

WETHERSFIELD PLANNING AND ZONING COMMISSION

PUBLIC HEARING AND MEETING

JUNE 21, 2016

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, June 21, 2016 at 7:00 p.m. in the Wethersfield Town Council Chambers located at the Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

1. CALL TO ORDER

The meeting was called to order by Chairman Thomas Harley at 7:02 p.m. welcoming all to the Planning and Zoning Commission meeting. He explained the process and procedures of the public hearing and Commissioner/Clerk Richard Roberts commenced the roll call.

1.1 ROLL CALL AND SEATING OF ALTERNATES (5 members required for a quorum).

Member Name	Present	Absent	Excused
Thomas Harley, Chairman	√		
Antonio Margiotta, Vice Chairman	√		
Richard Roberts, Clerk	√		
James Hughes	√		
George Oickle	√		
Joseph Hammer			√
Anthony Homicki	√		
Thomas Dean	√		
Ryan Allard	√		
David Edwards, (alternate)	√		
Daniel Silver (alternate)	√		
Yolanda Antoniak (alternate)	√		

Also present Mr. Peter Gillespie, Economic Development Town Planner, Ms. Denise Bradley, Assistant Town Planner and Mary Lou Wall, Recording Secretary.

Members of the public were present.

Chairman Harley noted that there were 11 members present. All three Alternates were present, therefore two cannot vote only one will be able to vote, Commissioner Yolanda Antoniak.

2. OLD BUSINESS

None

3. NEW BUSINESS

3.1 PUBLIC HEARING APPLICATION NO. 1913-16-Z Town of Wethersfield c/o Kathleen A. Bagley. Seeking a Special Permit in accordance with Section 3.6 (Accessory Buildings & Structures) of the Wethersfield Zoning Regulations to install a play scape at 461 Wells Road (Emerson Williams School).

Kathleen A. Bagley Director of Parks and Recreation of the Town of Wethersfield proposing to erect an additional play scape for the Emerson Williams School for children in kindergarten and first grade showing the location of the play scape in the rear of the building and giving a thorough history of why it is necessary and the process to date. Ms. Bagley also stated the various State and Federal agencies standards that were necessary for approval. They have been working with many people to get this approved for the children and it is a collaborative effort. All the funds have been provided by the PTO (Parents Teachers Organization) and no funds are coming from the Town of Wethersfield. The existing play scape was erected for 25 children and there are now at 65 and not enough play equipment for all children as noted in Memo from Kathy Bagley to Planning and Zoning Commission dated May 11, 2016. The play scape that exists will be accessible from the back rear door and will complement the one that is there now.

Commissioner Oickle asked if there will be a curtain drain and commenting on the Memorial Tree. The applicant replying that the engineering staff came out to look and it complies with ASTM/CPSC and complies with ADA. Additionally showing the Commission a copy of the proposed play scape layout, an aerial photo showing the location of the proposed play scape and a color rendering of the play scape.

Chairman Harley noting that at a previous meeting there was an 8-24 positive referral. Chairman Harley reading for the record a letter from Rita-Ann and Brent Owen of 42 Wells Farm Drive to the Town of Wethersfield Planning and Zoning Commission, objecting to the color design and indicating they were never notified of its installation. Commissioner Harley also placed in the record an email to Town Planner Gillespie and Assistant Town Planner Bradley received and dated 6/21/2016 from Mark Ely indicating he is not opposed to the new play scape however indicating suggestions as to how the money could be spent in a better way, and thanking them for letter informing of the plans to build.

Commissioner Homicki asked about the colors of the play scape. Ms. Bagley stating that the bright colors were chosen to complement the other play scape (primary colors). Commissioner Dean inquiring about students with auditory as well as visual considerations and would there be any problems for the children to use the equipment. When it was designed, Ms. Bagley commented, she checked with playground contractors who look at all of that. Commissioner Dean asking about static electricity prevention. Ms. Bagley is not familiar with static electricity but she works with professional and rely on them and will certainly look into that. Commissioner Silver asked if assurances on safety standards were received; Ms. Bagley indicating that they did.

Andrea Anderson 104 Wells Farm Drive, Wethersfield, indicating she is not opposed to the play scape but is opposed to the color scheme and concerned with drainage, asking if there is any consideration for drainage on the north side as well.

