

WETHERSFIELD PLANNING AND ZONING COMMISSION PUBLIC HEARING APRIL 6, 2004

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

Members present:

Earle Munroe, Chairman
George Oickle
Richard Roberts
David R. Edwards
John Adamian
John Hallisey
Philip Knecht

Members absent:

Joseph L. Hammer, Vice Chairman
Theresa Forsdick, Clerk
Robert Jurasin
Scott Murphy
Matthew Cholewa

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

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

Mr. Andrew Wizner, Chairman of the Conservation Commission was allowed to appear before the Commissioners and submit a letter outlining the Conservation Commission's comments on the proposed zoning regulations. In summary the Commission recommended adding a new zoning category to the zoning map for open space and parks. They also wished to note that there are large portions of land, and gave examples such as around Thornbush Road, Willow and Highland Streets which could benefit from a change of zoning classification which would allow for less dense development. He concluded by saying that they appreciated the opportunity to come before the Commission this evening and invited the Chairman and any other interested Commissioners to come to the next scheduled meeting of the Conservation Commission's on April 14, 2004 to discuss it further.

Commissioner Oickle asked if they had selected actual parcels of land for changes. Mr. Wizner said that while they had not commented on particular parcels their specific interest was in adding a zone for open space and Town parks. He commented that some other towns already do this and suggested that it might be helpful to look at their regulations to see if it could be done in Wethersfield.

Commissioner Oickle said that they had thought 10-20 years ago when the agricultural zone was created, that was about as far as they could go. He asked what use they proposed to allow in this new zone. Mr. Wizner said that these Town owned properties would be designated as open spaces for either passive or active open spaces, with almost no permitted uses except perhaps recreation. He noted that in the agricultural zones there were certain other permitted uses, but felt that the uses for land zoned Open Space would be more defined.

Commissioner Oickle said that in some instances this designation might be looked upon as a taking of land, and asked if they had studied any case law in the towns that had this zone or looked into the legality of it. He added that it should be done before any other discussion takes place.

Mr. Wizner said that he would perform some additional research and thanked the Commissioners again for their time.

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 Pro Tem, Oickle read a description of the application as well as a letter to the Commission from Paul Hutcheon, Regional Health Officer (dated on file - April 6, 2004) which made the following comments: Plan to show and state proposed source of water and method of sewage disposal. If any other than MDC, the Health District needs to be notified prior to Planning and Zoning approval. In addition a letter was read from Ms. Cemon West, 15 Jefferson Court (dated on file - February 28, 2004) stating that she was against the proposed zone change. In her letter she stated that they currently had a nice, quiet neighborhood and feared that the proposed change might result in a detrimental effect on local traffic.

Mr. James Sheehy representing the applicant stepped forward and explained that Mr. McNamara had lived on the property since 1961. He said that the property was a non-conforming lot in a AA Residence Zone because it had under 90' of frontage, which is less than the required 110', but had been allowed to build his home there. Over the years the area changed quite a bit. Initially his lot was 940' deep, 1.9 acres and went nearly back to the Newington town line. In 1997 Jefferson estates was built to the west side of the property, and that zone changed from AA Residence Zone, to Special AA Residence Zone, across the street another development was also created with the same type of zoning change. This meant that the size of the lots was changed to meet the next smallest zone. In 1993 Orchard Gardens was built on the east side of the property and remained a AA Residence Zone. At that time the owner of that property approached Mr. McNamara about selling off some of his rear land in order to create large enough parcels for the new development, which then became the rear portions of 3 of the Orchard Gardens lots. At the same time 6' of the other property was given to Mr. McNamara with the intention that he would then have a lot which would face Liberty Hill. Mr. Sheehy pointed out that unfortunately someone was not paying attention when this was done, because they failed to notice that Mr. McNamara's property was zoned AA Residence and not a Special Residence Zone. He then handed out a 1981MDC map which showed the lots on the north side running all the way to the Newington town line. He believed that this was where the misconception occurred, because up until 2002 Mr. McNamara thought that he had a building lot on the rear part of his property, until Mr. Sheehy had told him that it didn't meet the zoning requirements. In 2002 they went before ZBA to seek the 6 variances required in order to develop the lot. Neighbors had spoken out against it and ZBA denied the variances. However if the zone was changed then 5 of the variances would be eliminated because the applicant has no intention of connecting Liberty Hill East to Liberty Hill. Because the regulations require that a lot needs a minimum amount of frontage, they would still need to go before ZBA for a variance, because it is their intention to create a driveway that would come from Liberty Hill East and service the house, whose lot would be 20,000 sq. ft. but would be short approximately 14' of frontage in a AA Zone. The new lot would be approximately 22,000 sq. ft.

Commissioner Oickle questioned why they would need to go before the ZBA for a frontage issue, when it seemed to him that it would be a subdivision issue. Mr. Sheehy explained that they would also need to come back to the Planning and Zoning Commission for the re-subdivision if the zone change is approved because they are subdividing the size of the lot.

Commissioner Oickle asked why they are not putting the road through. Mr. Sheehy said that some of the residents came to speak at the 2002 ZBA hearings and all were against it. In addition he pointed out that land would obviously be cleared for the road and the property on the Jefferson Estates side was well landscaped and sprinkled and it would be terrible to have to rip all that out.

Mr. Sheehy said that at the ZBA meeting some of the residents had spoken out and said that the new lots would be sub-standard, but he had taken a count of lots within 500' of this property and 44 of the 64 he counted have less than 110' of frontage or less than the 20,000 sq. ft. required. The new lot would have 22,000 sq. ft. and Mr. McNamara's lot would have 20,000 sq. ft. with 93.8' of frontage. In response to the Health Districts comments he said that the new lot would be serviced by MDC water and sewer from Liberty Hill East with a right of way across the east side of the new lot because there is no sewer from Two Rod Highway.

Commissioner Roberts explained that when other parcels are changed from AA Residence Zone to Special Residence there is usually a parcel offered to the Town for open space as a trade off to having the smaller lots. Mr. Sheehy said

that that was correct but in this case they do not have any open space to offer.

Commissioner Roberts said that while he understood what was being explained; that it might make sense or that it might have been an omission he didn't see how they could approve it if the land does not meet the qualifications for a Special Residence Zone. He said that he would feel more comfortable if the applicant were just trying to get variances for those other things instead of asking the Commission for a zone change when they aren't eligible.

Mr. Sheehy said that he agreed and that was why they had gone before the ZBA in 2002, but it didn't take them 5 minutes to deny the application at that time.

Commissioner Oickle suggested that perhaps the applicant could offer money for the purchase of open space. Mr. Sheehy said that while this could be taken under consideration, what they could offer right now would be the 50 feet or 4,000 sq. ft. reserved for the Right of Way which could be used to connect Liberty Hill Road at some point.

Commissioner Munroe asked if the lot had always been held as a single lot and taxed as such. He was told that it had always been assessed as a single lot.

