

**WETHERSFIELD PLANNING AND ZONING COMMISSION  
PUBLIC HEARING AND MEETING  
July 17, 2007**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Wednesday, July 17, 2007 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

**CALL TO ORDER**

Chairman Joseph Hammer called the meeting to order at 7:05 p.m. Chairman Hammer stated that **3.6 PUBLIC HEARING APPLICATION NO. 1581-07-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.--- will not be heard this evening. This item has been tabled until the next meeting.

**ROLL CALL & SEATING OF ALTERNATES**

Clerk Knecht called roll as follows:

<b>Member Name</b>	<b>Present</b>	<b>Absent</b>	<b>Excused</b>
Joseph Hammer, Chairman	X		
Margaret Wagner, Vice Chair (7:30 p.m.)	X		
Philip Knecht, Clerk	X		
Thomas Harley	X		
Robert Jurasin			X
Earle Munroe	X		
Dorcas McHugh	X		
Richard Roberts	X		
Frederick Petrelli			X
James Hughes	X		
Anthony Homicki			X
George Oickle	X		

Also present:

- Peter Gillespie, Town Planner
- Denise Bradley, Assistant Planner.

Chairman Hammer stated that there were 2 full members not in attendance at the time of roll call. He requested the services of alternate members Commissioner James Hughes and Commissioner George Oickle to serve as full members.

**OLD BUSINESS**

There was no old business.

## **NEW BUSINESS**

### **3.1 Annual Organizational Meeting of the Planning and Zoning Commission**

Commissioner James Hughes made a motion to defer the Annual Organizational until later in the meeting.

Commissioner Dorcas McHugh seconded the motion.

The members voted as follows (8-0-0)

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

Nay: None

Abst: None

Commissioner Richard Roberts and Clerk Phil Knecht nominated Joseph Hammer as Chairman of the Planning and Zoning Commission.

Commissioner Jim Hughes made a motion to nominate Joseph Hammer as Chairman of the Planning and Zoning Commission.

Commissioner Richard Roberts seconded the motion.

The members voted as follows (8-0-1)

Aye: Wagner, Knecht, Munroe, Harley, McHugh, Oickle, Roberts, Hughes

Nay: None

Abst: Hammer

**Joseph Hammer was elected as Chairman of the Planning and Zoning Commission.**

Commissioner Dorcas McHugh made a motion to nominate Margaret Wagner as Vice Chairman of the Planning and Zoning Commission.

Commissioner Richard Roberts seconded the motion.

The members voted as follows (8-0-1)

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

Nay: None

Abst: Wagner

**Margaret Wagner was elected as Vice Chairman of the Planning and Zoning Commission.**

Commissioner Richard Roberts made a motion to nominate Phillip Knecht as Clerk of the Planning and Zoning Commission.

Commissioner George Oickle seconded the motion.

The members voted as follows (8-0-1)

Aye: Hammer, Wagner, Munroe, Harley, McHugh, Oickle, Roberts, Hughes

Nay: None

Abst: Knecht

**Phillip Knecht was elected as Clerk of the Planning and Zoning Commission.**

Commissioner Richard Roberts made a motion to authorize Peter D Gillespie to sign notices of the Commission.

Vice Chair Peg Wagner seconded the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

**Peter D Gillespie was given authorization to sign notices of the Commission.**

Commissioner Richard Roberts made a motion to authorize Michael J Turner to sign notices of the Commission.

Vice Chair Peg Wagner seconded the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

**Michael J Turner was given authorization to sign notices of the Commission.**

Commissioner Richard Roberts made a motion to have Bonnie Therrien, Town Manager, as an Ex Officio Member.

Commissioner George Oickle seconded the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

**Bonnie Therrien was named as an Ex Officio Member.**

Vice Chair Peg Wagner made a motion to nominate Earle Munroe as a representative to the Regional Planning Commission of CROG.

Commissioner George Oickle seconded the motion.

The members voted as follows (8-0-1)

Aye: Hammer, Wagner, Knecht, Harley, McHugh, Oickle, Roberts, Hughes

Nay: None

Abst: Munroe

**Earle Munroe was named as a representative to the Regional Planning Commission of CROG.**

Vice Chair Peg Wagner made a motion to nominate Thomas Harley as an alternate to the Regional Planning Commission of CROG.