Colleen Mattatall 124 Wheeler Road, Wethersfield. Chairperson of the Playground Committee and incoming President of the PTO. A new play scape for grades two (2) through six (6) was constructed 2 years ago and the other 17 years ago. Ms. Mattatall explaining the need for the children to have a new play scape and reiterating the funding is from the PTO not the town. The colors were discussed and decision was made to match the new play scape. There are 430 children in the school, answering a question by Commissioner Hughes. The play scape is for the community as well and encouraged the Commission to approve this application.

Autumn Struk 24 Southwell Road, Wethersfield. Ms. Struk discussed the colors that were chosen for the play scape and telling the Commission that the bright colors encourage the children. Due to the fact that it is 100% funded by the PTO, she is hoping the Commission approve this application.

Colleen Conai 98 Wells Farm Drive, Wethersfield, asked the Commission if they will be placing a fence up to alleviate cutting through the yards and concerns with drainage.

Chairman Harley asking about the drainage and the base material. Ms. Bagley indicating that the drainage was designed by the Engineering Department. The surface the children are walking on will be woodchips. The Chairman indicating that drainage will go into the ground given the surface they will be using. Ms. Bagley allowed the PTO to decide the colors. Regarding the fencing, she would never put fences that close to the play scape, they would become a hazard.

Chairman Harley asking for comments or questions.

Commissioner Hughes made a **Motion to Close** the hearing

Commissioner/Vice Chairman Margiotta **Second**

AYE - Commissioners Allard, Antoniak, Dean, Harley, Homicki, Hughes, Margiotta, Oickle, Roberts

NAY - None

ABS. - None

Motion Passed 9-0-0

Commissioner James Hughes made a **Motion to Approve Application No. 1913-16-Z Town of Wethersfield c/o Kathleen A. Bagley** seeking a Special Permit in accordance with Section 3.6 (Accessory Buildings & Structures) of the Wethersfield Zoning Regulations to install a play scape at 461 Wells Road (Emerson Williams School) as submitted.

Commissioner George Oickle **Second**

AYE - Commissioners Allard, Antoniak, Dean, Harley, Homicki, Hughes, Margiotta, Oickle, Roberts

NAY - None

ABS. - None

Motion Passed 9-0-0

Chairman Harley introduced the new Town Engineer, Mr. Derrick Gregor to the Commission asking Mr. Gregor to introduce himself. Town Engineer Gregor indicating that he has been an Engineer for approximately 20 years and for seven years did work in the private sector. The last 12 years working with the Town of Manchester and for the last five years as the Assistant Town Engineer. He is very happy to be working with the Town of Wethersfield encouraging all to feel free to contact him at any time.

3.2 PUBLIC HEARING APPLICATION NO 1916-16-Z Michael Violette seeking a Special Permit in accordance with Section 3.5.3 (Accessory Apartment) of the Wethersfield Zoning Regulations to construct an accessory apartment in a residential zone at 15 Bobwhite Hill.

Mr. Michael Violette 15 Bobwhite Hill seeking to construct an in law apartment off the side of his home. In the documents originally given, the applicant stated he forgot to add an above ground pool and a deck. The applicant submitted correspondence dated 6/1/2016. Mr. Violette is looking to construct a 730 s.f. apartment and explained in detail the design. He is in an AA zone and indicated that he conforms to all the requirements in the regulations. He will have only one service in regard to the electric, gas and water. The applicant stated that the vinyl siding around trim and doors will be done to match the principal dwelling.

Mr. Gillespie, Town Planner indicated that Zoning Department will have to confirm that the rear yard coverage is met but it conforms otherwise in answer to Chairman Harley.

Mr. John Civitillo 25 Bobwhite Hill, Wethersfield has been living there for 48 years. His concern is with the sunporch addition and drainage.

Mr. John Ragalis 20 Bobwhite Hill, Wethersfield also lived there for 48 years. His only concern is the extension of doubling the square footage of the house, which is an aesthetic concern. Also, feels proper engineering drawings should be submitted.

Mr. George Davis, Wethersfield, he has been a resident for 41 years. He is not concerned with the land use but is surprised at the lack of detail of drawings and is concerned that it meets all regulations.

