

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
JANUARY 6, 2004**

The Wethersfield Planning and Zoning Commission held a public meeting on January 6, 2004, at 7:00 p.m. in the Council Chambers of the Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph L. Hammer, Vice Chairman
George Oickle
Richard Roberts
Robert Jurasin
Matthew Cholewa
Scott Murphy
Philip Knecht

Members absent:

Earle Munroe, Chairman
Theresa Forsdick, Clerk
John Hallisey
David Edwards
John Adamian

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

Vice Chairman Hammer called the public meeting to order at 7:00 p.m.

Mr. Gillespie noted that although tonight's meeting was not a public hearing, there was a member of the public present who had undoubtedly attended in order to speak about the proposed changes to the zoning regulations. He suggested that the Commissioners allow this person to comment.

Upon motion by Commissioner Oickle, seconded by Commissioner Cholewa, and a poll of the Commission it was voted unanimously to Hear Public Comments on general matters of Planning and Zoning out of order of the scheduled agenda.

Mr. Howard Willard, 141 Main Street stepped forward to mention that a letter had been sent to the Commission by the primary retail business owners on Main Street in Old Wethersfield and he assumed it would be spoken about later. At this time however he wanted to speak about two other issues. The first was about the Old Wethersfield Business Zone. He said that an editorial in Wethersfield Life recently announced that Wethersfield was open for business. Yet at two Planning and Zoning meetings recently, two Old Wethersfield business owners had spoken to the Commission and requested that retail business be allowed only in the Historic District. He believed that the individual speaker had prefaced his remarks with, "we have decided", and because one of the speakers was or had been president of the Wethersfield Shopkeepers Organization, must have assumed that he had the authority to speak for the whole group. Mr. Willard felt that Old Wethersfield had a good mixture of businesses including service and retail and that they coexisted fine. He felt that the comment that all business but retail was considered persona non gratis must have come as a shock to the other businesses. He was pleased to see the Commission reject the retail-only request and urged them to stand behind that decision in the future. The second issue he wished to bring up concerned off-street parking requirements. He said that the number of parking spaces requested is based upon the type and size of the business it is in other towns.

He said that because offices have fewer visitors than retail business the requirement is for 1 parking space per 250 sq. ft., yet retail is required to have 1/150 sq. ft. He thought that these methods which had been devised by business land

use experts had been serving and working for many years for Connecticut towns as well as Wethersfield. He pointed out that at a recent meeting a Main Street merchant with a substantial but unmet parking requirement had tried to reduce the number of parking spaces being required for his business by arguing that the number of spaces should be based upon the number of employees and not the size or type of the business. While this argument would reduce his parking requirements considerably, it goes against what the professional land use experts recommend and against the voice of reason. He cited Westfarms Mall as an example of a place where basing the number of parking spaces on the number of employees would clearly not result in enough parking spaces during the holidays. He said that although he lives on and has operated two businesses on Main Street in Old Wethersfield he has never seen a time when there were no parking places even though the apparent parking problem has frequently been a topic of discussion and added that by the Town's own count there are 556 parking places in the Old Wethersfield area if on and off street parking are counted. On his block of Main Street, from Garden to Center Street he said that there are 31 on- street places. On any given week day, there are anywhere from 12-17 cars parked. Because the 2 retail businesses are open Tuesday-Saturday and the offices open Monday -Friday, there are 4 days when both are open, or 57% of the week. He said that the office employees cooperate by parking only off-street and on the east side of Main Street leaving the west side open for retail customers and clients. He added that 2 formal studies had been made by the Town in the last 15 years of parking in Old Wethersfield. He cited the study which said that "true parking shortages do not exist providing drivers are willing to walk a few hundred feet." He said that he had attended several meetings which the Old Wethersfield Shopkeeper's Association held, and he observed that the same two or three business owners complained about the parking over and over. He felt that there was a happy business community with three malcontents who complain loudly and repeatedly to anyone who will listen.

Commissioner Oickle appreciated Mr. Willard's comments and pointed out that at one meeting when he had asked Ann Kuckro if she wanted to see Old Wethersfield confined to either retail business, retail office, or just retail, she had answered that they wanted to keep it mixed business and not restrict it.