Mr. Gillespie said that typically the statute might allow a payment in lieu of open space, and that in this case there was no opportunity for any open space that would be beneficial to the public. However the open space is typically presented at the time the properties are subdivided at a time of zone change and so it would be somewhat premature to get into any specifics about it now.

Commissioner Roberts said that he would be hesitant to grant the zone change now and then try to remember in 2 years time what it was they were hoping to get from it.

Commissioner Hallisey asked what 5 variances would be eliminated by the zone change. Mr. Sheehy said that for both lots; the lack of minimum frontage, and the inability to accommodate the 100' square. The 5th variance being that the new lot would not have adequate frontage.

Commissioner Oickle asked if the applicant knew that Mr. Sheehy was responsible for adding the requirement of the 100' building square to the regulations years ago. Mr. Sheehy said that he did now.

Ms. Nancy Mason 65 Liberty Hill East stepped forward to voice her opposition to the proposed zone change. She said that she and her husband had chosen the area to live in with the knowledge that the homes and lots they were built upon were required to be of certain size. If this zone change was allowed to be approved their property value as well as the properties of 11 on the eastern side and numerous others on the western side would diminish as well as the desirability of the area to live in. She pointed out that a driveway to the new property would directly affect her property, whether the road goes in or not. In 2002 she had attended the ZBA public hearing and she and many of the neighbors had voiced their opposition to the variance which would allow a home to be built there. They had all chosen the area for the location and sizes of the lots, and no one except for Mr. McNamara had been in support of the variances. The ZBA had denied the request sighting that the building of a house on that narrow parcel of land had no positive value to the existing homes in the area, but instead would be detrimental. She concluded by saying that there had been no hardship case for the zone change and that nothing had changed since 2002, it was bad idea then and it was still a bad idea and she hoped the Commission would vote to deny the zone change.

Commissioner Oickle asked where her lot was located. It was noted that she was right next door to the east of the property in question, and in position to be most directly affected by the zone change. He asked if she had consulted any real estate professionals for evidence as to how this change would affect property values. She said that she had not but it seemed common sense to her that squeezing another house onto the lot could not possibly positively affect the surrounding lots.

Commissioner Adamian asked how many square feet her lot was. By looking at the map it was found to be 20140 sq. ft. He then asked how the new lot could adversely affect her when her own lot was smaller. She pointed out that that the other lot was much narrower and there would also be the new driveway directly affecting her property. Besides she just couldn't see how squeezing another house into the narrow lot could positively affect the other homes around it. She

asked if they weren't there to insure the quality of the existing homes.

Mr. Lawrence Carrozzella the neighbor on the other side of the McNamara property stepped forward and told the Commissioners that he was a real estate broker, investor and former appraiser which gave him the professional experience to speak to the property values and that the narrowness of the proposed lot would certainly affect the prices. He explained that in areas where there are a lot of open spaces and larger lots it was common sense to see that a smaller lot would go for less money and bring down the properties around it. He noted that the zone change would then allow the applicant to go back to ZBA for a variance, which had been denied once before unanimously because there was no hardship. He said that he believed that the actual frontage of the parcel was only 53.46'. He said that frontage on the other side appeared to be Town owned but it was actually owned by him. When the Town approved the subdivision they reserved a right for the benefit of the Town to put in the public road over the front of his own property as well as the portion over Mr. McNamara's property. On his deed it referred to a permanent easement to the Town of Wethersfield to use 7763 sq. ft. as a public road way. It would be his understanding that the only possibility of creating public land would be to take his land for the sole purpose of creating a public roadway.

He believed that the frontage of the McNamara property was then only 53' and not the 93' presented. He also wanted to point out that when the original subdivision was made 40 years ago the applicant came into the neighborhood by accepting a non-conforming lot and has made money by selling off parts of his property. Mr. Carrozzella wanted to note that he thought that one of the reasons for allowing a zone change would be that none of the other properties surrounding it were adversely affected. This would not be the case in this situation. He said that they had all paid for more desirable larger lots to have a little more privacy and a little more space between the neighbors that they live next to, by granting a zone change here it would go right in the face of what the zone change was supposed to do and violate it in terms of lot size and width.

Commissioner Knecht asked what sort of house could be put on this lot in comparison to the other houses in the neighborhood. Mr. Carrozzella said that the type of house was not the point but that the smaller lot size would only allow a smaller house to be built upon it which would certainly affect the property values of the larger houses around it. Even if it were a larger house, it would still affect property values because there would be considerably less space between the surrounding houses.

Commissioner Munroe stated that the claim was made that a house built here would decrease the value of the surrounding properties around it. It was also stated that the open space around the other homes increases their property value although this open space was not a public space, its private property. He wondered if those statements were made based upon any studies. Mr. Carrozzella said that while he could not address any particular studies he knew that when people look for a house they want a certain amount of privacy and distance between other houses. He thought that in this case the zone requires a certain distance between houses, to change that zone would violate the privacy of the people who desire that distance. He said that in older sections of towns the lots are smaller but as time passes people move out away from the town centers to allow for larger and wider lots. He didn't think they wanted to start making the lots smaller.

Commissioner Munroe asked who took care of the property now. It seemed to him that there was no maintenance being done at all on the property and it was entirely broken down. He wondered what brought the values down more, being next door to a property that was not taken care of or one where a home is maintained. Mr. Carrozzella noted that if he didn't take care of his property it was the Town's responsibility to come after him to maintain it. He didn't think the solution to unkempt property was to put a house on. If it was not being maintained it should be addressed the same way every other property was dealt with.

Mr. Carrozzella questioned if people looked for a house where there is undeveloped land next to it or next to a lot with a house crammed onto it which comes as close as it possibly can to the home next to it. He also asked why it was that the regulations require that open space be provided for, and answered that it protects the value of the existing properties.

Commissioner Knecht felt that some sort of a study should have been done concerning how this proposal might affect property values.

Commissioner Munroe stated again that the undeveloped land he was referring to was privately owned and there should be no expectation of it remaining undeveloped.

Commissioner Adamian asked if Mr. Carrozzella was an active residential real estate broker and was told that he was. He then commented that the adjacent homes in the Jefferson Estates development seemed to have smaller lots than the one being proposed and then asked how close the homes were to their property lines. He also asked how close the proposed home would be to its property lines. Mr. Carrozzella said that while he didn't have that information it could be figured out by looking at the map and measuring it.

Commissioner Edwards measured the lot next to it on the map and said that it seemed to be about 15'. He commented that if he were to take Mr. Carrozzella's house and detach the garage he could fit it onto the proposed lot with the same setback. Mr. Carrozzella asked if anyone there would pay the same price for a house with a detached garage as they would for a house with an attached garage.

Mr. Sheehy explained that the side yard setback for AA Residence Zone is 15' and the same for a Special Residence AA Zone.

Commissioner Roberts said that the house that was shown on the plan had a 15' side yard on one side and the other side is 20' because of the sanitary sewer right of way.

