

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
APRIL 20, 2004**

The Wethersfield Planning and Zoning Commission held a public hearing on April 20, 2004, at 7:00 p.m. in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Earle Munroe, Chairman
Joseph L. Hammer, Vice Chairman
Theresa Forsdick, Clerk
George Oickle
Richard Roberts
Scott Murphy
Robert Jurasin
John Adamian
John Hallisey
Philip Knecht

Members absent:

David R. Edwards
Matthew Cholewa

Also present:

Brian O'Connor, Chief Building Official

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

APPLICATION NO. 1422- 04- Z. Suny's Restaurant seeking Site Plan and Design Review approval under Article XXXI, § 167-137 of the Wethersfield Zoning Regulations for the construction of a concrete wall in front of the building to have a section for outdoor seating, located on the east side of Silas Deane Highway in a Planned Development Business Zone at 416 Silas Deane Highway.

Clerk Forsdick read a description of the application as well as a letter from ZBA (dated on file - March 23, 2004) granting approval for a variance to erect a structure and provide seasonal seating over the building line with the following stipulation: The outdoor structure cannot create a traffic obstruction to be verified by the Police Department Traffic Officer. In addition letter was read from the Central Health District (dated on file - April 6, 2004) stated that they had no comment at this time.

Commissioner Jurasin asked if the Health District had no comment because they had not completed their review yet, or they just had no concerns. Chairman Munroe answered that he did not know.

Mr. O'Connor said that he imagined that the review had not been completed and they might need to see the table layouts or something like that.

Mr. Craig Sundquist owner of Suny's Restaurant stepped up before the Commissioners and told them that he had received a call from the Health Department and was told that they had no concerns with the project, but he would speak to them this week. He explained that he had a 3 year plan for the business. He said that had just gone through a horrible winter and imagined that he would not get through another one like that.

He explained that 90% of all businesses fail in the first year, 50% of them fail by the 2nd year. But 3 year plan would not allow him to fail if he could move forward with such projects as this that could give him the revenues to proceed with the things that he wanted to do, such as build a new building in his 3rd year. The outside seating he proposed is

extremely important to him. By putting it up front it would allow him to keep an eye on what was going on. His proposal included erecting 2 10' X 10' 90 degree walls on either corner on the front of the building, to protect his patrons from oncoming cars. He was not told or requested to do this but he thought it was important to show some safety precautions for the outside diners. The wall will be 6' off the sidewalk, which he believed to be State property. The concrete corner pieces will be there for protection, but outside of that he proposed wrapping the entire area with a 4' high white picket fence. There would be flower beds outside of the fence and on top of the walls. He thought it was a very simple design, but would immediately attract attention to his restaurant and help to beautify the Silas Deane Highway. He hoped that it would also motivate the properties adjacent to him to beautify their properties.

Commissioner Knecht said that he recalled that the restaurant had tried this last summer for a weekend, he wondered if this was similar plan. Mr. Sundquist said that 2 months after he opened for business he held his Grand Opening, with only 3 days advance notice, he was able to bring in 2 1/2 X more business than he had ever had. He thought it worked great.

Commissioner Roberts asked what the addition plan on the other side of his plan showed. Mr. Sundquist replied that was not his plan. He said that if wasn't professional enough, to please let him know, because this was all he had.

Commissioner Roberts said that he just wanted to be clear on what they were talking about. Then he asked if there was adequate parking, and was told that there was.

Commissioner Oickle asked why he thought it would be successful to put seating behind a white picket fence and a concrete wall on the Silas Deane Highway, which he added, that he wasn't sure what it was going to look like since he had no pictures. He thought people could be quite concerned that all they would be seeing was a view of cars whizzing by at 50 miles per hour. He pictured some sort of shading under umbrellas and added that they would need something like that with the western exposure. Mr. Sundquist said that this arrangement would double his seating capacity, at least seasonally, and there are times when he has to turn people away right now because of lack of seating. His parking lot would allow for this increase although he would have to add one more handicap spot. He also said that he felt this was a way of beautifying his property and the property around him. He pointed out that the Town has a beautiful new Police Department up the road and he wanted to do his part to make the Silas Deane Highway more attractive. He didn't have any proven facts to back him up but it seemed to him that a white picket fence and flower beds would be attractive to the street and to customers and he thought that his proposal would actually slow people down as they drove by. He said that people talk about wanting to be more like other towns but he wanted to be more like Wethersfield, and felt that they should build on the character that they have.

