

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

November 5, 2008

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, November 5, 2008 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

1. CALL TO ORDER

As Chairman Joseph Hammer was excused from the meeting; Commissioner Roberts called the meeting to order at 7:09 p.m.

1.1 ROLL CALL & SEATING OF ALTERNATES

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

*** Note: Commissioner Drake left the meeting at 8:50 p.m., and was present only for the votes on items 2.1 and 3.1 of the agenda

Also present: Peter Gillespie, Town Planner
Denise Bradley, Assistant Planner.

Commissioner Roberts noted that there were:
7 full members and
1 alternate in attendance at the time of roll call. All members present to participate.

2. OLD BUSINESS

2.1 PUBLIC HEARING APPLICATION NO. 1636-08-Z 291 Ridge Road LLC/John Tartaglia
Seeking a Special Permit in accordance with Section 3.2.1- of the Wethersfield Zoning Regulations to construct an 80 unit Assisted Living Facility at 281 and 295 Ridge Road. ---Continued from 10/7/08.

First to speak on behalf of the application was Peter Barry, attorney from Barry, Harvey & Later, PC. Mr. Barry said that new information had been submitted to the Town to address concerns outlined by Town staff.

Next to speak was Doug Ellis, site engineer, of Buck & Buck LLC. Mr. Buck said that the changes since the October 7th meeting included items such as: a handicap-accessible sidewalk was extended from Ridge Road; and a waiver for the landscape buffer along a section of the north property line. Mr. Buck said that the waiver is needed because the location of the existing driveway leaves 12 feet of buffer, compared to the minimum requirement of 15 feet. To compensate, the waiver includes double the number of plantings.

Commissioner Oickle asked what will be the height of the arborvitaes plantings proposed for use in that buffer, and will plantings that die be replaced. Mr. Ellis said they would be 10 feet high, compared to the minimum height requirement of 6 feet. He also said that the applicant is committed to replacing any plantings that die.

Commissioner Oickle asked if the application meets the minimum 15% landscaping coverage requirement, and whether the Design Review Advisory Committee had comments on the application. Mr. Ellis said that the application meets the landscaping requirement and the Design Review Advisory Committee has approved the application.

Commissioner Oickle asked if the Town staff had any outstanding issues. Peter Gillespie said that there are a few issues, and he read them aloud. Commissioner Roberts said that any changes needed to address these issues could be stipulated as part of a revised plan.

Commissioner Jurasin asked what was the status of the Fire Marshal's review. Peter Gillespie said that he knows the Fire Marshal has seen the application and is OK with it, but the Fire Marshal has not yet confirmed that in writing.

Commissioner Oickle asked if Phase 1 of the project is complete. Peter Barry said no. Commissioner Oickle said that he would hate to see Phase 2 completed with Phase 1 unfinished out in the front of the property. John Tartaglia said that a Certificate of Occupancy has been issued for Phase 1. He said that the bank had been holding financing for completion of the small ranch house until more offers are made on the project. However, he said he understands that the bank may provide enough financing to complete the exterior of the ranch house, so Phase 1 will look complete. Commissioner Oickle asked whether completing the exterior of the ranch house included landscaping. Mr. Tartaglia said that landscaping usually comes after the exterior and interior are completed, but he would do the landscaping along with the exterior construction if he was required to do so.

Commissioner Jurasin asked if the exterior colors had been finalized. Mr. Ellis said that the colors are now labeled on the site plans and are the same as those presented at the meeting.

Commissioner Oickle said that an old section of pavement remains near the north entrance. Mr. Tartaglia said that the section in question is actually gravel. He said this section will remain that way until after construction is completed, when it will be covered and seeded.

Commissioner Roberts asked if there were comments from the public. There were no comments from the public on the application.

Peter Barry gave closing remarks on behalf of the application. He said that the application meets all of the requirements for a special permit. He said this would be the biggest construction project in

Town and hoped that the Commission would approve the application.

