

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
APRIL 5, 2005**

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, April 5, 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
David Edwards

Members absent:

John Adamian
Robert P. Jurasin
John Hallisey

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

Chairman Hammer opened the public hearing and explained the format.

Commissioner Oickle made a motion to take agenda item #2 from the regular meeting [Mandatory Referral under §8-24 of the Connecticut General Statutes for Review of the Preliminary Capital Improvement Budget for 2005-2006 through 2009-2010] out of order. Commissioner Oickle explained that he was making this motion because the chairman of the Capital Improvements Committee was present and had waited at a number of previous meetings. He therefore wished to accommodate him.

Commissioner Forsdick seconded the motion and all members present voted in favor of the motion.

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

Les Cole, chairman of the C IAC introduced himself and explained that he was available to answer any questions about the budget.

Commissioner Oickle said that he had spoken with Tony Martino from the Town Engineering Department regarding some of the concerns that he had. He then asked Mr. Cole and Mr. Martino to describe the sidewalk policy.

Mr. Martino said that the Town will be going out to bid shortly on the sidewalks that were in last years package. The goal for this year is to build up an escrow account in order to complete any new sidewalks that the Transportation Committee recommends.

Commissioner Oickle asked about the state money that is going toward the Griswold Road project. Mr. Martino said that STP Urban money was received from the state in order to do a milling and overlay project with some drainage work along Griswold Road from Country Club Road to Highland Street. The town applies for other streets as well, but has not yet received money for any other projects. Commissioner Oickle asked if the drainage priorities are set up from the drainage plan established by the town. Mr. Martino answered that was the case. Commissioner Oickle asked about Station One for the Fire Department. Mr. Cole answered that the budget allowed for architectural design only.

Commissioner Roberts asked if repairs and maintenance of sidewalks would be in the general operating budget. Mr. Martino said that was correct. Commissioner Roberts asked about the lights in Old Wethersfield along Main Street. Mr. Martino and Mr. Cole explained that it was an effort to complete the project that has been started even though it is called Phase One. Commissioner Roberts asked about the Façade Loan Program. Mr. Cole explained that was to loan money to businesses that redo their facades in order to provide continuity along the Silas Deane Highway. Commissioner Roberts said that it was confusing because he thought that the Silas Deane was covered by the Steep Program and that Façade Loan may be for other areas of town. Commissioner Roberts asked about the retaining wall on Nott Street. Mr. Martino said that there a couple of houses that have stone walls on the Silas Deane Highway end of Nott Street and they belong to the town. The town is trying to repair those walls because they are damaged.

Commissioner Roberts said that the local bond for Mill Woods phase one was in last years budget and now this years budget. Mr. Martino said that bond issues get pushed out to future years by the council, and that he expected that this particular one may get pushed out even farther.

Commissioner Oickle said that there will be three town parking lots being done this year, and asked him to explain what was being done. Mr. Martino said that Charles Wright and Hamner schools will be done. The town hall parking lot would be part of the town hall renovation project and will be done after the renovation. Mr. Cole explained that parking lots and roads are usually bundled together as one project in order to save money. Commissioner Oickle agreed that he has seen that the town staff does try to bundle those things together.

Commissioner Oickle asked about Olson House. He thinks that the town owns too many buildings and asked if it could be sold or leased. Mr. Cole said that it cannot be knocked down, but that a six month lease has been talked about. However, no potential tenants are known. His understanding is that it cannot be sold. Mr. Gillespie said that the disposition of that building has been discussed and before its fate is decided, the issue may have to come before the commission due to some zoning concerns.

Chairman Hammer asked if there were any other questions, seeing none, he resumed the public hearing.

**WETHERSFIELD PLANNING AND ZONING COMMISSION
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Chairman Hammer resumed the public hearing that had been opened at 7:00 p.m.

APPLICATION NO. 1453-05-Z. Rana Automaster LLC seeking a Special Permit for a General Repairer's License and to display and rent vehicles & trailers (both renewals for ZBA Applications), located on the east side of the road in a Regional Commercial District Zone at 1652 Berlin Turnpike.

Chairman Hammer asked Mr. Gillespie to describe the memo that he had sent to the Commission. Mr. Gillespie said that as part of the new regulations, motor vehicle facilities are now under the authority of the PZC. He also summarized the permit history on this matter with the conditions. Chairman Hammer asked which were up for renewal. Mr. Gillespie said that the two permits issued in August 2004 were to be discussed.

Mr. Anees Rana of Newington, CT presented the application. He is asking for a five year permit at this time. No part of his business operation is to be changed. Mr. Gillespie interceded that the ZBA has historically issued permits for a year or six months at a time. The zoning officer has been out to this site to ensure compliance with the conditions that are attached to the permits. Chairman Hammer asked if there were any outstanding issues at this time. Mr. Gillespie said that when the applicant has had more business, then there has not been compliance with the conditions.

Chairman Hammer asked Mr. Rana if he received approval for five years, would he comply with the attached conditions. Mr. Rana said that he knows that he does not have a used car license, he did have a customer with a for sale sign on his car. Chairman Hammer asked how many employees were at the site. Mr. Rana said that there were two employees in addition to him.

Commissioner Forsdick said that she had visited the site and that it was a mess, especially compared with other automotive businesses along the Silas Deane Highway and Berlin Turnpike. She explained that there were cars and trailers all over the place.

Mr. Rana tried to explain that he tries to keep the cars parked on the left hand side of his property. He also said that if a customer comes with a seventh car, then he will send them home. Commissioner Oickle echoed Commissioner Forsdick's comments and said that he was also concerned with the unregistered vehicles on the site. He also said that there should not be parts out on the site. He would like to see the concrete in front of the building taken out. He is also concerned with the general appearance of the site.