Mr. Carrozzella explained that what he was trying to say was that a smaller house is worth less than a larger house and so it affects the prices of the other houses in the neighborhood. He said that he didn't move into the neighborhood to see a house that was half the size of his own built on a lot that was half the size of his, bringing down his property value.

Commissioner Adamian said that if that was true then it was a valid point and he wondered if the house built on this lot would be smaller than those at Jefferson Estates.

Mr. Craig Mason 65 Liberty Hill East stepped forward and explained that his property was approximately 15' to the property line.

Mr. Joseph Sanford 23 Liberty Hill to the west of the lot being discussed stepped forward to say that he was against the zone change. It seemed to him that Mr. McNamara had been given opportunities over the years to sell the northerly portions of his property over the years but he had chosen to keep it. Things changed and he kind of got locked into it. He felt that if the Commission chose to change the zone they were in effect assuring his bet. He didn't think that the neighbors should come forward to cover his bet either. Right now the property is a AA Residence Zone and he was told that the Special Residence Zone that is being applied for allows a whole litany of uses. He was told that once the zone change was granted Mr. McNamara could do anything he wanted with the property without further permission and there was no guarantee that a single family home would be built there either and he could not be forced to build one. That would be a significant change to 2 very exemplary neighborhoods. On that basis alone he felt that the Commission should not approve the change.

Ms. Patricia Allen 5 Glory lane on the corner of Liberty Hill East stated that her property would be directly impacted because her driveway is very close to the short stub of Liberty Hill, as is the driveway of the Mason's. She said that in the winter the snow plows push all the snow to the stub end of the street reducing her double wide driveway to barely a single width. An additional driveway there would make it next to impossible for the existing driveways to function in the winter time.

Mr. Clifford Johnson 22 Jefferson Court stepped forward to speak in opposition. He said that Mr. Sheehy was trying to piecemeal an approval for the applicant. He thought that it would be much clearer to all of the neighbors to see a whole and cohesive plan. It also seemed to him that in order to get a house built on that lot the road would have to be put through which would negatively affect the quality of life and would create a lot more traffic.

Commissioner Oickle asked why he thought there would be more traffic. Mr. Johnson said that right now there was no traffic because the road didn't exist. By building a road it would certainly create more traffic.

Commissioner Oickle thought it would make less traffic by making better access. He said that the Commission also needed to be concerned with public safety.

Mr. Johnson noted that they have a lot of cars that come through in order to look at the houses. He thought that if the Town wanted to open it up for public safety that would be another issue, but not the one before them tonight. The issue before them is someone trying to squeeze a house onto lot that is too narrow. He thought that chances are the only way a house could be put in there would be to put the road through. He also said that this was not the way the applicant wanted you to think about it. They were trying to get their way with incremental approvals until they got their way which he felt was a bad idea and detrimental to the neighborhood. Most of them who live in the neighborhood and see all of the children would not want to see a road go through which they believe would adversely impact public safety. In addition there has been no hardship shown, there has been no reason shown why this person who has lived on the lot for 40 years should get special consideration for subdividing again. He added that the people here tonight are wondering why they are here again and how many times will they have to return to deal with the same issue.

Ms. Janice Malec 84 Liberty Hill East stepped forward and told the Commission that she had moved to Liberty Hill 3 years ago from Griswoldville Road which was very busy. She moved there because there was nowhere else to build a house, it was an established neighborhood and it was very quiet. She said that while it may be true that Jefferson Estates may have the same or similar size lots, this lot was much narrower. She noted that in the 12 years she had lived in Wethersfield, homes were being built on smaller and smaller lots which she felt was contributing to overcrowding in their schools and a deteriorating quality of life. She gave the corner of Thornbush Road and Prospect Street as an example of a cramped area. She asked the Commission to please vote no on the proposed zoning change.

Mr. Craig Mason said that if the proposed change and house were to be built, there would be 3 driveways emptying into in an area 50' X 50'. He also noted that there is a fire plug on either side of the proposed lot so public safety doesn't need to enter into it. The neighbors have plenty of access and feel safe. He said that since the proposal does not mention putting the road through they were really talking about the homes in Orchard Gardens and shouldn't be taking into account the homes on the other side of the lot unless the road was put through. In addition the census of homes within 500' is quite a vast area that goes all the way into Newington which has very different zoning than Wethersfield. But that the homes on Liberty Hill East and Glory Lane all face the road and have excesses of 110' of frontage with the exception of those on cul de sacs which have pie shaped lots. He said that his lot is 165' wide with his home occupying 75' of that, with a ratio of not quite 1/2. If they were to consider a lot that was 90' would they build a 40' house on it, which would be almost 1/2 the width of his.

Another proposal would be to perhaps turn the house so that its side faced the street, but every other house in the development faces the road, which would not blend to the style or the reason that he moved to the neighborhood 10 years ago. In addition when they went to build their house they were handed a 3 page covenant which restricted the style and color selection and which among other things does not allow detached garages. If this change were to be approved there would be no restrictions or covenants governing it, and it would not be in the best interests of the neighborhood or the Town in general. He concluded by saying that he hoped the Commission denied the change.

Mr. Mark Dobler 4 Jefferson Court stepped forward and said that putting the road through would directly impact his property which was caddy cornered to the property being discussed because an established hedgerow would have to be sacrificed. He believed there would be a greater safety issue created with the through road because cars would travel at higher rates of speed. He added that when he was buying his home in 2002 the appraiser had a hard time referencing homes and needed to go into Rocky Hill, having this proposed house in the neighborhood would have benefited him to get a better price. However he had no interest in devaluing his property by the proposed changes.

Mr. Steve Carlone 17 Glory Lane stepped forward and said that while he can't give any numbers and substantiate them he wanted to say that from a purely aesthetic point of view he would not want to see another structure go up in that area. Open spaces are getting harder and harder to come by in Wethersfield. Opening up the road would obviously increase the traffic by people using it to get to the Berlin Turnpike and other local use. He moved there for the open space and the lack of traffic, he might not want to stay there if another house was squeezed into that lot. He urged the Commission to vote no.

Mr. Sheehy stepped up to say that Mr. McNamara did not want anyone moving out of the neighborhood and has no intention of putting the road through. He said that someone had said that the Town could be put the road through, but they are driven by this Commission here. He noted that there have been a lot of voices speaking out against the road tonight and the Commission listens but the zone change they are talking about is the same zone as Liberty Hill, Jefferson Lane and Monticello Drive.

Commissioner Munroe pointed out that they were talking about 2 zones here; the Special Residence AA Zone was one of them. He wasn't sure if there was anyone else on the Commission who was here when it was passed or anyone else who would okay it or not okay but he would appreciate it not being brought up tonight. In addition he said that the Commission could stipulate that the road be built if they chose to.