Commissioner Oickle said that he understands that there are 4 or 5 similar assisted living facilities in the area and they are over 90% full. With the elderly population rising, the facility would appear to be needed. He also said that he felt the project was well presented.

Motion: Commissioner Homicki motioned to close the public hearing.

Second: Commissioner Homicki seconded.

Vote: 8 - 0 - 0

Aye: Roberts, Harley, Jurasin, Munroe, Petrelli, Homicki, Oickle, Drake

Nay: None

Abs: None

Commissioner Homicki asked if the issues Peter Gillespie read aloud earlier needed to be included in a motion for them to be part of the application. Peter Gillespie said that they would need to be part of the motion, and he read them aloud again.

Motion: Commissioner Homicki motioned to approve the application with the following conditions:

- The application shall incorporate the list of outstanding issues recited by Peter Gillespie at the meeting, including:
 - Add note that sheeting or shoring may be required for support of garage when retaining wall is built;
 - A 15' landscape buffer shall be provided between the multifamily and single family uses.---A waiver in accordance with Section 7.4 of the Wethersfield Zoning Regulations for a 15' landscape buffer to be provided between multifamily and single family uses was approved for a section, approximately 140 feet long, where the proposed buffer is between 10 feet to 12 feet;
 - An appropriate declaration of covenants and residency restrictions running with the land and/or buildings in favor of the Town of Wethersfield shall be submitted;
 - Add note that no blasting is proposed;
 - The Fire Marshal shall review and sign-off on the final plans;
 - The plans shall depict all exterior building colors, clearly labeled.
 - The proposed planting at the location of the proposed Siamese connection.

Second: Commissioner Munroe seconded the motion.

Discussion:

Commissioner Oickle said that he is not completely comfortable with approving Phase 2, with Phase

1 completion issues outstanding. Commissioners Homicki and Roberts said that they understood Commissioner Oickle's point, but felt that Phase 1 issues should be kept separate from Phase 2.

Commissioner Jurasin said that he initially had reservations about the Phase 2 proposal. However, he is now prepared to vote yes, as it appears that the facility will fill a need, and the project is well-designed and presented.

Commissioner Oickle said that he has a preference for slightly less density projects. However, after having been out at the site again that day, he feels that the size is OK for the neighborhood, and has been designed well

Commissioner Roberts said that his initial skepticism about Phase 2 has been overcome with the thorough presentations and detailed planning.

Vote: 8 - 0 - 0

Aye: Roberts, Harley, Jurasin, Munroe, Petrelli, Homicki, Oickle, Drake

Nay: None

Abs: None

Application was approved.

3.0 NEW BUSINESS

3.1 PUBLIC HEARING APPLICATION NO. 1637-08-Z. Greg Lichatz Seeking a Special Permit in accordance with Section 3.6.C.2 of the Wethersfield Zoning Regulations for an accessory building (storage tent) larger than permitted in a residential zone at 221 Wolcott Hill Road.--- Continued from 10/21/08.

Mr. Lichatz spoke on behalf of the application and distributed to the Commission members a site plan with the location of the structure and dimensions.

Commissioner Oickle said that the site plan shows that the property includes a second lot, and asked if Mr. Lichatz has plans to sell the lot. Mr. Lichatz said no. Commissioner Harley asked if the lot is approved for sale, or if he has plans to sell it in the future. Mr. Lichatz that the lot is not approved for sale. He said he has no plans to sell it, but it is possible in the future his son may do so.

Audience member William Kennedy, 20 Robbins Drive, spoke next. He said he spoke at the last hearing, but was here tonight on behalf of his wife, June. He said she had written a letter to the Commission, in which she said the structure could have a negative effect on property values, and preferred to see a garage built instead.

Commissioner Oickle asked where the arborvitaes screening is planned to be placed. Mr. Lichatz said he plans to put it to the south and west of the structure, and north of the kennel along the fence line.

Commissioner Homicki asked for details about the arborvitaes, such as the size and number of plantings. Mr. Lichatz said that each plant is 5 feet tall when planted, there will be 2.5 feet between plants, and there will be a total of 35 – 45 plants.