Mr. Willard commented that he had read in the Wallstreet Journal that 30% of all holiday shopping had been over the internet. He said that although he personally did not trust mail order, he had seen a lot of retail businesses come and go over the 43 years he had been here. He had nothing against retail but did not feel they should put all their eggs in one basket. He felt that although the Tourism Board might be of the mind that retail business would help draw visitors to Old Wethersfield, he felt that this was putting the cart before the horse. It seemed to him that the Town had a great historic draw here and visitors would perhaps utilize the retail, but not be drawn here because of the retail businesses. He said that he had heard it said at one of the Planning and Zoning Commission meetings was that the main purpose of revamping the regulations was to bring what was already existing into line so there would not be so many non-conforming uses, and he agreed with that idea.

Commissioner Cholewa made the comment It seemed to him that the 1 space per every 250 sq. ft. might not work for every situation especially in a tight area like Old Wethersfield, where there was not a lot of room for overflow parking.

He thought that it might make sense to draft the regulations to handle situations where one business may require a certain number of parking spaces because of the number of its employees, while another which may be of similar size but require more parking spaces because of the nature of its business.

DISCUSSION of Proposed Zoning Regulation Changes

Mr. Gillespie began to talk about the items that he felt needed additional discussion or clarification in the proposed regulations. He mentioned that on page 12 of the Definition section, there was a provision referred to as Density Bonus, which would allow the Commission by special permit to grant additional density on an acreage basis for additional affordable housing units. He didn't see anywhere else in the regulations where it was specified what the terms or conditions would be required for this density bonus to be granted and he didn't know what the intent behind this had been, but he warned that this type of thing could be very dangerous and the terms, process and conditions would need to be spelled out quite clearly. If no one here recalled or had an explanation for it then he could go back to Glen Chalder to see what he remembered about it.

Commissioner Cholewa asked if it had been in the old regulations. Commissioner Roberts noted that it seemed to have

been added into the old regulations on March 20, 1990 in the section which concerned planned development, high density, residential and common properties types of things.

Commissioner Jurasin brought up the idea that perhaps the wording should perhaps say that what they were discussing here was actually the number of units permitted by special permit of non-affordable housing units. So for example a developer, who was allowed by zone to build 10 units, could then build 11 by building 10 non-affordable and one affordable housing unit.

There was concurrence that this could potentially allow a developer to supplement the construction of market rate homes by offering the affordable homes as well.

Commissioner Jurasin thought that the wording was out of context unless the number of non-affordable units was placed as an adjective to units. He also felt that the words, density limit should not even be in the sentence because that was caused the confusion.

Commissioner Oickle thought that the old regulations should be examined to determine what exactly they had been trying to achieve by this. He also pointed out that affordable housing was a very hot topic in the 1990's and this might have been part of the effort to address it.

Commissioner Hammer felt that with the other revisions that had been made, that this particular item might not be relevant any longer.

Mr. Gillespie again said that it would have to be done very carefully and very specifically or it could really be taken advantage of.

Commissioner Knecht asked if a price range needed to be established which would determine what affordable housing was. Mr. Gillespie said that it was determined by Statute and it changes based upon incomes levels.

Commissioner Murphy commented that it was very helpful to have Mr. Gillespie reviewing these regulations as a new and fresh set of eyes. Since the regulations had evolved in a somewhat piece meal fashion over a long period of time and it might very well be said that there was, no intent, behind some of the insertions in the regulations.

Mr. Gillespie said that on page 17, the definition of Rear Lot needed clarification. He said that there was a sketch and a definition and he had heard that at a point in time they had been allowed, but then had been taken off of the books. He wanted to make sure that was the case.

Commissioner Oickle said that he thought that the addition of the buildable square had helped solve the problem, but had not done away with them; because of course we want a rear lot that has access and proper size.

Commissioner Jurasin thought there was value in showing a picture and giving a definition and then saying that it was not allowed.

Commissioner Cholewa asked if it said that they were not allowed anywhere. Commissioner Murphy said that it probably only said so if the general rule of construction was taken that if not expressly allowed, it was prohibited.

Commissioner Hammer suggested that the illustration might be labeled, "Not a rear Lot".

Mr. Gillespie pointed out that some of the surrounding towns do permit them, but if Wethersfield wanted to discourage them they could establish a regulation that a little more restrictive to avoid scenarios where a lot with rear property actually builds a tiny road to accommodate 2 or 3 houses on it.

Commissioner Hammer thought that the towns that allowed rear lots had certain restrictions, such as only one rear lot in a subdivision. Mr. Gillespie added that they might also driveway length restrictions as well as the density restrictions.

Commissioner Hammer said that he would be interested in knowing a brief history of rear lots in Town, such as when they allowed them and when they did away with them and why.