Mr. Sheehy said that he understood and they would have to come back for a variance. They would also have to come back to Planning and Zoning for a re-subdivision and the road might become an issue at that point. He also wanted to say that only a single family home could be built on the lot and it would have to meet the side yard requirements of 15' on each side and 50' building line. He also wanted to say that the frontage was 93.87' not 53' as stated. The type of home that would be built would be very similar to those homes built in Jefferson Estates. The one issue that is of concern is the snowplow issue. He said that he would be happy to work out an alternative dumping spot with the Town Engineer.

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

APPLICATION NO 1420-04-Z. Paula Larsen seeking Site Plan and Design Review approval under Article XXXI, § 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.

Clerk Pro Tem Oickle read a description of the application as well a letter (dated on file - April 6, 2004) from the Health Officer Paul Hutcheon which stated that the proposed method for the disposal of sewage and the source of water should be stated and shown on the plans, as well as the plan for exterior refuse storage. Additionally, 2 letters in support of the application were read one from Kelly Weinberg, Brimfield Road and one from Sheila Sachs, 98 Prospect Street.

Ms. Paula Larsen 271 Main Street explained that she had already received approvals for all the variances required except 1 from the ZBA as well as approval from the Historic District Commission.

The 5 variances from the ZBA included

1. side yard set back,
2. front yard set back,
3. addition is less than the 5,000 sq. ft. required,
4. impervious surface, for the patio area,
5. outside seating

She explained that she had also received a variance for the required off-street parking and explained that she has a large back yard and could have provided parking there, but the neighbors had been against it.

Commissioner Oickle asked why the neighbors had been against the parking. Ms. Larsen explained that they had been concerned with the noise, pollution and close proximity to their homes. She was happy they were against it because she really didn't want it either.

In addition she explained that her property is unique in that the area forward of the garage is commercial with the remaining area residential, so this became a hardship. She said that she had 3 parking spaces in front of her home and there was already ample parking along the street. She also had a letter from Fred Valente which said that she had been released from her obligation for handicapped street parking by the State.

Commissioner Oickle asked if she thought that there was adequate parking when Comstock-Ferre next door was in full use or the church across the street. Ms. Larsen admitted that there was not and didn't think that any town had enough parking. But added that the main part of her business was pedestrian and in the evening hours.

Commissioner Oickle said that he had thought that the Creamery had already had problems in its current location with Village Pizza, and said that he had been on the Commission for too many years and heard too many problems with the parking in Old Wethersfield, although he admitted that it varied depending on the location. Still he thought that if they started making too many exceptions for parking just to encourage new business there would be no solutions to the problems. He also noted that the plans did not show the lack of parking.

Ms. Larsen passed out revised plans which showed the removed parking and where the refuse bins would be located. She said that she didn't think her business would conflict in any way with the neighboring businesses.

She continued and explained that the Historic District Commission had approved a 6' fence along the side of the property in order to provide some measure of privacy for her neighbor on the south side. They had also requested that her building not come any farther forward than the neighboring buildings. This change of 1' back from the current plan was not shown on the revised drawing because she had not had enough time to get that done. She would still be 9' from the sidewalk. Her addition would now be 667 sq. ft. instead of the 690 sq. ft. on the application. There would be 3 tables with 4 chairs each on the front patio area. The refuse would be placed in the same type of 90 gallon bins that she and the rest of the Town residents currently uses for their residences and stored in the same rear yard area as her current bins, but would be labeled for commercial use and emptied twice weekly instead of the residential schedule of once weekly.

Mr. Gillespie explained that the refuse contractor for the Town has a new service which allows for certain commercial customers that don't generate a lot of refuse to utilize their bins.

Commissioner Oickle asked if they were required to provide screening for them. Mr. Gillespie said that they were the same tall bins that residents use and would be located in the fenced in back yard but that it might be stipulated to ensure that it is properly screened from the neighbors.

Commissioner Roberts commented that the contents of those bins might have a bit more rodent interest than the investment broker next door.

Ms. Larsen said that she is hooked up to city water and sewage. She also noted that the entire block is zoned commercial except for her neighbor who chose to build her home there.

Ms. Larsen said that she had letters from the American Legion Hall, 1st Church of Christ and neighbors as well as other business owners in support of her application. She also had a letter signed by over 100 patrons to her business in support of her effort.

Commissioner Oickle asked if she was planning to remove or plant any trees as a result of the project. Ms. Larsen answered that she had no intention to remove anything more than was necessary and that she would have to relocate her perennial garden located in front of the house but otherwise had no current plans for additional trees.

Commissioner Oickle asked if she had any plans to change or improve upon the existing garage doors which he thought could use some work. She said that the Historic District wouldn't want to lose those. But she would be using pavers instead of the asphalt called for to improve upon the aesthetics.

Commissioner Adamian asked when the hours of busiest operation were and when she did have employees where would they park. Ms. Larsen answered that her employees were required to use the Keeney Center as she currently did. However they were mainly high school students who didn't drive or have cars and were usually dropped off. She said that due to the cold weather she has mainly been alone and she has one woman who opens in the morning part time. She said that she gets a handful of young mothers who come in during the day and a handful after school but that most of her business came later after dinner. For July and August she is open until 10 pm.

Commissioner Munroe asked what the hours of operation would be. Ms. Larsen said that she is pretty seasonal. She currently opens at noon and stays open until 9:00 pm seven days a week, July and August she stays open longer, during colder weather she might close a little earlier. She could not fit more than 2 people in the new location. She wanted to keep it simple with one person who opens up in the morning; she would overlap that person when she came home from her other job. Another person helps out in the afternoon, during the high season she might have an additional person come in at 6:00 pm and another an hour later. The most she has ever had at one time would be 3 people at once and she didn't see that changing.

Ms. Laurie Damato 456 Main Street stepped forward in full support of the project. She welcomed new business and she felt very discouraged to hear all of the opposition. She said that her biggest fear was that Ms. Larsen would just leave. She hoped that they all could see the passion and conscientiousness of Ms. Larsen.

Ms. Nancy Cosgrave 110 Brussels Avenue said she was a terrible speaker but she didn't think that anyone here didn't like ice cream and she thought that Ms. Larsen's ice cream was very good. She also enjoyed the family feel for the business and its patrons. She didn't think there would be any problem with the parking because it was at night time that one goes out for munchies.

Mr. George Lombardo 338 Knott Street wanted to speak as someone who does not live next door or know Ms. Larsen. He wanted to speak as someone interested in promoting tourism to Old Wethersfield and making the town a good place to live. She felt that the Creamery had become an institution in the Town and that Ms. Larsen had created something special and an asset to the Town. He also noted that Ms. Larsen was a model business person.

Ms. Maureen Hayes 29 Hartford Avenue stepped forward to say that she was not in opposition to the Creamery which she felt was a lovely part of Old Wethersfield and she especially enjoyed that it was open in the evening hours. However she was opposed to the proposed new location. She said that Church and Main Street was already home to 6 and potentially 7 businesses with limited parking which was already stretched to the maximum with no immediate off street parking available in the area. She felt that the effect on neighboring businesses would be detrimental. Comstock-Ferre is an old and established Village business and the jewel of Old Wethersfield which drew people from all over the area during the season for their gardening needs. She felt that it behooved the Town to support this business and do nothing that would jeopardize its survival. She pointed out that the busiest season for the seed and plant store coinciding with the busiest time for the ice cream parlor. She and her mother believed that the competition for parking between these 2 wildly popular destinations would jeopardize the financial well being of Comstock -Ferre. She pointed out that on many afternoons into the evenings and all weekends through out the warm months it is almost impossible to find parking on Main Street near Comstock-Ferre, and this is already a problem for a business that relies on easy access for those trundling their wagons of plants to their cars. The American Legion has hosted the dancing school for many years, which when it is in session the corner of Hartford Avenue and Main Street is a congested dangerous area that they are all very careful to negotiate. Cars pull over to drop off or pick up their children and are often double parked with the result of children darting between cars on their way to class. She continued and said that the American Legion Hall often rents out their space for evening dances which takes up any possibility of evening parking along Main Street as well as Hartford Avenue. She pointed out that the American Legion relies on these rentals for its sole source of income, and was built at a time when there were no parking issues in the Village center; it pre-dates this issue as does Comstock-Ferre. The parking problems in the Village have grown acrimoniously in the past years and she did not believe the relocation of the Creamery to its proposed location would alleviate any of the problems that have plagued the Village Center but would instead bring its current problems with it and create a host of new ones. She understands that there was off street parking proposed in the rear yard for the business but that with the narrowness of the lot, she thought it would create a dangerous situation with patrons and children walking or running across the property, while cars tried to negotiate the drive around family groups and children and dogs. She pointed out that there was also parking across the street at 1st Church. She wondered if they indicated that this would be acceptable or if they were insured for it. She sited the tragic death of a 4 year old child on Main Street as an example of the traffic problems which now made residents hyper-aware of driving along during the busiest hours. She suggested that a stop sign or even a stop light might be solution to the busy intersection of Hartford Avenue and Main Street. She was also against the commercialization of a residential building even though it was located within a commercial zone. She said that the Creamery in its current location in a commercial building is an asset, while the Creamery relocated to a current residential building is the potential for one more empty commercial location. She also added that neighbors had heard

the rumor that the business would be expanding to a restaurant. While she admitted that this could only be a rumor she wondered if the Commissioners could refuse an application from a business which says that it needs to expand for financial stability. She was very sorry to come forward in opposition to anything proposed for the Main Street Creamery which she felt had brought life to summer evenings in Old Wethersfield and was delightful, but delightful where it was currently located. She then asked if a public restroom was planned for the current addition. She was told that it was included in the new plans.

Ms. Shirley Alderman 256-7 Main Street stepped forward to say that she was not opposed to the Creamery, but she was in opposition to several aspects of this proposal which would only be separated from her property by a 6' fence. She explained that her lot next door was only 50' wide, but it was built in 1788 before there was even a Commission, the fence would result in her being enclosed in a sort of tunnel. She noted that the woman who lived next door before the Larsens did, lived and ran a business in the home until she died. Her only objection to this proposal was with the outdoor seating which would be contained on the outside porch located only 8' from her home on the south side of the Larsen property. She explained that she had lived in 4 different homes on Main Street since 1941 and loved living in Old Wethersfield. She had run a business from her home for 25 years and never had a complaint about parking, but that was over 10 years ago and things had changed. She said that one of the largest couple clubs in Connecticut meets Friday nights at the church across the street and between that and the American Legion Hall takes up all the evening parking when all of the church parking lot is taken up as well as every available parking spot along the street. She said that she frequently has cars parked in her driveway even though there are clear signs saying that it is prohibited.

When she rented out her business at the front of her property she made sure that she had a tenant who would not be there on weekends or evenings in consideration to her neighbors. But if an ice cream shop is located there she wondered if her tenant would even be able to find a parking space. She objected to placing parking in the rear of the Larsen's because of the risk to children who might be running across the narrow driveway. She explained that when they went to build their house the Historic District Commission thought that they would be dwarfed by Comstock-Ferre next door and had them build a second story to make the height transition more acceptable.

In addition there would be lights and that had not even been addressed. In addition they moved the driveway to the opposite side which allowed our living room to be pushed out 4' to afford us a view of Main Street from it. Their bedrooms face the Larsen property and on summer evenings they would not be able to open their windows without hearing the noise generated by the busy ice cream parlor until 10:00 pm every night. In conclusion she said that she was not opposed to the Creamery but to the outside seating and the lighting. She felt that the Town must require new businesses to provide off street parking.

Ms. Kathleen Ahern 15 Hartford Avenue stepped forward and said that her property abuts the Larsen property on the north and west side. She also applauded Ms. Larsen and the Creamery and all the positive things that it had brought to Old Wethersfield; however she also had problems with the relocation. She noted that her property is 2 houses down from the American Legion Hall on Hartford Avenue. She said that the dance academy 3 nights a week from 3:30 pm to 9:00 pm in the winter and spring. At the Hall there are Friday night bachelor parties, showers and Cajun dancing on Saturday. During the day on Sundays there are showers, weddings, and proms. She explained that this was really a thriving business and not just a cozy little dance place. She can tell who has met whom every Saturday night at 11:00 pm when the couples are standing outside and not wanting to go home. Twenty-five yards from the line of my property is where the new fence and parking is proposed and the neighbors who face this problem every day and have been good neighbors came forward to say that enough was enough and that there was a need to respect their privacy.

Commissioner Oickle asked if she was opposed to the hours of the ice cream business. Ms. Ahern replied that she currently had parking on the street until 9:00pm at least 4 days a week and until 11:00 - 11:30 pm on weekends all year round. If the ice cream shop was approved there would be parking from 10:00 am to 10:00 pm seven days a week. She pointed to the difficulty in trying to have a family picnic, get-together or just privacy in her own back yard or even the difficulty in trying to sell her property which is only 25 steps to the new fence.

Ms. Pam Peck manager of Comstock-Ferre came forward and explained that the business had been there since 1820, and she wished Ms. Larsen the same sort of longevity. She has no problem with the current location of the Creamery or with its move down to their end of Town. She thought it a lovely business, but she did unfortunately feel compelled

to address the parking situation. She explained that the busiest time for Comstock-Ferre was from April to June when they did most of their business for the year and there was no free parking available on weekends at that time. She said that they often had customers complain that they can't get a space during that period. Since they are a seasonal business they take advantage of the daylight hours during the season and stay open until 8:00pm. She would like to wish Ms. Larsen all the luck and very much like to see her business succeed, but to keep the businesses viable they need to keep the access to the parking available. To restrict the parking in any way by for example allocating spaces is not a solution. She doesn't know what the solution is but she had to go on the record by saying that it is a problem.

Commissioner Oickle commented that there used to be parking on site and wondered how long ago they had done away with it. Ms. Peck replied that it predated her becoming the manager 5 years ago. She said that next to the Kenney Center or the church they probably have the largest available parking in the Village, but they are a retail garden center and have been for 180 years, and have always utilized that space in season for their product. There is some parking way in the back along Church Street.

Ms. Larsen wanted to clarify that the outdoor seating was approved for the front of the building and not on the side as Ms. Alderman had stated. In addition the fence was suggested in consideration of Ms. Alderman it begins past her house and porch area so that it in no way will block the view which she never had of Main Street. She also asked that the letters which she had brought in support of her application be read for the record.

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

A brief break was taken.

APPLICATION NO. APPLICATION NO. 1421-04-Z. Luigi Mozzicato seeking Site Plan and Design Review approval under Article XXXI, § 167-137 of the Wethersfield Zoning Regulations for the construction of a 6,428 sq. ft. addition and associated parking & landscaping, located on the southwest corner of Wells Road and the Silas Deane Highway in a Planned Development Business Zone at 38-46 Wells Road.

Clerk Pro Tem Oickle read a description of the application and a memorandum to the Commission from Peter Gillespie (dated on file - March 11, 2004) which offered the following comments on the project;

1. Add notation to the plan that all existing paved areas are to be removed and new pavement constructed in its place.
2. Add location and details of required handicapped parking signs
3. Add details and location of proposed driveway entrance and exit signs
4. Will additional ComDot drainage easements be required?
5. Show proposed curbing around parking lot particularly surrounding landscaped areas
6. Architectural elevation drawings are hard provided color rendering of proposed building and detail of exterior improvements to existing bank building. It is suggested that additional architectural detail is added to building exterior.
7. Provided location and details of any proposed rooftop mechanics
8. Variance granted for landscaped buffer strip?
9. Will ConnDot have to approve proposed landscaping within State ROW
10. Sheets c-2, 3 and 4 don't match in regards to parking layout
11. Add planting size of proposed Japanese Yews
12. Add note regarding variance for 25% paved front yard
13. I counted 59 versus 59 parking spaces
14. Zoning Table Sheet C-2 revise to "Proposed Use" versus Proposed Structure

A second memorandum to Peter Gillespie from John Lepper tree Warden (dated on file- March 12, 2004) was read which said that he would recommend reducing the number of major trees on the landscaping plan and spacing the remainder to at least 40' apart. He also recommended moving the trees from the State ROW into the site by 5' to avoid the planning for getting a permit. He thought it also could be accomplished by reducing the width of the driveway around the corner of the building and moving trees back from the ROW into the space. His last comment concerned

his previous comment to replace the burning bushes with another species.

A letter from Fire Marshall Gary Santoro to the Commission (dated on file - February 27, 2004) was read which said that due to the inability of fire apparatus to access the buildings in the event of a dumpster fire the dumpsters would not be permitted to be located between the new and old buildings.

A letter to Peter Gillespie from Paul Courchaine Chairman of the Silas Deane Revitalization Committee was read which said that the applicant had done a good job on the majority of the landscaping initiatives which they had suggested however in both of their meetings the Committee had identified a corner treatment relative to the stonewalls and plantings, which was agreed to both times by the architect and developer although not indicated on the recent drawings, my committee would like to see this addressed before we can approve the development.

There was a memorandum (dated on file - March 3, 2004) from Michael Turner, Town Engineer which was answered by a 3 page list of comments by the architect Robert Lenane. Mr. Lenane preferred to address it during his presentation.

Mr. Robert Lenane architect addressed the Commissioners and said that he would respond to the comments as well as submit renderings showing the elevations and site plans. He said that they had not received the comments by the Tree Warden but were in complete agreement however as far as the tree placement goes they were going to speak to DOT about placing the trees in their ROW but they will not review it with us until we have received Planning and Zoning approval and that goes the same for storm drainage calculations. He continued and said that at the pre-application hearing in January there had been several major comments,

1. show the traffic flow, provide flow signage and indicate entrance and exit location
2. show the landscape buffer and fieldstone wall at corner of Wells Street and Silas Deane Highway
3. locate the tree plantings approx. 40' on center
4. clarification on the variance they had received in August
5. clarify the square footage of the building.
6. provide rooftop unit locations and provide screening for them
7. provide a lighting layout of the parking area showing the photometric calculations

He said that all of those items had been covered in their responses and if they hadn't they would discuss them. He then quoted Plato on architecture, before going on to describe the existing site "The beauty of style, harmony, grace and good rhythm depend on simplicity". He said that this had been their underlying approach towards the whole project thus far.

The site was described as being at the corner of Silas Deane Highway to the east and Byrd Road to the south, Wells Road to the north, with 2 residences to the west. There is an existing 7300 sq. ft. structure which would remain in the Planned Developmental Business Zone. They proposed making certain changes to the structure, the north west corner would be infilled to bring it flush with the rest of that face, and a new foyer entrance would be constructed on the south west corner by the parking lot. In addition a completely new single story 6428 sq. ft. building with a full basement would be built on the western border of the property to be connected to the old building on the exterior only by an L-shaped covered 7' wide canopy running the full length. Zoning had required them to supply 60 parking spaces; they were supplying 58 and had received a variance for the other 2. The entire paved area would be repaved. The 2 curb cuts on Silas Deane Highway would be made one way with the more northern cut being an enter only, and the more nor southern cut being exit and right turn only. There would be an entrance only on Wells Road. The existing retaining wall would be replaced with a simple concrete retaining wall across the rear of the property and down Byrd Road. At its greatest height it would be about 7' high and down to about 2' in height, with an additional low wood guard rail along Byrd Road to prevent any errant cars from entering the property. There would be extensive landscaping to provided a buffer along the rear border and continue that landscaping down Byrd Road with various types of trees. The building had been planned for 4 potential tenants although they have a tenant that will take up 3 of the spaces and Mozzicato Bakery will occupy the 4th space. They want the structure to be very simplified and clean. The basement area is designed as purely storage space for the tenants. When the new building is constructed, the existing building will be completely renovated and the same brick masonry will side both buildings.

Commissioner Oickle asked why there was a courtyard. Mr. Lenane answered that the old building has no sprinklers, while the new building will be completely sprinkled. So the two buildings cannot be connected.

Commissioner Oickle asked why the addition would be larger than the original drawings. Mr. Lenane explained that the original drawings had been drawn to the wrong scale and when the mistake had been caught then all the measurements changed, and the correct square footage was found to be 6428 sq. ft. which he believed was the source of the misunderstanding as to what the variance was for.

Mr. Gillespie explained that the variance had to do with the proximity of the rear of the building to the residential properties, but even though the building was larger they still complied with the parking except for the 2 they had already received a variance for. The other variance was for the 25% impervious surface.

Mr. Lenane said that they have about 21% but that the property was mostly paved before and the proposed construction did not change it much.