Commissioner Munroe said he was mystified why the Commission was still entertaining this application, as he understands both the slab and the tent were constructed illegally. Mr. Lichatz said that no permit is needed to pour the slab. Peter Gillespie said that it depends on what is the intended use for the slab. Commissioner Munroe asked if it is permissible for the slab to remain. Peter Gillespie said that the applicant was directed by an order to submit an application to the Town, so he is essentially asking for it to be legalized. The regulations allow for a request for special permit approval.

Commissioner Homicki said that he likes the site plan that was submitted, as it has plenty of detail. He said he believes that the size of the parcel matters in a situation like this, and the Lichatz parcel is 1.8 acres.

Commissioner Oickle asked if the Mr. Lichatz plans to take down the carriage house and the kennel. Mr. Lichatz said that he will take down the kennel if required, since he has no plans to use it. He does not plan to take down the carriage house, since he uses it for garage space.

Commissioner Harley asked if the Town had received more inquiries from the public since the last meeting. Peter Gillespie said that they had received several more phone calls and visits.

Commissioner Drake said that he is still concerned with the precedent a structure this size would set. He feels that it is a huge difference in size between the 200 square feet allowed for an accessory building and the 1400 square feet proposed for this tent.

Commissioner Jurasin said he would like to know what Peter Gillespie thinks about the precedent issue. Mr. Gillespie said that he believes it would set no legal precedent since each project has its own set of conditions and is reviewed on its own merit. He said that the Commission could confirm his assessment with the Town Attorney.

Commissioner Jurasin said that he thinks the size of the parcel does not matter in this case, since the neighbors are very close to the proposed structure.

Commissioner Homicki asked what the Commission would do if a farm wanted to build a similar structure. Peter Gillespie said that farmland is zoned as residential so they also would need a special permit, too.

Mr. Lichatz said that his property is similar to the Ridge Road project, since parcel size mattered in that case.

Audience member Wayne Moore, 27 Robbins Drive, spoke next. He said the structure would be bad for property values. He did not understand how 5 feet high plants could screen a structure 12 to 14 feet high. Mr. Moore said that 1400 square feet is larger than many homes in Town. He said a garage would be OK, but a tent would soon begin to deteriorate and look unsightly.

Audience member Frank Tyburski, 28 Robbins Drive, spoke next. He said that Mr. Lichatz has a larger parcel, but the structure is right next to his property line. He said that the arborvitaes may not grow due to shade from other trees, then he would be left with no screening. Mr. Tyburski said he thinks property values will go down. He knows he can't just park a boat in his driveway, so this

structure would be for the convenience of the applicant at the expense of the neighbors. Mr. Tyburski said that Mr. Lichatz is business owner and should to consult about building something.

Audience member John Farrell, 10 Robbins Drive, spoke next. He said Mr. Tyburski once complained about an RV and other things parked on the Lichatz property, but Mr. Lichatz has now proposed a solution – a green structure. Mr. Farrell said that he has arborvitae that started at 5 feet tall and are now at 10 feet, so the screening should be fine.

Audience member William Kennedy, 20 Robbins Drive, spoke next. He said that his lot adjoins the Lichatz lot, along the whole length of the proposed structure. His wife voiced her opposition in the letter he described earlier. He said that he is OK with the proposal, but the Town and potential buyers may not like it, so it could affect property values. The lot is large but the structure is close to the property line. He said he wants to depend on the judgment of Planning and Zoning how this fits in.

Commissioner Jurasin asked whether the only alternatives are the tent or numerous separate items covered with tarps. Peter Gillespie said that RVs and boats of a certain size are OK as long as they are parked in the backyard, and it would not have to come before Planning and Zoning.

Commissioner Jurasin asked if there is a limit on the number of vehicles allowed, and what have been the issues previously. Peter Gillespie said that Section 3.5 of the zoning regulations allows for one RV and one boat. He said that he understands that there have been complaints in the past, but is not familiar with them.