Chairman Harley commenting that this board is dealing with the land use determination and does not get into the details of construction. Mr. Gillespie, Town Planner commenting that it is a two-step process the site plan and elevation drawings of building and the plans have been submitted and he has met that level of detail. The second level will involve submitting various detailed drawings for a building permit to the building department.

Ms. Karen Violette, Mother of applicant and who will be living in accessory apartment. Expressing concern about the comments about the extra wide driveway.

At this point, Chairman Harley asked the applicant to come up to address this concern after asking if there was anyone in the public that wished to speak on any issues regarding this application.

Mr. Michael Violette 15 Bobwhite Hill, he was going to widen the driveway and pave on the side of the garage and he thought that was allowed and a sidewalk. Applicant said he was not going to put drainage on the addition.

Chairman Harley commenting that they cannot give an answer on the driveway but Planner Gillespie indicated that the Zoning Officer will have to look at that issue and let Mr. Violette know if the driveway can be done, and indicating that the sidewalk should be okay. Chairman Harley asked the applicant about the drainage and commented that applicant will need to think about drainage and where that water is going on the addition. Chairman Harley stating the primary consideration is the accessory building.

Vice Chairman Margiotta inquired about the timeframe for completing the project and the applicant replied he will start in July and it will be done in three to four months. Commissioner Antoniak asked if the photo she has is how it will look, and the applicant replying, it looks like that now, and there was a change of plans. He then proceeded to show Commissioner Antoniak what he will do.

Commissioner Margiotta made a **Motion to close** the hearing.

Commissioner Dean **Second**

AYE - Commissioners Allard, Antoniak, Dean, Harley, Homicki, Hughes, Margiotta, Oickle, Roberts

NAY - None

ABS. - None.

Motion Passed 9-0-0

Commissioner Homicki made a **Motion to Approve Application 1916-16-Z Michael Violette** seeking a Special Permit in accordance with Section 3.5.3 (Accessory Apartment) of the

Wethersfield Zoning Regulations to construct an accessory apartment in a residential zone at 15 Bobwhite Hill.

Commissioner Thomas Dean **Second**

AYE - Commissioners Allard, Antoniak, Dean, Harley, Homicki, Hughes, Margiotta, Oickle, Roberts

NAY - None

ABS. - None

Motion Passed 9-0-0

Chairman Harley asked about the duration and time limit to place on this application. Planner Gillespie decided it was not necessary since there are regulations to certify that people are living in the accessory apartment by the Zoning Officer. The Chairman stating the architectural is not part of this approval only the land use.

3.3 PUBLIC HEARING Settlement of the zoning appeal filed by Ridge Road Development Group LLC against the Wethersfield Planning & Zoning Commission involving the denial on December 15, 2015 of an application for resubdivision and an application for a Special Permit to construct a 70 unit apartment building on property at 295 Ridge Road. Revised plans are on file for review by the public.

Chairman Harley asking the Town Attorney to set the stage for why we are here tonight.

Attorney John W. Bradley, Jr., Rome McGuigan, P. C., One State Street, Hartford, Connecticut 06103. Attorney Bradley presented a synopsis of the application regarding the denial on December 15, 2015 from the Planning and Zoning Commission. Attorney Bradley stating the applicants went to court to file an appeal and it was a returnable March 1st, of this year. The applicant, a few weeks ago, approached the Town with a proposal to try to settle the appeal with a new application. In order to do that, there are Statutory Rules and Court Rules which require notice that must be given to the public. The Town of Wethersfield caused legal notice to be published in the Hartford Courant on June 10th and June 17th and notice to abutters was given by mail in accordance to 10.1C of the regulations. The law also requires a public meeting; however, a public hearing is being made to apply the more stringent public hearing notice requirements of law to give the public the opportunity to comment on the settlement. The Counsels for both sides have drafted a proposed stipulation and it will be submitted to the Court, if the Commission decides to consider resolving this appeal. Mr. Gillespie, Town Planner, will be explaining the changes the applicant made.

Commissioner Silver asking Attorney Bradley just so the public is aware, in the event the Commission does not approve of the settlement where does that leave us. Attorney Bradley

explaining if it is not approved, it will go back to the Court, we will defend the appeal and defend the Commission's decision and go through the Court process. Commission Silver asking in the event the Court grants the appeal is it the old plan not the new plan. Attorney Bradley stated that it will be the old plan. If the Commission approves the settlement, we still have to go back and have a hearing in the Superior Court. The Judge will want to know that proper procedures were followed and a hearing was held. If the applicant were to win their appeal, generally, the original application would be upheld, other results are possible but generally it would be upheld.