Commissioner Oickle said that he thought that developments were required to provide some sort of green space although he recognized that this proposal was not a new development.

He said that the Commission liked to see that sort of thing and wondered what if anything this application offered in the way of green space.

Mr. Sundquist said that the fence would allow safety for his clients as well as eliminate cars from driving across his property which is a sore point for him. But he didn't have much soil for plantings.

Commissioner Oickle noted that the front of the wall had been eliminated. Mr. Sundquist said that when he showed his plan to the Zoning Board they had wondered why he was even putting the wall up. He said that it was for the safety of his customers and so it occurred to him that maybe he should work on a smaller scale and at least cover the corner pieces.

Commissioner Oickle asked if the walls would be decorative only. Mr. Sundquist answered that they would be 34-36" high concrete 42" to the frost line, rubbed with no rebar showing, decorative rub on the inside and outside with flower boxes on top. But the front would be covered by the 4' picket fence.

Commissioner Hammer asked how many seats were inside and what would the hours and days of operation be for the outside area. Mr. Sundquist answered that there were 30 seats inside. He further explained that he currently worked a second job until 11:30pm and was not looking to work extra hours but if he were able to make a living by serving

breakfast and lunch and possibly opening up Friday and Saturday nights until 9 pm that would be as far as he would be willing to stretch it.

Commissioner Hammer wanted to say that he was glad to see this proposal at the site which he felt was underutilized. He thought that having this type of outdoor streetscape activity was a good thing and something he would like to see a lot more of on the Silas Deane Highway. He also said that this proposal would break up some of the pavement that's already out there and didn't think it necessary to ask him to actually dig up the pavement and provide new plantings which would be required for a new building or development.

Commissioner Knecht thought that going into West Hartford Center with all the outdoor eating establishments was a delight and he would welcome this type of thing on this Silas Deane Highway. He added that he went last year to Suny's on a day he offered the outdoor seating and noted that people really seemed to enjoy it. He hadn't noticed any sort of problems as a result of it.

Commissioner Jurasin also was glad to see the proposal but he questioned why the application was for site plan and review, when he did not see a site plan or have any design detail to review. He wasn't sure what the Commission would actually be voting upon. He didn't have any details about the fence such as what it would look like when installed or 6 months later. He wanted to know what style the fence would be and whether it would be removed during the winter. He also wondered if the applicant requires a variance on the width of the driveway to accommodate the 6' distance of the fence from the building. These were all questions that he had about what they were voting on. He thought the proposal was a great idea but he wasn't so sure he knew what he was voting on.

Mr. O'Connor said that he didn't have any site plans submitted for this application so they took the latest plot plan that was on file for this property which was from an application that was made 10 years ago for an addition, to give the layout of the parking.

Commissioner Jurasin said that his concern was that the fence would encroach upon the 24' distance from the building and the handicap space.

Mr. Sundquist said that it could be remedied by having the handicapped spaces pulled closer to the building, because he has to add one anyway.

Commissioner Jurasin said that now they were making changes to a plan that isn't even the applicant's. He also wanted to know about what the concrete fence would look like on the outside, and the color and the commitment to keep it looking that way etc.

Commissioner Oickle said that the Commission had been highly criticized for not extending enough consideration to the design review aspect of applications on the Silas Deane Highway and they needed to have answers to these questions in order to know what it would look like when it was completed in the absence of renderings and perspectives.

Commissioner Jurasin said that he thought that the sidewalk was flush with the pavement there, which would mean that a car could drive by the picket fence. Mr. Sundquist replied that the sidewalk was curbed.