Mr. Rana said that there are three unregistered cars on the site. He takes the plates off of them because he has had a problem with stolen plates. He has had a customer that has left a car without plates and Mr. Rana is going through the process to "junk" the car. He also has a customer who owns a used car lot and he fixes the unregistered cars for him.

Commissioner Munroe said that he is also concerned with the unregistered vehicles and that they seem to have been there for a long time. He also said that the rental vehicles are supposed to be parked on the south side of the property only and that this is not happening. Finally, he would also like to see the site cleaned up.

Mr. Rana gave an explanation for specific parts left on the site because they are being worked on and said that he has a repair shop not a gas station or grocery store that can easily be kept clean. Commissioner Munroe asked if the cars on the lot are only there for repairs since they seem to have been there a long time. Mr. Rana said that they are only there for repairs, but there are a couple of cars where the owners have not shown up to pick them up and Mr. Rana stores the plates in his shop so that they won't be stolen.

Commissioner Munroe asked if the ZBA gave a maximum number of vehicles allowed on the site. Mr. Rana said that

the maximum allowed is ten cars, however if he gets an eleventh car, what can he do? He also said that although you will see some parts on the site until the vehicles are fixed, there is no litter on the site.

Commissioner Knecht asked if the cars on the site are Mr. Rana's cars or from other people. Mr. Rana said that they are other people's cars.

Commissioner Leombruni said that it seems that the applicant has not been keeping up his end of the bargain. He has been operating in a manner inconsistent with the conditions on the permit, and what is the procedure for enforcing the permit?

Mr. Gillespie said that ultimately after a public hearing, a permit can be revoked if not complied with. Commissioner Leombruni stressed to the applicant that it is up to him to abide by the conditions that are part of the permit. He understands that the applicant has heard that the site should be cleaned up, and that since he has heard that the applicant has not met the conditions, he would not be willing to vote for a five year renewal of the licenses.

Mr. Rana said that he is asking for a five year permit because it is getting too expensive to apply and spend \$200 every six months to renew his permit. He has seen other businesses getting a five year permit. He also wants to know specifically what the commission wants to see in terms of cleanliness.

Commissioner Leombruni asked Mr. Gillespie to confirm if other businesses have a five year renewal. Mr. Gillespie said that most other businesses do not have a time limit, however the ZBA has established a practice for certain businesses to come in for renewals of licenses every year or so. This is not the only business that has a limited license. Chairman Hammer asked if the ZBA has issued any repairer's licenses that have not been limited. Mr. Gillespie did not know based upon his experience. Chairman Hammer said that the applicant has complained about the fee. He asked Mr. Gillespie if the applicant could be given a five year permit with an annual renewal to eliminate the fee. Commissioner Leombruni agreed that the applicant should not have to pay a fee every six months for a review by the commission.

Commissioner Forsdick said that the applicant has said that he doesn't know what is expected of him and asked Mr. Gillespie if it would be possible to tell the applicant exactly what is needed at the site. Mr. Gillespie replied that he would like to do an inspection with the zoning officer to go through the site and suggest simple solutions like a fenced and screened in area for unsightly auto parts.

Commissioner Oickle asked if there is a dumpster on the site and said that a good fenced in area would help even though it is a small site. He also said that he needs to get rid of the unregistered vehicles on the site. He asked if the applicant has been on the site for four years and the applicant confirmed. He said that is a lengthy period of time and that he is inclined to not review the license at all, however is willing to listen to a reasonable compromise. He described Lamore's on the Silas Deane Highway as a business that does a decent job of storing cars overnight in an orderly manner.

Chairman Hammer said that there has been a suggestion that Mr. Gillespie go to the site and review what needs to be done at the site. He asked the commissioners whether or not this made sense and if they would like the hearing continued to a date where Mr. Gillespie could be present to discuss his findings and recommendations. Commissioner Oickle asked if the six month time limit would expire. Mr. Gillespie said that it would be ok as the applicant has applied and is going through the process. Mr. Rana said that he would appreciate that. Chairman Hammer said that they would continue the hearing to the first meeting in May. Mr. Gillespie suggested that the commission keep the hearing open in the case of additional materials and testimony.

Chairman Hammer asked if there were any members of the public who wished to speak. Mrs. Silva of Goff Road spoke on behalf of herself and her neighbor Mrs. Devine. She said that the entire area was very dirty and it is becoming a difficult place to live. She is not against anyone, but she likes the area clean. She would like to see the town put a fence up or something to keep the leaves and debris from the hotel and other businesses out of her neighborhood. Commissioner Oickle sympathized with the speaker and asked Mr. Gillespie if the town could do something about the debris behind the hotel in that area and if an enforcement officer could be sent there to fix that. Mrs. Silva thanked the commission. Chairman Hammer announced that the commission would take this up again at

their meeting on May 3. He asked if anyone else wished to speak.

Mr. Rana said that the hotel is not part of his property.

Commissioner Leombruni asked Mr. Gillespie to offer an opinion on whether or not having the commission weigh in on the application annually would help the situation or be a waste of time. Mr. Gillespie said that it would be worthwhile.

Commissioner Roberts asked if the commission has the authority to waive a fee. Mr. Gillespie said no, but having an annual review of a permit may not require a new application.

Commissioner Knecht asked if Mr. Rana is the sole owner of the license. Mr. Rana said that he owns it with his wife and if he doesn't get the license, the business would be closed. He explained that he has spent four years of hard work to try to keep a business. He said that he has found out that people have tried to sell cars on his property without his knowledge. Mr. Rana said that he would not be inclined to have a business in Wethersfield if his license is not renewed. He also said that when he is doing business he sees 6-8 cars a day.

Chairman Hammer called for a motion to continue the public hearing until Tuesday May 3, 2005. Commissioner Leombruni made a motion to continue the public hearing to the Commission's meeting on May 3, 2005.