Audience member Frank Tyburski, 28 Robbins Drive, spoke next. He said he feels offended by the “threat” of the choices being the proposed structure or a contractor’s backyard.

Commissioner Jurasin asked if the third alternative is for a permanent structure, would it come before Planning and Zoning. Peter Gillespie said that a barn or garage of that size would come before Planning and Zoning.

Audience member Alan Grabinsky, 36 Robbins Drive, spoke next. He asked how long the tent fabric would last.

Mr. Lichatz said that he owns one of the larger homes in Wethersfield, so he does not want to see property values go down either. He said that if the Town wants him to build a barn in 2 years, he’ll do it, but he can’t build one now. Mr. Lichatz said he feels badly that the neighbors think the property values will go down, when all he wants to do is neaten the yard. He said he would be happy to take the structure down if Mr. Kennedy decides to sell his house. Mr. Lichatz said he is committed to the Town, and gave the example that he recently replaced all 45 sections of sidewalk around his property when he only needed to repair 6 or 7.

Motion: Commissioner Oickle motioned to close the public hearing.

Second: Commissioner Harley seconded the motion.

Vote: 8 -0 - 0

Aye: Roberts, Harley, Jurasin, Munroe, Petrelli, Homicki, Oickle, Drake

Nay: None
Abs: None

Discussion:

Commissioner Roberts said that Article 8 of the Planning and Zoning regulations regarding special permits says, each application should be reviewed on its own merit. He then described some of the special permit factors from the regulations, including: suitable location, neighborhood harmony, appropriate structure and landscaping, and will not hinder the use of adjacent parcels or affect the value. He said that the situation would appear to set a precedent, but the special permit provides for separate consideration of each situation. Commissioner Roberts said that the Commission needs to create a clear record for their decision so that it will be known why it was OK here and not somewhere else.

Commissioner Petrelli asked if the concrete for the foundation needed a permit, and whether it was done in violation. Peter Gillespie said that the foundation would not need a permit if it was intended to be used as a patio. He said that the intent is to use it for a tent, so a permit is required, and pouring the foundation is a violation.

Commissioner Petrelli said that a tent would be offensive to the neighbors, but a barn would not. He said that, in other cases, other applicants have been allowed to later build something else or move the items. He said he is trying to find a solution that is a win-win for the applicant, the Town, and everyone.

Commissioner Roberts asked for clarification that the only reason there is a violation is that the concrete was poured to support a structure, but if it were for a patio it would be OK. Peter Gillespie said yes. Commissioner Roberts said that he is inclined to let the applicant keep the slab.

Commissioner Oickle said that he agrees that the size of the parcel matters. The applicant owns a parcel that is big enough to be divided into 4 or 5 lots. Would the Commission approve a similar structure in the situation of more, smaller lots. He said he thought not, and that he would probably vote no on the application.

❖ First Vote on Agenda Item 3.1

Motion: Commissioner Homicki motioned to approve the application with the following conditions:

- the permit shall have a duration of 2 years.

Commissioner Roberts asked for clarification whether the motion included the arborvitaes and other things discussed.

Commissioner Homicki said yes, the motion includes the site plan submitted and the testimony by the applicant at the meeting tonight.

Second: Commissioner Roberts seconded the motion.

Commissioner Drake said that he is OK with the 2 year limit, as he probably does not want a tent there permanently. He said he would not vote to approve without a time limit. He also said he

would be OK if there were no arborvitaes required if the tent would be there for a limited time and a barn was put up later.

Commissioner Jurasin said that he could see the applicant coming in to ask for more time in 2 years. He said the special permit factors include things like neighborhood reaction and proximity to neighbors, so he doesn't think that works. He also said that he doesn't think the 2 years would help the applicant. Commissioner Jurasin also said that he wonders what the applicant did with the boat last year. He said maybe if the Commission denies the application, it should include the condition that the concrete does not have to be removed.

Commissioner Munroe said that he is OK with the barn idea, as he has seen other boats under tents. He said he felt a permanent tent would start to get unsightly by getting ragged and lose its color.

Vote: 3 - 5 - 0

Aye: Jurasin, Petrelli, Homicki

Nay: Roberts, Munroe, Drake, Oickle, Harley

Abs: None

❖ **Second Vote on Agenda Item 3.1**

Motion: Commissioner Jurasin motioned to deny the application with the following conditions:

- that the concrete slab does not have to be removed.

Second: Commissioner Roberts seconded the motion.

Discussion:

Peter Gillespie said that this vote is good because it will make clear that the Commission does not want to allow the tent that is proposed, but that it is alright for the concrete remaining in place.

Vote: 8 - 0 - 0

Aye: Roberts, Harley, Jurasin, Munroe, Petrelli, Homicki, Oickle, Drake

Nay: None

Abs: None

Application was denied with conditions.

❖ **Agenda Items 3.2 and 3.3 were heard simultaneously:**

3.2 PUBLIC HEARING APPLICATION NO. 1641-08-Z. Youghioghney Communications-Northeast, LLC Seeking Site Plan and Design Review to install a telecommunications antenna on an existing tower with associated equipment cabinets at the base located at 200 Folly Brook Boulevard.

AND

3.3 PUBLIC HEARING APPLICATION NO. 1640-08-Z. Youghioghney Communications-Northeast, LLC Seeking Site Plan and Design Review to install a telecommunications antenna on an existing tower with associated equipment cabinets at the base located at 1 Executive Square.

Terry Brady, Pocket Communications, spoke on behalf of the applications. He said that Pocket Communications is a privately held wireless carrier based in San Antonio, Texas. He said that the applications are for 2 rooftop locations, for reasons of coverage and capacity. He distributed to the Commission members pictures of the 2 building locations, and maps of the coverage areas. He said that the radio frequency cabinet is the size of a dishwasher and is mounted indoors. The project does not involve towers so the application does not need to go through the Connecticut Siting Council. The installation would take 1 to 2 days for each location, and involve 3 antenna at each location. He said the pictures show the location of existing antenna on the rooftops.

Commissioner Oickle asked if the equipment has gotten smaller, say compared to 5 years ago. Mr. Brady said yes, very much so. A radio frequency cabinet in the 1990s would typically be 12 feet by 20 feet. Now, it is the size of a dishwasher. Wireless equipment gets upgraded or replaced every 2 to 5 years.

Commissioner Jurasin asked why there are coverage gaps. Mr. Brady said that the legal fees involved for establishing new locations can exceed the cost of the project. Their business plan is rapid deployment on exiting locations. They look to deploy the proposed antennas in mid-December.

Commissioner Roberts asked what is the size of the antenna. Mr. Brady said that they are 6 feet tall, comparable in size to the existing antenna. Commissioner Homicki asked what who will be the owner and what will be the cost. Mr. Brady said that Pocket Communications will own the equipment, and each location costs about \$25,000 for the 3 antenna and the radio frequency cabinet. He said that they will have a 25 year lease from the State to use the building, and the State leases the building from the town. Mr. Brady said that the antenna last about 10 years. The radio frequency equipment gets replaced every 2 – 5 years, and the old equipment is sent overseas.

Audience member Rejean Stamand, 275 Jordan was next to speak. Mr. Stamand said that he lives next door to the Labor Department building and wants to know how many antennas and where they will be. Mr. Brady showed pictures to Mr. Stamand, and said that the antenna will be placed in the middle of the west and south sides of the building. Mr. Stamand said that he brought a letter from a neighbor, Helen Holowesko, at 265 Jordan Lane. The letter requested that the application be allowed only if there will be no interference with TV, wireless, and other signals. Mr. Brady said that the FCC does not allow any interference. Mr. Stamand said that he is OK with the project if the antenna do not go any higher than the existing ones, and the work is done within the time limits of Wethersfield noise ordinances. He said he has had trouble before with the State allowing work on the building literally in the middle of the night, throwing metal debris from the rooftop into a dumpster on the ground. Mr. Brady said that he is fine with those height and noise requirements. He said that the work needs to be overseen by personnel that operate the building, so it must be during normal business hours. Mr. Brady also said that the work would normally only involve ½ of a day outdoors putting up the antenna, and 1 and ½ days for the indoor work.

Motion: Commissioner Oickle motioned to close the public hearing.

Second: Commissioner Petrelli seconded the motion.

Vote: 7 - 0 - 0

Aye: Roberts, Harley, Jurasin, Munroe, Petrelli, Homicki, Oickle.

Nay: None

Abs: None

Motion: Commissioner Oickle motioned to approve both applications with the following conditions:

- the antennas shall be the same type as the antennas presently shown in the pictures submitted at the meeting tonight;
- the antennas on the Labor Department Building shall not extend any higher than the antennas presently on the building; and
- the construction shall be carried out in accordance with the Town noise ordinances.

Second: Commissioner Roberts seconded the motion.

Vote: 7 - 0 - 0

Aye: Roberts, Harley, Jurasin, Munroe, Petrelli, Homicki, Oickle.

Nay: None

Abs: None

Both applications were approved.

3.4 APPLICATION NO. 1643-08-Z. O,R&L Construction c/o The LRC Group Seeking Site Plan and Design Review to construct a 19, 205 s. f. single story medical building and associated improvements at 1025 Silas Deane Highway (Wethersfield Shopping Center).

John Harvey, attorney from Barry, Harvey & Later, PC, spoke on behalf of the application. Mr. Harvey said that the applicant is seeking a special permit to construct a 19,00 square foot building in the Wethersfield Shopping Plaza. He said that Mr. Neiditz owns the land, and it would be leased for 20 years to 1025 LLC. The building would be subleased to Hartford Hospital for their use.

Commissioner Oickle asked why there had not been any preliminary discussion of this project. Mr. Harvey said that Hartford Hospital wants to begin using the building in August of 2009, so they are trying to move the project along as fast as possible.

Mr. Harvey said that they are presenting 2 building design options. One has gables embedded in the roof . The Design Review and Advisory Committee suggested a cleaner roof design , so they developed an option that has a gabled façade. He said he believes the gabled façade version is obviously much better looking.

Next to speak was Pat Gorman of O,R&L Construction. Mr. Gorman said that the building will be located in the extreme north end of the site. The customer entrance will be in front, will have a drop-off, and is designed so it is easy to figure out where is the front entrance. The rear entrance will be for staff. There 65 parking spaces in front, 51 in the rear, and 5 handicap-accessible spaces each in the front and rear. Loading will be in the rear, but front is big enough for ambulances if needed. Mr. Gorman said that the exiting driveway entrance to the Plaza is in a bad location for the building design, has no stacking or landscaping and is chaotic. They propose to move the driveway to the south and add stacking, landscaping, and stop signs. He said that they had a preliminary meeting

with the State Traffic Commission, and they are OK with moving the driveway. He said that they have also met with Town staff and have since removed some parking spaces from the rear, reduced the amount of cutting into an existing landscaped area, put landscaping for 2 neighbors that currently do not have stockade fencing, and added lighting spillage controls. He said comparing to the other Hartford Hospital site in Town, the other site has 173 parking spaces for 46,000 square feet of building space, and the proposed project has 40% of the building size and 70% of the amount of parking. Mr. Gorman said construction would be phased so the driveway and parking lot improvements are done first, and the building is done after that. He said that stormwater would be managed through an underground storage detention system, with 2 cisterns to remove sediment, and discharge to the State drainage system along the Silas Deane Highway.

Next to speak was an architect from Landmark Architects. She said the general layout of the building provides space and examination rooms for 7 care providers, including surgical and radiological. The roof is flat in the center for mechanical units that are screened by the slanted sides of the roof. The exterior is red brick with beige stucco and beige window frames. The roof will have charcoal-colored, architectural shingles, not the brown color shown in the drawing on display.