Commissioner Dorcas McHugh seconded the motion.

The members voted as follows (8-0-1)

Aye: Hammer, Wagner, Knecht, Munroe, McHugh, Oickle, Roberts, Hughes

Nay: None

Abst: Harley

**Thomas Harley was named as an alternate to the Regional Planning Commission of CROG.**

Chairman Joseph Hammer made a motion to appoint Phillip Knecht as the liaison to the Economic Development and Improvement Commission.

Commissioner Richard Roberts seconded the motion.

The members voted as follows (8-0-1)

Aye: Hammer, Wagner, Munroe, Harley, McHugh, Oickle, Roberts, Hughes

Nay: None

Abst: Knecht

**Phillip Knecht was named as the liaison to the Economic Development and Improvement Commission.**

Commissioner George Oickle made a motion to readopt the Commissions rules and procedures.

Commissioner Richard Roberts seconded the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

**The Commissions rules and procedures were adopted.**

**3.2 PUBLIC HEARING APPLICATION NO. 1574-07-Z. Town of Wethersfield Seeking a Zoning Text Amendment to allow for the creation of rear lots.---CONTINUED FROM 6/06/07.**

Mr. Peter Gillespie told the Commission that the last time the issue of rear lots was discussed before the Commission was June 6, 2007. The meeting was continued until July 17, 2007 because the Commission specifically asked about a

number of issues that were commented on by the Fire Department be addressed. Mr. Gillespie said that the Commission also wanted him to further assess the potential number of properties that would be eligible for rear lots under the new regulations.

Mr. Gillespie summarized the annotated version of the proposed 3.9 Rear Lots regulations, dated July 13, 2007 to the Commission.

Commissioner Oickle asked Mr. Gillespie if he was keeping buildable square in the regulations. Mr. Gillespie said that he was keeping buildable square in the regulations and that he did not need to modify the way it was written now to allow the rear lots to be created. Commissioner Munroe asked about Page 2, #3-permitting accessory building. He asked if there would be any control on the size of the accessory building. Mr. Gillespie stated that the underlying existing regulations would still apply to rear lots.

Mr. Gillespie stated that there were a number of caveats in determining the potential number of properties that would be eligible for rear lots under the new regulations. The numbers are based on the best available information that he had from the Assessors database and the GIS. It was not based on detailed surveys on individual properties. The numbers are a planning estimate based on information that he had. Mr. Gillespie said that using the Silas Deane Highway as a dividing line, he estimated that there are potentially 30 properties west of the Silas Deane Highway that could qualify under the proposed regulations as they are right now. Mr. Gillespie said that east of the Silas Deane Highway, there are 30-35 properties.

Michael Turner, Director of Public Works and Town Engineer, reviewed the regulations and issued a memo dated July 17, 2007 to Peter Gillespie, Denise Bradley and Gary Santoro. Mr. Turner read his memo with his concerns to the Commission.

Gary Santoro, Fire Marshall-Town of Wethersfield, was in attendance to discuss his views on rear lots. Mr. Santoro stated the Fire Department comes out in all types of weather and for the most part, all fire fighting is done by hand. Mr. Santoro shared 4 photos of a house that was constructed in Wethersfield before the town was allowed to do anything about rear lots. Mr. Santoro stated that he understands that people want to use their yards and sell them off to people who want to build houses, which is really good for the Town of Wethersfield. He said that in the event of an emergency, it becomes a liability for the Town of Wethersfield, namely the Fire Department.

Mr. Santoro stated that when he and Mr. Turner look at the shopping centers and streets of Wethersfield they make sure that they can get all of the fire apparatus', police officers and ambulance in there because time is of the essence. It has nothing to do with technology, it has to do with man power, everything they do is with hoses and ladders.

Mr. Santoro told the Commission that the photos he handed out earlier show a house in Wethersfield, and by looking at the photos, they would never know that there is a two (2) story house in the back. It is surrounded on three (3) sides by houses and the fourth side there is a brook. He said that there is a little tiny driveway on the south side of the house, which they can not get a fire truck into today. Mr. Santoro said that when the house was built they could get a fire truck in there, but they can not anymore due to the growth of the shrubs.

