so in the spring.

Commissioner Leombruni asked how many restaurants are "clustered" near his restaurant. Mr. Vacalabre said that only Hooters Restaurant is within a few hundred feet.

Commissioner Munroe offered that when he was on the ZBA, the members would put a time limit on permits in order to hold it over the owner's head, and when he came back the second time and there were no complaints about the property, the ZBA would renew the permit with no time constraint.

Commissioner Leombruni asked if Mr. Vacalabre sold the establishment, would the new owner have to come before the PZC. Mr. Gillespie said that the new owner would not normally have to come before the PZC unless there was a clause in the approval. Normally, approval of ownership change is a staff function. Commissioner Leombruni asked if the PZC would have a chance to test the new owner for five years if the ownership changed. Mr. Gillespie said that he would probably not have it come before the commission unless there was a specific clause or reason why he should.

Chairman Hammer asked if there was any other discussion on the matter. Seeing none, he asked if any members of the public would like to speak. Seeing none, he closed the public hearing.

**WETHERSFIELD PLANNING AND ZONING COMMISSION  
PUBLIC MEETING  
MARCH 15, 2005**

The Wethersfield Planning and Zoning Commission held a public meeting on Tuesday, March 15, 2005, immediately following their public hearing in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph Hammer, Chairman  
Theresa Forsdick, Vice-Chairman  
Philip Knecht, Clerk

George Oickle  
Earle R. Munroe  
Richard Roberts  
Margaret Wagner  
Peter Leombruni  
John Hallisey

Members absent:

David Edwards  
John Adamian  
Robert P. Jurasin

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

**ROLL CALL**, Chairman Hammer asked for a roll call. Clerk Knecht read the roll call. Chairman Hammer indicated that at least five of the nine members present must vote in the affirmative in order to approve an application.

Commissioner Roberts made a motion to take item #3 out of order. Chairman Hammer agreed and the Commission took up the following application:

**APPLICATION NO. 1445-05-Z** Carmen Anthony Vacalebri seeking a Special Permit for the sale of alcoholic beverages (renewal of ZBA Application No. 5548-00) located on the east side of the road in a Regional Commercial District Zone at 1770 Berlin Turnpike.

Commissioner Oickle made a motion to approve application 1445-05-Z. Commissioner Roberts seconded the motion. Chairman Hammer asked for any discussion on the matter, and Commissioner Leombruni asked if this approval was without the five year stipulation. He asked for a clarification, as the recommendation from the town planner was that the Commission lift it. Commissioner Oickle said that the motion did not include any time stipulation. Mr. Gillespie added that since it was a new motion, there was no time stipulation. Chairman Hammer asked for a vote on the matter. All members present voted in favor (9-0):

(Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Hallisey)

Chairman Hammer announced that Application 1445-05-Z has passed.

**Mandatory Referral** under §8-24 of the Connecticut General Statutes for Review of the Preliminary Capital Improvement Budget for 2005-2006 through 2009-2010.

Chairman Hammer asked Mr. Gillespie to explain the procedure. Mr. Gillespie said that the procedure has been that the Commission would receive this at this meeting and wait for the Chairman to appear at the next meeting to vote on the matter.

Commissioner Wagner asked if it was a conflict of interest because she serves on that board as well as the Commission. Mr. Gillespie said that he did not know if it was a conflict, but that it might be easier and cleaner if Commissioner Wagner recused herself.

Commissioner Forsdick asked if the matter would be tabled and Chairman Hammer indicated that it would be tabled.

**APPLICATION NO. 1448-05-Z.** Cellco Partnership d/b/a Verizon Wireless seeking approval under Article XXXI for a Site Plan and Design Review for the installation of wireless telecommunications antennas on the existing tower with associated equipment on the ground, located on the east side of the road in a General Business District Zone at 250 Silas Deane Highway.

Chairman Hammer asked if there was any correspondence on this matter. Clerk Knecht indicated that there was the

following:

- A memo to Peter Gillespie from Michael Turner dated March 7, 2005 with nine comments based on a review of the site plan and design review documents dated March 3, 2005.
- A letter of transmittal with application and support materials from Joey Lee Miranda on behalf of Cellco Partnership

The applicant, Ms. Miranda described the application to install twelve panel antennas and a 12' x 30' equipment shelter at the base of the tower. The applicant has no objection to the recommendations made by Mr. Turner with the exception of number 8, regarding the plantings around the Nextel shelter. Ms. Miranda described this as an unusual request for this applicant to be required to plant around another applicant's facility, however, they would be willing to do it if needed to get the permit.

Commissioner Roberts asked what the equipment shelter would look like. Ms. Miranda said that Cellco will comply with the request made by Mr. Turner to match the existing façade of the police station. It is eleven feet tall. Commissioner Roberts asked if the building would be highly visible from the Silas Deane Highway. Ms. Miranda could not answer that, but said that Cellco is willing to do the plantings required.

Commissioner Roberts asked if there was room for other carriers on the tower. Ms. Miranda said that physically there is space on the tower, however, structurally, the tower may not be capable of accommodating more carriers. Also, there may not be enough room around the tower for more shelters. Commissioner Roberts noted that the Commission has requested information as to the number and location of all possible shelters at the site. Mr. Gillespie said that he was not familiar with that request, but had thought that only the three carriers were intended for the property, therefore he did not anticipate any others. He asked Mr. Turner to comment on this after the applicant's presentation.