Mr. Gillespie said most towns don't try to encourage them by making them restrictive and like anything else if permitted they can be abused and there are always ways that angles are found to try to get them in there but he said that he would see what information is on the books and about them and if the history has been so difficult then it could be discussed that at another time.

Commissioner Cholewa thought that if their intent was to get the regulations out then he didn't think this was something that needed more time spent on it. It seemed to him that a line that said "Rear lots are not permitted".

The Commissioners discussed this idea and while it was generally agreed that rear lots were not allowed, it was also agreed that in some circumstances they could be built upon. For example by an existing condition but a new rear lot could not be created by the new regulations without seeking a variance to the regulations and somehow carve it out.

Mr. Gillespie then said that item 3, on page 30, there are no specific regulations allowing bed and breakfast establishments, although they are allowed. But he thought there should be specific requirements in terms of square footage etc. The only existing condition concerns the required parking, which is 1 additional space per room per separate occupancy. He didn't think it was a huge issue, but might be left as something that could be revisited down the road.

There was general discussion about the definition of a bed and breakfast as apposed to a motel/hotel and whether or not specific details needed to be spelled out in the regulations.

Mr. Gillespie explained that these issues he was bringing forward were things that he felt they needed to touch on and could potentially deal with them in greater detail down the road if need be, but he wanted to make sure that the Commission was not blindsided if someone were to bring them up at the public hearing for these new regulations.

Item #4 on the same page makes provisions for paying guests. Mr. Gillespie said that there is a provision in some of the residential zones this which allows accommodations for paying guests, up to a certain number. In the new regulations this would no longer be permitted.

Commissioner Hammer asked if this would include renting a single bedroom out to a college student. Mr. Gillespie answered that it would no longer be allowed.

Commissioner Roberts found the description in the old regulations which said that "no more than 3 persons or paying guests in additional to the family residing there".

Commissioner Murphy asked if there was a definition of boarding/lodging in the new regulations and wondered if they were still allowing it but calling it something else with a definition but no operative provision which allows border/lodging. Mr. Gillespie said that there was a definition which says what a boarder is, but what was not translated into the existing regulations was permission to do it.

The Commission discussed the possible scenarios and ways in which this might be permitted or policed.

Mr. Gillespie then began to discuss Telecom Facilities on page #31. He said that they would now be permitted by special permit. He admitted that there are a various different kinds of telecommunication facilities, by the definition in the regulations, even things like dishes that might go on top of existing commercial buildings. They will want to make sure that some of the more minor things, not the towers or monopoles, are distinguished to insure that there are processes in place to regulate and monitor them. However there may be some clarification needed in the special permit section because the way it has been proposed, not all of these things would come before them they might be handled by staff.

On page 34, #6, there is a list of requirements for Minor Home Occupation and then there is a Major Home Occupation, not complying with any of the above standards and only authorized by the Commission as a special

permit. Mr. Gillespie agreed with the concept of allowing things above and beyond the Minor Home Occupation, but he felt that it opened the door for an open ended situation. He thought that there should be some sort of ceiling on the major definition.

The Commissioners discussed it and thought that if it met with the 13 standards for a minor occupation then it would apply, but if it didn't then it would be permitted by special permit only if applicable and having the application come in for a pre-application review might be helpful. The wording in the regulations however should not imply that a special permit would be granted just because the minor occupation standards are not met, but possible only by special consideration.

The next item discussed was on page 39, in the Table under Dimensional Requirements. There is a section that makes exceptions for the front yards on Ridge and Wolcott Hill Roads. Mr. Gillespie wondered if anyone could explain the purpose of these exceptions. Commissioner Roberts said that recently there had been applications on these roads where the lots proposed technically comply with the regulation setbacks, however there are a significant number of existing homes which have been there for many years that have considerably deeper setbacks than the minimum requirement. This exception was designed with the idea to try to maintain the quality of life and the character of the neighborhood.

The Commissioners discussed how the wording of and what the requirements should be in order to make this exception effective as well as the locations to be targeted; the minimum distances from the property, and the ramifications of a regulation which might force developers to comply to a requirement that might not be applicable to the particular application. For instance homes on a cul de sac with large setbacks and homes not on the cul de sac being required to have the same setbacks.

Mr. Gillespie then mentioned that on page 42, there is the definition for Open Space Developments. The process as proposed says that the Commission would approve those as a special permit subject to certain requirements. He said that once that was done, it would not be reflected on the zoning map as an open space, but would be indicated as whatever the underlying zone was. He felt that a condition of the special permit directs that it with the zone change it becomes a floating zone and is so indicated on the zoning map. It was agreed that it should be indicated as such on the zone map.

