

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING**

March 2, 2010

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, March 2, 2010 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

1. CALL TO ORDER

Chairman Hammer called the meeting to order at 7:10 p.m.

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

Clerk Knecht called the roll as follows:

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman	✓		
Richard Roberts, Vice Chairman	✓		
Philip Knecht, Clerk	✓		
Thomas Harley	✓		
Robert Jurasin		✓	
Frederick Petrelli		✓	
Earle Munroe	✓		
George Oickle	✓		
Anthony Homicki	✓		
James Hughes (alternate)	✓		
Thomas Dean (alternate)*	✓		
Dave Edwards (alternate)	✓		

*Commissioner Dean arrived during the public hearing of Agenda item No. 3.1.

Also present: Peter Gillespie, Town Planner; Denise Bradley, Assistant Planner;
Jeff Bridges, Town Manager

Chairman Hammer noted that there were 7 full members and 2 alternates in attendance at the time of roll call. All members present to participate.

Note: Commissioner Dean did not participate in the vote of Agenda item Nos. 3.1 and 5.
Commissioner Hughes participated in the vote of Agenda item Nos. 3.1 and 5 only.

Members of the public were present.

2. OLD BUSINESS

There was no old business discussed at this meeting.

3. NEW BUSINESS

3.1 C.G.S. § 8-24 Review No. 22-10-MR - Review of the five-year Capital Improvement Program.

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Mr. Tony Martino, 374 Highland Street, and Mr. Leslie C. Cole, 69 Boulter Road, appeared before the Commission to summarize the five-year Capital Improvement Program submission. Mr. Martino is an Operations Analyst for Wethersfield Public Works. Mr. Cole is Chairman of the Wethersfield Capital Improvements Advisory Committee.

Commissioner Oickle made an inquiry regarding the streetscape expenditures.

Mr. Cole noted that the streetscape project is a joint project with the City of Hartford, and that the Committee is awaiting additional information from the City of Hartford. The streetscape area described runs along the entrance to Wolcott Hill Road from Hartford and continues to Jordan Lane.

Commissioner Oickle made an inquiry regarding the Two Hundred Thousand (\$200,000.00) Dollars budgeted for improvements on Morrison Avenue.

Mr. Jeff Bridges, Town Manager, 71 Surrey Drive, indicated that Staff put together ten (10) options regarding drainage on Morrison Avenue. Staff met with Morrison Avenue neighbors, and a consensus was reached that the money budgeted for the project would include creating a snow shelf, some sidewalk removal and proper channeling of water to improve drainage on Morrison Avenue.

Commissioner Oickle indicated his agreement for an allocation to replace stop signs.

| Mr. Bridges, Town Manager, indicated that a reflecto-meter will be utilized to determine which signs need to be replaced.

| Commissioner Oickle made an inquiry regarding the necessity of new windows and a new boiler for Fire Station #1.

Mr. Cole indicated that replacement windows and a new gas boiler are needed for efficiency purposes.

Commissioner Oickle made an inquiry regarding as to how matters of this kind are prioritized in the budget.

Mr. Cole indicated that a roof consultant helps determine where matters fall on the priority list.

Commissioner Oickle agreed with the budget allocation for the Façade Improvement Program and inquired as to whether other municipal funding is provided to the Façade Improvement Program.

Mr. Cole stated that money has previously been provided to Wethersfield's Façade Improvement Program from the State's small Town assistance program.

Commissioner Oickle made an inquiry regarding the status of the Silas Deane Middle School's traffic pattern.

Mr. Martino indicated that the Board of Education is currently studying the issue.

Commissioner Homicki made an inquiry regarding competitive bidding.

Mr. Cole indicated that competitive bidding efforts are welcome, as the Committee is mindful of cost control.

Commissioner Knecht inquired as to whether line items 10 and 11, as noted in the Community Economic Development section of the Capital Improvement Program for Fiscal Years 2010-2011 through 2014-2015, would have to be voted on by the public. These line items pertain to redevelopment.

Mr. Cole noted that those items 10-11 would have to be voted on by the public.

Commissioner Oickle made an inquiry regarding the line item in the Capital Improvement Program for Old Academy.