Commissioner Oickle seconded the motion.

Chairman Hammer called for a vote on the matter. All members present voted in favor of the motion (9-0). (Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Edwards)

APPLICATION NO. 1454-05-Z. James Duquette seeking a Special Permit for the sale of alcoholic beverages, located on the east side of the road in a Regional Commercial District Zone at 1030 Silas Deane Highway.

The Applicant, James Duquette, explained that he is seeking a liquor license for his Filipino Restaurant. Chairman Hammer asked if the liquor would be for the restaurant use only and only for people seated at tables. Mr. Duquette said that there would be a bar for the wait staff to serve beer and wine. Chairman Hammer reminded Mr. Duquette that a separate license was required for beer and wine vs. a full liquor license.

Commissioner Forsdick said that the application does not say just beer and wine. Mr. Gillespie said that he advised the applicant to apply for a full liquor license at this time so that he did not have to come back at a future date, then it would be up to him how he utilized it. Commissioner Forsdick said that she didn't necessarily have a problem with a full license, she just pointed out that it wasn't just beer and wine that was being applied for.

Commissioner Oickle said that since this was the first time the commission had to deal with this type of permit, they would need some education on what they should be looking for when issuing these permits.

Mr. Gillespie said that this is a new part of the regulations under Section 5.8. All new liquor permits in town require a special permit from the commission. There are several criteria including the proximity of the establishment to sensitive uses and the issue of whether or not a cluster or undue concentration of similar establishments. In this case, there are neither sensitive uses nor a cluster of similar establishments surrounding this use.

Commissioner Munroe asked if the applicant had rights to the parking lot in the rear of the restaurant. He asked whether it was available to both establishments. Mr. Duquette said that they were and that most of Dunkin' Donuts business was drive-thru.

Chairman Hammer said that in his experience on the commission, he can't remember issues coming up with establishments like this concerning alcohol, so he thinks that there has been a pretty good track record. Chairman Hammer then asked if there were any members of the public who wished to speak. Seeing none, he asked Mr. Gillespie if there were any outstanding issues or conditions attached to the original permit that needed to be addressed.

Mr. Gillespie said that there were two conditions, the first is that the parking in the back had to be striped and dedicated. In addition, the dumpster in the back had to be designated and screened. Chairman Hammer closed the public hearing and said that the commission would address this matter during their regular meeting.

APPLICATION NO. 1455-05-Z. John Tartaglia seeking Site Plan and Design Review approval under Article XXXI for parking in the front yard (with retaining wall), located on the north side of the road in a Business Park District at 61 Arrow Road.

Chairman Hammer asked Clerk Knecht to read any correspondence into the record. Clerk Knecht read a memo from Michael Turner, Town Engineer/Director of Public Works to Peter Gillespie into the record. The memo said that he had reviewed the application and he had six comments.

Mark Pronovost, the engineer representing the applicant presented the application. He said that the last time, the commission approved the first phase of the multi-phased plan. Mr. Tartaglia wishes to start Phase IA and Phase 2. He is including 73 parking spaces where 92 are required for full occupancy. The applicant has begun cleaning up the area around the building and is now proposing parking in the front of the building. His understanding is that as tenants move in, the zoning enforcement officer would check to make sure that there was enough parking to cover the occupied space. As the approved parking ran out, the applicant was then required to come in for the next phase.

The applicant is now concerned with the appearance of the front of the building and the accessibility of parking areas on his site. Originally, fifteen spaces were approved along the front of the building. The applicant is now proposing an additional eighteen spaces. A retaining wall at the front of the building, thirty feet in length and eight feet in height with a parapet and safety railing would face Arrow Road. Mr. Pronovost displayed a prepared elevation of the front of the site.

The retaining wall would run across a third of the building and the applicant is proposing a row of arborvitaes to soften the landscape. The applicant also explained that a waiver for the requirement to park within the building setback line. This waiver is needed in order to improve the access to the building and accommodate the proposed additional eighteen parking spaces.

Commissioner Forsdick said that she visited the site and that there was work being done on the building today. She asked about the existing stairs at the site in the area where the retaining wall is proposed. Mr. Pronovost said that originally the stairs were to be taken out, but that now the owner asked that the stairs would remain and that new railings would be added to ensure safety. Commissioner Forsdick said that the existing stairs end halfway down the hill, so how would they be utilized? Mr. Pronovost explained that he was not aware of the details and that maybe the rest of the stairs were covered with construction debris at this time. He also discussed the three driveways on the site.

Only one of the driveways will be eliminated, and for now one of the driveways that leads to some of the proposed elevated parking may not be needed, but it is being retained for now.

Commissioner Forsdick then asked if the stairway would be finished and landscaped and would lead to the driveway. Mr. Pronovost said that the wall would be landscaped, and that the area has been cleaned up, but not specifically what would happen with landscaping on the stairs.

Commissioner Wagner asked what is happening with the drainage on the site. Mr. Pronovost said that the catch basin would tie into the existing storm drainage on Arrow Road. He added that they would be adding approximately 25% more pavement than was there before, however some of the proposed increased pavement may not be added in the future, so the proposed underground drainage system may not be needed. Commissioner Wagner followed up by asking if a drainage analysis was done. Mr. Pronovost said that he has not done an analysis because it is such a small area and that he thought that the engineering department would have pointed it out to him if he had questions.

Commissioner Leombruni asked about the phases of the project. Mr. Pronovost said that in order to have the project work economically, the applicant has to fill the building to pay for the improvements. The first phase was 52 of the total 92 parking spaces. The owner was to update the parking schedule as the building was occupied. Every time he has to occupy new space, he has to get a building permit and this is how the occupancy and parking is monitored. There is

no timetable for filling the building and paving the site for parking. Commissioner Leombruni asked if the improvements inside the building were coherent with the parking. Mr. Pronovost said that was the case and that the owner has agreed to do that. Commissioner Leombruni asked Mr. Gillespie if that was possible. Mr. Gillespie said that the Certificate of Occupancy is the mechanism being used to control the occupancy and parking situation at the site.