Commissioner Forsdick said that she thought that this proposal was the perfect thing for the Silas Deane Highway although she understood the concerns raised by some of the Commissioners. However she said that if the Commissioners had read the packet that had been handed out for this application at the previous meeting, when this application was originally to have been heard, the questions on how it would look would have been answered. In the packet there was a rendering which showed as well as described the white 4' high picket fence, and a stucco design on the concrete wall. She wasn't sure where the confusion lay, but she had visited the site and found that there was enough concrete and asphalt there to land planes. She also thought it a shame that just because the applicant hadn't spent thousands of dollars on the presentation that they should find fault with it. She said that this was a small business and he did the best he could to represent what he wants to do. If there are concerns over the distance to the handicap parking space then that's something to address. But to be reasonable it seemed to her that if the Commission liked this idea then they should work with the applicant.

Commissioner Hammer said that he hoped that there was a way they could work with the applicant and work out the details based upon what they had here. He thought that if there were concerns about the requirement for passage near the handicap space then that could be left to Town Staff or the Zoning Officer to determine that it is either in compliance or provisions be made to bring it into compliance. He thought as a last resort they could even make the drive in one way and out the other way to keep a 24' aisle on both sides with one way traffic.

Commissioner Knecht wanted to remind the Commissioners that when Absolute Mortgage came in they didn't have a plan either, but they said that they would certain things and it was agreed that if these things were done it was a cease and desist situation.

An applicant can go out and spend a lot of money for plans but it isn't always necessary if much of it can be done with the approval of the Zoning Officer.

Commissioner Hallisey said that he also liked the plan very much and agreed that the Silas Deane Highway could use this sort of proposal, but he wondered if the Silas Deane Revitalization Committee had reviewed the plan. Mr. Sundquist said that he had informally run into the committee one night at the Village Tavern and mentioned his plans to them. If he needed any sign offs from them he would be willing to do that.

Commissioner Murphy arrived at this time.

Commissioner Knecht asked when he would be ready to open up. Mr. Sundquist answered that he had the money to do it now and wanted to get going as soon as possible. He insisted that he would survive his first year, but if he didn't reinvest the money it would go to paying bills. He felt that it was important to take risks sometimes in order to succeed.

Commissioner Munroe said that there were 2 types of site plan reviews, significant and insignificant. The Commission needs to decide which this is. According to the regulations, a significant improvement review requires a type 2 survey and the signature of a licensed engineer or licensed architect. He thought that if the applicant built the concrete wall then it was in the significant improvement category.

Commissioner Jurasin noted that the height of the wall was different in each of the different packages. He wanted to know if the Commissioners knew what the height of the wall was they were voting on, or even what color it was. He wasn't even sure if the package he was looking at was part of the application packet. He was told that it had been included in the packet with the application at the previous meeting and was in fact part of the application.

Mr. Sundquist said that the height of the wall had changed because once he realized how high 48' was he realized that he didn't need 48". It had been high enough to hinder visibility for vehicles and he lowered it to 34-34". The surface of the concrete would be stucco textured and be more toward a whitish color to blend in with the picket fence. In the winter he would skirt it back to the walls in order to plow the area.

Commissioner Hammer asked if seasonal dates of say May 1 to October 31, would work for him. He also asked if there would be regular litter patrols and containment of. Mr. Sundquist thought those dates would work and he replied that he was very conscientious about clean up.

Commissioner Hammer said that he personally didn't feel this application rises to the level of requiring an A-2 but that the Commission also had the ability to have him return after a season and check on how it was going.

Commissioner Roberts said that it was just a matter of making sure what they are voting on.

Commissioner Oickle asked what the Silas Deane Revitalization Committee had said to the applicant. Mr. Sundquist didn't feel comfortable repeating anything he heard at the Tavern and didn't want to put anybody on the spot by quoting them.

He said that he could bring them all in here to speak but if they didn't think this proposal was attractive enough then he

might have serious reason either move his business to a town that does welcome these things or just go out of business. It seemed to him that they could ask all the questions in the world but if a white picket fence and flowering plants weren't in line with the Revitalization Committee he couldn't imagine them not wanting to go forward with it.