Mr. Cole indicated that Old Academy is included in the Capital Improvement Program, as drainage problems exist at the site. He further explained that the roof and the hatchway need repair and that the waterway at that location has to be rerouted.

Chairman Hammer noted that this review of the Capital Improvement Program was not a public hearing. However, he provided the opportunity for the audience to speak or ask questions.

There were no questions or comments from the public.

Motion: Vice Chairman Roberts made a motion for a positive § 8-24 referral to the Town Council with a strong recommendation that the Council fund the program at least to the level presented by the Capital Improvement Advisory Committee.

Second: Commissioner Oickle seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Homicki, Oickle, Hughes, Edwards

Nay: None

Vote: 9 – 0

A Positive Referral was made to Town Council.

3.2 PUBLIC HEARING APPLICATION NO. 1695-10-Z JPG Partners, LLC Seeking a Zoning Text Amendment to modify the Wethersfield Zoning Regulations regarding multi-family uses.

| Susan Hayes, Esq. of Updike, Kelly & Spellacy, P.C., One State Street, Hartford, CT, appeared before the Commission on behalf of JPG Partners, LLC. She indicated that a review of Town regulations was made in response to the Applicant's first appearance before the Commission, as zoning change issues arose from that initial meeting. In order to proceed with the Application, Attorney Hayes indicated that the Town Regulations were reviewed to ascertain whether the existing regulations could apply to the proposed apartment complex. She noted that a review of the regulations was made with Mr. Gillespie and it was realized that many components of the SRD regulations were unclear from a general perspective. There were inconsistencies in the regulations. Terminology wasn't defined in some cases. In cases where the terminology was defined, said defined terminology was not used or referred to in the SRD regulations. The entire SRD zone was reviewed to see where things may need to be changed to make the regulation itself more understandable and to fit in with other parts of the SRD regulations.

| Attorney [HayesHays](#) noted that the Commissioners received redlined copies of the current Zoning Regulations at issue.

| Attorney [HayesHays](#) highlighted some changes to section 2.3. Definitions.

She suggested that the following deletion be made: RESIDENTIAL DEVELOPMENT, CONVENTIONAL; HIGH-RISE; MID-RISE; MULTIPLEX; PATIO HOUSE; TOWNHOUSE; ZERO LOT LINE.

| Attorney [HayesHays](#) suggested that the following language be placed in lieu of the above deleted language:

RESIDENTIAL DEVELOPMENT: SINGLE FAMILY – CONVENTIONAL – Detached single-family dwellings on individual subdivided lots with private yards on four (4) sides of the house; PATIO HOUSE – Single-family detached or semi-attached dwellings on small, individual subdivided lots with each lot fully enclosed for privacy by a solid wall or fence of four (4) to six (6) feet in height; TOWNHOUSE – A single-family attached dwelling on an individual subdivided lot

sharing a common sidewall with one or two other units, such that the common sidewall forms the vertical plane of the common side lot lines. A duplex unit is one type of townhouse development; ZERO LOT LINE – Detached single-family dwellings on individual subdivided lots with the house set on one (1) of the side lot lines.

MULTI-FAMILY: HIGH-RISE – One or more buildings containing multiple units and occupying undivided land with residential units located in structures that are six or more stories high; MID-RISE – One or more buildings containing multiple units and occupying undivided land with residential units located in structures that are between three and five stories high; MULTIPLEX – One or more buildings containing multiple units occupying undivided land with units arranged in one or more of a variety of configurations, such as side by side, back-to-back or vertically, with or without individual outside access. Garden apartments and townhouse configurations are forms of multiplex development.

| Attorney [HayesHays](#) mentioned the proposed new language for Section 3.4. C. Permitted Development Types and Uses: 1 Provided the requirements of this section are complied with, development may occur: (a) with each individual residential unit on a separate lot or common land (such as a conventional, zero-lot-line, duplex, patio house, townhouse development, elderly housing, or individual active adult residence). (5/6/05); (b) with multiple individual residential units located on common land in: (1) multiplex building(s), (2) mid-rise building(s) and/or, (3) high-rise buildings.

| Attorney [HayesHays](#) mentioned new language regarding handicapped units. This new language suggested is one (1) unit for every 25 units, or as required by building code. Attorney [HayesHays](#) indicated that this language would accommodate future changes to the building code as they occur.

| Attorney [HayesHays](#) noted language in lieu of 2 driveways for access to the proposed apartment complex. She indicated that one driveway and an emergency access point could be an acceptable alternative. She suggested that perhaps the emergency access point could be across private property if the proper easements or property rights were obtained.