Commissioner Munroe asked what type of business is going into the building. Mr. Pronovost said that the intent is for someone like an electrician and/or carpenter to occupy the space, not necessarily office. Commissioner Munroe explained that different types of business need different parking. Mr. Gillespie said that retail was not proposed. Mr. Pronovost said that he didn't even think retail was allowed.

Commissioner Forsdick recollected that maybe some small offices would be located at the site, but no retail would be located there. Mostly it would be small businessmen who used the space as a place to store their items, and travel out to a site. Mr. Gillespie said that the use of the site was specific to light industrial and some office, not retail. His understanding is that they will stick with the original occupancy plan and that the parking will follow the improvements done to the site.

Commissioner Oickle asked about the driveway out front and if it met the new town requirements and whether Mr. Gillespie had a comment on the requested waiver. He said that DOT has talked about using that area for an interchange. Mr. Gillespie said that the right-of-way is very wide. The setback for that area is 50 feet and 32 feet is proposed. Mr. Gillespie said that is still a pretty good setback. He also said that the proposed parking would be meeting town standards. Commissioner Oickle asked the applicant to address the six comments in the memo from Michael Turner.

Mr. Pronovost asked to keep Phase IA as the parking in front of the building and to keep it separate. He explained that the proposed handicapped spaces were at grade to make it useful. The front of the building is not conducive to handicapped spaces. The proposal for the wall is to extend the wall two feet above grade and add a nice metal railing above that. This will keep the cars from going over the wall. This proposal is shown on the architectural elevation, however there is no detail.

Commissioner Edwards asked if drawings for the new stairwell would be submitted with new handrails. Mr. Pronovost said that there are no drawings for that now, but that the stairs would require railings and that would be done.

Mr. Pronovost knows that he needs a building permit and that engineered drawings would be required. Also the applicant would require the increased wall height with railing instead of a guardrail.

Mr. Pronovost agreed with the comment about the form liner on the wall. He has no problem with working with the staff on the landscaping. Mr. Gillespie asked for a more flexible landscaping plan. The evergreens may be appropriate on one side of the wall, however, the staff would like to work with the applicant on a better landscaping plan.

Continuing to address Mr. Turner's comments, Mr. Pronovost mentioned that the proposed handicapped space would replace two spaces. Finally, lighting would be placed on the building and he would submit cut sheets to the staff for their approval.

Chairman Hammer asked for questions or comments from the public. Seeing none, he closed the public hearing for this application.

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
APRIL 5, 2005**

APPLICATION NO. 1456-05-Z. Town of Wethersfield seeking to amend various sections of the Zoning Regulations & Zoning Map.

Chairman Hammer asked the commission members if they were comfortable going ahead with the zoning regulation

amendments due to the lengthy meeting agenda. He asked Mr. Gillespie if there were any time-sensitive issues in the regulations. Mr. Gillespie said that the only item of immediate urgency was the issue concerning the cemetery.

Commissioner Roberts suggested putting off the public hearing on item 4 until the end of the regular meeting. Commissioner Oickle made a motion to defer the discussion of this item until the end of the meeting.

Commissioner Forsdick seconded this motion.

Chairman Hammer called for a vote on the matter. All members present voted in favor of the motion (9-0). (Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Edwards)

The public hearing of this item was deferred until the end of the meeting.

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

Commissioner Oickle made a motion to approve the Preliminary Capital Improvement Budget for 2005-2006 through 2009-2010. Commissioner Forsdick seconded the motion. Commissioner Oickle asked Mr. Gillespie whether or not the Olson House issue should be put into the vote. Mr. Gillespie said that without a plan it is difficult to attach a monetary value to that at this time.

Chairman Hammer asked if there was any other discussion on the matter. Seeing none, he asked for a vote. Seven of the nine members present voted in favor of the motion to approve, with one member voting no and one member abstaining (7-1-1).

(Aye: Hammer, Forsdick, Knecht, Munroe, Oickle, Leombruni, Edwards)

(No: Roberts) (Abst: Wagner)

APPLICATION NO. 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. (Tabled from March 15, 2005)

Chairman Hammer introduced the application, saying that it had been tabled pending information from the Inland Wetlands commission. He asked Ms. Bagley to present the application.

Kathy Bagley, Director of Parks & Recreation presented the application and explained that it had been tabled at the Commission's last meeting pending approval from Inland Wetlands. She said that the Town did receive approval from that commission. Mr. Gillespie said that this application had been tabled only as a procedural matter and that this was the only open item.

Commissioner Oickle agreed that he did not remember any other outstanding questions or concerns with this application.

Commissioner Roberts made a motion to approve application 1449-05-Z.

Commissioner Oickle seconded the motion. Chairman Hammer asked if there was any other discussion on the matter.

Commissioner Wagner asked if the proposal to expand the skate park was in order to physically expand the size of the park or to just add more ramps and equipment to the park. Ms. Bagley indicated that the proposal requiring additional funding was just to add more "stuff", more obstacles. This plan would take an additional \$20,000 in order to create it.

Commissioner Wagner asked if the Town would have to come back before the Commission again to get the additional obstacles approved. Mr. Gillespie said that the staff has the ability to review insignificant changes and that the additional obstacles would not change the intent of the approved plan. He added that the other plan sounded like an insignificant change that would not have to go back before the commission.

Commissioner Oickle said that he had no concerns with either plan and wondered if Commissioner Wagner had an issue with the drainage at that site.

Commissioner Wagner said that she had no issues with either plan, she was just concerned that it would require another review. Ms. Bagley indicated that she did present both schemes to the Planning and Zoning Commission, therefore she did not think that she would have to come back for additional approval.

Chairman Hammer called for a vote on the matter. All members present voted in favor of the motion to approve (9-0).

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

Chairman Hammer announced that Application 1449-05-Z has been approved.

APPLICATION NO. 1453-05-Z. Rana Automaster LLC seeking a Special Permit for a General Repairer's License and to display and rent vehicles & trailers (both renewals of ZBA Applications), located on the east side of the road in a Regional Commercial District Zone at 1652 Berlin Turnpike.

During the public hearing, Commissioner Leombruni made a motion to continue the public hearing to the Commission's meeting on May 3, 2005.

Commissioner Oickle seconded the motion.

Chairman Hammer called for a vote on the matter. All members present voted in favor of the motion (9-0). (Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Edwards)

APPLICATION NO. 1454-05-Z. James Duquette seeking a Special Permit for the sale of alcoholic beverages, located on the east side of the road in a Regional Commercial District Zone at 1030 Silas Deane Highway.

Commissioner Roberts made a motion to approve Application 1454-05-Z.

Commissioner Munroe seconded the motion.

Chairman Hammer called for a vote on the matter. All members present voted in favor of the motion to approve (9-0). (Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Edwards)

APPLICATION NO. 1455-05-Z John Tartaglia seeking Site Plan and Design Review approval under Article XXXI for parking in the front yard (with retaining wall), located on the north side of the road in a Business Park District at 61 Arrow Road.

Commissioner Oickle made a motion to approve Application 1455-05-Z with the following conditions discussed in the memo from Mike Turner with some variations. The conditions are as follows:

1. The site plan depicts parking for both Phases 1 A and 2. The applicant should clarify specifically which parking areas are proposed to be constructed under Phase 1A. It is presumed for this review the lot which lies between the building and Arrow Road is the sole Phase 1A construction.
2. Applicant should submit design plan, cross section and reinforcing details, stamped by a Professional Engineer of the retaining wall at the time of building permit application. The wall will either require a guide rail on top, or the all height extended to about two feet above grade as a vehicle barrier and a suitable railing installed atop the wall.
3. Applicant should consider the use of a form liner to provide architectural relief on face of wall.
4. Applicant should add landscaping to soften face of wall. The landscaping plan for the entire site shall be subject to review and approval of the Planning Staff.
5. Parking lot for Phase 1A will need an additional handicap space depicted (2 required for 34 spaces shown).
6. Indicate on the plans location and details any proposed site lighting (or building mounted lighting) for this

parking lot. All lights to be full cutoff style.

7. The drainage on the site should be adequate and will require final approval from the town engineer.

Commissioner Leombruni seconded the motion.

Chairman Hammer called for a vote on the matter. All members present voted in favor of the motion to approve (9-0). (Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Edwards)

APPLICATION NO. 1402-03-Z Mercury Fuel seeking to amend the previous approval regarding canopy lighting at 151 Silas Deane Highway.

Harold Zinno, the project manager introduced himself and Conrad Decker, the designer and principal at Decker and Company in Lee, Massachusetts. Mr. Zinno said that when the lights were installed at the site, he got a call from Mr. Gillespie expressing his concern about the lights. He explained that originally the 2x2 approved lights did not fit in with the construction of the canopy. Instead, they have decided to go with a Scottsdale fixture with cutoff shields that encircle the halide lamp. Mr. Gillespie suggested that they get on the agenda to explain the effect of the shields to the commission.

Mr. Decker then passed out copies of the photometric studies of the sites. He said that most towns are concerned about the foot candle ratings on the property lines.

- The first sheet detailed the original submission approved in 2003:
 - 16- 400 watt fixtures
 - 36,000 lumens
 - 65.85 foot candles in total on average
 - The south side property line shows 0.3 foot candle and a 1.1 foot candles.
 - The north side showed a 1.5, 1 and 0.7 foot candles.
- The second photometric study shows the light fixtures that were installed. These fixtures have a globe on the fixture, but would not have the full cutoff shield.
 - 16- 370 watt fixtures
 - 32,000 lumens
 - The south side would be 0.9 foot candles on average
 - The north side, 1.5, 1.6 and 1.7 foot candles.
- The third study shows the fixtures with the full cutoff shield.
 - The average rating goes from 65 to 23.79 foot candles average under the canopy.
 - The lumens would be reduced to 32,000.
 - The south side would have approximately 0.5 foot candles
 - The north side would have 1 foot candle.

The third option shows a reduction in average foot candles under the canopy and a reduction at the property line. They are asking for approval of the new fixtures with the full cutoff shields.

Commissioner Forsdick said that she went to the site and then five other gas stations. From what she could see, the lights at this site looked like it would be less than the others on the Silas Deane Highway and the Berlin Turnpike. Mr. Decker said that they think that it is a reasonable alternative and still meets the intent of the original 2003 approval. Commissioner Oickle said that historically he has not gotten into this issue with other gas stations, but he recognizes that the design and intensity is important but also the look of the lights hanging below the canopy. He is in favor of the change. Mr. Decker said that when new lights go in, their intensity is different than if they have been there for a while. A brand new fixture has a 0.72 maintenance factor. A new light will degrade down to 72% of what is seen on the first day. This degradation takes place over 60 days.

Chairman Hammer asks if it stays at 72% for the life of the bulb. Mr. Decker said that it will stay at 72% for the life of the bulb. Commissioner Wagner said that they have reduced their average light by 75% and asked if the patrons will still be safe. Mr. Decker said that they are sensitive to the residential neighborhood behind them and are trying to balance that with the safety of their patrons. He assured the commission that there would be a safe environment.

Commissioner Wagner asked if the proposed fixtures with the baffles provide adequate light. Mr. Decker answered that it was adequate.

Commissioner Leombruni said that the original light was proposed inside the canopy and that the fixture was changed and the concern was light pollution and that now they are here to say that there is less light pollution. Mr. Zinno explained the details of the lights in the canopy and said that they were here to prove that there would be less light pollution than what was approved in 2003. Commissioner Leombruni asked if this was a winner because it was an effort to reduce the light pollution on the site. Chairman Hammer added that originally the commission had approved a fixture that did not hang below the canopy and although this does hang below the canopy, the result is less light pollution. So the issue is the aesthetic of the fixture and the intensity of the light.

Commissioner Oickle made a motion to amend Application No. 1402-03-Z as detailed in the lighting proposal shown on the drawing titled "Lighting Proposal for 26' x 100' Canopy" Numbered LO-72559D, from LSI Industries.

Commissioner Roberts seconded the motion.

Chairman Hammer called for a vote on the matter. All members present voted in favor of the motion to approve (9-0). (Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Edwards)

APPLICATION NO. 1457-05-Z Paula Larsen, Main Street Creamery, seeking to amend a previous application by adding two (2) lights above the sign and to modify the driveway surface from proposed brick pavers to gravel (gravel presently existing) [Application No. 1420-04-Z]

Paula Larsen introduced the application. She had always intended to have lighting at the site, and thought that they were on the plans that were approved, the contractor did have lighting on some of his plans. She needs lighting because she is open at night. She believes that there may be some concerns because of her neighbor, who was originally concerned about spotlights on her house. She said that the Historic District Commission approved the lights.

Commissioner Oickle asked Mr. Gillespie to comment on the lighting. He said that there was a specific condition on the permit that no lighting be installed. He doesn't have a problem with the lighting and it has been approved by the Historic District Commission. Commissioner Oickle said that he recognizes that lighting is needed at the site. He also asked Mr. Gillespie to comment on the pavers. Mr. Gillespie said that Ms. Larsen asked if she can replace the pavers with stone. Ms. Larsen said that she has a drainage problem with all pavers and when she consulted with the Historic District Commission, they suggested stones. She presented a sample of a Connecticut River Blend stone, and asked the Commission to approve this change.

Commissioner Roberts asked if this was an area for customers to park. She said that it was only her private driveway. Commissioner Oickle asked why there would be a drainage problem with pavers. Mr. Gillespie said that pavers do not allow as much water as other surface conditions, but he did not know specifically whether or not there was a problem at the site. He did not consult with the town engineer on that issue. Mr. Gillespie reminded the commission that they have the ability to modify a surface treatment as long as it doesn't result in a dusty condition.

Commissioner Roberts said that there shouldn't be a concern since it isn't for customers. Commissioner Leombruni said that if other people had to use this area, it may be hard to walk on, but asked for verification that it was only her driveway.

Commissioner Roberts asked Mr. Gillespie if the staff had a concern about the type of lights. Mr. Gillespie said that the staff did not have a concern and in fact they were a gooseneck type lamp, which would have been suggested anyway.

Commissioner Forsdick made a motion to approve Application 1457-05-Z to amend the previous application to add the two lights shown in the picture submitted by the applicant and to change the required brick pavers to allow the stone from the sample shown to the Commission at this meeting.

Commissioner Roberts seconded the motion.

Chairman Hammer asked if there was any other discussion on the matter. Commissioner Oickle expressed his concern about gravel or stone driveways being approved instead of pavers. Commissioner Leombruni confirmed that the Historic District Commission preferred stone driveways to paved driveways in Old Wethersfield.

Chairman Hammer called for a vote on the matter.

All members present voted in favor of the motion to approve (9-0). (Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Edwards)

Pre-Application Review - Kenneth Herbert - Proposed Active Adult Community (over 55) at Church Homes site, 295 Ridge Road.

Mr. Pronovost representing John Tartaglia described the site and asked the commission about the possibility of a zone change. They are proposing to build an age-restricted community. They would like to retain the existing building and add an elevator to create between ten and sixteen apartment style condominiums of approximately 900 s.f. each. Then they would build thirty-eight to forty attached single family homes. Each unit would be approximately 1800-200 s.f. A road would be put in on the site, the density of the site would be 7.2 units/acre. The units would be upscale, higher end units.

A waiver would be requested along the Wilbur Cross Parkway side to accommodate this number of units. The applicant is trying to get a feel from the commission as to whether they would allow a zone change at this site. Commissioner Leombruni asked what the zone change would be. Mr. Pronovost said that they would ask for the Special Residential District zone. Commissioner Leombruni asked why they couldn't use their existing non-conforming condition with variances from the ZBA. Mr. Gillespie said that although he has that option, the SRD was set up to accommodate this type of development.

Commissioner Oickle asked whether they would be market units and what the price of the units might be. Mr. Pronovost said that he could not guess the price, but they would be upscale market units built without subsidy. Commissioner Forsdick asked what the units would look like. Mr. Pronovost passed around some preliminary architectural elevations.

Chairman Hammer asked if the development would conform to the setbacks of the existing residential A-1 regulations. Mr. Pronovost said that they would not meet the A-1 setbacks, but they would conform to the setbacks of the SRD except for the side yard along the Wilbur Cross Parkway which they would request a variance for. Chairman Hammer asked questions to try to get an understanding of the difference in the density allowed under the existing Residential A-1 and the proposed Special Residential Development district.

Commissioner Oickle commented that the development is too close to the existing single family homes and that the site as proposed would be too dense. He is also troubled by the eleven attached units rather than units clustered into threes and fours. He is concerned that the site would be overbuilt even though it abuts apartment buildings and the highway. He said that if the proposal was less dense and not as close to the property lines, he would feel better about it. In addition, Commissioner Oickle indicated that the first few houses are key on that site.