Commissioner Oickle said that the applicant was coming on pretty strong and that he was just trying to answer a couple of concerns. He asked if just the corners of the fence would have flowers on it. Mr. Sundquist said that he didn't mean to come off as rash, this was his livelihood, his survival; this is what he does. He then replied and said that the entire picket fence would be surrounded by flower pots and if he were in successful in his 3 year plan he would be building a brand new Suny's on the same location and he would move the outside seating to the rear at that time.

Mr. Sundquist asked if there had been any other correspondence with Officer Dylan. Mr. O'Connor said that if approved here, he would have to meet with him and discuss the traffic safety on the site.

Commissioner Oickle said that he realized that the applicant could not afford more than to go at this incrementally but that if he were coming in for a full development they would narrow up his driveways and require a certain percentage of greenery. That was the reason he was going over these things.

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

APPLICATION NO 1423-04-Z. The Hospitality Corporation seeking Site Plan and Design Review approval under Article XXXI, § 167-137 of the Wethersfield Zoning Regulations for the construction of an indoor pool addition to the existing Best Western Hotel, located on the east side of Silas Deane Highway in a Planned Development Zone at 1330 Silas Deane Highway.

Clerk Forsdick read a description of the application and a letter (dated on file - April 13, 2004) from the Central Connecticut Health District which said that the plans for the pool must be approved by the CT Department of Public Health and recommended receipt of approval before issuance of a building permit.

Mr. Guy Hesketh engineer stepped forward representing the applicant and explained that the Best Western Hotel was seeking approval to build a 1400 sq. ft. single story addition to the 1330 Silas Deane Highway location, to contain a pool and Jacuzzi. He submitted the certified receipts that showed that all abutters within 300' had been notified. He explained that there would be no modification to the drive aisles or number of spaces required since the addition would be constructed in a landscaped area and it would be for use by hotel patrons and their guests only. the architectural style of the single story addition would be the same as the 4 story hotel, with the same stucco treatment and the same colors. Although the windows on the hotel all have muntins, the addition would not but would be the same anodized aluminum. He explained that currently a sanitary sewer runs through the landscaped area but it would be relocated to the parking lot adjacent the area.

The only erosion control would be silt sacs in the catch basins that are downgrade of the work being done. With the exception of a little bit of work in the paved and parking areas all the construction would be curbside.

Commissioner Hammer asked if the pool would be available to only paying guests of the hotel. Mr. Hesketh said that other than emergency egress the only doors would be accessible to guests with magnetic cards.

Mr. George Bottini General Manager of the Best Western Hotel stepped forward and said that there would be no entry from the pool to the hotel.

There was a general discussion about the sidewalks in the parking area and how the addition would affect the width of the sidewalk or the parking aisles.

Commissioner Jurasin wondered if the elimination of the sidewalk to keep the required driveway width required a variance or a waver.

Commissioner Roberts thought that this was more of a situation where those who professionally deal with these

matters everyday need to say whether they are comfortable with this arrangement and feel it is safe; he didn't feel it should be dealt with like a sidewalk in a subdivision.

Commissioner Oickle said that to approve this new plan was in effect to waver it. He thought that there really wasn't much traffic going there anyway. He wondered who owned the shrubbery behind the Mobil Station, because some of it was gone. He said that if the shrubbery was in place then you couldn't really see the addition.

Mr. Hesketh didn't know who owned the shrubbery.

There being no one 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.

Theresa Forsdick, Clerk

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
APRIL 20, 2004**

The Wethersfield Planning and Zoning Commission held a public meeting 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
Joseph L. Hammer, Vice Chairman
Theresa Forsdick, Clerk
Richard Roberts
George Oickle
Robert Jurasin
Scott Murphy
John Hallisey
Philip Knecht
John Adamian

Members absent:

David R. Edwards
Matthew Cholewa

Also present:

Brian O'Connor, Chief Building Official

APPLICATION NO. 1422- 04- Z. Suny's Restaurant seeking Site Plan and Design Review approval under Article XXXI, § 167-137 of the Wethersfield Zoning Regulations for the construction of a concrete wall in front of the building to have a section for outdoor seating, located on the east side of Silas Deane Highway in a Planned Development Business Zone at 416 Silas Deane Highway.

INFORMAL DISCUSSION

Commissioner Murphy mentioned that there had not been any discussion about signage and he thought it important to make sure the wall and fence did not become cluttered by flyers or advertising or signs.

Commissioner Oickle noted that the umbrellas hadn't been mentioned after he had brought it up during the hearing and thought they should be allowed but stipulated that that they not be a garish color and that they be compatible to the

building and the rest of the proposal.

Commissioner Jurasin felt that the serving of any liquor so close to a road like the Silas Deane Highway was to be prohibited especially since the applicant had indicated that he might like to stay open later on weekend evenings. Commissioner Adamian disagreed and thought that it would be a real plus for the area.

Commissioner Forsdick didn't think that they had any reason to be discussing the prohibition of liquor for an application that was requesting outdoor seating, serves breakfast and lunch and doesn't even have a liquor license. She thought that if the applicant decided he wanted more than that it would be for whomever has that jurisdiction to discuss and decide.

Commissioner Roberts said that while serving liquor had not crossed his mind before, it should be noted if they approved this plan for outdoor seating and the applicant decided it was within his 3 year plan to sell the business, the new owner could get the liquor permit without coming before the Commission.

Commissioner Oickle admitted that they always had to look down the road.

Commissioner Hammer said that making it a condition did necessarily mean the answer would be no but only that the applicant would have to return to us for more discussion.

Upon motion by Commissioner Hammer, seconded by Commissioner Roberts and a poll of the Commission, it was voted to APPROVE Suny's Restaurant seeking Site Plan and Design Review approval under Article XXXI, § 167-137 of the Wethersfield Zoning Regulations for the construction of a concrete wall in front of the building to have a section for outdoor seating, located on the east side of Silas Deane Highway in a Planned Development Business Zone at 416 Silas Deane Highway with the following stipulations:

1. The seasonal outdoor dining/seating shall be operational from April 1 - November 30.
2. There shall be regular policing of outdoor dining area for litter control and containment.
3. The table arrangement shall be based approximately upon the plan submitted and not to exceed 30 seats.
4. There shall be 2 90 degree 10' X 34"- 36" sided concrete walls topped with flower beds.
5. There shall be a white 4' picket fence surrounding the dining area.
6. The material on the wall shall be of stucco-type of concrete in a white color.
7. The picket fence against the wall areas shall remain standing during the off-season but the center area may be removed for snow removal.
8. The location of the picket fence on the south side shall be such that it maintains the 24' travel aisle to the handicap parking spaces per approval by Staff.
9. There shall be no signage on the fence.
10. Umbrellas shall be allowed at the tables and be of a compatible color with the building.
11. There shall be flower boxes all alongside/outside the picket fence.
12. The Traffic Safety Officer shall be consulted by the applicant and all traffic safety issues or concerns be resolved.
13. Any concerns or issues of the Central Connecticut Health District be addressed and resolved.
14. There shall be no alcohol served in the outdoor seating area without first returning to the Commission.

Aye: Hammer, Roberts, Oickle, Hallisey, Munroe, Knecht, Jurasin, Forsdick

Abst: Adamian

APPLICATION NO 1423-04-Z. The Hospitality Corporation seeking Site Plan and Design Review approval under Article XXXI, § 167-137 of the Wethersfield Zoning Regulations for the construction of an indoor pool addition to the existing Best Western Hotel, located on the east side of Silas Deane Highway in a Planned Development Zone at 1330 Silas Deane Highway.

Upon motion by Commissioner Roberts, seconded by Commissioner Knecht and a poll of the Commission it was voted to APPROVE APPLICATION NO 1423-04-Z. The Hospitality Corporation seeking Site Plan and Design Review

approval under Article XXXI, § 167-137 of the Wethersfield Zoning Regulations for the construction of an indoor pool addition to the existing

Best Western Hotel, located on the east side of Silas Deane Highway in a Planned Development Zone at 1330 Silas Deane Highway with the following stipulation;

1. The pool will be limited to use by guests and their visitors.

Aye: Roberts, Knecht, Munroe, Hallisey, Murphy, Forsdick, Jurasin, Adamian

Abst: Knecht

APPLICATION NO. 1424-04-Z. Southside Partners LLC seeking re-approval and an amendment to the approved Site Plan and Design Review at Lot 16A, 82/84 & 86 Wolcott Hill Road.

Chairman Munroe read a description of the application.

Mr. Louis Ocasio 36 Somerset Street appeared before the Commission to explain that the approvals granted by the Commission had expired and they were seeking re-approval. In addition they sought to reinstall the accessory building to the site plan that had been eliminated by stipulation #7.

Commissioner Oickle asked why it had been eliminated. Mr. Ocasio didn't know why the building had been eliminated but explained that it was necessary to store their snow plow and maintenance equipment in since there was no additional storage space in the building or on site.

Mr. O'Connor said that in 1994 the applicant had received approval from ZBA for a commercial building and then had gone back in 1999 and gotten approval for the accessory building. But the approval had never been filed and the applicant had to return to ZBA.

Commissioner Roberts remembered that a residential zone line ran through the property and the accessory building was located in that residential zone. That was why they needed the variance.

The Commissioners discussed what they remembered of the 2002 hearing but no one was exactly sure why the accessory building had been eliminated from the plan. They thought it would be best to re-read the minutes of that hearing before they allowed the building on the site and Table the application until then while allowing the applicant to go back to ZBA.

Commissioner Hammer suggested that the Commission reactivate the part of the application they had approved previously to allow the applicant to go forward with their project.

Commissioner Murphy said that the applicant could then return to ZBA for the variance for the accessory building before returning to us.

Mr. O'Connor mentioned that ZBA would not meet again until June.

Commissioner Murphy wanted to know if the site plan reflected the changes that the Commission had made as conditions to the approval.

Mr. Ocasio said that he had the same site plan they had approved with no changes. He read the stipulations to that original application and said that those conditions had nothing to do with the accessory building. He wondered if he would have to return to ZBA after he appeared here, and then return before the Commission. He wanted to minimize his steps and only file when he had received all the approvals necessary.

Commissioner Murphy thought that they should see a plan that reflected the changes that they had required.

Mr. Ocasio said that they had never filed, the original paper work it had been lost and if this is approved tonight they

would then would file it and this is what they would be doing.

Commissioner Roberts was not clear as to what they were being asked to do. He thought that they were just being asked to extend their original approval, which he had no problem with since they had agonized over it the first time.

Mr. Ocasio said that it was fine to be approved without the accessory building, but he wondered what they could expect from the Commission when they returned after going to ZBA for a variance for the accessory building. He wanted to know what they were looking for to approve it.

Commissioner Roberts said that he needed to remind himself of why it was that they had eliminated it in the first place. If nothing had changed since they heard it the first time he could not offer the applicant any comfort that they would feel differently the second time, since he honestly didn't remember right now why it had been dropped. All he remembered about it was that a building which was roughly the size of a single family home was being crowded in the back wooded area next to other houses, and that it was inappropriate.

Commissioner Jurasin thought that they should have copies of the minutes to refresh their memories when this came back to them. In addition if it was approved by ZBA he wanted to see a plan that actually incorporated all of the conditions they had required so they could see what they were approving.

Mr. Ocasio said that the changes had no affect on the accessory building and they wanted to minimize steps until they got to the final project because every time they return to an architect or engineer required another fee.

Upon motion by Commissioner Roberts, seconded by Commissioner Forsdick and a poll of the Commission it was voted to APPROVE Application No. 1424-04-Z. Southside Partners LLC seeking re-approval (with stipulations) WITHOUT the amendment to the approved Site Plan and Design Review at Lot 16A, 82/84 & 86 Wolcott Hill Road.

Commissioner Roberts mentioned that Application No. 1420-04-Z. had been Tabled at the previous meeting and should have been shown as such on tonight's agenda.

Chairman Munroe said that Mr. Gillespie was to have spoken to the applicant about addressing some of the Commission's concerns and had not been able to do that yet, but will by the next meeting.

The Commissioners wanted to make sure that the 65 day time limit for action on that application was not being encroached upon.

APPLICATION NO. 1290-98-P. Victor & Victoria DiBacco seeking approval for street acceptance as a town road for Highland Estates Subdivision, (Jacob Drive).