Commissioner Oickle made an inquiry regarding the idea of having a secondary access to the proposed apartment complex by way of private property easement in lieu of having two (2) designated driveways for access to the proposed apartment complex.

| Mr. Gillespie noted the necessity of the Town Fire Marshall's review of any concept presented (design, engineering, implementation, etc.) regarding driveway access to the proposed apartment complex.

| Attorney [HayesHays](#) suggested that the current minimum floor unit requirement of 1,000 sq. ft. be changed to 600 sq. ft. for a one (1) bedroom unit and 800 sq. ft. for a two (2) bedroom unit. She noted that other than requirements for Assisted Living facilities and some elderly housing, most Towns do not have a minimum square foot requirement for apartments

| Attorney [HayesHays](#) noted rear, front and side yard depths are not to overshadow adjacent single family neighborhoods. She believes a requirement, based on the stories of a building, will accomplish said notion. She indicated that a distinction in the regulations should exist for high-rise apartments for the elderly versus non-specific age high-rise apartments.

Commissioner Oickle made an inquiry regarding mid or high-rise setbacks.

| Attorney [HayesHays](#) indicated that the defined setbacks in the currently regulations remained. However, she, noted, if a proposed development is adjacent to residentially zoned property, the more stories added to a proposed development, the greater the setback.

| Attorney [HayesHays](#) noted that at this time, the Town of Rocky Hill does not allow for multi-family zoning other than fifty-five (55) and over communities. Design development zones exist in Bloomfield (16 units per acre), West Hartford (10-45 units per acre) and Manchester (10-20 units per acre, and with no maximum zoning requirements in the Comprehensive Urban Development zone. Zone change and project approval can occur at the same time in those areas.

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- | Attorney [HayesHays](#) noted that Wethersfield current multi-family zoning for apartments is 15 units per acre, and for condominiums - 12 units per acre
- | Commissioner Oickle made an inquiry regarding Attorney [HayesHays](#)' awareness of market studies as to whether certain levels of density are considered better rental sources.
- | Attorney [HayesHays](#) noted that she'd check with Harry Freeman who is a consultant for this project.

Vice Chairman Roberts indicated his desire to have the market study information available to the Commission.

- | Attorney [HayesHays](#) submitted density data relative to condominiums and apartment complexes in Wethersfield. The two (2) page document was made part of the record.
- | Attorney [HayesHays](#) noted proposed changes to section H. of the regulation, as necessitated by this Application. The site is land locked in the Town of Wethersfield. As such, there is no public access to the site from Wethersfield, as the Wethersfield/Newington Town Line splits said property. Front and side yard issues and access to the site are addressed with the proposed language.

Chairman Hammer suggested that language in section H. 2., subsection (a) to include frontage requirements in both Towns, and that for subsection (b) information is necessary relative to how much property is held by each Town.

Chairman Hammer suggested and Commissioner Oickle concurred that a zone change with a schematic site plan and Special Permit Application approach be utilized for a proposal of this kind.

Commissioner Homicki inquired if the language of this proposal can be made more generic/standard with Special Permit Application accompaniment.

- | Attorney [HayesHays](#) indicated that specific language is warranted because of the significant investment in this project and the guidance is necessary to carry out the project.

Commissioner Munroe noted his desire to see more details, such as sidewalk construction, school bus accommodation, and the handling of wetlands issues, concerning the facility proposed.

Vice Chairman Roberts indicated that the issue before the Commission a proposed revision of the text of the regulations. He believes that if the revisions are adopted in some form or another, the Applicant will return to the Commission with a zone change application and/or a Site Plan and a Special Permit application for the property that would be subject to the new regulations. He indicated that at this point, this issue is an academic process of modifying regulations to assist with the application and Special Permit process.