On page 48, # 9, Congregate Residential Developments, Mr. Gillespie felt that these should also be regulated as a floating zone, unless there is some special reason that they shouldn't be. He thought that they should be defined on a map so that it is known what the specific requirements are. The Commissioners agreed.

Landscaping Requirements were the next topic of discussion. The Commissioners thought that a sketch was necessary in order to define such areas as the interior or perimeter areas. Mr. Gillespie mentioned that some towns were using a landscaping requirement formula based upon the square footage calculation of the paved areas, which was different than a percentage basis. He said that he would compare several site plans and come up with a table for comparison, in order to get a firm grasp of requirements that would be applicable.

On page 70, Home Occupation, a parking requirement for home occupations and there is allowed a medical home occupation, he thought that this could be interpreted as a doctor's office. He wasn't sure if they wanted to allow this. After discussion Commissioners thought this should probably be eliminated, except perhaps by special permit as would be the case in doctor or dental offices.

Mr. Gillespie said that on page 73, the section that concerns reductions to the required parking was good but he felt that the applicant would need to demonstrate the appropriate justification for the reduction.

Additionally on page 73 Mr. Gillespie felt that more regulations were needed for Shared Parking which he felt was essentially a good thing, but that there needed to be documentation of agreement between property owners or it could get messy. In the event of a change in occupancy, the new tenant would need to apply for Change of Use.

Mr. Gillespie said that on page 74, concerning Angled parking, typically regulations have a table with different parking dimension requirements based upon the angle of the parking. He wanted to make sure that the Commission approved of angled parking, and if so then there should be some clarification in the regulations. The Commission had no

problem with angled parking but felt that the minimum width should be 9'.

On page 75, Mr. Gillespie mentioned that there was no provision for Storm Water Management or Quality, and that it was standard in this day and age especially since the Town is located on the Connecticut River. He said that it needed to be factored into parking lot designs and that it should be spelled out in the regulations.

Mr. Gillespie also noted that many existing regulations encourage specific Pedestrian Access requirements such that the existing site tie into the existing pedestrian sidewalk system and that adequate sidewalks be provided through out parking lots. He suggested that they add some language to that effect into the regulations.

On page 87, section 6-6D, concerns the certification of Erosion and Sediment Control Plans by the Inland Wetlands and Watercourse Commission. Mr. Gillespie felt that instead of having an applicant appear before Planning and Zoning Commission as well as the Inland Wetland and Watercourses Commission, that the Planning and Zoning Commission could certify the plan. He thought that Staff could review the plan and provided comment/guidance. Commissioners agreed that this was a good idea and would make development applications more streamlined and efficient. If an applicant had to go before Inland Wetlands and Watercourse for regulatory reasons then they would review the plan, but if an applicant does not have to go there for any other reason, then it will no longer be an additional permit process.

On page 108, there is a regulation requiring a 200' setback for filling stations/public garages. The Commissioners discussed the whys and wherefores this regulation was put into effect in 1956 and whether or not it was necessary in 2004. Some Commissioners felt that proper screening was not only encouraged but necessary now days so that it wasn't an issue. However others felt that by removing the 200' setback might encourage the proliferation of more public garages into residential areas. Yet all agreed that there must have been a reason this regulation was put into effect 50 years ago, and that they should investigate it further before acting.

The last section to discuss would concern the pre-application process. Mr. Gillespie said that he would be putting together a proposed section for this. He added that he would see what the agenda held for the next meeting and see if they might have the opportunity for further discussion then.

APPROVAL OF [MINUTES OF: December 16, 2003](#)

Upon motion by Commissioner Oickle, seconded by Commissioner Cholewa and a poll of the Commission it was unanimously voted to approve the minutes as submitted.

OTHER BUSINESS

Mr. Gillespie said that the quarterly newsletter from the Connecticut Federation of Planning and Zoning Agencies was available. He also said that the new draft of the Conservation and Development Policies Plan for the State of Connecticut was being distributed for comment. In addition he said that on the next agenda, the Commission would be asked to appoint a representative to the Capitol Region Assembly. Commissioner Knecht said that he was already the appointee and would not mind continuing in this capacity. Commissioner Jurasin agreed to continue as the alternate.

The meeting was adjourned at 10:00 p.m.

Joseph Hammer, Clerk Pro Tem