Next to speak was Diane, of Adams Ahern Sign Solutions. She said that her company does virtually all of Hartford Hospital's signage work. For this project, they propose signage to provide 3 things: address, street level identification and building identification. She said that the signage would have individual, channel lettering, and be lit with high efficiency/low voltage LED lights. There would be a sign on the building and a free-standing sign out by the Silas Deane Highway. Only the lettering on the free standing sign will light up, so it will not be obtrusive. She said that she is aware that the Design Review and Advisory Committee recommends signage that is consistent with the rest of the shopping plaza. Peter Gillespie said that the proposed building would be considered separate and does not need to conform with the shopping center.

Next to speak was Bruce Hilton, traffic engineer. Mr. Hilton reviewed information from the traffic study. He said that there 3 entrances to the Plaza: one to the south via Signal View Drive, the main entrance on the Silas Deane Highway, which has a signal light, and the north entrance near the proposed building. The study contains vehicle counts, observations and DOT accident data. He said that there are approximately 20,000 vehicle trips per day on the Silas Deane Highway, and the building would add about 500 trips. He said that he had not reviewed in detail the traffic information from the building that once stood in the same place, but he estimated that the previous building probably generated about half as many trips. Mr. Hilton said that the current driveway does not align with any driveways across the street, but would align with one if moved as proposed. He said that even though the property across the street is vacant, they simulated traffic coming from that driveway, but there was little change to the service level. However, overall, the service level is low and difficult to use.

Commissioner Oickle asked how the State Traffic Commission ("STC") reacted to the proposal to move the driveway when they knew the level of service was low. Mr. Hilton said he was not at the meeting with STC, so he deferred to Pat Gorman. Mr. Gorman said that STC liked the concept, even though the service level is low, but the meeting was before the traffic study. He said that the STC did not want to have another traffic light at this driveway.

Commissioner Jurasin said that he likes overall the driveway and parking improvements, but wonders how will people know how to get out of the parking lot. He suggested signage and one way

traffic circulation around the building. He also felt that it would be confusing and tight to use the drop-off area in the front of the building, partly because of the turnaround planned.

Commissioner Jurasin said that the driveway move would appear to remove part of the left turn only lane for the south bound lane. Mr. Hilton said, yes, one of the Goodyear driveways.

Next to speak was Steve Neiditz, landowner and shopping center operator. Mr. Neiditz said that the tenants of the demolished, previous building were doing well about 10 to 15 years ago. He said by 2007 virtually all of the tents had left. The building had no elevator and had an old roof and mechanicals so they decided to demolish the building. He said they tried hard to get CVS to move into the north end of the site, but they wanted to move across the street. He has continued to pursue retail tenants, but retail development went flat in mid-2007 along with the economy. He said he is delighted with the Hartford Hospital project and hopes it will add momentum to the shopping center.

Commissioner Roberts asked if the neighbors had been notified of the proposal. Mr. Harvey said not yet, but they will be doing so.

Commissioner Oickle said he was pleased to see that Bed Bath and Beyond expanded, and wished Mr. Neiditz luck with filling the vacancies he now has in the shopping center. Mr. Neiditz said that he has signed a letter of intent with a national retailer and hopes to announce their occupancy in a few weeks. He has also taken steps to consolidate smaller units into larger ones to make them more attractive to prospective tenants.

Commissioner Roberts said that he has no review comments besides the traffic issues.

Commissioner Jurasin asked if the parking in front of the bank will be for the Hartford Hospital building. Mr. Gorman said that parking will be for the shopping center, but they are renovating it as part of the driveway move.

Commissioner Homicki asked if the Town staff had review comments. Peter Gillespie said that the Town just received a response to the comments of Town staff, and have not yet reviewed them. He said that he knows that the Fire Marshal is generally OK with the plan, and that the town engineer needs to review the proposal in detail.

Commissioner Jurasin asked if the landscaping plan met the Town requirements. Peter Gillespie said that a quick calculation shows that it is OK. He said one issue of concern is that the plan cuts into a 75 feet wide buffer, and that needs to be checked to see if that is OK.

Commissioner Oickle said that he feels there is no improvement of the north driveway without a traffic light. Mr. Gorman said that there is at least a small improvement from the alignment with the driveway across the street.

Motion: Commissioner Oickle motioned to continue the hearing until the next meeting.

Second: Commissioner Homicki seconded the motion.

Vote: 7 - 0 - 0

Aye: Roberts, Harley, Jurasin, Munroe, Petrelli, Homicki, Oickle

Nay: None

Abs: None

Application continued until the next meeting.

4. OTHER BUSINESS

4.2 C.G.S. § 8-24 Review No. 10-08-MR – Review of proposed purchase of a city owned lot on Goodwin Road.

Peter Gillespie began by referring to a Town memo dated October 31, 2008 indicated that there is development potential for the parcel. However, the applicant says that his primary interest is to provide shorter driveway access to his adjacent property. Mr. Gillespie said that the town engineer looked into the situation and found that 336 Jordan lane is zoned SRD and the Goodwin lot is not.

Commissioner Homicki asked if the Town has considered an appraisal of the lot. Peter Gillespie said that he believed any sale would prompt an appraisal. Commissioner Roberts said that if the Commission is concerned about an appraisal then it should be included in their report.

Commissioner Homicki asked if the applicant has made an offer. Peter Gillespie said that he does not know, as the Town Manager has been handling the negotiations.

Commissioner Oickle said that the Commissioner should consider putting in their report a restriction on future development. Peter Gillespie said that the Town Engineer has recommended a stipulation that the parcel remain open, that is, no structures.

Peter Gillespie read aloud the stipulations he had noted that were discussed by the Commission: the parcel was to be used for access purposes only, no building of structures, and consider performing a fair market appraisal.

Motion: Commissioner Harley motioned to make a positive referral for the review with two stipulations:

- that the parcel shall be used for access purposes only;
- that no structures shall be permitted on the parcel; and

and one recommendation:

- the Town consider pursuing a fair market value appraisal for the parcel prior to sale.

Second: Commissioner Jurasin seconded the motion.

Vote: 7 - 0 - 0

Aye: Roberts, Harley, Jurasin, Munroe, Petrelli, Homicki, Oickle

Nay: None

Abs: None

Review received a positive referral, with stipulations and a recommendation.

5. MINUTES – Minutes of the October 21, 2008 meeting –

Commissioner Roberts noted suggested revisions to the draft minutes.

Motion: Commissioner Oickle motioned to approve the minutes as amended.

Second: Commissioner Harley seconded the motion as amended.

Vote: 7 - 0 - 0

Aye: Roberts, Harley, Jurasin, Munroe, Petrelli, Homicki, Oickle

Nay: None

Abs: None

6. STAFF REPORTS

Peter Gillespie said that the Planning Department had temporarily assumed zoning enforcement authority.

Mr. Gillespie said that he understands the Art Academy proposal is progressing.

Mr. Gillespie said that the agenda for the November 18th meeting appears that it will include: 1025 Silas Deane Highway and the mixed use zoning text amendments. The Silas Robbins Bed & Breakfast renewal will probably be heard in December.

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING

There was no public comment.

8. CORRESPONDENCE

None.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS

9.1 PUBLIC HEARING APPLICATION NO. 1635-08-Z. John & Shireen Aforismo Seeking a Special Permit to host special events (Renewal of App. 1587-07-Z) at 185 Broad Street(Silas Robbins House Bed & Breakfast).

9.2 PUBLIC HEARING APPLICATION NO.1638-08-Z. Town of Wethersfield Seeking a Zoning Text Amendment to Sections 2.3, 5.2.A.2, 5.4.B and 5.10 regarding Mixed Use Zoning.

10. ADJOURNMENT

Motion: Commissioner Petrelli motioned to adjourn at 10:54 PM.

Seconded: Commissioner Harley seconded the motion.

Vote: 7 - 0 - 0

Aye: Roberts, Harley, Jurasin, Munroe, Petrelli, Homicki, Oickle .

Nay: None

Abs: None

Respectfully submitted,

Kevin T. Sullivan, Recording Secretary