Commissioner Homicki noted Mr. Gillespie's Memo of February 26, 2010 states that a series of Applications will follow.

Mr. Gillespie noted that since our regulations are silent on many of the issues in the Application, the Applicant cannot proceed.

Chairman Hammer noted that on Page 1 the definitions of Patio House and Town House are unclear as to their intent regarding individual subdivided lots.

Mr. Gillespie noted that the regulation may have been used for past projects to avoid having said projects existing in a non-conforming status.

Chairman Hammer inquired as to what the building code requirement is for the number of handicapped units required in new apartment construction.

- | Attorney [HayesHays](#) was not aware of what the building code requires in this regard.

Chairman Hammer suggested that perhaps input from the Police and Fire Department is necessary for determining alternative driveway access.

Mr. Gillespie suggested avoiding an FAR concept for this project.

Chairman Hammer indicated that some communities utilize a FAR concept on a sliding scale basis.

Commissioner Oickle made an inquiry regarding multi-development units and the determination of 1 and a half parking spaces per unit. He noted that he'd like some evidence indicating why this parking space determination is optimal.

Attorney [HayesHays](#) indicated that other Towns are using that parking space model. She noted that language was added to paragraph 6, subsection D that would give the Commission an option to decrease the number of parking spaces if the development is located on a bus route.

Harry Freeman, Esq. appeared before the Commission on behalf of the Applicant noting that a report is currently in process that will note the benefits to the Town regarding the proposed Apartment complex. He'd like the Commission to evaluate the value of the information relative to future Applicants, Smart Growth and Green initiatives.

Commissioner Dean suggested that the following statement in Section E. 9 ("In the alternative, the Applicant may provide emergency access.....") would be provided if the first statement could not be met. He suggested the use of a preamble such as "in the event of.....," were utilized in the alternative, then there would be two choices. He reasoned that a basis would be established that would determine when the second alternative could be used.

Chairman Hammer suggested adding language to the proposed regulation changes such as: "at the discretion of the Commission", or "demonstrated to the satisfaction of the Commission".

Attorney [HayesHays](#) reiterated the need for the regulations to be modified so that the Applicant can have a clear understanding of the regulations that would govern the process.

Motion: Vice Chairman Roberts made a motion to continue the public hearing of this matter to the meeting of the Planning and Zoning Commission on Tuesday, April 6, 2010

Second: Commissioner Homicki seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Homicki, Oickle, Dean, Edwards

Nay: None

Vote: 9 – 0

4. OTHER BUSINESS

4.1 Discussion regarding APPLICATION NO. 1678-09-Z Soma Wines Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale and dispensing of alcoholic beverages at 1267-1309 Silas Deane Highway.

Mr. Gillespie indicated that the original Applicant is no longer proceeding with their Application. He noted that the permit is about to expire and that the original Applicant has consented to the transfer of the Special Permit.

Vice Chairman Roberts noted that a transfer of the Special Permit would be valuable to the landlord for purposes of obtaining a new tenant.

Motion: Commissioner Oickle made a motion to approve the transfer of the special permit to Mr. Joseph Moruzzi, Owner of Goff Brook Shoppes of Wethersfield, L.L.C.

Second: Commissioner Harley seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Homicki, Oickle, Dean, Edwards

Nay: None

Vote: 9 – 0

4.2 Discussion regarding APPLICATION NO. 1600-07-Z. 61 Arrow Road LLC. Seeking a Special Permit in accordance with Section 5.2.H.4 of the Wethersfield Zoning Regulations to construct a storage facility with exterior access to storage bays at 61 Arrow Road.

Chairman Hammer inquired if there are any statutory provisions suggesting the number of extension granted in this matter.

Mr. Gillespie noted that there is no statutory conflict with granting another extension of time to commence construction of the storage facility indicated.

Motion: Commissioner Oickle made a motion to approve an extension of time, for a period of one (1) year, to construct a storage facility with exterior access to storage bays at 61 Arrow Road.

