

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
December 20, 2005**

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, December 6, 2005 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

CALL TO ORDER

Chairman Hammer called the meeting to order and stated that application 1504-05-Z continued to Tuesday January 3, 2005, which is the next meeting of the commission.

ROLL CALL & SEATING OF ALTERNATES

Chairman asked Mr. Gillespie to call roll as follows.

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman	X		
Theresa Forsdick, Vice Chairman	X		
Philip Knecht, Clerk			X
Thomas Harley	X		
Robert Jurasin	X		
John Hallisey	X		
Dorcas McHugh	X		
Margaret Wagner	X		
Anthony Homicki	X		
James Hughes	X		
Frederick Petrelli			X
David Edwards		X	

Also present:

Peter Gillespie, Economic Development Manager/Town Planner
Denise Bradley, Assistant Planner

PUBLIC HEARINGS

Chairman Hammer explained the procedure for public hearings and asked that the applicants and members of the public come forward to the podium to speak.

APPLICATION NO. 1496-05-Z. John Kupper Special Permit under Section 5.2.D.1 to operate a service establishment at 286 Silas Deane Highway

Kevin Johnson, from Close, Jensen and Miller presented the application. He first oriented the commission with the site plan, and explained where the building, grass, pavement, walkways and handicapped ramp would be. There would be

three employees with one space per employee and one handicapped space in front of the existing house. The paved area for this parking space would encroach into the front yard setback.

Mr. Johnson then explained the site circulation. Because the handicapped space would not be used 99% of the time for parking, it would act as a turnaround area so that the employees would not have to back into the Silas Deane Highway. He has met with the Planning Staff to figure out any way to pull the handicapped space out of the setback and this was the best plan that they were able to come up with. They tried to locate the turnaround area in the back and could not. There would be a stone trench to mitigate the runoff from the site and a shallow infiltration swale along the north property line. The lighting would consist of a colonial style fixture similar to a residential fixture. There would be a free-standing wooden sign in the front yard approximately 2' x 4' with two wooden posts. The posts would be painted or stained white and the sign would be natural with white lettering.

The applicant is proposing two new trees as well as evergreens and shrubs. There would also be low ornamental grass and perennials. He has written a letter to the commission requesting the following three waivers:

- Section 6.2.H.2 as it pertains to the location of approximately 6.5 feet of a handicap parking space within the front yard setback.
- Section 6.1.E.1.b as it pertains to the location of two parking spaces within 2 feet of the property line instead of the required 5 feet.
- Section 6.1.E.2 as it pertains to the number of landscape trees. The zoning regulations require 15 trees to be planted along the perimeter of the site. There are a number of existing trees and other naturalized vegetation located in the rear of the property. The applicant is proposing two trees in the front yard of the site. The applicant hereby requests that the requirement of the remaining 13 perimeter trees be waived.

They have met with the Design Review Committee and received their endorsement. They have also received comments from the town engineer in a memo dated December 15, 2005 which advised them to change some site lighting, specifically:

- The proposed light post shall be full cutoff style. The proposed sign lighting shall be directed downward from the top of the sign.

Mr. Johnson explained that there were no further engineering comments.

Chairman Hammer asked how they propose to handle the hazardous waste. Mr. Kupper said that he doesn't have any. They are limited to what they receive from the dentist office, which is sterilized. Chairman Hammer asked about the hours of operation. Mr. Kupper said that they would be five days a week from 8 a.m. to 6 p.m.

Commissioner Wagner asked if any clients would be on site or just the staff. Mr. Kupper said that occasionally a dentist comes by but they are not open to the public. Commissioner Wagner asked what they do. Mr. Kupper said that they make teeth. They have a daily courier as the only person that comes to the site. Commissioner Hughes asked if most of their product comes by courier. Mr. Kupper said that it does.

Commissioner Harley asked if there was an attempt to put the handicapped space in the rear. Mr. Johnson said that there was and that they looked at multiple options. The problem with the handicapped space in the rear is that it is tight between the house and the garage. Also, it would force the handicapped person to come to the front to access the ramp.

Commissioner Wagner asked if the lot to the north was commercial or residential. Mr. Johnson said that the lot was commercial. He then said that it is zoned general business, therefore commercial, however it is being used as a residence. Commissioner Wagner asked if the applicant would be amenable to a fence along that property line to shield the residents from the car headlights. Mr. Kupper said that if that is what it takes, then he will do it.

Chairman Hammer then asked any members of the public to come forward.