APPLICATION NO. 1290-98-P. Victor & Victoria DiBacco seeking approval for reduction of bond to ten percent (10%) of the original bond as a maintenance bond, to be held for one year from street acceptance.

Clerk Forsdick read a description of the application and a letter from Michael Turner, Town Engineer (dated on file - March 8, 2004) which recommended that the road be accepted and the bond amount be reduced to ten percent (10%) of the original bonds to be held for one year from the acceptance date as a maintenance bond.

Commissioner Oickle said that when this had last come before them there was an issue with MDC requiring 40 lbs of water pressure for the second floor and wanted to make sure that it had been resolved.

Mr. Frank DiBacco 126 Colonel Chester Drive stepped forward and explained that the State had required 40 lbs of pressure while MDC regulations only required them to supply 32 lbs of pressure. It had been resolved; pumps had been installed to make up the difference. He and the owners had split the cost.

Upon motion by Commissioner Roberts, seconded by Commissioner Hammer and a poll of the Commission it was voted to Recommend for street acceptance as a town road for Highland Estates Subdivision, (Jacob Drive).

Aye: Roberts, Hammer, Oickle, Jurasin, Munroe, Forsdick, Hallisey, Knecht

Abst: Adamian

Upon motion by Commissioner Roberts, seconded by Commissioner Hammer and a poll of the Commission it was voted that upon formal Town Council Acceptance reduction of bond to ten percent (10%) of the original bond as a maintenance bond, to be held for one year from street acceptance of the road.

Aye: Roberts, Hammer, Oickle, Jurasin, Munroe, Forsdick, Hallisey, Adamian

Abst: Knecht

AHEPA pre-application review of plans for construction of an addition at 1532 Berlin Turnpike.

Mr. Guy Hesketh appeared before the Commission representing the applicant for a pre-application review of the site plans for an addition to the elderly housing high-rise at 1532 Berlin Turnpike. The current building has 41 units and they're looking to slightly double the capacity of the building by bringing it up to 83 units. He said that they are caught in a dilemma right now, because the zoning regulations are about to be changed. After discussions with Staff it was decided that they should go by the new regulations in designing their project to be in compliance.

Currently they are in 2 different zones. They're in the elderly housing zone but the additional parcels of land that have been acquired to complete this project are located within a high density residential zone. Under the current regulations they would need to request so that the entire parcel would be contained within either of the 2 zones. But they still would have inconsistencies which would require variances. Or they could modify the new regulations so that the application once presented would meet those ordinances. He described the site which topographically is difficult because it drops off. The new building would be built adjacent to the old 4 story brick building and be built in the same style and material. There would be a full walkout basement around the back. He explained that it was not constructed to be profit generating but because there is a real need for this type of subsidized low-moderate income housing. This was a community service. They wanted to double the capacity and build on the same parcel of land but there are several impediments to the design because of the parcel and because of the regulations. For instance the regulations require 15' minimum landscaped separation between the building and paved areas. This is not feasible for them because of the drop-off or geometry of the site, so they propose 5' for this type of facility. All parking areas to be located 15' from a building, they would like to reduce that to 10' which would include 5' of walkway and 5' of landscaped strip. He said that the new regulations seemed to address the type of age restricted housing for active adults with detached houses or condos, and not this type of housing which are more high density and high rise in nature.

Commissioner Oickle noted that they were trying to reduce the green space and wondered if they couldn't just reduce the density. Mr. Hesketh replied that while that was possible, the situation was that this type of housing is necessary to handle the needs of the elderly demographic and there is an existing facility on the site.

Mr. Hesketh continued his description of the site and said that a retaining wall would need to be built in the rear area because of the slope. He said that the architects have explained to him that the interior spaces cannot be reduced because of the minimum requirements.

Commissioner Hammer asked him to not consider the 2 driveways or the greater density in answering this question, but what would happen if they didn't get the variances and changes. Mr. Hesketh said that they would lose about 1/2 the proposed units.

The Commissioners discussed the proposed time line for accepting the new regulations and it was suggested that there might need to be a different type of zone for this type of housing.