Second: Vice Chairman Roberts seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Homicki, Oickle, Dean, Edwards

Nay: None

Vote: 9 – 0

4.3 Discussion regarding APPLICATION NO. 1651-09-Z Phil Collelo Seeking a Special Permit for a Change of Use to operate a cosmetology school (Nirvana Salon Academy) at 326 Silas Deane Highway.

A status report was provided by Mr. Gillespie. He indicated the extension of the original deadline for site plan submission has expired, and that the Site Plan has not submitted for the property. A temporary Certificate of Occupancy had been provided to Mr. Collelo with an understanding that the Site Plan would be provided. Mr. Gillespie noted that the surety bond for this project has been called and that the holder of said bond has rejected the Town's claim to collect on the bond. Mr. Gillespie stated that an additional request to the bond holder has been made with Town Attorney assistance, but the Town may not be successful in collecting on the performance bond in order to make the needed improvements to the property. Mr. Gillespie stated that should this next attempt to collect on the bond fail, a next step in the process could involve pulling the Applicant's permit. Then a show cause hearing would be held to give Mr. Collelo the opportunity to describe why the permit should not be pulled.

Commissioner Homicki inquired as to the amount of the bond, and Mr. Gillespie noted that the bond is for \$12,000.00.

Vice Chairman Roberts inquired as to how much work has to be done on the property.

Mr. Gillespie noted that the completion of minor drainage improvements, some outdoor lighting, striping and paving of the parking area is needed. The property owner is refusing to get involved in this issue, as he believes it is the responsibility of his tenant. The tenant put up the bond and signed a standard form promising to have the work completed.

Chairman Hammer inquired if the property owner consented to the original Application.

Mr. Gillespie indicated that the property owner was not required to sign the original Application.

Chairman Hammer inquired if a remedy could be made by filing a state statute (?) action against property owner. Mr. Gillespie indicated that a state statute (?) action may be a remedy. He noted difficulty in getting both the tenant and the property owner at the table to discuss this issue.

Vice Chairman Roberts suggested and Commissioner Oickle concurred that spending over \$12,000.00 to enforce this issue would not be effective.

5. MINUTES – Minutes from the January 20, 2009 Meeting.

Motion: Commissioner Oickle motioned to approve the minutes, as submitted.

Second: Vice Chairman Roberts seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes

Nay: None

Abs: Dean, Edwards

Vote: 7 – 0

Minutes approved as corrected.

6. STAFF REPORTS

Mr. Gillespie discussed a March 2, 2010 Memo from Michael J. Turner, Director of Public Works/Town Engineer to Dan D'Addeo, Developer of Stillman Walk. The Memorandum was provided to the Commission members at this meeting. Mr. Gillespie noted that Mr. Turner has prepared a detailed estimate of the uncompleted site work, as determined from an inspection completed this date. Mr. Turner's Memo also noted that 60% of the work at the Stillman Walk development has been completed.

Motion: Chairman Hammer made a motion to approve the posting of a bond, as described in the March 2, 2010 Memorandum from Michael J. Turner, Director of Public Works/Town Engineer to Dan D'Addeo, Developer of Stillman Walk, and subject to input from the Town Attorney in terms of how to structure the bond to ensure that the Town's interest is adequately protected.

Second: Commissioner Oickle seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Homicki, Oickle, Dean, Edwards

Nay: None

Vote: 9 – 0

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING

There were no public comments made regarding general matters of planning and zoning.

8. CORRESPONDENCE

8.1 An invitation to attend the Connecticut Federation of Planning and Zoning Agencies 62nd Annual Conference on Thursday, March 18, 2010.

8.2 A copy of the Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter.

8.3 A copy of Planning and Zoning Commission of the Town of Pomfret v. Freedom of Information Commission et al.

8.4 Monthly Economic Development Report.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS

Renewal of Farmers' Market Special Permit Approval

10. ADJOURNMENT

Motion to adjourn at 8:59 PM – by Commissioner Homicki.

Seconded – by Commissioner Harley.

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Homicki, Oickle, Dean, Edwards

Nay: None

Vote: 9 – 0

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary