

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
MARCH 2, 2004**

The Wethersfield Planning and Zoning Commission held a public hearing on March 2, 2004, at 7:00 p.m. in the Town Hall Meeting Room, 505 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Earle Munroe, Chairman
Theresa Forsdick, Clerk
George Oickle
Robert Jurasin
Richard Roberts
John Hallisey
Philip Knecht
Matthew Cholewa

Members absent:

Joseph L. Hammer, Vice Chairman
Scott Murphy
David R. Edwards
John Adamian

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

Chairman Munroe called the public hearing to order at 7:00 p.m.

APPLICATION NO. 1419- 04- Z. James McNamara seeking a Change of Zone from an AA Residence Zone to a Special Residence AA Zone, located on the north side of Two Rod Highway at 263 Two Rod Highway.

Clerk Forsdick read a description of the application and a letter from Mr. James Sheehy representing the applicant (dated February 27, 2004 - on file) which requested that the Commission continue the public hearing for this application until April 6, 2004 because adjacent landowners had not been given ample notice of the March 2, 2004 meeting either by letter or the placement of signage on the property. The applicant has given permission to continue the public hearing, but Mr. Sheehy said that he would be on vacation during the next scheduled hearing on March 16, 2004; as a result he requested that there be no public input until the April 6, 2004 meeting.

Mr. Gillespie wanted to say that the advertisement in the newspapers was required, but it has been the practice to give notice to the neighbors as a policy though it was not a requirement. The sign however was a mandatory requirement of the regulations and had not been properly posted, it has subsequently been put up but not within the prescribed time frame. He said that it would be his recommendation that the public hearing be opened without taking testimony which should resolve the issue. The Town would probably send out another notice to the neighbors well in advance of the April 6, 2004 meeting although the sign is already up and they would also put another legal notice in the paper. He mentioned that there had been a suggestion to him that an additional public notice sign at the rear side of the lot should be put up due to the unusual alignment of the property.

The Commissioners discussed Mr. Gillespie's suggestion and decided that it would be best if the public hearing not be opened on the application until the public has the opportunity to speak.

APPLICATION NO. 1420-04-Z. Paula Larsen seeking Site Plan and Design Review approval under Article XXXI, B 167-137 of the Wethersfield Zoning Regulations for the construction of a 690 sq. ft. addition to the front of the house for retail purposes, located on the west side of Main Street in a business No. 2 Zone at 271 Main Street.

Mr. Gillespie explained that the ZBA had not approved the variances required for this application and the Historic District Commission had not voted on the application either. Because of that there would not be much that this Commission could do tonight. ZBA would not meet until March 22, 2004, and HDC not until March 23, 2004. As a result this application would not be heard until the April 6, 2004 meeting.

Commissioner Knecht arrived at this time.

There being no one else who wished to speak in favor or in opposition to this application, this portion of the hearing was declared closed.

There being no one else who wished to speak, the public hearing was closed.

Theresa Forsdick, Clerk

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
MARCH 2, 2004**

The Wethersfield Planning and Zoning Commission held a public meeting on March 2, 2004, immediately following the Public Hearing in the Town Hall Meeting Room, 505 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Earle Munroe, Chairman
Theresa Forsdick, Clerk
George Oickle
Robert Jurasin
Richard Roberts
John Hallisey
Philip Knecht
Matthew Cholewa
Scott Murphy

Members absent:

Joseph L. Hammer, Vice Chairman
David R. Edwards
John Adamian

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

DISCUSSION OF ZONING REGULATIONS

Mr. Gillespie said that he would like to discuss several points from the memorandum he had prepared concerning Landscape Regulations which had 8 components:

1. 25% of any lot to be maintained as a landscaped area.
2. A certain dimensional landscaped area between the street line and the building line is required.
3. A minimum 5' landscaped area between side property line and any parking area
4. Perimeter landscaped area (front/ side/rear) must contain 1 deciduous tree for every 50' linear feet
5. Landscaped areas within parking lot must be at least 15% of the gross parking lot area
6. Internal landscaping of no less than 1 tree per 10 parking spaces located within landscaping islands
7. Planting islands will have an area of no less than 160 sq. ft. and a width of not less than 8'
8. Landscaped buffer area ranging from 15-25' shall be required with no fewer than 2 rows of evergreen trees

depending on the zone located within.

Commissioner Cholewa thought that #4 should be worded to avoid the danger of applicants believing they must place one tree along every 50', when it could really be satisfied by several trees being placed in a grove or clustered. Commissioner Oickle agreed that it could be the equivalent of 1 tree per 50'.

Mr. Gillespie said that he had reviewed several site plans and compared proposed regulations and the actual sites. Although the sites were randomly picked, none of them met the perimeter tree requirement. Examples he provided were; the Duncan Donuts on the Berlin Turnpike, 15 trees were required and only 5 supplied. The new CVS, 37 required and only 8 proposed. Stop and Shop, 48 required and only 29 proposed.

Commissioner Roberts asked where the standard had come from. Mr. Gillespie answered that while he had been present for several meetings where it had been discussed but he really didn't know where the number came from.