Chuck Flynn, Fire Chief-Town of Wethersfield, stated that technology is changing everyday in Fire Services. Unfortunately the trucks are not getting any smaller. They are getting larger for the safety of the firefighters. Mr. Flynn stated that currently at Station 2 they have a 75 foot aerial stick that was built specifically built for the larger houses in the southwestern part of town. He said that this truck will be due for replacement in the next 10 years or so and it will most likely get larger for the safety of the firefighters.

Commissioner Oickle asked Mr. Santoro if he is against the rear lots. Mr. Santoro said that he is against them. Mr. Flynn stated that his concern is that if the rear lots are allowed, they will eventually get overgrown and the fire department will not be able to get in. He also said that being a volunteer fire department, they can not go all over town to check what is available for access.

Commissioner Hughes asked if the homeowner installed a mandatory fire alarm system would that help the situation. Mr. Flynn replied no, it would not.

Chairman Hammer asked Mr. Turner if he shared some of the concerns in terms of the ability to monitor and insure that people are doing what they are supposed to and living by the letter of the regulations. Mr. Turner said that the pictures that the Fire Marshall showed the Commission is a good example of the home that was constructed 10-12 years ago under the basic guidelines as a rear lot, and today they can not get their equipment in there.

Chairman Hammer asked if there was anyone in the audience with a public comment either pro or con. There was no one in the audience that wished to speak.

Clerk Knecht asked if in order to get approval to build a house in the rear that they trim the shrubs on the lots and have that be the responsibility of the homeowner to begin with. Mr. Turner said that there is no way to enforce that. He said that the zoning enforcement is done on a complaint basis.

Vice Chair Wagner asked for a rough estimate for the total lots in the entire town. Mr. Gillespie said that a rough estimate is 11,000 lots. Vice Chair Wagner asked why they can't put in the zoning regulations that the property must be maintained on a yearly/two year basis, by submitting photographs to the Commission. She said that the onus should be put on the landowner, instead of the zoning officer. She also said that if this is the only reason not to do rear lots, she feels that a solution can be made. Mr. Santoro said that smoke detectors in houses is a state law and there are many homes that have no batteries in them. He said that this a life saving thing, if people do not follow that, he hardly thinks that they will care about their shrubs.

Commissioner McHugh asked Mr. Flynn if the fire department could inspect the houses once a year and charge a mandatory inspection with a fee attached that would go directly to the fire department. Mr. Flynn said that it would fall under the Fire Marshall's jurisdiction.

Mr. Gillespie said that in regards to maintenance, the way this is proposed this is unusual and special situations, they would have to come to the Commission, have a public hearing, subject to conditions the Commission feels appropriate that applies to the particulars lot. Mr. Gillespie said that there are methods available if violations do occur. Mr. Gillespie also stated that the examples of anything that happened in the past were not approved by any regulation, they were approved through variance or some other unusual situation. Mr. Gillespie said that as he has shown the Commission in an earlier memo, Rocky Hill, Newington, Glastonbury, Cromwell, all allow rear lots.

John Miller, 45 Highland Street, is a long term advocate of rear lots. He said that he thinks that the rear lots should have a special permit required. He also said that there are a handful of places in town where rear lots would be desirable.

Carol Modugno asked about turnaround for the fire apparatus. Mr. Gillespie said that (hammerhead/K-Turn)ability for the fire apparatus to get in, back up and go out head first, is what the fire department is looking for.

Chairman Hammer stated that he received an email from Cris Walsh to Peter Gillespie, dated July 17, 2007 stating that she is in favor of rear lots. There was also an email from Carol Szymanski to Peter Gillespie, dated July 17, 2007 which states she is opposed to rear lots.

Clerk Phil Knecht made a motion to continue the public hearing.

Commissioner Thomas Harley made a motion to close the public hearing.

Commissioner Richard Roberts seconded the motion

The members voted as follows (8-1-0)

Aye: Hammer, Wagner, Munroe, Harley, McHugh, Oickle, Roberts, Hughes

Nay: Knecht

Abst: None

**PUBLIC HEARING IS CLOSED.**

Commissioner Richard Roberts made a motion to table **APPLICATION NO. 1574-07-Z** until the next meeting.

Commissioner George Oickle seconded the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

**3.3 PUBLIC HEARING APPLICATION NO. 1578-07-Z. Mainly Tea** Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale and dispensing of alcoholic beverages at 221 Main Street.