Commissioner Oickle noted that the Silas Deane Revitalization Committee had commented on the landscaping but wondered if they had anything to say about the architecture. Mr. Gillespie answered that they had made no comment on the architecture.

Commissioner Oickle asked what they were doing for the residential neighbors. Mr. Lenane said that they were providing extensive landscaping with 7-8' plantings.

Mr. Paul Mozzicato stepped forward to say that what they were showing here tonight was a rather general sort of planting scheme but that they could beef it up or thin it out depending on how dense or visible the neighbors want it. He had spoken to the neighbors and would work with them on a plan that would satisfy them.

Commissioner Oickle asked how they would address the comment made by the Fire Marshall. Mr. Lenane said that they would be moving the dumpster area to the far south eastern corner and utilizing a different type of dumpster which would roll up to be emptied instead of having the truck come any closer to the neighbors.

Commissioner Oickle asked if the dumpster would need any screening. It was explained that it was surrounded on 2 sides by a retaining wall but it was suggested that perhaps a gate across the front would entirely shield it.

Mr. Lenane said that he had spoken to neighbors about the rooftop HVAC units and the associated noise. It was explained that the new units create about 80 decibels of noise, but they would be moved as far forward as possible on top of the buildings and with the combination of the distance forward and the landscaping the sound would be reduced to about 40, which was probably lower than the traffic noise on the Silas Deane Highway.

Commissioner Oickle asked if DOT would mind then tapping into the storm drains on the Silas Deane Highway. Mr. Lenane answered that DOT would not even look at the drainage calculations until they received Planning and Zoning approval.

Commissioner Adamian asked if the tenants would all be retail. Mr. Mozzicato answered that Sherwin-Williams paint would be utilizing 3/4 of the space with the bakery using the remainder. There would be no baking done on the premises so they would not need to start at 4: 00 am as the Hartford bakery did. The neighbors had been concerned about the possibility of very early or very late hours and part of their ZBA approval covered the business hours.

Ms. Lois Waters and son, Stephen Waters 17 Byrd Road stepped forward and said that they were happy to see the changes made to the HVAC units. Mr. Waters explained that his parents had bought their home in 1958, and at that time there had been a house at the corner. At another time he remembered that the bank had wanted to make the entire thing commercial and had wanted to put a driveway out to Byrd Road. They get a lot of traffic he said from people using their street to cut through to get to Wells Road and even the other way to the Silas Deane but he said that the traffic on the Silas Deane Highway made it very dangerous to try to come off of Byrd Road onto it. His mother would not even try it. At one time the Town had even discussed making Byrd Road a cul de sac to stop the traffic. He was worried that people making the right turn out of the new retail complex might then make the immediate turn onto Byrd

Road to either come back around down Wells road or just to cut through. He said that he realized that the house was next to a commercial zone but they worried about public safety.

Mrs. Waters added that when her son was growing up there had been a lot of children, and now it had come full circle with people returning to raise their kids. The increased traffic was dangerous.

Commissioner Oickle asked if the fencing and shrubbery seemed to make sense to them. Mrs. Waters said that when her husband had become handicapped they had put the ramp in for him. The deck was built to accommodate his wheelchair. There had been more land and more shrubbery at one time and it had eroded over time. She was concerned that whatever was planted be maintained, because she was hoping to stay there awhile yet and wanted it to look nice.

There was some discussion about the effect of the right turn only exit in the parking lot and its possible repercussions. There was also discussion as to how cars might handle the other curb cuts. Since no traffic study had been done by the applicant there was only speculations and commentary and observations about the current traffic situations.

Mr. Waters said that they were not opposed to the beautification of the corner they just had public safety concerns.

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

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

George Oickle, Clerk Pro Tem

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

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

Members present:

Earle Munroe, Chairman
Richard Roberts
George Oickle
John Hallisey
Philip Knecht
David R. Edwards
John Adamian

Members absent:

Joseph L. Hammer, Vice Chairman
Theresa Forsdick, Clerk
Robert Jurasin
Scott Murphy
Matthew Cholewa

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

Clerk Pro Tem Oickle read a description of the next item on the agenda.

MANDATORY REFERRAL under § 8-24 of the Connecticut General Statutes for the Review of the Preliminary

Capitol Improvement Budget for 2004-2005 through 2008-2009.

Mr. Leslie Cole Chairman of the Capitol Improvements Committee stepped forward to answer any questions the Commissioners might have about the proposed Capitol Improvement Budget.

Commissioner Oickle asked if the \$1,000,000 set aside for the acquisition of open space had any particular land in mind. Mr. Cole answered that it was just a local bond and there was nothing specific in mind at this time.

Commissioner Oickle commented that he was glad to see \$3,000,000 bonded for roads since last year there was none and even referred to Town roads as "Burma Roads".

He said that they had to remember that Wethersfield was a colonial town and some of the roads had never been made properly and were not lasting even 20 years. He was also glad to see school roofs and parking lots in there.

Mr. Cole said that they had tried to cover anything to do with mandates, loosening up matching funds and public safety.

Commissioner Munroe asked if they would have a public hearing about the renovation of Cattone Field putting in artificial surface and lights. Mr. Cole said that it was here but covered under a separate Committee. He said that it got into the budget but he doesn't have the specifics of it.

Commissioner Munroe commented that if they endorsed this budget then they were endorsing only those items put in by Staff.

Commissioner Roberts said that to endorse this budget endorsed all that was listed here.

Commissioner Oickle said that it was the case unless they wanted to make an exception. He said that he was thinking of strongly endorsing the road bonding program and might even make a separate motion on it just so that Council would have to vote 2/3 to vote it down. Even then he said he might hold their feet to the fire over it. He then asked where the money for the bike ways and trails would come from. Mr. Cole answered that this was to release other funds from the State.

Mr. Cole said that in a perfect world they would like to have at least \$850,000 a year to maintain the roads which would maintain them much better than they are. Commissioner Oickle said that he had been talking to Mike Turner and had been told that the Town could handle about \$1,000,000, but they don't have the staff to handle it, that is monitor, design and inspection and all that.

Commissioner Roberts said that he was very glad to see a serious commitment to pavement and pavement maintenance. He said that when you were talking about capitol budget you were talking about maintaining the capitol assets of the Town and they should take priority. The things like buildings, roads, structures, facilities and the drainage. He said that other than occasional big ticket items which suddenly become important like Cattone Field which he noted had not been on any of the previous 10 years worth of capitol improvement budgets, he thought it was a shame because he knew that other things like the Mill Woods project get shifted to less important and more long range scheduling. He was glad to see the commitment to the infrastructure, but the other items would have to stand and fall on their own merits.

Commissioner Oickle said that he was glad to see that the Town Manager had seen fit to propose these as bond items. He commented that the quality of life as we want to see it these days is more than schools. We have roads and recreational facilities and all these things add to the quality of life and improve upon it.

Upon motion by Commissioner Oickle, seconded by Commissioner Hallisey and a poll of the Commission it was voted to APPROVE the Mandatory Referral under § 8-24 of the Connecticut General Statutes for Review of the Preliminary Capitol Improvement Budget for 2004-2005 through 2008-2009.