Commissioner Murphy arrived at this time.

Mr. Gillespie said that while there was language in the proposed regulations that allowed them to modify the requirements, he didn't feel there was any point in having a regulation if it were going to be modified all the time.

Commissioner Cholewa said that he would like to know where the number came from and take a look at other towns that they might like the appearance of and see what their regulations say.

Commissioner Oickle said that it annoyed him when landscaping was arranged as it was at the new Target in Newington, where it required a vehicle to drive all the way around an aisle and perform a u-turn because the aisles can't be driven through.

Commissioner Jurasin thought generally speaking that requiring so much landscaping in the parking lot could lead to situations where it might force an applicant to reduce the size of their building in order to comply and although he didn't necessarily have a problem with that he did want to make sure that what they did require was realistic.

Commissioner Cholewa said that was exactly why he had brought up his point about clustering.

Mr. Gillespie said that while he found many communities that had minimum requirements for frontage he did not find any with perimeter requirements in the research he had done.

Commissioner Cholewa thought that maybe they could have one requirement for the frontage and another for the rear/sides.

Commissioner Jurasin brought up the point that while one commonly sees clusters of evergreens he typically sees a single maple or oak-type tree in neighborhood yards, and he thought that was because when these deciduous types of trees grow too closely to one another they kill each other. He thought that before they vote on anything maybe they ought to educate themselves on how these trees grow.

Mr. Gillespie said that many towns have a recommended tree list although he thought that this might be better discussed after the Silas Deane Highway guidelines were developed, however he thought that the consensus was that #4 should be broken up by what they want for the front and perhaps another for the sides.

In the random sites that he had reviewed there had also been problems with #5 and the % of the parking lot to be landscaped. Mr. Gillespie pointed out that while Duncan Donuts had exceeded the 21% they had proposed, most had fallen short. CVS had been required to landscape 15% and had proposed 5.5%, Stop and Shop had offered 11%.

Mr. Gillespie said that while they are counting only from the curb in, and including mainly the landscaping islands, there is another issue of defining what landscaping is.

Commissioner Cholewa thought that perhaps it should not be considered in how much, but more in, what is done.

Mr. Gillespie said that he would love to have something concrete to use to get applicants to do more, such as in the CVS parking lot where the Commission had tried very hard to get as much as possible and was only offered 5.5%. He offered examples of other towns regulations; South Windsor required 5%, Hebron 20 %, another community 10%. But he did add that there other ways of looking at it other than the strict % requirement.

Commissioner Roberts said that if the regulations list the % as a minimum requirement then he thought that a lot of people would look at it as the maximum requirement.

Commissioner Cholewa asked what escape valves for excellence had been written in as tradeoffs. Mr. Gillespie answered that landscaping requirements may be modified or waved where conditions make compliance infeasible and the applicant has demonstrated excellence in site design as stated in section 7.4 of the regulations.

Commissioner Murphy said that he would be inclined to stick to the higher requirements to avoid adherence to the minimum requirements.

Mr. Gillespie said that #6, the # of trees proposed in a parking area was another problematic area for most sites. The regulation states that there is 1 tree for every 10 parking spaces and mentioned that this requirement was pretty typical of other regulations as well.

Commissioner Jurasin said that while he is in favor of landscaping, but he thought that it was pretty onerous in terms of being able to build what one wants to build.

Commissioner Cholewa again suggested that the regulations for towns that had been frequently brought to their attention such as Glastonbury be reviewed to see what their requirements call for.

Mr. Gillespie thought that looking at regulations would certainly be more easily accomplished than trying to track down specific site plans and comparing them to the regulations for the towns they had been built in.

Commissioner Cholewa thought that perhaps it could be made more difficult to utilize the safety valve to force applicants to exhaust more avenues before using that excuse.

Commissioner Roberts also felt that it was important to set a realistic goal to avoid a % so high that it can never be met.

Commissioner Cholewa asked if there was a performance bond for any period of time to make sure the plantings live. Mr. Gillespie said that there was a regulation requiring a letter saying that the trees will be guaranteed for 1 year, and any landscaping material required by the Commission shall be maintained and the responsibility of the property owner. He said that mandating a bond on private property is unusual, because bonds are normally utilized on public improvements which will ultimately belong to the town. He thought that there were other enforcement tools that could be used.

Mr. Gillespie said that he would take a look at some of the theoretically more attractive town's regulations and report back on them.

Mr. Gillespie then turned the discussion to the issue of the Pre-Application reviewing process.

He explained that this process was not a replacement for design review which would be encouraged at the earliest opportunity, but as a way for applicants to get input at their early planning stages. It was not mandatory, but definitely encouraged. He said that he had not encountered any applicants yet who hadn't been interested in doing it.

The Commissioners then discussed whether or not the public should be allowed to speak at these preliminary meetings. Some thought that the public's opinion would be useful to the applicant but others did not because it then it would be no different than a public hearing except that no public notice would have been served. However it was thought that public comments could be allowed at the Chairperson's discretion.