Laura Fanelli, 282-4 Silas Deane Highway, is the owner of the residence next door. She said that she is not big on fences and she doesn't want the owner to have to incur any unnecessary fees. She is comfortable with the plan. She did

have some questions about the waiver request to park up to the boundary. Mr. Johnson explained that it is 2 feet from the property line. The requirement is for a five foot buffer. Ms. Fanelli asked if it was 2 feet not five feet and had a swale. Mr. Johnson explained that the swale is just a shallow depression to keep the water off of her property. It is made of grass and is mowable. Ms. Fanelli said that although she appreciates the suggestion of adding a fence, her tenants have never had a problem with headlights on the neighboring property. She doesn't want a fence. Other than that, she welcomes Mr. Kupper to the neighborhood.

Chairman Hammer asked if the staff had any comments. Mr. Gillespie noted that there was some correspondence as follows:

- Memo from Peter Gillespie and Denise Bradley to the PZC dated December 12, 2005 explaining the proposal, the requested waivers, the commission's ability to grant the waivers under Sections 6.1.L.1 and 6.1.L.2, comments from the Health Department and the Design Review Committee approval.
- Memo from Michael Turner, Town Engineer to Peter Gillespie with cc to Kevin Johnson dated December 15, 2005, commenting on the proposal.
- Memo from Becky Albert, Inspector with the Central CT Health District to Peter Gillespie and Denise Bradley dated November 7, 2005, with no comment on the proposal.
- Letter from Kevin Johnson, from Close, Jensen and Miller to the PZC dated December 1, 2005, requesting the modification and waivers in writing.

Mr. Gillespie also noted that notices had been sent out to all of the neighbors via certified mail with receipts in the file. Also, a floor plan and site plan had been submitted. Mr. Gillespie explained that the staff did meet at the site and asked CJM to come up with multiple options for the site configuration. All of the other options were less attractive than this one. The building official did not want the handicapped space in the rear also. Finally, the Design Review Committee did look at some of the other options and took two meetings to render their approval. Mr. Kupper added that there are a small amount of chemicals on site.

Commissioner Wagner made a motion to close the public hearing.

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

Aye: Hammer, Harley, Hallisey, Forsdick, McHugh, Wagner, Homicki, Hughes, Jurasin

Nay: None

Abst: None

APPLICATION NO. 1500-05-Z. Town of Wethersfield Zoning Text Amendment to Sections 2.3 and 6.7 regarding outdoor lighting.

Mr. Gillespie gave a brief history on this application. A public hearing was held on November 15 where a number of comments were received. In the interim, the staff tracked down industry publications and is now proposing modifications to the draft. The December 15 memo summarizes the questions and concerns that were made and the information at the end includes the recently approved applications. The yellow highlight is an attempt to zero in on the specifics of this version.

Chairman Hammer asked Mr. Gillespie to quickly highlight the changes. Mr. Gillespie described the proposed changes as follows:

- Section 6.7.G.4 - Internally illuminated signs - "All outdoor light fixtures which are completely enclosed within a sign cabinet and which provide illumination only for a sign face."

Commissioner Jurasin asked if the examples in the memo comply with the proposed regulations. Mr. Gillespie said that they do not and that this has been a lesson learned. The canopies are very high at 20 footcandles, and Mercury Fuel is at 65 footcandles. They would have changed this if the regulations were in place. Commissioner Jurasin asked if the

standards justify their numbers. Mr. Gillespie said that it is a national organization of lighting engineers who issues the publications in order to change regulations. The idea is that a lot of lighting is not necessarily safer or better. Chairman Hammer asked if the athletic field lighting should be limited to town facilities or should private facilities be allowed to have it and should it be by special permit. Commissioner Jurasin said that the event doesn't have to be town sponsored to be on town land and just the land would be regulated. Townspeople are not prohibited from getting together and using the lighting. Chairman Hammer said that his next question would be should the lighting be limited to town owned property. Commissioner Hallisey said that he found no reason to distinguish between town and privately owned.

Chairman Hammer asked about the construction exception and if it was intended to exempt public utilities, town or government agencies. Mr. Gillespie said that it was in part for private contractors. One example brought up during the hearing was the underpass under Jordan Lane.