Aye: Oickle, Hallisey, Munroe, Knecht, Adamian, Edwards

Nay: Roberts

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.

INFORMAL DISCUSSION

Commissioner Hallisey thought that it was fair to note that the access to this land if the zone change were permitted would be through a AA Zone which is the zone that would be the most affected by the change.

Commissioner Knecht thought that they had not received enough information on how the zone change would affect the community.

Commissioner Munroe felt that it was a mistake to spot zone.

Upon motion by Commissioner Roberts, seconded by Commissioner Hallisey and a poll of the Commission it was unanimously voted to DENY Application No. 1419-04-Z. James McNamara seeking a Change of Zone from an AA Residence Zone to a Special AA Zone, located on the north side of Two rod Highway at 263 Two Rod Highway.

REASON FOR THE DENIAL

Does not comply with the requirements for a Special Residence AA Zone.

APPLICATION NO 1420-04-Z. Paula Larsen seeking Site Plan and Design Review approval under Article XXXI, § 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.

INFORMAL DISCUSSION

Commissioner Roberts said that he was sick of parking problems being varianced away and then the Commission being left to deal with it.

Commissioner Oickle agreed and felt that the parking problem was overwhelming between Comstock-Ferre, the church singles dances, and the American Legion Hall, that the application could be denied on the basis of a lack of parking alone. But he wondered how that would work since ZBA had already released her of that requirement.

Mr. Gillespie said that Ms. Larsen could return to ZBA about it, but the issue had been because the parking was proposed in the residential portion of her property. He thought that she might be in a quandary if denied due to lack of parking.

The Commissioners were also unclear as to the details of the lighting, or where the fence would be located and other odds and ends.

Commissioner Adamian agreed that the parking and traffic in the area was a serious problem and gave several of his own experiences in the area as first hand evidence. He said that the American Legion Hall was very heavily used and it was no exaggeration to say that there was absolutely no parking on weekend evenings.

Commissioner Adamian also brought up the fact that the business name was being changed from the Main Street Creamery, to the Main Street Creamery and Cafe. He wondered if perhaps the applicant were contemplating a more aggressive use than even the ice cream business.

Commissioner Munroe pointed out that the area was zoned for business and thought it inconstant for them to say that a business couldn't be located there, in particular any business that might bring in additional vehicles.

Commissioner Roberts pointed out that Ms. Alderman next door has a 9-5 tenant with no weekend use. There was a

wide spectrum of business uses. An ice cream shop is a 7 day a week operation and designed to be in and out in 15 minute increments and a very intensive use.

Commissioner Oickle said that he agreed with Commissioner Roberts comments and thought that sometimes they might just have to turn down an application which could be done without prejudice in order to let them come back with revisions after reconsideration. He thought that if the Commission insisted upon not thinking about these things and making decisions in the same night without contemplating them a bit, they were going to make some mistakes. He wondered if maybe this wasn't the right business for that location.

Commissioner Hallisey pointed out that the current business was only 300' away and didn't see much difference with relocating it down the street. The traffic was pretty bad on that end too and it had nothing to do with the ice cream shop.

Commissioner Adamian said that this spot has a completely different type of traffic pattern. He also said that they had been so concerned about the neighbors with the previous application and felt that that was nothing compared to how this application would impact the neighbors.

Commissioner Knecht mentioned that he had recently been to a tiny little ice cream shop in Greenfield, and though it was small it generated quite a lot of traffic. He didn't know if the area proposed could handle the amount of traffic it might generate.

Upon motion by Commissioner Adamian, seconded by Commissioner Oickle it was motioned to DENY Application No. 1420-04-Z. Paula Larsen. The motion failed to carry and no vote was taken.

Mr. Gillespie offered to speak to the applicant in order to see if there were some conditions that could be crafted which might be workable for the applicant and for the Commission.

Upon motion by Commissioner Roberts, seconded by Commissioner Adamian and a poll of the Commission it was unanimously voted to TABLE Application No. 1420-04-Z. Paula Larsen seeking Site Plan and Design Review approval under Article XXXI, § 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.

APPLICATION NO. APPLICATION NO. 1421-04-Z. Luigi Mozzicato seeking Site Plan and Design Review approval under Article XXXI, § 167-137 of the Wethersfield Zoning Regulations for the construction of a 6,428 sq. ft. addition and associated parking & landscaping, located on the southwest corner of Wells Road and the Silas Deane Highway in a Planned Development Business Zone at 38-46 Wells Road.

Commissioner Oickle wasn't sure that enough details had been taken care of for him to feel comfortable approving the application. In addition he wondered why the Town didn't insist on flush-curbs but instead required step-up curbs. He felt that the fear that delivery trucks coming in and not knock canopies and that sort of stuff. He personally didn't think that was real.

INFORMAL DISCUSSION

Commissioner Adamian said that he had witnessed a delivery truck at Pelton's take the corner right off of the building.

There was some discussion about directional traffic signs and what might help the safety of the site and the intersection.

Upon motion by Commissioner Roberts, seconded by Commissioner Adamian and a poll of the Commission it was voted unanimously to APPROVE Application No. 1421-04-Z. Luigi Mozzicato seeking Site Plan and Design Review approval under Article XXXI, § 167-137 of the Wethersfield Zoning Regulations for the construction of a 6,428 sq. ft. addition and associated parking & landscaping, located on the southwest corner of Wells Road and the Silas Deane Highway in a Planned Development Business Zone at 38-46 Wells Road with the following stipulation;

1. Approval subject to Staff review of revised plans which address the comments from the following Staff memorandums.
 - a. Peter D. Gillespie, Town Planner memo dated March 11, 2004
 - b. Michael J. Turner, Dir. Of Public Works memo dated March 3, 2004
 - c. Gary S. Santoro, Fire Marshal memo dated February 27, 2004
 - d. Paul Hutcheon, MPH, RS memo dated April 6, 2004
 - e. John C. Lepper, CTW, Tree Warden memo dated March 12, 2004

APPLICATION NO. 1402-04-Z. Mercury Fuel Service Inc. requesting a one-year extension for Site Plan approval of June 3, 2003 at 151 Silas Deane Highway.

Upon motion by Commissioner Roberts, seconded by Commissioner Hallisey and a poll of the Commission it was unanimously voted to APPROVE Application No. 1402-04-Z. Mercury Fuel Service Inc. requesting a one-year extension for Site Plan approval of June 3, 2003 at 151 Silas Deane Highway.

APPROVAL OF MINUTES OF: March 2, 2004

Upon motion by Commissioner Oickle 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 #2, the omitted application # 1420-04-Z should be added.

Aye: Roberts, Oickle, Hallisey, Knecht, Edwards, Munroe

Abst: Adamian

The meeting was adjourned at 12:15 a.m.

George Oickle, Clerk Pro Tem