Commissioner Jurasin thought that any applicant really interested in the opinions of the neighbors would go to them before even filing an application. He believed the pre-application review was supposed to be conceptual. He also thought that if statements were made on the record they could be used when filing an appeal by the lawyer for the opposition.

Mr. Gillespie said that while the Statutes are very generic on this issue there is language to say that the intent of a pre-application or design review is not to have it part of future legal proceedings.

Commissioner Murphy felt that the more it was made to look like a real application the more the expectation is created that the application will be rubber stamped.

Commissioner Forsdick thought that the way to word it would then be to suggest that the applicant might want to consider the following things if they want to make a pre-application.

Mr. Gillespie said that he liked the idea of including that the plans should be conceptual in nature.

Commissioner Munroe thought if the public was invited, the applicant would want to create a product that is endorsed by the public and it would be forced to hire a professional and maybe a lawyer to speak for him which wouldn't be necessary if the public were not allowed to comment.

Commissioner Cholewa said that there certainly might be times when it may be appropriate to hear the public, and at the Chairperson's discretion they could be heard.

Commissioner Forsdick also wanted to say that if the public were allowed to speak at the design review meetings it would hold up the application for weeks, because notice would have to be served for that also, then additional notice given for the Planning and Zoning meeting. She thought it would add an additional 4-6 weeks for every application.

Mr. Gillespie said that there was nothing in the design review proposal that requires any legal notice or public notice to neighbors. The intent is to make it a separate entity from the Planning and Zoning Commission, and would come after any preliminary conceptual planning. The design review process requires more detail and would need a nearly complete application to get into the minutiae of the design. That committee would act in a purely advisory role to the Planning and Zoning Commission.

Commissioner Murphy thought it was an excellent opportunity to get some expert advice on landscaping, design and engineering and as a way to supplement their own knowledge.

Commissioner Munroe commented that in looking over the design review committee member requirements it appeared that none of the 5 had the qualifications or experience that the Commissioners had originally talked about. It also seemed to him to anyone who was a letter writer and created a great deal of noise in Town Hall would end up on that committee.

Mr. Gillespie said that they had added language to make sure that at least one member would be an architect and 2 others would be contractors, landscape architects, planners or engineers. There had also been the suggestion from EDIC that either the Council or the Commission appoint the members.

The Commissioners said that they had not wanted the Town Council to appoint the members to keep it from being political and additionally they wanted all the members to have those qualifications which they had deemed important.

Mr. Gillespie asked when the Commissioners would want to hold a hearing for the review of these new regulations.

Commissioner Oickle said that as he glanced through the minutes of the February 18, 2004 meeting he had questions about the paying guests issue. He felt that 3 paying guests were too many. He wondered if there had been concern with retroactivity.

Commissioner Cholewa said that his concern had been for situations like one where an elderly person might need to

take in a boarder or two in order to keep their house.

Mr. Gillespie read 167-8 sub section B, A -Residence Zone where it stated ; the use or occupancy of a dwelling by not more than 3 persons or paying guests in addition to members of the family residing in the dwelling.

Commissioner Cholewa asked if that meant it would not be possible to rent out to a woman with 2 children.

Commissioner Oickle thought that then they would be talking about a two family home.

Commissioner Roberts thought it better to leave it in the regulations until they had figured out what the problem was and what the solution would be and they could revisit it later. To delete it might cause hardships for people they don't even know about; additionally some of the problems might not be Planning and Zoning problems.

Commissioner Cholewa gave an example where there are 7 people in their 20's living together, and suggested that there might be a definition issue with this regulation.

Commissioner Oickle said that sometimes there are problems with noise or additional vehicles etc. he thought that 1 or even 2 paying guests was enough but was not comfortable allowing 3.

Mr. Gillespie said that there are federally agreed upon definitions for families and maybe they could use some of that language.

Commissioner Cholewa noted that they are probably concerned more with number of adults at a particular location.

Commissioner Knecht mentioned that in Hartford there are regulations that say how many adults can occupy an apartment but it was recognized that there are enforcement issues going along with that.

Commissioner Cholewa brought up the 7 Nun Conundrum, which creates a scenario where 7 nuns can not live together anywhere unless they are alcoholics or recovering addicts or some other group home situation.

Mr. Gillespie again asked when the Commissioners might like to schedule a public hearing, keeping in mind that he would need to file the final version at least 35 days prior to the hearing date.

The Commissioners discussed the idea and thought that shooting for 35 days after April 20th should give them enough time.

Mr. Gillespie said that May 18th would be the target date then and mentioned that there are some applications that are waiting for the adoption of the new regulations before they file.

APPROVAL OF [MINUTES OF: February 18, 2004](#)

Upon motion by Commissioner Forsdick and seconded by Commissioner Roberts and a poll of the Commission it was voted to approve the minutes with the following correction:

1. On page 8, the second bulleted paragraph should be changed to begin, "The Commissioners discussed..", instead of "Although it was generally agreed..."

Aye: Forsdick, Roberts, Cholewa, Knecht, Munroe, Hallisey

Abst: Oickle, Jurasin, Murphy

The meeting was adjourned at 8:30 p.m.

Theresa Forsdick, Clerk