Commissioner Wagner expressed her concern that there is no absolute exemption. They are very specific to the town and authorized agents. Chairman Hammer said that in the event that they are unable to conclude by then, there would be no fine if it wrapped up by 10:45, but the escape valve has to be very narrowly crafted. If the request was for a special permit from a town athletic facility then there would be a determination of when the game should stop. They wouldn't have the ability to run until 11:45 repeatedly. Mr. Gillespie said that the original version was an absolute so even if they wanted to allow an event to go past 10:30, it wasn't allowed. Now, it would be allowed by special permit. Chairman Hammer suggested language that no event goes longer than 30 minutes past the permitted time, in an effort to keep the language tighter. Commissioner Jurasin said that it was confusing and would the applicant be asking for an after the fact special permit.

Commissioner Wagner said that she had brought up the original question about events that may be held, for example, a band competition. Right now, the town wouldn't be able to have this, therefore a caveat to give the opportunity for the event to occur by applying for a special permit for a certain time period would allow this. Chairman Hammer said that they would have the ability to say that it can go until a certain time.

Commissioner Jurasin asked what would happen in the event of a triple overtime or rain delay. Mr. Gillespie said that from a practical point of view he doesn't know how frequently it would occur and maybe if you allowed the applicant to be entitled to a certain number of overtimes, not to exceed that number, then there wouldn't be a huge problem. Chairman Hammer said that the question is if there is no second sentence, then is there still the flexibility to give leeway if needed. He feels like if they leave the sentence then it undercuts the meaning of the regulation.

Commissioner Jurasin said to take it out because there is an article with a list of safeguards.

Mr. Gillespie said that it was in Section G.9. Commissioner Wagner said that maybe it should say except for designated events that have extenuating circumstances.

Commissioner Hallisey said that in Section F.5 - registered engineer should be changed to licensed professional engineer.

Commissioner Wagner asked about Section G.3 and if she chose to display green lights on St. Patrick's Day, she wouldn't be allowed to. Mr. Gillespie said that was clearly not the intent. Commissioner Wagner requested that the dates be taken out.

Commissioner Jurasin indicated that he wasn't sure what was changing. Chairman Hammer said that in Section G.9 they could add a few words to the section or it may be cleaner to have a subsection d.

Mr. Gillespie said that in Section G.8, it should be corrected by taking out "direct direct light from the." Commissioner Jurasin said that he still has a concern about the introduction to Section F and he is not sure why they would let the Town do anything they want, he can foresee a circumstance not for the best that the lights go on and meet criteria 1 and 7. Mr. Gillespie said that the application would also have to meet other criteria for every special permit and the commission has a great deal of discretion.

Chairman Hammer asked Mr. Gillespie if there was a definition of sport and athletic field lighting and were there time limits set in the other regulations that he reviewed. Mr. Gillespie said that he did not see any. Chairman Hammer asked what the proposed changes were. Mr. Gillespie read them as follows:

- Section 6.7.F.5 - change "registered engineer" to "licensed professional" engineer
- Section 6.7.F.7 - Delete second sentence.
- Section 6.7.G.3 - Delete "from Thanksgiving to January 30"
- Section 6.7.G.8 - Delete " direct direct light from the"
- Section 6.7.G.9 - Add subsection d. "There are special circumstances or conditions applying to an activity or an event for which the lighting is to be utilized."

Chairman Hammer proposed that they leave them as is with those changes and consider other amendments later. Commissioner Jurasin asked if there had been any other correspondence on the matter. Mr. Gillespie said that there was none.

Commissioner Forsdick made a motion to close the hearing. Commissioner Hallisey seconded the motion. All members present voted in favor. (9-0-0)

Aye: Hammer, Harley, Hallisey, Forsdick, McHugh, Wagner, Homicki, Hughes, Jurasin

Nay: None

Abst: None

APPLICATION NO. 1501-05-Z. Old Town Café, LLC Special Permit to allow outdoor seating at 181-187 Main Street.

Andy Sanzaro presented the application to create a patio at the rear of 181-187 Main Street in order to keep the smokers off of Main Street while not being alienated from the café. Mr. Sanzaro indicated that he took over the Old Town last May. He has a plan to change the front lights and add planters to enhance the property. This plan is being reviewed by the historic commission. He is proposing ten seats outdoors in an enclosure. The doorway from the café would open to the patio for smokers. There would be no table service or any serving outdoors. The enclosure would be a 12' x 15' area. Chairman Hammer asked how visible it would be. Mr. Sanzaro said that it would only be seen by the gardens behind the firehouse, and two houses on Center Street during the winter months when there are no leaves on the trees. He said that you really would have to be in the back of the building to see it.