Chairman Harley asking the applicant's attorney to come forward to make a presentation.

Attorney Robin Messier Pearson, Alter & Pearson, LLC, 701 Hebron Avenue, P.O. Box 1530, Glastonbury, CT. 06033 representing applicant, Ridge Road Development Group, LLC with hopes of convincing that the amended plans are worthy of a settlement. In regard to the 5-4 denial of 295 Ridge Road, 70 unit development. Since the time of denial, the applicant has spent considerable time with the residents of the Ridge Condominium, who did not previously support the applicant. The residents/owners of the Ridge have now express strong support for the amended plans, and they are in compliance with the plans presented to the Commission this evening. Ms. Pearson referencing a letter dated June 21, 2016 to Wethersfield Planning & Zoning Commission from Michelle Deitchman of 295 Ridge Road, Unit 8, Wethersfield, CT. regarding support for the proposed development 291-295 Ridge Road. Attorney Pearson introduced all the members of the applicant's team, who are here in the event of specific questions. The applicant's attorney explained of those who will speak on the applicant's team to the Commission and their background.

Her firm was not involved in the original application and she could not find any formal reasons for denial by the Commission. Attorney Pearson stated if this is not approved, she will need to search what the concerns were and the Court will need to find out exactly what your concerns were.

Attorney Pearson discussed looking at the reasons for denial in technical objectives such as drainage, feeling it would constitute a benefit. Density is allowed by the proposal in an SDR zone and the record indicates harmonious with the property. This proposal is smaller. The traffic impact concerns, applicants engineer indicated, would be less than 2 cars per minute. The rental community is a good use in this community and multi-family is a residential use.

Some members commented on the presentation as being a repeat of what was heard prior, but Chairman Harley stated to Attorney Pearson to continue with her presentation.

Attorney Pearson saying in her experience, there is a great need for high end rental units and she cited various communities approving more, and appealing to empty nesters. She described the mixed use of the surrounding area. She discussed a 20 year study review at MIT stating that there would be no reduction in market value. She discussed comments as far as design, condo, rental, owner occupied, location and size.

Attorney Pearson making a comparison of a previously approved Assisted Living Building in 2008 and she was questioning why that was approved and this was not. She quoted some of the Commissioner's comments in regard to that previously approved project and pointed out questions to ascertain the reasons for concern with this project.

Attorney Pearson referred to a memo in the file dated June 17, 2016 to Planning and Zoning from Mr. Peter Gillespie, Town Planner and Denise Bradley, Assistant Planner regarding the Settlement of Zoning Appeal - Ridge Road Development Group LLC - 295 Ridge Road - Application #1890-15-Z - Special Permit - Apartment Building referencing the plans and changes proposed and summarizing the memo pointing out all the proposed revisions and stating that waivers have been eliminated and reading the revisions of all the fourteen (14) items in Planning and Zoning Memo.

Mr. Thomas Arcari, Principal Architect, Quisenberry/Arcari Architects LLC, 318 Main Street, Farmington, CT. summarized the revised site plan taking into consideration previous concerns of neighbors and people at the Ridge. Some of the changes he discussed were the reduction in the size of the building approximately 13%, increasing the buffer to a full 30' width, lowering the height of the building, adding additional parking spaces, redesigned and shifted the access drive. The small building in the front is being removed and no future structures will be put in that space. Mr. Arcari continued with a discussion of the revised Landscape Plan with a special note to the northern boundary and describing the trees that will be added and fencing installed along border. An existing site overview was given showing specific areas of the site in detail. Discussion on the color of the building and of the roof was explained. The project will have a lower architectural impact and showed the existing and revised renderings.

Mr. Kevin Solli, Licensed Professional Engineer, Solli Engineering, 501 Main Street, Monroe, CT. Provided to the Commission a Traffic Impact Assessment for the Proposed Apartment Building 291 Ridge Road (Project Number: 1507101) showing the revised traffic impacts and indicated that they conducted new traffic counts (October 2015), revised trip generation rates and found no safety issues and that the proposed driveways will not have any adverse impact.