Chairman Hammer asked where the structure was to be located. Ms. Miranda replied that it was to be located 10 feet to the south of the existing structure, Nextel. Commissioner Wagner asked if the town was asking for plantings on the south side of the Nextel structure and the north side of the Verizon structure.

Chairman Hammer asked Mike Turner to discuss the plantings that were recommended. Mr. Turner said that the shelters are only two and one half feet from the curb, and this is the last structure that is expected at the site. He said another maybe could be added, however, it was only designed for two structures. He said that there is nothing to shield the front of the buildings and it is visible from the Silas Deane Highway, therefore he recommended some plantings. He said that it was not meant to be a detailed planting plan and that the Commission could make further recommendations to soften the concrete structures and frame them with plantings. Chairman Hammer asked if a condition was posed to Nextel about screening the structures to the satisfaction of the staff. Mr. Gillespie said that they had been requiring landscaping, however this Verizon structure is much more visible than the Nextel structure would be.

Commissioner Oickle asked if the facade materials would be the same as the existing structure. Ms. Miranda noted that Cellco would have them match.

Commissioner Wagner asked about the size of the panel antennas. Ms. Miranda said that it was proposed to be four feet in height. Commissioner Wagner asked if there was any noise insulation for the structure that will hold the emergency generator. Ms. Miranda said that there was no soundproofing, however the generator is only expected to run in a power outage, emergency situation, etc. Commissioner Wagner asked if a maintenance vehicle would be parked at the facility overnight. Ms. Miranda said that the maintenance workers do not generally work long periods of time and would not be expected to park there overnight.

Commissioner Forsdick asked if the carriers have the same equipment. Ms. Miranda said that they do not. Commissioner Leombruni asked if there would be any digging going on for the location of underground power. Ms. Miranda said that they would access CL&P conduit and that they would run them underground. They would not dig large patches, but just access patches, which would be replaced to current conditions. Mr. Gillespie clarified that this would be a grass patch near Cumberland Avenue.

Commissioner Munroe said that the application listed two different professional engineers. Ms. Miranda replied that one structural engineer submitted the calculations for the tower and the other engineer did the design of the project. Commissioner Munroe expressed his concern about who would be held accountable if the tower was not capable of holding the loads. Ms. Miranda explained that Nextel's structural analysis is the most current because it takes both Verizon and Nextel's equipment into account in the analysis. Commissioner Munroe asked if the confirmation of the structural integrity of the tower was given in writing to Cellco. Ms. Miranda said that it was not, however she would be happy to accept a condition that Cellco redo the structural analysis if the commission required it.

Commissioner Forsdick asked to hear from Mr. Turner on the matter. Mr. Turner said that Cellco hired their own structural engineer when they were before the siting council. However, Nextel hired their own engineer which took both carriers into account. This is the most current analysis and it is on record in the town engineer's office.

Commissioner Munroe asked about the capacity of the site and what information was given in writing to the siting council. Ms. Miranda explained that coverage and capacity are required to be reported to the council, coverage is quantifiable and capacity is looking to provide more callers the ability to use the system. Commissioner Munroe asked if capacity is recorded. Ms. Miranda said that it was and that Cellco kept that competitive market information.

Commissioner Leombruni asked if there was a report prepared by a structural engineer on file. He asked Mr. Turner who takes responsibility if the tower falls down. Mr. Turner said that the engineer who prepared the report would be responsible. After further questions, Mr. Turner said that the town would be obligated to fix the tower because they own the tower. Commissioner Leombruni added that the only recourse would be to sue the engineer. Mr. Turner said that it probably wouldn't come to that, that he would expect the carriers to step up and fix it in the event that it fell, because it doesn't do them any good on the ground.

Commissioner Oickle asked about the distance of the antennas from the center of the pole. It appeared as though the Nextel antennas were closer to the pole and therefore more aesthetically pleasing. Ms. Miranda said that Cellco was using low-profile mounts as recommended by the town engineer. She wasn't sure if it was the lowest profile available, but it was a low profile mount. Commissioner Oickle recommended that it be the lowest profile mount possible. There was some discussion about the distance of Nextel's low profile mount and it was found to be about the same as the proposed Cellco low profile mount.

Commissioner Munroe said that by law the siting council is the governing body when it comes to cell towers. He is not sure if approval is the correct term. Chairman Hammer said that regardless of what the siting council says, under Article 31 of the regulations, the Commission has to approve or disapprove the site plan. Mr. Gillespie agreed that the Commission has to approve or disapprove the site plan.

Commissioner Wagner asked if Mr. Turner had a problem if the Commission took out the recommendation about the plantings around Nextel's shelter. Mr. Turner said that he did not mind and in fact that there was probably enough language written into Nextel's permit to allow for staff to recommend additional plantings on the south side.

Chairman Hammer asked if there were any other questions. Seeing none, he asked for a motion.

Commissioner Forsdick made a motion to approve application 1448-05-Z with the stipulation that the Applicant concur with the nine conditions suggested by Mike Turner, Town Engineer, with the exception of the recommended plantings on the south side of the Nextel shelters. These conditions are as follows:

1. The applicant must provide a structural analysis of the tower to confirm ability to support their antenna and cabling.
2. The applicant should consider use of low profile mounts as required of Nextel.
3. All work on the tower must be done by qualified riggers and in accordance with the terms and conditions of the site manager's rules and regulations of this site. A copy has been provided to the applicant.
4. Location of underground power and telephone to be coordinated with Nextel to minimize site disturbance.
5. Equipment shelter to be same color and exterior finish as nearby Town shelter.
6. Relocated chain link fencing to match existing.
7. Staging during construction must be coordinated so as not to interfere with Police Department activities. Contact

is Lt. Tom Dillon at 721-2914.