Commissioner Jurasin thought that if the applicant's criterion for suggesting these changes to the proposed regulations were valid it would be a good idea to discuss this with Mr. Gillespie and Glen Chalder and that maybe the proposed regulations didn't make sense regarding this type of zone.

The Commissioners discussed the variety of needs that elderly housing might require, and considered that there might need to be more than one type of zone for it.

Commissioner Roberts thought that looking at these things out of context was not helpful. But working with professional Staff to figure out the best way to approach it he thought that working with the proposed regulations was probably the best thing to do. He felt that they needed to build in safety valves.

He would rather have general flexibility to deviate from the desired goals like these under certain circumstances and make them site specific rather than based upon economics.

Commissioner Oickle asked if the parking met the requirements. Mr. Hesketh replied that the regulations required 1.5 spaces per unit, while their experience has been that 1 per unit is more than adequate. Most of the residents don't drive and rely on public transportation. What they have seen even at peak times is that about 20 spaces are utilized at any one time. They were proposing 1 per 83 units and 93 parking spaces. He said that the regulations also say that there is some provision at the Commission's discretion to determine the requirements from another source, so the revision may not be necessary.

Commissioner Knecht agreed that during holidays, most of the residents were removed by their families and taken off site.

Commissioner Hammer suggested that they ask Mr. Gillespie to be prepared to discuss this issue with them at the next meeting, and perhaps include Glen Chalder as well.

Commissioner Munroe noted the retaining wall in the rear and asked what the residents would see out of their windows. Mr. Hesketh said that the topography is fairly steep and the wall was about 4' high and that there was a retaining wall there currently.

Commissioner Oickle asked what the retention pond was for. Mr. Hesketh said that they had to make sure that there was no increase in runoff so they would need to meter the peak flow of the runoff diverted through a detention basin. There would be 2 outlets for storm water. One is through a weir which is where it currently flows through the paved areas with a pipe outlet, and a paved swale as it discharges to the swale adjacent to the elevated portion of the bypass. The undeveloped area water discharges directly to the apartment complex and meanders through that system to a detention basin which is located further east along their complex. The plans approved for the Village apartments show a 20' drainage easement, which on the map geometrically line up with the catch basin. There was supposed to be a drainage easement dedicated to AHEPA for future development. The attorneys are now trying to determine what the status of that easement is, as there is no easement filed on the land records. They are still awaiting the outcome of that.

Commissioner Oickle said that the site was a bit denser than he would like to see. The site is small and steep. He wondered what the Village apartment residents would see since they are lower than the 4-5 story building.

APPROVAL OF [MINUTES OF: April 6, 2004](#)

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

Aye: Roberts, Oickle, Hallisey, Knecht, Munroe

Abst: Forsdick, Jurasin, Hammer, Murphy

OTHER BUSINESS

Commissioner Munroe said that he would like to get finished reviewing the new regulations in order to get ready for the public hearing.

Commissioner Oickle asked if there were any developments on Jamie's Jungle. Mr. O'Connor said that she had been

coming in to them on nearly a daily basis with new ideas.

Commissioner Oickle said to make sure that she came back to the Commission if there were any major changes.

Commissioner Jurasin asked who the Commission had appointed as their representative to the Silas Deane Revitalization Committee. Chairman Munroe said that Commissioner Adamian had volunteered.

Commissioner Jurasin said that he thought that the Commission was not doing its job requesting input to any project proposed for the Silas Deane Highway, and he would recommend that the Chairman write a letter recommending John Adamian as their representative.

The Commissioners then discussed a memo that Chairman Munroe had seen which indicated that the Town Manger would select the Design Review Committee members; even though the Commission had specifically requested that they do the selection in order to keep it from being a political appointment. Commissioner Forsdick said she would like to see a copy of that memo.

Commissioner Roberts asked what was going on at the stone works on the Berlin Turnpike. Mr. O'Connor said that there were 2 new owners and that they wanted to start screening soil as well as the nursery. The power shovel would be going and a bobcat would be doing the work.

The meeting was adjourned at 10:15 p.m.

Theresa Forsdick, Clerk