Commissioner Wagner asked why the applicant is keeping the existing brick building. Mr. Pronovost said that because it is an attractive building and it is in good shape and easy to adapt it to ADA requirements. Commissioner Wagner asked if it would be for assisted living. Mr. Pronovost said that wasn't. Commissioner Wagner said that she thought that the site as proposed was too dense and she wondered where the detention basin was going to be. She thought that if the drainage systems were located throughout the site, it might break up the mass of building. Mr. Pronovost indicated that he left a little bit of green space for drainage purposes, but did not know if it was enough.

Commissioner Munroe agreed that the site as proposed was too dense. He asked Mr. Gillespie to recall the number of units proposed in the past. Mr. Gillespie thought that 39 or 40 units were proposed at that time. Commissioner Munroe then discussed some of the potential drainage problems at the site with runoff from the roofs, etc. He also asked about the need for a traffic study. Mr. Gillespie said that he has already heard concerns from the neighbors. He definitely

recommends that the applicant meet with the neighbors to hear their concerns and address them before making a proposal. Mr. Gillespie also agreed that a traffic study may be necessary at the site to quantify the potential impact.

Commissioner Wagner asked a follow up question. She does not want to discourage development of the property, but asked if it was feasible to do a project with less than the proposed 38 units. Mr. Pronovost said that he didn't know the minimum number of units that the owner could do, and he recognized that there are limitations on the site, like drainage, wetlands and traffic.

Commissioner Leombruni told the applicant to come well prepared with engineering studies. He suggested clustering the development instead of long linear rows. He said that might naturally reduce the number of units. He said that he would be amenable to the change.

Commissioner Roberts agreed that he did not like the look of the units strung together in a linear fashion, but would like to see a change at the property. Chairman Hammer said that it is an interesting use of the site and that the over 55 restriction would help the tax base. He is concerned about the rental piece.

Commissioner Edwards asked if sidewalks would be located on the property. He also suggested that the service areas of the properties (like driveways and garages) should be located to the rear of the property. Mr. Pronovost said that the sidewalk issues would be worked out at a later date.

Commissioner Oickle said that there have been a lot of these type of proposals and that he would be in favor of the change.

Commissioner Roberts said that he is in favor of the zone change, especially considering the previous use of this site as a church home. It has already been a residence for long period of time.

Commissioner Leombruni said that he likes the existing building and would like to see it retained in the new plan. He asked if the units in this building would be for 55 and only also. He also suggested that the row of houses coming out to the front of the site would detract from the beauty of the existing building.

Chairman Hammer said that the applicant should be mostly sensitive to the neighbors.

Chairman Hammer asked if any members of the public would like to speak.

Don Mondani came up to share his thoughts. He is familiar with the 55and over concept for developments. HE said that they are still playing with the floor plans and that can be worked with, but he appreciates that they have to reach a certain number of units to make it work. He also would like to see the existing building retained because it is beautiful.

Commissioner Edwards asked if the existing building was apartments. Mr. Pronovost said that it was not. Commissioner Edwards then asked if each unit would need to be centrally air-conditioned and if so, they would have to worry about he sound from the HVAC equipment.

Commissioner Oickle expressed his concern about the removal of some of the nice big trees on the site. He didn't see a way around that either with the proposed development.

Chairman Hammer said thank you to the applicant and ended the pre-application discussion.

Pre-Application Review - Marco Caruso - Proposed Wethersfield Foreign Auto service at 58 Maple Street.

Josephine Caruso spoke on behalf of her husband Marco Caruso to request approval of a foreign auto service. Chairman Hammer verified that this was a pre-application review and therefore an informal discussion about what they planned to do.

Commissioner Roberts asked about the building, where it was located and what was in there previously. The commissioners discussed the previous auto related uses of the building. Commissioner Forsdick asked if they were in

there now. Ms. Caruso said that they were not, however Commissioner Forsdick was correct that there is an existing business there occupied by a detailer.

Ms. Caruso said that they are proposing to use two of the three bays for work space and the other three bays to park cars. Repairs would be by appointment. Commissioner Leombruni asked if they planned to take the whole space. Ms. Caruso indicated that they would take five bays and the office. Mr. Gillespie said that the existing glass place would stay where they are.

Chairman Hammer asked how many employees would be at the site. Mr. Caruso replied that it would be him and one other employee. Commissioner Munroe asked if would be an application for a general repairer's license as well. Mr. Gillespie indicated that it would be.

Commissioner Forsdick verified that service would be by appointment only and therefore there wouldn't be a lot of parked cars on the site. The applicants confirmed this. Commissioner Forsdick also asked if the applicants would redo the property. Ms. Caruso said that they would be willing to paint it to make it look like the proposed rendering that she distributed.

Commissioner Oickle asked if the applicant would replace any of the doors of the bays. Mr. Caruso said that he would if he had to, but he did not plan to. Commissioner Oickle told the applicant that he would need to stripe the lot out front and that the site would need to be cleaned up, including paving in the rear. He also asked if the cars would be parked outside overnight. Mr. Caruso said that they would not be parked outside, rather inside the building.

Commissioner Leombruni made the point that this applicant was only leasing the site and therefore he is not subject to the requirements to clean up the site that the owner of the site may need to do. Commissioner Oickle agreed.

Commissioner Leombruni asked what the hours of operation would be. Mr. Caruso said that it would be Monday through Friday 8-5 and in the beginning four hours on Saturday.

Chairman Roberts said that it seemed like a good use at that location and only seeing the tenant and not the landlord, he understands that certain things might not be able to be required. The town is usually concerned about piles of stuff outside the place and unregistered parked cars outside. This doesn't seem like an issue at this location with this applicant.

Commissioner Oickle reminded the applicants that they would be at the entry point in town off of the highway and that is why the commission is concerned about the appearance. Mr. Caruso explained that he would be working on expensive cars and therefore would not park them outside. Ms. Caruso said that other than a paint job, the building is in pretty good shape. Commissioner Oickle agreed.

Chairman Hammer agreed that the building is designed for this type of use and seems consistent with the area and seems like a good fit. Commissioner Oickle agreed and liked that the repairs would be by appointment which would enable the applicants to control the number of cars at the site. Commissioner Knecht asked if this was the only type of business like this in town. The applicants thought so.

APPROVAL OF MINUTES

The Commissioners indicated that they had not received the March 15 minutes. Therefore, no vote was taken on the minutes.

APPLICATION NO. 1456-05-Z Town of Wethersfield seeking to amend various sections of the Zoning Regulations & Zoning Map.

Chairman Hammer said that the options are to do everything, nothing or just talk about the cemetery issue. The commissioners agreed to just discuss the cemetery issue. Chairman Hammer asked to open the public hearing and due to the lateness of the hour, just to discuss an issue concerning cemeteries.

Mr. Gillespie introduced the issue and discussed a memo that was distributed to the PZC by Mr. Gillespie. The subject under 2.c refers to section 3.2.e of the regulations. There has been a proposal to add cemeteries by special permit in a residential A zone. The issue is that the regulations currently do not address cemeteries and the issue is how to deal with proposals from cemeteries. The town attorney has decided that a variance would be required to a preexisting nonconforming use in order to add a mausoleum. Mr. Gillespie said that he thinks that because the cemetery use exists, only an expansion of the use would require the full special permit. An accessory use or structure is what is more likely.

Commissioner Hammer asked if there was a definition of cemetery, and if it was limited to human cemeteries. Mr. Gillespie indicated that it is statutorily defined and that it was intended to be limited. Chairman Hammer asked about advertising options if the hearing was closed.

Commissioner Leombruni asked if this issue was approved, new cemeteries would be allowed in town. He did not indicate that he was in favor of that. Chairman Hammer reminded Commissioner Leombruni that it would only be by special permit.

The commissioners discussed the process of handling just this issue within the public hearing. Mr. Gillespie also had not done this before. Chairman Hammer suggested re-noticing the rest of the hearing and dealing with this one item.

Commissioner Oickle expressed concern about a pet cemetery. Commissioner Edwards suggested putting the word existing in there. Chairman Hammer said that they should not rush to act and asked Mr. Gillespie to craft a definition including a size limit, and limiting to human cemeteries.

Commissioner Roberts asked what zones the cemeteries would be in. Mr. Gillespie said Residence A and A-1. Chairman Hammer asked if there was any way to deal with moderate or light expansion of existing cemeteries without allowing new ones. Commissioner Edwards asked if the definition could limit new cemeteries. Mr. Gillespie said possibly by putting a minimum size limit on it, however in dealing with other exceptions, some reasonable language needs to be put forward. Chairman Hammer suggested that nonconforming use is able to expand under certain limits. Commissioner Oickle asked about expansion of Cedar Hill. Mr. Gillespie indicated that they had asked about expansion into Balf's land.

Chairman Hammer said that is inclined not to rush into this tonight and asked for a consensus. Mr. Gillespie said that they would need to go to the ZBA for a variance as a process if this is not passed. They could do that and come up with a hardship. Mr. Gillespie felt that the more appropriate way would be to go to the commission under a zone modification.

At the end of the meeting, Chairman Hammer suggested that the Commission close the public hearing to take action and re-notice for a month from now at the Commission's meeting on May 3, 2005.

Commissioner Oickle made a motion to close the public hearing.

Commissioner Leombruni seconded the motion.

Chairman Hammer called for a vote on the matter. All members present voted in favor of the motion to approve (9-0). (Aye: Hammer, Forsdick, Knecht, Munroe, Roberts, Wagner, Oickle, Leombruni, Edwards)

Commissioner Wagner asked if they should have a special meeting on the proposed zoning changes. Chairman Hammer was not inclined toward a special meeting and suggested that the applicant draft a definition for Mr. Gillespie.

PUBLIC COMMENTS

None

CORRESPONDENCE

a. CRCOG Referral of Proposed Town of Wethersfield Zoning Regulations and Zoning Map amendments.

Mr. Gillespie said that they saw no inter-municipal impacts and had no objections to the regulations.

b. Discussion of New Fee Schedule

Mr. Gillespie said that the fees had not been updated in about twenty years. He looked at Newington and Rocky Hill to compare the fees and submitted an initial series of changes. The changes are enclosed in the packet. He also is taking a look at administrative applications. They need to adopt a new town ordinance authorizing the PZC to change the fees. Previously, it was changed as part of the regulations. Mr. Gillespie indicated that they tried to be competitive. Commissioner Oickle asked if fee increases would deter development. Mr. Gillespie said it wouldn't. Chairman Hammer said that it was supposed to cover staff time, and Mr. Gillespie said that it didn't even cover that. Chairman Hammer said it sounded reasonable to him and many of the commissioners agreed.

c. Municipal Zoning Exemption

Mr. Gillespie said the proposed petition is asking that the town be exempt from zoning regulations. There was a public hearing last night and from the twelve speakers against it, five supported it and one was neutral so they decided to add it to the referendum in May and it is going to the voters. Mr. Gillespie provided the commission with some legislative material on the matter.

d. State Project 159-183 - Milling and Resurfacing of Griswold Rd. (portion)

Mr. Gillespie indicated that there was some material for each commissioner in their packet on this issue.

e. Great Meadows Conservation Trust Community Forum

Mr. Gillespie said that there would be a meeting tomorrow night on this issue.

OTHER BUSINESS

Commissioner Roberts suggested having a discussion about enforcement and the tools that can be used to enforce the blight ordinance.

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

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

The meeting was adjourned at 10:40 p.m.

Philip Knecht, Clerk