8. Staff recommends additional plantings be added to the north of Verizon [shelter].
9. Maintenance personnel MUST check in at the dispatcher's window inside the Police Department prior to entering the rear parking lot of the Police Department.

Commissioner Wagner seconded the motion. Chairman Hammer asked if condition #8 would read "...the north of Verizon." , and end there. Commissioner Forsdick agreed and Commissioner Wagner seconded again.

Commissioner Oickle asked Mr. Turner if all of the conditions were still valid. Mr. Turner answered that they were still valid. Chairman Hammer called for a vote. All members present voted in favor of the application (9-0).

(Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Hallisey)

Chairman Hammer announced that Application 1448-05-Z has passed.

Chairman Hammer then called the next application before the Commission:

**APPLICATION 1449-05-Z** Town of Wethersfield seeking Site Plan and Design Review approval for the reconstruction of an existing Skate Park facility within Mill Woods Park, located on the south side of the road in an A-1 Residence Zone at 154 Prospect Street.

Kathy Bagley, Director of Parks & Recreation presented the application for the town with the architect Michael Weremay. The progress of the project is moving along. One of the projects in the approved Mill Woods master plan is this skate park. It is the first project to be near completion because of the fund raising efforts of the young people in the community. It is located where there is a set of old tennis courts that are currently in disrepair.

Michael Weremay then presented the site plan to the Commission. He described the location of the park with the existing four cut off light structures that will remain. The large asphalt tennis court service currently generally slopes toward the wetlands. The park will remain in the same location but will be an improvement. The future roadway planned for the park is taken into account in the planning of this skate park. He said that the limiting factors of the design are the wetland and floodplain lines. The design is outside of these lines and would be less than one third of an acre of disturbance. He said that there is no need for a permit to be issued by Inland Wetlands, however they plan to address soil erosion control issues with that body.

Mr. Weremay further described that the park would resemble a gunnite swimming pool in shape and that the cuts made would be balanced with the fill on site. The perimeter of the skate park would be enclosed by a vinyl coated chain link fence to prevent a skateboard or bike from going outside the area. The lights will remain but would only be used for a special summertime event. The project is planned to be completed by September 1, 2005.

Commissioner Oickle asked about the height and age of the existing lights. Mr. Weremay said that they are in good shape and that they are 30 feet in height.

Commissioner Oickle asked Mr. Gillespie if approval from the Inland Wetlands Committee was necessary. Mr. Gillespie indicated that the approval was needed, and that the Commission should not vote on the matter until their next meeting, at which time the Inland Wetlands approval should be received.

Commissioner Forsdick asked how much money was raised for the project and if it was enough. Ms. Bagley replied that it was enough for one design, however if more money could be raised, then the park could be built with more features. Commissioner Knecht asked how many kids the park could accommodate. Ms. Bagley said that it was hard to say that because part of the experience is that some kids will use it while the other kids watch them. The kids that helped to plan the park have been taken around the state to other parks as well as done research online and have come up with this on their own. The kids say that it will satisfy their needs.

Commissioner Leombruni asked about the depth of the excavation. Mr. Weremay said that the average excavation is two feet, the depth of the bowl is eight feet, but that this is created from the balance of cuts and fills, therefore the

excavation is only six feet and the area around it is raised two feet. He described it as a concrete structure that is not unlike a gunnite swimming pool. The only maintenance is a sealing process which must be done and is built into the budget. Commissioner Leombruni asked about runoff. Mr. Weremay said the amount of runoff would be reduced by half, collected into two small catch basins. These would have hoods and sumps in them and an outlet that would go to a flow diffuser rip rap structure. The edge of the woods would remain undisturbed.

Commissioner Wagner asked if there was an analysis done of how effective the existing lighting would be on a depressed surface. Mr. Weremay said that because the lighting is on all four sides, the lighting would be quite balanced.

Chairman Hammer asked for a motion on Application 1449-05-Z. Commissioner Roberts made a motion to table the matter pending Inland Wetlands approval. Commissioner Oickle seconded the motion. All members present voted in favor of the motion (9-0).

(Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Hallisey)

Commissioner Leombruni congratulated the applicant on the effort and said that it was a great effort by the town. Ms. Bagley offered that the real congratulations go to the kids.

**APPLICATION 1450-05-Z** Town of Wethersfield seeking Site Plan and Design Review approval for the Hanmer School Bus drop-off configuration, located on the south side of the street in a B Residence Zone at 50 Francis Street.

Mr. Turner from the Wethersfield engineering department presented the project for the town. This project evolved from the Board of Education staff, Shared Services Committee and the Town Council. He described the current drop off procedures from Rosedale Street. Certain times of the day, the buses will stack from the intersection of Francis Street. It creates a big bottleneck and a mess for the parents also dropping off their children. The bus drop off would be brought around to the front entrance of the school. The current bollards that are in the way would be replaced by twelve foot swing gates. The custodial staff would open and close the gates in the morning and afternoon to accommodate the buses. There is presently no curbing along Francis Street and because of the playground across the street they wanted to provide a safety mechanism. The board staff has proposed the installation of jersey barriers to prevent the kids from bolting across the street toward the playground. The jersey barriers would be set on the ground, not installed into the ground. Mr. Turner indicated that approval was also needed from the Historic District Commission.