Chairman Hammer asked about the operations. Commissioner Forsdick said that her understanding was that there would be no table service but the customers would be able to buy drinks and food and sit and eat out there. Mr. Sanzaro said that he is not looking to do that. He would not encourage drinking or eating on the patio, but if someone had a drink while smoking, he would allow it.

Commissioner Harley asked about enforcement and how to keep the patrons inside of the patio. Mr. Sanzaro said that he is proposing a floor to ceiling wrought iron open rail that would be enclosed but for the free flow of air. Commissioner Harley asked if there would be no access from the outside. Mr. Sanzaro said that the only access would be from the inside of the building and that the rails would be from floor to ceiling. No one would be allowed in or out. Commissioner Harley indicated that he supports the effort to put the people in the back.

Commissioner Wagner asked about the fire marshal. Mr. Gillespie said that he did not have any specific comments. Commissioner Wagner said that she is concerned that if there is only one egress, then they would need an emergency exit. The railing shown on the plan is nice. Also, how did they eliminate the seating. Mr. Sanzaro said that the previous layout had booths. He took the booths out and put in captain chairs from the Hartford Club. He can only fit two chairs at a table, and the back room has a pool table which takes up a lot of space. Commissioner Wagner asked if there was enough parking. Mr. Sanzaro said that there was enough for 84 in the past and now there would only be 62.

Commissioner Hallisey asked Mr. Gillespie to recall what was proposed for Carmen Anthony's patio. Mr. Gillespie

said that an emergency gate was installed. Mr. Gillespie asked if the existing door between the bumpouts would stay. Mr. Sanzaro said that he can't speak about the total plan, he wished to leave that to the contractor. Commissioner Homicki asked what the two sheds were used for. Mr. Sanzaro said that one was a place that takes in beer and the other was for empties and his snowblower. The lighting in the rear is a motion activated floodlight for safety.

Chairman Hammer asked about the hours of operation. Mr. Sanzaro said that he is open until 1 a.m. during the week. He has an agreement with the police department that the patrons have to smoke in the rear near closing time. Chairman Hammer asked if there had been any complaints. Mr. Sanzaro said that he police just ask that the smokers be kept to the rear. Chairman Hammer confirmed that the concern is for the smokers in the front, not the rear.

Commissioner Hallisey asked how the sheds were accessed. Mr. Sanzaro said that they were accessed from the inside, but there is also an outside access.

Chairman Hammer then invited members of the public to speak on the matter.

Patty Wright, 180 Main Street, said that she lives across the street. She said that the application appears to be informal and it is difficult to discern the details. If the intention is to eliminate the patrons from the front of the café, then she is in favor of it. If it is to add people to the outside, then she is concerned. It would be ideal for the patio to be for smokers only who quickly returned to the bar. The reality is that the Old Town staff will need to supervise. She said that she would like the following conditions considered:

1. The customers would no longer smoke in the front and would instead be directed to the patio in the rear.
2. The rear patio would only be used for smoking.
3. Drinking and eating on the patio would be forbidden.
4. The patio would be constructed and used on a trial basis to see how the staff manages the customers.

Ms. Wright added that if the patio is used effectively, then it is a bonus to the neighborhood. If it is misused, it would be an ear sore.

Commissioner Jurasin asked if it was illegal to have a glass of beer outside and on the patio. Mr. Sanzaro said that it is not illegal to have a drink within the patio.

Chris Lyons, 21 Woodland Street, said that he lives behind the Old Town and he cannot see the rear of the café. He said that the neighbors have legitimate concerns, however what the application is twofold, it is hitting the problem on the head in an effort to address the congregating customers and cigarettes. The profile in the rear will be similar to the sheds. They can only be seen from Center Street and the gardens. Mr. Lyons said that this is a need that is being addressed. He said that they have a liquor license granted by the state and he would lose his license if he doesn't control the customers, he will lose his license. As a neighbor, Mr. Lyons is in favor of the proposal. It will be similar to the outbuildings, will help with the smokers out in front. The café is part of the village and a good asset to the community.

Ms. Wright spoke again saying that you can see the patio from Main Street and no one is allowed to take drinks outside. Finally she said that it would be a major change to the amount of people standing outside which is why she is concerned. She said that currently there are no phone calls because people can't be out there now. More people would be outside if it is not supervised.

Commissioner Homicki asked Mr. Lyons how far away he is from the café. Mr. Lyons said that he is directly behind the garden and can see the firehouse. Commissioner Homicki asked how long he had been in his house. Mr. Lyons said that he has been in town for 45 years, but in this house for 20 years. He had been behind the Webb Barn and the noise there was fine. This is only a 12' x 15' space and he is not sure that many people would even fit there. He said that you may be able to see it from the Silas Deane House on Main Street and there is an area with vegetation and overgrowth where you may be able to see the shed and roofline.

Commissioner Forsdick asked the applicant how long the café has been there. Mr. Sanzaro said maybe 50 years, but he has been there for 18 years. She asked Ms. Wright how long she has lived across the street. Ms. Wright said that she

has lived there for six months.

Commissioner Wagner asked about the seating plan for the patio. Mr. Sanzaro said that there wasn't one and that he was planning on putting plastic tables and chairs out there. He said that he has been in the business for 18 years and in that time, hasn't experienced violence or drunk driving incidents. In fact, his servers go to SMART classes to control what goes out. He said that they do a good job of policing themselves. He told the commissioners that they could even check with the police department. He said that when there had been any problems, they have come to take care of it, even though they have been few and far between. He takes his job very seriously as do his servers especially since alcohol is involved. They are part of this community and would like to help make it better.

Ms. Wright said that even though the establishment has been there over 50 years, the nature of the business is changing if they are allowed to have an outdoor patio.

Chairman Hammer asked the applicant about the outdoor dining that he had during the warmer months and how that had worked. Mr. Sanzaro said that there had been no complaints but the hours were limited to 8 or 9 p.m. Chairman Hammer asked if he would limit drinks on the patio. Mr. Sanzaro said that he doesn't see someone spending four hours out there, but he can't limit the drinks outdoors. He said that the plastic chairs won't enhance the time out there. He likes the fact that he can police the enclosure. He is providing a convenience for his customers.

Commissioner Harley asked if the outdoor patio would draw people because of the weather or if he had TV or music out there. Mr. Sanzaro said that there would be no entertainment out there and no food served. His main concern is to give his customers a place to smoke and make it so they don't smoke in the front.

Commissioner Jurasin added that 180 s.f. is not very much space and with the tables and chairs the space is further reduced. If there were no chairs, people won't linger, but more people would fit out there. The alternative is not to have tables and chairs. Commissioner Jurasin asked why the area is enclosed. Mr. Sanzaro said that it was in order to control the liquor. Mr. Gillespie said that the idea is to not be able to pass liquor back and forth to people outside, especially a minor.

Mr. Lyons added that the Standish House has an enclosed patio so that they can sell liquor there.

Commissioner Homicki said that the photos show that the building is clad in a red stained T-111. He asked if the applicant would be amenable to adding shrubs in the rear. Mr. Sanzaro said that he would do that and agreed that it looked nice, also he has a brother in the landscape business.

Chairman Hammer asked if the applicant would be amenable to a trial period, maybe agreeable to go through the upcoming season and come back to the commission. Mr. Sanzaro said that it takes money to make the enclosure, but he is really not in a position to say no.

Commissioner Forsdick made a motion to close the hearing.

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

Aye: Hammer, Harley, Hallisey, Forsdick, McHugh, Wagner, Homicki, Hughes, Jurasin

Nay: None

Abst: None

APPLICATION NO. 1504-05-Z. Paula Rubinow Special Permit to expand menu and utilize rear yard for outdoor seasonal activities at 271 Main Street. **Continued to January 3, 2005.**

APPLICATION NO. 1505-05-Z. Wethersfield United Methodist Church Special Permit to operate a nursery school.

Beth Warwick, teacher at the school presented the application. For the past seven years, they have gone through the

permit process every two years. The school has a good reputation and good community support. The letters were sent to notify the neighbors as requested. Chairman Hammer asked if this was the third time here and were there any issues or complaints. Ms. Warwick said that there were none, the school has a good reputation. The support was there even with the expansion at the building and the parking situation involved. She said that it has been a cooperative nursery school and a YMCA nursery school, but the church itself now sets the curriculum. It had been a coop for 40 years and at one time there were two different nursery schools occupying the space.

Mr. Gillespie said that the last approval in 2003 had four stipulations and as had been their practice, the ZBA granted the permit for a period of time, which may or may not be necessary. He has received no phone calls or heard any concerns on the proposal.

Commissioner Forsdick made a motion to close the hearing.

Commissioner Wagner seconded the motion.

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

Aye: Hammer, Harley, Hallisey, Forsdick, McHugh, Wagner, Homicki, Hughes, Jurasin

Nay: None

Abst: None

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
December 20, 2005**

ROLL CALL & SEATING OF ALTERNATES

Chairman Hammer indicated that there were nine members who were present and eligible to vote.

APPLICATION NO. 1496-05-Z. John Kupper Special Permit under Section 5.2.D.1 to operate a service establishment at 286 Silas Deane Highway

Commissioner Forsdick made a motion to grant the special permit. Chairman Hammer reminded her that the applicant was requesting three waivers. Commissioner Forsdick amended her motion to include the three waivers as follows:

- Section 6.2.H.2 as it pertains to the location of approximately 6.5 feet of a handicap parking space within the front yard setback.
- Section 6.1.E.1.b as it pertains to the location of two (2) parking spaces within 2 feet of a property line instead of the required 5 feet.
- Section 6.1.E.2 as it pertains to the number of landscape trees. The zoning regulations require 15 trees to be planted along the perimeter of the site. There are number of existing trees and naturalized vegetation located in the rear of the property. The applicant is proposing to plant 2 new trees in the front yard of the site. The applicant requests that the requirement for the remaining 13 perimeter trees be waived.

Commissioner Forsdick moves to accept these exceptions and grant them. She mentioned one codicil to the approval. She would like to see the swale that was mentioned be put into the approval as a requirement. Mr. Gillespie said that the swale is shown on the plan and therefore the extra codicil is not needed.

Commissioner Homicki seconded the motion. The motion passed (8-0-1)

Aye: Hammer, Harley, Hallisey, Forsdick, McHugh, Wagner, Homicki, Hughes

Nay: None

Abst: Jurasin

APPLICATION NO. 1500-05-Z. Town of Wethersfield Zoning Text Amendment to Sections 2.3 and 6.7 regarding outdoor lighting

Commissioner Wagner made a motion to approve the modifications proposed to sections 2.3 and 6.7 of the zoning regulations under application #1500-05-z with the amendments noted in the public hearing as follows:

- Section 6.7.F.5 - change "registered engineer" to "licensed professional" engineer
- Section 6.7.F.7 - Delete second sentence.
- Section 6.7.G.3 - Delete "from Thanksgiving to January 30"
- Section 6.7.G.8 - Delete " direct direct light from the"
- Section 6.7.G.9 - Add subsection d. "There are special circumstances or conditions applying to an activity or an event for which the lighting is to be utilized."

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

Aye: Hammer, Harley, Jurasin, Hallisey, Forsdick, McHugh, Wagner, Homicki, Hughes

Nay: None

Abst: None

APPLICATION NO. 1501-05-Z. Old Town Café, LLC Special Permit to allow outdoor seating at 181-187 Main Street.

Commissioner Jurasin made a motion to approve the application as submitted. Commissioner Forsdick seconded the motion. Chairman Hammer said that the matter is up for discussion.

Commissioner Jurasin made the comment that the proposed change is for the better. He has tried to figure out what to do and to address all concerns presented to him. There is a balance of things and a sense that what is submitted is the right balance between how many people can fit on the porch vs. the number of table and chairs out there. He could be convinced to take out the tables but then there would be more space for more people on the porch. He finds the concept positive which is why he made the motion. He doesn't have any changes to make the design better.

Commissioner Wagner said that she also thinks that it is a good idea and supports the proposal. However, she would like to see a seating plan with the number of tables and chairs. She said that was what was required of the coffee shop proposed next to Comstock. Mr. Gillespie pointed out the proposed seating arrangement that was submitted with the application which states that 10 seats are proposed for the patio. Commissioner Wagner said that was alright. She is concerned that the fire marshal has not seen the plan as he would probably recommend an exit off of the porch even if it was only an emergency exit. She does not see that he would allow one way in and out of the bar.

Commissioner Jurasin agreed.

Commissioner Harley asked how the number of seats would be monitored. Mr. Gillespie replied that the bar would be inspected by the Fire Department and monitored by the Health Department because they serve food. He suggested a condition that the seating not exceed the original 84 seats. Then if the owner does exceed that the PZC can look at it again. There are 62 total seats proposed now.

Commissioner Jurasin said that he is hesitant to suggest that it would be ok to have another 18 seats out back. Chairman Hammer asked if the owner would have lost the right to the 84 seats since he is now proposing only 62. Mr. Gillespie said that he did not think that he would lose his right to the original 84 seats. Commissioner Jurasin recommended as an alternate condition that the number of seats outside should be limited to 10. Chairman Hammer

asked again if the overall was presented as 62 why not leave that as the limit. Commissioner Jurasin disagreed and thought that the owner could go back to the 84 total.

Commissioner Wagner asked if the number referred to the seating capacity or total number of bodies. Mr. Gillespie said that the fire marshal sets the ultimate capacity of the building. The PZC just determines if the number of proposed seats and parking spaces are alright.

Chairman Hammer suggested limiting the porch to ten seats and ten people. Commissioner Jurasin said that he would not support that. Chairman Hammer asked if the commission would like to require the owner to come back after one season. Commissioner Jurasin said that he is not adverse to the one year trial although he doesn't think that it is necessary but he will amend his motion if needed. Commissioner McHugh said that the owner questioned whether or not he would go ahead with the expense of building the porch if it was only for a trial period.

Commissioner Forsdick reminded the commission that this is a business that is making an effort to do the right thing and that the owner is a businessman. She thinks to tell him to come back in one year and possibly tear it down is unreasonable. Commissioner Jurasin agreed and asked if it was automatic or was another condition was needed to not serve food or have music on the porch. Commissioner Wagner said that this should be added. Mr. Gillespie said that it was ok to add this as a condition to clearly establish the intent of the commission. Commissioner Jurasin added a condition to not have any food service or entertainment on the patio.

Mr. Gillespie said that he had three conditions in the record:

- The patio shall be limited to ten seats
- The fire marshal shall review all plans and ensure that there is another means of egress from the patio.
- There will be no food served or entertainment on the patio.

Commissioner Hallisey asked about the height of the proposed enclosure. Mr. Gillespie was unsure as a revised drawing was submitted today. He did know that people would not be able to pass drinks to someone on the pavement that is why the owner was thinking of taking the enclosure to full height. Chairman Hammer recalled that the liquor laws may say something about a barrier being at least four feet height. He asked if the commissioners wanted to mention that the patio not be used past a certain hour, however that may not accomplish the purpose of keeping people from the front of the building.

Commissioner Jurasin asked if they stop serving alcohol at 1 a.m. or close at that time. Commissioner Hallisey said that his understanding is that they close at 1 a.m. and stop serving about 15 minutes before that.

Chairman Hammer said that there was a motion and a second with three conditions and asked for a vote. All members present voted in favor of the motion. (9-0-0)

Aye: Hammer, Harley, Jurasin, Hallisey, Forsdick, McHugh, Wagner, Homicki, Hughes

Nay: None

Abst: None

APPLICATION NO. 1504-05-Z. Paula Rubinow Special Permit to expand menu and utilize rear yard for outdoor seasonal activities at 271 Main Street. **This was continued to the January 3, 2005 meeting of the commission.**

APPLICATION NO. 1505-05-Z. Wethersfield United Methodist Church Special Permit to operate a nursery school.

Chairman Hammer made a motion to approve this application and asked if there were any conditions. Mr. Gillespie said that there were four conditions from the previous ZBA permit. Chairman Hammer said that his motion was to approve with the four conditions carried forward from the memo from Peter Gillespie and Denise Bradley dated December 16, 2005 as follows:

1. The nursery school will serve children between the ages of three and five.
2. There will be no more than forty students.
3. The hours of operation will be between 8:30 a.m.-3:00 p.m.
4. Fire, Health and State permits must be obtained.

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

Aye: Hammer, Harley, Jurasin, Hallisey, Forsdick, McHugh, Wagner, Homicki, Hughes

Nay: None

Abst: None

Discussion of Modifications to the Special Residential Development District Regulations

Mr. Gillespie handed out a memo at the last meeting regarding an inquiry from a developer to construct condos that are 3-4 stories in height. A quick review of the multifamily section revealed that density requirements for that type of construction are missing from the adopted regulations. The memo from Peter Gillespie dated December 5, 2005 summarizes the specifics.

The previous zoning had three different multi-family districts:

- Elderly District (40 feet and 29 units/acre)
- Medium Density District (35 feet and 13 units/acre)
- High Density Development District (8 stories and 20 units/acre)

For comparison purposes, Mr. Gillespie included the Mill Pointe Condominiums on Mill Street which were built at a density of 30 units/acre (High Density Residential)

Mr. Gillespie asked for clarification from the commission before proceeding with a proposed modification to the regulations. He was considering 20 units/acre for this district. Chairman Hammer asked if it would require a zone change then the opportunity for 12 or 15 units/acre with a max of 20 units/acre.

Mr. Gillespie said that would involve a concept plan with a proposed density and action consistent with the concept plan. Therefore the commission would not approve a specific plan but rather the density and type of project proposed would be approved. Mr. Gillespie said that the other thing would be to only require the site plan and modify the process to be a special permit after the zone change.

Chairman Hammer asked if this would be presented as an application to amend the regulations. Mr. Gillespie said that it would be a proposed regulation amendment and he may schedule it for the second meeting in February.

Commissioner Wagner asked why Mill Pointe was allowed at a higher density. Mr. Gillespie said that it was a variance and the others that he researched were built in the 50's and there are no records. Commissioner Forsdick asked how high the proposed building would be. Mr. Gillespie said it would be six stories.

Appointment to CRCOG Regional Planning Commission

Mr. Gillespie said that CRCOG wants both an appointment and an alternate to this commission. He can't speak to what is expected, however Phil Knecht can. The current representative is Robert Jurasin with Phil Knecht as the alternate.

Chairman Hammer asked if there were any volunteers to be the regular member. Commissioner Jurasin volunteered but noted that it sometimes is difficult for him to get there. He has been on the commission before as Chair when they updated the master plan. The commission meets once a month on Thursdays. Commissioner Wagner said that it was the third Thursday. Commissioner Harley then volunteered to be nominated as the alternate.

Commissioner Forsdick made a motion to appoint Robert Jurasin as the regular member to CRCOG and Thomas Harley as the alternate member to CRCOG.

Commissioner McHugh seconded the motion.

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

Aye: Hammer, Harley, Jurasin, Hallisey, Forsdick, McHugh, Wagner, Homicki, Hughes

Nay: None

Abst: None

MINUTES

[Minutes of the December 6, 2005 Meeting](#)

Commissioner Wagner made a motion to approve the minutes as submitted

Commissioner Harley seconded the motion.

Commissioner McHugh noted one change - that Attorney Wiezalis' name was spelled incorrectly.

All eligible members present voted in favor of the motion to approve. (6-0-3)

Aye: Hammer, Harley, McHugh, Wagner, Homicki, Hughes

Nay: None

Abst: Hallisey, Forsdick, Jurasin

STAFF REPORTS

None

PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING.

None

CORRESPONDENCE

Mr. Gillespie advised the commissioners to review the correspondence in their packets. Commissioner Wagner asked if the commissioners were expected to attend the pre-trial hearing mentioned in one of the pieces of correspondence. Mr. Gillespie said that they did not. He will be there and the town attorney will be there.

Commissioner Wagner asked how long the hearing may be. Chairman Hammer predicted 9-12 months. Commissioner Hallisey asked about the location and was told that the trial would be held in New Britain.

- A letter dated November 22, 2005 from Yvonne Bolton, Chief of the State D.E.P. Bureau of Water Management to the City of Hartford regarding the repair and maintenance of the Hartford Dike System.
- A letter date December 5, 2005 from Mary Ellen Kowalski, Director of Community Development (CRCOG) to the Chairman of the Planning and Zoning Commission regarding appointments to the CRCOG Regional Planning Commission.
- A letter dated November 30, 2005 from Dolores Sassano, Town Clerk to Peter Leombruni regarding his

resignation as an alternate on the Planning and Zoning Commission.

- A letter dated November 30, 2005 from Dolores Sassano, Town Clerk to James Hughes regarding his appointment as an alternate to the Planning and Zoning Commission.
- A letter dated December 6, 2005 from Jack Bradley, Town Attorney to Peter Gillespie regarding Meskiewicz v. Wethersfield Planning and Zoning Commission.
- A letter dated December 6, 2005 from Sarravich Minakan, Rocky Hill Zoning Enforcement Officer/Assistant Town Planner to the Wethersfield Town Clerk regarding a Zoning Board of Appeals public hearing for property located at 1344 Silas Deane Highway.
- A letter dated December 6, 2005 from Rebecca Augur, Community Development Planner (CRCOG) to the Town of Wethersfield Planning and Zoning Commission regarding a proposed 6-lot resubdivision located off Lakeview Drive in Newington.
- A letter dated December 14, 2005 from Doug Ellis of Buck & Buck Engineers to the Wethersfield Planning and Zoning Commission regarding Application No. 1497-05-Z 61 Arrow Road Phase II Site Development.

OTHER BUSINESS

None

ADJOURNMENT

Commissioner Homicki made a motion to adjourn the meeting at 8:52 p.m.

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

Aye: Hammer, Harley, Hallisey, Forsdick, McHugh, Wagner, Homicki, Hughes, Jurasin

Nay: None

Abst: None