Mr. Donald Poland PhD Land Use Planner, Goman & York, 1137 Main Street, East Hartford, CT. 06108 discussed the community impacts in three areas: Compatibility with neighborhood, multi-family development and impacts on single family properties, and multi-family rental and market demand versus owner occupied. He described the location as being bounded on the south by a highway, to the west by a much larger multi-family development and to the east, it will be as proposed, the Ridge a multi-family development, and to the north by a single family street and to its north by commercial development. Existing land use is multi-family. In regards to the impact of multi-family development on adjacent properties, he referenced a study conducted by the MIT Center for Real Estate, took a look at 8 developments in six communities in the Boston Area. First and foremost looked at mixed income or development under affordable housing and

developments, essentially those properties to have negative impact on adjacent property. Mr. Poland indicated it had no negative impact on property. We are confident that there will be no negative impact on the adjacent property values and if we remove the blight, we can assume a positive impact. He stated there is changing age structure in the community in Wethersfield. The community is older and therefore losing the twenty something and zero to ten year old category. More significant is that two thirds of town households are one or two person households. There is a shift away from single family toward multi-family and multi-family rental. He stated there tends to be shifts to multi-family rentals. Wethersfield has 77% owner occupied, Hartford County 62% and 63% statewide, Mr. Poland quoted, which shows a demand for rental income properties.

Mr. Greg Patchen part of the development team, West Hartford. He introduced the development team stating that they are local and will be at the site everyday managing the building, and they will be answering any calls, and will always be there for the neighbors. Mr. Patchen commented they run top notch projects and plan on good relationships with the neighbors and all of the management team are local to the area, West Hartford and Farmington. He read the letter from Michelle Deitchman of 295 Ridge Road Unit 8, Wethersfield to the Commission.

Attorney Pearson indicating that this concludes their presentation and after the public has the opportunity to speak would like an opportunity to answer any questions.

Chairman Harley read in for the record a letter dated 6/16/2016 to the Planning and Zoning Commission from The Ridge at Wethersfield Condominium Association, Inc. c/o Vision Management, LLC, P. O. Box 203, West Simsbury, CT. 06092, signed by Elton B. Harvey, III, Its Attorney, effectively saying the same thing calling themselves the HOA and supporting the settlement and asking for the Commission to vote in favor. Also for the record, a letter to Wethersfield Planning and Zoning from Klem Klementon, 31 Fairmont Street, Wethersfield, dated June 20, 2016 encouraging to support the applicant's proposal. A correspondence from the Town of Wethersfield, Justin LaFountain, Zoning Enforcement/Property Maintenance Officer Town of Wethersfield to Ridge Road Development Group, LLC 998 Farmington Avenue, Suite 214, West Hartford, CT. 06107 dated June 21, 2016 supporting the 2 acre minimum requirement.

Mr. Gerhard Merkle, 225 Ridge Road, Wethersfield stated that the project will damage the characteristic of the neighborhood. Ms. Pearson mentioned the Village apartment and he feels there is a big difference. Regarding property values, he finds it difficult to believe that now being surrounded on three sides by commercial property will not have an impact on value. He questioned how many years the developers keep the property; what is your history, twenty or thirty years. Regarding traffic studies indicating that it would have been very difficult to exit and to go north. Whatever decision you make will have an impact on the people of Ridge Road and this decision cannot be reversed, and it will profoundly change the neighborhood. We are counting on you, you are the last resort the neighbors have. Mr. Merkle hopes that \$200,000 a year in taxes will not jeopardize our nice neighborhood.

Mr. Sean Nolan, 295 Ridge Road Apt 10, Wethersfield spoke in support of the development. He is in support because he has been living next to a disheveled property for many years and wants to see it removed. Another point, an opportunity has been presented for lowering the burden on the thirteen current units for snow removal and lawn maintenance, which has gone into disrepair. We have come to a reasonable agreement with the developers for compensation and land transfers and in his mind it has all been worked out. Mr. Nolan's main concern is the upkeep of the building and now the costs are shared.

Mary Henzy, 295 Ridge Road Unit 6 Wethersfield, and President of the Homeowners' Association and in support of the proposal. The development group have been accessible and generous with their time with our group and we have come to an agreement and hope that you will support this.

Domi Volpe 295 Ridge Road Unit 13 Wethersfield, she is in support of the development and just received an evaluation on the value of her property and it has dropped thirty thousand dollars. She pays \$549.00 a month for snow and landscaping and must look at that dilapidated building next door. Regarding traffic you will not see traffic going in or out. She resides on Harding Street and feels it will be an asset to the town otherwise it will sit like it is for years. Ms. Volpe has a tenant in the property and has no problem renting the premises indicating she had many calls to rent the property.

Michael Bellobuono 265 Ridge Road Wethersfield corner of Ridge and Tollgate. This is too big for the area even though I know it does need to be developed; however, this is too big for the area and he wants it developed correctly. He is not in support.

Mr. Ben Maynard 44 Tollgate Road, Wethersfield the residents of the condo association are concerned with the blight but I don't think you should take the first company coming in. He is sure that they had a settlement or motivation but he does not think it belongs in this area. He is concerned with the parking; he has done his own study on traffic for two years and many people have a difficult time coming in and out of their driveway. Regarding Assisted Living is not going to have as many drivers and therefore this will be an additional burden. He disagrees with the proposal and feels property value will be effected and traffic will as well.

Mr. David Caruk, 149 Broad Street, Wethersfield, supports the development and this is a multi-family zoning area. He feels a lot of the fears from the public are unfounded and hopes this passes.

Mr. Shaun Rugar 269 Ridge Road, Wethersfield stating he was surprised to see how many are in favor and how this changed in the last few months. Last time only one or two in favor and 50 opposed. We put our house on the market in April and will close in July. The home market values in the area will be effected. We made full disclosure of the apartment complex to go in and that proposal was denied. We lost two full price offers on our home because the potential buyers contacted the town and a representative of the town told them within two years there will be

development on that property. For Mr. Poland to state there are no ill effects on the property value, Mr. Rugar is here to dispute that. I am here to support the neighbors.

Mr. Jeffery Fletcher, 26 Tollgate Road, Wethersfield had a question for the developer. Why did the town agree to a \$400,000.00 tax abatement to get the development underway, if there are so many renters and is there something we don't know. There was a development at Back Lane and no abatement was offered there.

Mr. Ryan Fenton 295 Ridge Road #5 Wethersfield indicating he bought in 2009 knowing it would be developed. He supports the development and feels overall it will help make it more appealing and he feels the trees will be a buffer. In terms of traffic, the traffic does back up but more units will not impact anyone since it is what it is. Michelle's letter brought out all of the points. Mr. Fenton supports the development.

Attorney Bud Harvey, Attorney for the Condo Association. Attorney Harvey is representing the association to tell that they are strongly in favor of the project it will provide economic benefits to the association and a developer who will exercise development rights and will provide economic and aesthetic improvements.

Ozzi Torres 63 Reed Drive, Wethersfield here to say he personally knows the development team and has worked with them and can vouch for the quality of their work and they will be there and will be an asset to the town.

Mark Trahan 21 Robbinswood Drive, Wethersfield stating he is in support for a lot of reasons. Speaking with experience on the development side, stating the time and energy and capital the developers have taken shows the caliber of the people. They will be great stewards of the property and income for the town. Mr. Trahan stated that he is Chairman of the EDIC and significantly in favor of this development.

Diane DeLuca 223 Ridge Road, Wethersfield stated she was here in December had a fight, you voted against it, brought back his team and she does not understand what happened. Ms. DeLuca stating that two people spoke that don't even live in the condominiums, we do not understand what changed. She feels the area comparisons used West Hartford, Glastonbury and Simsbury are not good comparisons. She feels renters do not take pride of ownership as owner occupants do and concerned about what if they can't maintain the rent they want. Ms. DeLuca is opposed saying that you voted against this and she will make a decision whether to move or not based on this decision.

Ms. Jacqueline Conn 20 Toll Gate Road, Wethersfield stating her house is close to the road and that no one talked to them about this project. She asked why anyone didn't come to her. Her house was in the presentation picture; her little house will be next to a big building. The condo is being given benefits, there condo fees are going down; but no one came to her. All of a sudden, everyone changed their position for this project but no one came to anyone on Toll Gate. She is clearly against this.

Sean Nolan 295 Ridge Road Apt 10, Wethersfield commenting on Ms. Conn's statement stating the compensation will be on the maintenance of the building and transfer of land will be done and many things will be fixed and that is why they support the project.

Michael Bellobuono 265 Ridge Road, Wethersfield nothing has really changed but something did change; stating that tonight there is a feeling in the air that needs to be addressed; neighbors are fighting with one another. He feels that the developers are bullying the residents into this project and the decision should be on principle rather than the actual development. They are outsiders coming in telling us what to do through their attorney, threatening with a lawsuit.

Chairman Harley asked the developer to address some questions and public comments in part and to explain why they had to talk to Ridge Road HOA regarding the ownership interest and the legal issues.

The developer indicated they have been in talks with the HOA for a long time. The developers indicated the Board members approached them saying they wanted something to happen and they went over their plan. In November, the developer received a letter from the attorney for the HOA stating once the first unit was declared, which it was, we required 80% of consent from the condominium unit owners and the HOA was correct. We offered to pay for all landscaping and snow plowing. There has been no pay off to anybody in this project in exchange for their vote. The problem is Mr. Tartaglia, the property owner, did not honor his financial obligations; he owned several units and he never paid his condo dues in excess of \$60K and the roof is falling because of shoddy workmanship, he said he would fix the roof and he did not, and there are water issues in the basement. The developers offered to repair the roof and will match it with the new development roof, except for reimbursement of legal expenses, only when we start construction, we will make a contribution to this association. It is in our interest to be sure they can maintain that building. We gave them a little bit of money to pay for a generator so the sump pump doesn't fail. Also, a privacy sign will be posted for the HOA on the circular driveway to maintain their privacy. The grassed area has a gazebo and it will be left there. The attorney stated the first order of business will be to tear down the blighted building. There will be cross easements that will be put into effect, which are rights to pass over Ridge Road and they will have some shared parking that sits on the development property.

Chairman Harley stated there is a ten percent reduction of the number of units on this project.

Mr. John Adamian 86 Watersview had a question for the developer since he attended the meetings in the library. The ownership question came up in regard to the front parcel. Who is going to own that parcel, what are the final arrangements and are the owners aware of that?

Attorney Bud Harvey for HOA, stated that Mr. Tartaglia did not have the right to do what he was proposing. Mr. Tartaglia was going to sell 150' of frontage on Ridge Road he only had 75' on Ridge Road and the other 75' was dedicated to the HOA, they changed the boundary lines between the two properties. The HOA permitted them to withdraw a part of the condo land and

add to what was Tartaglia's land. It has been worked out between the lawyers and the association does know what is being proposed.

Chairman Harley asked for questions.

Commissioner Antoniak asking about the maintenance is there a yearly inspection schedule, how can we be assured that it will be fulfilled?

Attorney Pearson responded it is in the plans so the town is in a position with regulatory and statutory ability to enforce with the court settlement. But the applicants are committed to this site to develop it, hold on to it and maintain the development. If they do not maintain the site it effects their property. She commented on a remark regarding renters versus owner occupants stating that uncertainty is what effects property value. This will end that uncertainty and they will maintain that property. Attorney Pearson hoped that these plans will be accepted as a final settlement.

Chairman Harley asked if they could speak to the history of ownership and how long they have owned other projects.

Mr. Greg Patchen member of the development team of RRDG, we have done a lot of properties and the last one was for the West Hartford housing authority and we are proud of it.

Mr. David Risner member and developer of Ridge Road property stated we owned and managed in the West Hartford for 20 years our intent is not to sell and have held our properties for 5, 10, 20 years, it does not mean we will not sell, it depends on market conditions but our intent is to hold this asset.

Commissioner Homicki asked what is a luxury apartment and is it something that will support 1500 to 1700 a month rental income or is this a 600 dollar a month project?

Mr. Risner answered that he firmly believes that the market conditions in Wethersfield and the surrounding towns will support \$1500-\$1700 a month rentals.

Commissioner Oickle asked why couldn't they rent for Section 8 or any type of subsidized program?

Mr. Greg Patchen responded that they are trying to capture a larger rent and perhaps a 2 bedroom may be too high rent for a Section 8. He does not see market conditions where these apartments will need to rent for 600 to 900 dollars a month.

Commissioner Hughes asked during the last economic crash how far did rents fall?

Mr. Ron Webber responded that they did not see a 50% hit in housing. Also, commented that people coming out of college, want a nice place to live and are willing to pay the rent but generally do not have the down payment to purchase a home or a condo since they have student loans.

Commissioner Allard asked where the dumpsters are located? Town Planner Gillespie indicated the dumpsters are located in the rear. Chairman Harley regarding Mr. Gillespie's conditions and comments refer to staff it did not get transferred over to the plans and should be revised for Fire Marshal and Town Engineer. Curb stops, yard drains items like that did not get transferred over and the plans should be revised subject to the Fire Marshal and Town Engineer's approval.

Attorney Pearson stated that there are no issues with any comments in Planner Gillespie's memo and they are comfortable with those small detail items subject to staff review and approval.

Commissioner Hughes made a **Motion to close the hearing.**

Commissioner Dean **Second**

AYE - Commissioners Allard, Antoniak, Dean, Harley, Homicki, Hughes, Margiotta, Oickle, Roberts

NAY - None

ABS. - None

Motion Passed 9-0-0

Commissioner Oickle said he was not ready to vote tonight.

Commissioner Homicki made a **Motion to Approve** Settlement of the zoning appeal filed by Ridge Road Development Group LLC against the Wethersfield Planning and Zoning Commission involving the denial on December 15, 2015 of an application for resubdivision and an application for a special permit to construct 70 unit apartment building on property, which is now revised to 64 Unit apartment building at 295 Ridge Road. Subject to the revised plans and comments by Town Planning and Zoning, Town Engineer, and Fire Marshal.

Commissioner Hughes **SECOND**

AYE -Commissioners Antoniak, Dean, Harley, Homicki, Hughes, Margiotta,

NAY - Commissioners Allard, Oickle and Roberts

ABS. - None

Motion Passed 6-3-0

Chairman Harley asking for discussion stating that the Board is the same composition as it was that evening.

Commissioner Dean stating there is not much to restate. This property has been a problem child for this Commission and has been dealt with hearing after hearing meeting after meeting. This is a blighted piece of property and devastates the value of the surrounding neighborhoods, houses and

condominiums and perhaps other neighborhoods in proximity. This property has been zoned for the kind of use that has been envisioned in the proposal that is before us, and therefore the most viable as we have seen and supports the settlement.

Commissioner Silver stating the Commission must be transparent to the public and wanted to clarify to the public how and why we are here again. The developer took an appeal and has come back to settle this appeal and made great strides to be compatible with the community. If we do not approve this settlement, we will be back in Superior Court and we could lose this appeal and end up with the original plan. We need to avoid losing the appeal and going back in Superior Court. He stated he has reviewed the plan and listened copiously and was impressed with the new plans.

Vice Chairman Margiotta stated he voted in favor of it before and is still in favor of it and echoes what Commissioner Silver stated. This zone is an SRD and it is a blighted property. Furthermore, the Commissioner does not feel the traffic will have any significant impact. Commissioner Margiotta is in favor of this application.

Commissioner Hughes stating this is an SRD zone and is surrounded by like properties. He commented that he has listened to the neighbors and respect their opinions and listened to people of 295 Ridge Road and they are trapped in this situation. Current conditions are damaging property values and it is not a good situation and feels this is an improvement. It is only in their best interest to keep their investment safe to maintain the rent. Commissioner Hughes feels we are going through a rental boom and is not worried of the risk and he is in favor of it.

Commissioner Oickle stating he disagrees and does not feel the reduction is significant. He believes the neighbors have their rights too and he feels it is still a single family area and does not think we should go ahead with this proposal, and we can do something else with it.

Commissioner Homicki discussed the various housing developments discussed, he feels the developer is consistent and approves going forward.

Commissioner Harley he can dislike how we got to the SRD zone but it is now an SRD zone. He is moving to the other side and he is prepared to vote in favor of this, even though he has struggled with this. Mr. Harley agrees that the uncertainty has got to effect property values in this neighborhood and appreciates the developers have come and made an offer to revise the project with all the changes.

Commissioner Roberts stated he appreciates the changes that have been made. It is less objectionable than before but still has the same fundamental concerns.

Chairman Harley a motion positive to approve with the conditions to work with staff on the smaller comments. All in favor:

Meeting Adjourned at 11:30 p.m.

Respectfully Submitted By:

Mary Lou Wall

Recording Secretary