Chairman Hammer asked if the Board of Education endorsed the plan. Mr. Turner indicated that this proposal came from the Board of Education staff. Chairman Hammer then asked if the bus traffic would be one way from Garden Street to Hartford Avenue. Mr. Turner said that this was correct and that the bus traffic would be separated from the car drop off. Commissioner Forsdick asked if the buses would be come in from Garden Street. Mr. Turner said that the buses would come in Rosedale Street and make right onto Francis Street and go out onto Hartford Avenue. Commissioner Oickle asked if it does not affect the Stillman building. Mr. Turner said that it would not affect Stillman. Commissioner Oickle asked if there was sidewalk along Francis Street. Mr. Turner said that there was sidewalk along Francis Street. Commissioner Oickle said that it looks like a much better system at the school. Mr. Turner said that this is also a reversible system. If it doesn't work, then it can always go back to the way it was.

Commissioner Roberts said that he could not visualize the right turn a bus might make onto Francis Street. He asked about the turn radius of the bus. Mr. Turner said that currently the buses make a left turn onto Francis, so it may be possible. They will do field testing to ensure that. Commissioner Roberts also asked if it was a sufficient enough separation from parent traffic. Mr. Turner said that the biggest obstacle right now is that the buses line up right now and parents are forced to cut through the parking lot. This configuration would get the buses out of the way of the parent traffic. Commissioner Roberts asked how many buses could be stacked along Francis Street. Mr. Turner said that four buses could be stacked. He also said that this is not the ideal configuration, but that this is the best one for the current site.

Commissioner Forsdick said that she can say from personal experience that this would be better. Chairman Hammer concurred.

Commissioner Munroe asked about the jersey barriers. Mr. Turner educated the commission on the different types of jersey barriers and said that these would be set on top of the ground.

Commissioner Leombruni asked if the purpose would be to keep separation between the bus and the kids. Mr. Turner said that it was the purpose and it also is a physical barrier to stop the flow of kids that would cross the street to the park. Commissioner Leombruni asked about the break in the jersey barriers. Mr. Turner said that is was to allow passage by the kids. Commissioner Leombruni also asked about plowing and if there was thought about having the buses come in on Garden Street. Mr. Turner said that it will be easier to plow with the gates rather than the current bollards and that the two way traffic on Garden Street would enable the buses to use it.

Commissioner Munroe asked if the configuration would allow the arm in front of the bus would still be able to be used. Mr. Turner said that he did not see why it couldn't be used. Chairman Hammer said that the majority of the buses come from the intersection of Garden and Church and that if Rosedale is not the entrance then there would be no need for the buses to come in from that way.

Chairman Hammer asked for a motion on this matter. Commissioner Oickle made a motion to approve the Application 1450-05-Z. Commissioner Leombruni seconded the motion. All members present voted in favor of the motion (9-0).

(Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Hallisey)

Chairman Hammer announced that Application 1450-05-Z has passed.

**APPLICATION 1451-05-Z** Town of Wethersfield seeking Site Plan and Design Review approval the Charles Wright School parking lot expansion, located on the north side of the street in a C Residence Zone at 186 Nott Street.

Mike Turner, Town Engineer, presented this plan. The town planned to do some milling and overlay work at Charles Wright School. Based upon comments from the staff and parents at the school, they looked at the flow of the parking lot. Mr. Turner described the current flow and bottleneck at the site. He said that he met with the PTO, got their thoughts and ideas and tried to address the issues of traffic flow and congestion but also provide an area for parent drop off of the children. Presently the angled parking on the right side of the lot would be flipped to the left side. The space created would be filled in to create a parent drop off area for thirteen vehicles on the east side. This plan nets an increase of seven parking spaces, two in Lot B and the rest in Lot A. The plan retains all existing trees. The Charles Wright sign with floodlights would be relocated. No internal parking lot lights would need to be added, but a streetlight is proposed to be added.

He apologized for not coming to the last meeting, but the PTO wanted to include their input. Commissioner Forsdick asked about the correspondence that they had received from the PTO. Mr. Turner said that he was aware of that memo with recommendations and that if the budget allows for it, they will provide the recommendations made in that memo.

Commissioner Munroe said that when the Commission got involved with the installation of the modular classrooms in the rear, the adjacent neighbors complained about drainage. He asked if this proposal would exacerbate that problem. Mr. Turner said that the driveway that goes to the modulars was a recommendation of the PTO. In fact, they said that they asked for improvements to the driveway to create parking in the rear. Mr. Turner told them that it would create drainage problems. There were drainage structures installed when the driveway was installed and that those would be affected by improvements to the roadway. So, this proposed plan should not affect the neighbors.

Commissioner Roberts said that this proposed plan doesn't separate the cars and buses because it can't be done. Mr. Turner said that he buses would circulate in Lot B, the staff parking lot which is separated from the parent drop off. Commissioner Roberts asked how far the right turn exit would be from the light pole. Mr. Turner said that it would be a two foot clearance. Commissioner Roberts said that the parking is woefully inadequate; however the opening of Webb School may help to alleviate some of the traffic.

Commissioner Wagner asked about bending the entrance to Lot A and not take another three or four spaces. Mr. Turner said that there is a lack of parking at the site and that combined with trying to save the existing maple tree

created the bend in the entrance.

Commissioner Leombruni said that the original budget was \$80,000 for the milling and overlay project. He asked how much additional money would be required. Mr. Turner said that they will work within the existing budget.

Chairman Hammer asked for a motion on this matter. Commissioner Roberts made a motion to approve the Application 1451-05-Z. Commissioner Leombruni seconded the motion. All members present voted in favor of the motion (9-0).

(Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Hallisey)

Chairman Hammer announced that Application 1451-05-Z has passed.

**APPLICATION 1452-05-Z** Southside Partners LLC seeking to amend the approved application by adding an additional 3,500 s.f. to the second floor for general office space and additional parking as necessary, located on the east side of the street in a General Business District Zone at 82-86 Wolcott Hill Road (Previous Application No. 1373-02-Z).

Chairman Hammer said that there is a memo dated March 15, 2005. Commissioner Knecht read the correspondence into the record:

- Memo from Peter Gillespie dated March 15, 2005 to the PZC concerning Southside Partners LLC

Commissioner Oickle asked Chairman Hammer why the memo should not be read into the record. Chairman Hammer said that it was not a public hearing, so that it was not necessary. Commissioner Oickle said that was alright as long as the material was covered.

John Carbone, the applicant is seeking approval of the additional parking and 3,500 sf of office space. He said that because of the new parking regulations that were passed, their civil engineer, Jim Cassidy, was able to add parking spaces and therefore increase the general office space in the building by 3,500 s.f. They eliminated two existing parking spaces and added a handicapped space. The regulation changes allowed a decrease in the aisle length which gave them the ability to gain two spaces. The relocation of the dumpster pad gave them another parking space. The initial proposal was for additional office/medical space. As they progressed with the project, they were able to pick up space for general office. The total requirement is 51.6 spaces, this proposal provides 52 spaces with three handicapped spaces.

Chairman Hammer asked if the original permit was approved with storage space on the second floor. Mr. Gillespie and the applicant said that there was nothing in the original approval for the second floor. Chairman Hammer asked that because of the new regulations, the different calculations of space for different uses and the aisle size reduction, the required parking can be provided. The applicant indicated that this was correct.

Mr. Gillespie said that the applicant was not asking for any modification or exception to the regulations. However, he recommended that the Commission monitor the parking situation to see how the new regulations are applied. Mr. Gillespie recommended either coming back before the commission after a certain length of time or limiting the number of employees as a monitoring practice. He is particularly concerned about medical office space.

Commissioner Oickle asked if there would be any changes to the exterior of the building. Mr. Carbone said that there would be no changes. They currently provide a dense landscaping plan because they are in a residential area. He said that the space has to be general office because they cannot accommodate medical office. Commissioner Oickle asked how the building is divided. Mr. Carbone said that the first floor is office medical and has 6,200 sf. There is a chiropractor, physical therapist and massage therapist. It is classified this way because there are a high number of patients. Mr. Carbone said that they were conservative and did not take advantage of the allowance for economy cars because they do meet the regulations. Commissioner Oickle asked how much of the space is leased. Mr. Carbone said the first floor is leased and half of the second floor based upon approvals. He said that they have a good sense of the parking situation from the first floor because there are operating businesses there.

Commissioner Leombruni said that the new regulations allow for the additional space with no issue. He asked Mr. Gillespie what recourse the commission would have if they did require the applicant to come back before them. Mr. Gillespie said that if it could not accommodate the demand generated, they would look at the users. He is concerned about the number of employees and visitors without seeing the operation of the building. He is not completely comfortable with the latitude given. Commissioner Leombruni asked if they put a limit on the period of time of the permit given would satisfy his concern. Mr. Gillespie said either that or a restriction on the number of employees would be adequate. Mr. Carbone said that he was not comfortable with that restriction. He would be receptive to giving the actual tenant use of the first floor. Commissioner Leombruni explained that they were trying to strike a balance between increasing office space and the new parking regulations. Mr. Gillespie offered that maybe this case is not a particular concern, but that in Old Wethersfield there is a parking situation that has become a concern and he would not want the same situation here. Chairman Hammer asked how many employees were in the first floor. The applicant replied that there were sixteen total employees. Chairman Hammer also asked how many patients were expected on the first floor. The applicant responded that there may be seven for the therapists and ten to fifteen in an hour for the chiropractor. Therefore the total number of employees and patients would be twenty three.

Commissioner Wagner asked where the snow that is plowed goes and if it is taken off site. The applicant said that right now there is a good buffer for the snow right now and that they would not have to take the snow off site. They have been able to maintain all of the parking right now and he does not anticipate a problem.

Commissioner Munroe asked where the mechanical room would be relocated. Mr. Carbone said that it would remain on the second floor. Commissioner Roberts said that this is an example of what the effect of the new regulations are because 3,500 s.f. of office space could be added with only two parking spaces added. Mr. Carbone explained that common areas are not included in the parking count. He added that the new regulations are a positive thing. Commissioner Roberts asked what the alternative is because there may be no parking on Wolcott Hill Road. Mr. Carbone said that the alternative that they have come up with would be employees parking in front of the accessory structure.

Commissioner Leombruni asked why Mr. Carbone had a reservation against being restricted by a year long permit, then coming back before the commission with no problems and being given an unrestricted permit. Mr. Carbone replied that he does not think that there will be a problem and that if he thought that there would be he would be receptive to a restriction.

Commissioner Munroe asked for clarification on the parking and aisle spaces and the applicant reviewed the site plan with him.

Chairman Hammer asked for a motion on this matter. Commissioner Roberts made a motion to approve the Application 1452-05-Z. He stated that he was sensitive to the comments made by Mr. Gillespie, but that he did not see a useful way of regulating the parking situation. He considers this a trial run of the new regulation. Commissioner Forsdick seconded the motion. Mr. Gillespie said that he will be monitoring the parking situation on his own and that some of the neighbors of this property have been in and will let him know if the new parking regulations are not working.

All members present voted in favor of the motion (9-0).

(Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Hallisey)

Chairman Hammer announced that Application 1452-05-Z has passed.

**PRE-APPLICATION REVIEW - Manny Pine- Proposed Dunkin' Donuts store at 416 Silas Deane Highway.**

Chairman Hammer reminded the commission that this is not a binding proceeding on the commission.

John Harvey representing Manny Pine presented the application. He indicated that the proposed Dunkin' Donuts would be located at the site of Suny's Restaurant. The existing restaurant would be demolished and a new building

constructed at the site. A portion of the site is a Right of Way and is covered in blacktop. It would require a license from the siting council in order to use it. As this license could be revoked at any time, they have chosen not to use this portion of the property. Mr. Harvey discussed the location of the dumpster. It is not possible to locate the dumpster in the rear of the building as it will impede the traffic flow of the drive thru. Also, there had been a suggestion to move the building closer to the street, however it is not allowed in this zone.

Mr. Harvey then introduced Kevin Johnson from Close, Jensen and Miller. The proposed site would include a proposed Dunkin' Donuts with an additional place for 1,000 s.f. of retail on the other side. There is an existing storm drainage easement that discharges to an outlet under the NU power lines. In terms of storm drainage the intent is to connect to this outlet. The other option would be to discharge into the embankment which may impact wetlands. Commissioner Oickle asked if the catch basin would be in the middle of the drive thru. Mr. Johnson said that there is a strip of fifteen feet which is not in the parking or drive thru.

Commissioner Leombruni asked if there are any plantings on the site. Mr. Johnson said that they are planning on plantings, however it has not yet been addressed. The building is intended to be colonial style with vinyl clapboard in Desert Tan with Plum trim around the windows and doors. Mr. Johnson passed a rendering around to the commissioners. He said that the building would look similar but not exactly like the rendering. The applicant fully intends to comply with the new regulations regarding landscaping. The overall landscaping would exceed the 25% requirement by an additional. 15%. The existing site is either building or pavement. The new front yard would be green with additional green around the building and screening around the dumpster. Twelve perimeter deciduous trees and two internal trees in the parking area would be used. They have discussed the drainage area with ConnDOT and they recommended that there be no plantings over the drainage pipe, but there can be plantings in the easement.

They would like to generate discussion about the gross parking lot area. He did not include the area of the entrance drives. By his calculations, they are short by 500 s.f. It is the equivalent of 3.3 parking spaces. They would have to reduce the parking by four spaces in order to meet the parking lot landscaping requirements. Mr. Johnson asked if there is flexibility in the interior parking lot landscaping requirements if the overall landscaping requirements are exceeded. Commissioner Roberts asked how many parking spaces are needed. Mr. Johnson said that there are fifteen seats in the restaurant with six employees. This requires eight total parking spaces for Dunkin' Donuts. The retail space requires six spaces. The total requirement would be fourteen parking spaces. Mr. Johnson said that they could provide eighteen.

Mr. Harvey discussed the landscaping requirements in terms of square footage. He said that if the commission wished, there may be an exception that would allow for the building to be pushed closer to the street. Commissioner Roberts asked if the total green space would become 6900 s.f. and now the green space on the site is zero. The applicant answered that it was. Commissioner Oickle said that when he did a site visit he did a site view down the row of buildings. He would hesitate allowing to have it come out toward the street much further as it would disturb the site lines. Mr. Johnson agreed that most of the buildings are set back 25 feet.

Commissioner Wagner said that in the scheme of Silas Deane Highway rehabilitation would sidewalks be put in on this site, and would that cut into the greenspace. Mr. Gillespie said that there should already be sidewalks in place. Mr. Johnson said that the sidewalk is there and that it is within ConnDOT right of way.

Commissioner Oickle asked why they would want to bring the building closer to the street and reduce the visible green space in front. Commissioner Forsdick agreed that it doesn't make sense to do that. Mr. Johnson said that was a suggestion made by the Design Review Committee. Commissioner Leombruni said that he is fine with the proposal and would not sweat the 500 s.f. of landscaping in the parking lot. The visual impact is the 25 feet in front of the building and that is where the landscaping and architectural features should be. Commissioner Forsdick agreed and said that the proposal is a tremendous improvement to the existing property. She said that 500 s.f. of parking lot green is not going to make a big difference. Commissioner Roberts also agreed and added that this is a better site than the original proposed site across from Town Hall.

Chairman Hammer asked how many seats would be proposed and how it compares with the other Dunkin' Donuts stores. Mr. Pine answered that the proposed site would have fifteen seats just like the other two stores. He added that 75% of the business at the existing stores is drive-thru.

Commissioner Oickle asked if they were going to keep the pavement as it was in good shape. He asked Mr. Harvey why the CL&P right of way would not be used. Mr. Harvey said that it was a timing and financing issue. It just doesn't make sense at this time and they can make the site plan work without it. Commissioner Oickle said that it would sit in an existing paved condition with curbing around it and the applicant agreed. Commissioner Oickle said that he was disgusted with the parking of vehicles on the site and sale of one of them. Mr. Gillespie said that he thought that they have already been cited for that.

Commissioner Leombruni asked why the applicant did not want to use the CL&P easement since it was there. Mr. Harvey said that he might come back with a plan with no curbing there, but he can't include it in the plan for financing. Commissioner Leombruni suggested that he not close it out for future parking or something. Commissioner Roberts reminded them that they can't show use of land that they have no right to.

Chairman Hammer asked if the future retail would be a food related business. Commissioner Oickle suggested Mr. Pine's office as a use. Mr. Pine said that he would not rent it to someone who would generate a lot of parking or traffic to damage his own business. He plans to rent it to a car phone store or something like that with one employee.

Commissioner Wagner asked where the planning was in three Dunkin' Donuts within a half mile. She asked how many are needed in one town. Commissioner Forsdick said that there would still be a line both in the drive thru and in the store. Commissioner Wagner said that when she first saw the plan she thought that he was getting rid of one of the existing stores. Commissioner Leombruni said that there must be some market research that says that this is needed. Commissioner Roberts reminded the commission that the free market dictates the businesses that apply for permits. Commissioner Munroe said that the advantage is that the left hand turn into the existing Dunkin' Donuts would be relieved.

Commissioner Oickle told Commissioner Wagner agreed with his colleagues that when an applicant comes before them with an application that meets regulations they pretty much have to go with it. He said that is where the planning function breaks down, when the business world takes over. He said that this proposal would be a vast improvement to the existing site. The advantage of this proposal is that the current Silas Deane Plan dictated the corner of Church and Silas Deane Highway as the town center and with the Dunkin' Donuts proposal moved down the street, this town center option may still be possible. Commissioner Wagner said that the commissioners should look at the types of businesses that locate in the town. She said that we wouldn't want Staples to locate across from Office Depot. The commissioners disagreed and said that they would want to encourage business growth. Chairman Hammer reminded the commission that the factors within the regulations are what is before the commission, not the particular business. This is a special permit application.

Commissioner Munroe reminded the commissioners about a place near Jordan Lane that became a storage space place. It has turned out to be a good neighbor even though some people said that it should be an office building.

Commissioner Knecht said that as disappointed as he is that Suny's is going away, this proposal is a big improvement to the existing site. Commissioner Munroe said that it becomes an eminent domain issue if we tell businesses that they can't locate somewhere. He added that the only place that they turned down was a tattoo/piercing/lingerie shop because it wasn't a good use.

Commissioner Leombruni said that he agreed with Commissioner Wagner that the commission should think about when is enough enough when it comes to a specific business. Commissioner Hallisey disagreed and said that there are too many houses, not businesses and he would like to encourage business to decrease the tax burden. Commissioner Wagner said that she doesn't disagree with that, however she would like to see a variety of businesses. Mr. Gillespie said that there will be a market survey done to determine what the market dictates along Silas Deane Highway and that will be good information for the commission to use when proposals come their way. He doesn't have that information available yet.

## MEETING MINUTES

Chairman Hammer then moved onto the next item on the agenda, approval of [minutes from the January 5, 2005](#)

[meeting](#). He asked for a motion.

Commissioner Oickle made a motion to approve the minutes. Commissioner Forsdick seconded the motion. All members present and eligible to vote voted in favor (7-0). (Aye: Hammer, Forsdick, Roberts, Leombruni, Munroe, Oickle, Hallisey)

(Abst: Knecht, Wagner)

Chairman Hammer then asked for a motion on [the February 15, 2005 minutes](#). Commissioner Forsdick made a motion to approve the minutes. Commissioner Roberts seconded the motion. All members present and eligible to vote voted in favor (6-0).

(Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Oickle)

(Abst: Oickle, Leombruni, Wagner)

Chairman Hammer then asked for a motion on [the March 1, 2005 minutes](#). Commissioner Roberts made a motion to approve the minutes. Commissioner Forsdick seconded the motion. Commissioner Oickle asked for clarification on the following:

- P. 3 -- the reference to the tenants of the AHEPA building "only 5% of the occupants have an use a car". The Commissioners confirmed that this is what was said and no corrections were called for.
- P. 10 --- should read clearing not hearing under the Hughes Brothers bullet.

All members present and eligible to vote voted in favor (7-0).

(Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Oickle, Wagner)

(Abst: Hallisey, Leombruni)

## **ANNUAL MEETING**

Chairman Hammer asked who would be attending the Annual Meeting of the Connecticut Federation of Planning & Zoning Agencies on Thursday, March 24, 2005. Mr. Gillespie suggested that they just go around and get a count. The following members will be attending:

Commissioner Forsdick  
Commissioner Knecht  
Chairman Hammer  
Commissioner Oickle  
Commissioner Roberts  
Commissioner Munroe  
Commissioner Wagner

## **PUBLIC COMMENTS**

Chairman Hammer asked if anyone from the public was present to make comments.

Mr. Tom Wraight of 22 Coleman Road stepped forward to speak. He said that was concerned with a referendum regarding sidewalks and road improvements. He said that he believes that all capital improvement bonding issues be referred to the PZC for consideration and he was told that the PZC did see this issue and had no comment on it. The text of the public explanatory information stated that property owners adjacent to these new sidewalks will pay 50% of the cost. Everyone who voted on that text had the assurance that would be the case. He said that he was not sure that the PZC was aware or not that the town planned to pay 100% of these sidewalks on Two Rod Highway and Mapleside. He guesses that more than 90% of the sidewalks in town have been installed as part of subdivision regulations which

requires the developer put in sidewalks as part of the subdivision. The developer then builds in this cost into the cost of the properties. Therefore these homeowners in effect pay 100% of the cost of the sidewalks.

Mr. Wright stated that there have been a number of large homes built along Two Rod Highway in recent years. They were not part of a subdivision and they were not required to put in sidewalks because they were individual homes. The town attorney issued another opinion that since it says in the bonding ordinance that the town council determines the scope and particulars of the project that it was within their authority to ignore the explanatory information that was sent to the PZC and the public, that they could change the rules and pay 100% of the cost. He thinks that it is wrong for the council to ignore the PZC's input on this matter. He recommended strongly at the meeting that the matter be referred to the PZC to get their input if desired. The manager said that it wasn't required, but that maybe it could go under an 8-24, but that the PZC did not need to be involved. He felt that the PZC should be involved. He said that now the PZC is aware of the issue. Mr. Wright also suggested that there is no need for all of the sidewalks proposed. He described where the sidewalks are along Two Rod Highway now and where they may not be needed. He said to the council that there are many streets in town where there are only sidewalks on one side of the street. Mr. Wright said that on Mapleside the Town has decided to put the sidewalks on the west side which is where the utility poles and fire hydrants are located, which would be obstacles. He waited patiently tonight because he has always respected the work that the PZC has done and he felt that the action taken by the council has been an insult to the PZC and the work that they do.

## **CORRESPONDENCE**

None

## **OTHER BUSINESS**

- Mr. Gillespie said that on Wednesday March 23, 2005 at 6:00 p.m. the Town Manager will hold the quarterly meeting of all of the land use boards and committees. He asked that someone from the Commission attend that meeting. The meeting will be held at the Community Center and the chairman of the Silas Deane Highway Commission will be making a presentation.
- Mr. Gillespie suggested that the planning and zoning application form be updated at one of the upcoming meeting. This should be done in conjunction with the Town Manager's request to update the application fees. He will bring comparisons from other towns before the commission for their discussion
- At the Hughes Brothers site, they installed lighting under the canopies that was different than the approved lighting. The lights will be on tonight and Mr. Gillespie asked that the commissioners drive by the site tonight and let him know what their opinion is on those lights. The lighting hangs below the canopy rather than installed inside the canopy and may be very bright. The owner has said that he may be able to filter the lighting, but Mr. Gillespie is not sure if that will make a difference.
- At Goodwin Park, there has been a complaint about the maintenance building being used for dumping. Commissioner Oickle said that they have been doing it for years and they have been told to stop doing it. Mr. Gillespie said that he is going to make them come in for a permit. The commissioners agreed that this would be a good idea.
- Commissioner Oickle said that he went to talk about the sidewalk issue that Mr. Wright brought up. He had suggested that it probably should be brought back before the PZC. He added that on a personal level that it was wrong for the town to pay 100% of the sidewalks even though the Mapleside sidewalks are near the schools. He disagreed with Mr. Wright on the issue that people over 60 should be exempt from paying for the sidewalks. He does not think that everyone over 60 is poor and destitute, in fact on a personal level he is better off now than he was when his kids were younger. Commissioner Leombruni asked if the sidewalk work has been initiated or is in the planning stage. Mr. Turner said that they are ready to install but they have not started construction. He thought that they may resubmit it to the PZC under 8-24. Mr. Gillespie said that the council felt that since the list of sidewalks was included in the first submittal and that the 100% payment wasn't a PZC matter, they did not have to resubmit it to the PZC. Commissioner Roberts said that when they discussed it in July the explanatory text was not part of it and he did not remember a discussion on that matter. Commissioner Oickle also said that a discussion on it may not have changed anything.

- Commissioner Roberts said that there is a petition being generated asking to exempt all town property from zoning. The people generating the petition are asking this in order to get lights in Cottone Field. Without offering an opinion on the lights, he is fundamentally opposed to the petition because of the number of properties that the town owns and projects that have become before the commission. He finds that the projects that have come before the PZC have been enhanced by the recommendations and comments from his colleagues on the Planning and Zoning Commission and hopes to see the projects continue to be required to come before the commission. Commissioner Oickle supports these statements. He is against the Town being excluded from being required to come before the commission. He said that the PZC is politically less biased than a lot of other parts of the town and he hopes that it doesn't go to referendum, but if it does that the people in town have enough sense not to support it.

## **ADJOURNMENT**

Chairman Hammer asked if there was any other correspondence or other business. Seeing none, Chairman Hammer asked if there was motion to adjourn.

Commissioner Forsdick made a motion to adjourn.

Commissioner Roberts seconded the motion. The motion passed unanimously (9-0).

(Aye: Hammer, Forsdick, Knecht, Oickle, Roberts, Munroe, Wagner, Leombruni, Hallisey)

The meeting was adjourned at 10:15 p.m.

Philip Knecht, Clerk