Karen Memmott and Dana Spicer co-owners of Mainly Tea, would like to serve champagne, wine and sherry to their customers. Ms. Memmott stated that they will not serve beer.

Chairman Hammer asked what hours they would be offering the alcohol. Ms. Memmott stated that they serve in their tea room, Thursday, Friday and Saturday. A small buffet on Tuesday and Wednesday. They are not open on Sunday's. They seat about 20 people and have approved outdoor seating, which no alcohol would be allowed.

Commissioner Oickle asked what other establishments serve liquor in the area. Mr. Gillespie said that the Tavern across the street (which has historically served liquor), Village Pizza and Old Towne.

Commissioner Oickle asked if there was any comment from First Church. Mr. Gillespie said that he did not see any comment. They were notified.

Commissioner McHugh said that this is a unique establishment, a destination establishment with limited hours.

Joe Forsdick, 18 Monticello Drive, Chairman of Tourism Commission. Mr. Forsdick stated that Mainly Tea has become one of the most popular tourism attractions of Old Wethersfield.

Commissioner Oickle asked if any of the clients asked for wine or liquor. Ms Memmott said yes. She stated that the tradition of many tea rooms is to serve champagne.

Commissioner Jim Hughes made a motion to close the public hearing.

Commissioner Earle Munroe seconded the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

**PUBLIC HEARING IS CLOSED.**

Commissioner Earle Munroe made a motion to approve **APPLICATION NO. 1578-07-Z.**

Clerk Phil Knecht seconded the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

**THE APPLICATION WAS APPROVED.**

**3.4 PUBLIC HEARING APPLICATION NO. 1579-07-Z. Caroline Wilkel** Seeking a resubdivision and the creation of two (2) new lots at 287 Two Rod Highway.

John Miller, Close Jensen & Miller, representing Helen and Caroline Wilkel. The parcel on Two Rod Highway is east of Monticello Drive is 1.79 acres. When Jefferson Estates was developed the parcel was part of it. Most of the rear went into Jefferson Estates. Helen Wilkel kept a piece which is 300ft X 267ft. Mr. Miller said that it served by sewer and water.

Mr. Miller asked Mr. Gillespie about individual plot plans. Mr. Gillespie said after the subdivision is filed they want a separate plot plan for each created lot.

Commissioner Oickle asked about the open space. Mr. Miller said that this is a resubdivision, the whole parcel was part of Jefferson Estates. Mr. Gillespie said that they are asking for a waiver to confirm that it was satisfied as part of the previous proposal.

Chairman Hammer said that he assumes the twenty-five (25) percent open space was applied that there would only be a total of 2 lots.

Commissioner Roberts said that the reason to consider the wavering the open space is that it has already been provided in conjunction with this lot already. At least twenty-five (25) percent has already been dedicated to open space.

Commissioner Oickle asked if the sidewalk issues have been resolved. Mr. Miller said yes they have been resolved.

Commissioner Munroe asked if the memo dated July 5, 2007 from Michael Turner to Peter Gillespie and Denise Bradley, have been all taken care of. Mr. Gillespie said that they have been taken care of.

Chairman Hammer asked if there was anyone in the audience that wished to speak.

Theresa Forsdick, 18 Monticello Drive, in favor of the resubdivision. Her property directly abuts 287 Two Rod Highway. She stated that she has lived at this property for ten (10) years and there has been a patch of brush six (6) - ten (10) feet wide that has never been taken care of. She said that it is unkempt and messy. It would be wonderful to clean up the area.

Vice Chair Peg Wagner made a motion to close the public hearing.

Commissioner Jim Hughes seconded the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

**PUBLIC HEARING IS CLOSED.**

Commissioner Earle Munroe made a motion to approve **APPLICATION NO. 1579-07-Z.**

Commissioner Jim Hughes seconded the motion.

Commissioner George Oickle asked if the Town Engineer's issues were resolved.

A modification to the motion to include that the applicant work with Town staff to document which existing trees will be protected and saved or in lieu of that, plant 2 new trees in each front yard of the lot per subdivision regulations.

Commissioner Earle Munroe and Commissioner Jim Hughes accepted the modification to the motion.

Commissioner Richard Roberts further modified the motion by including the waiver of the twenty-five (25) percent open space on the basis that it has already been provided to this lot.

Commissioner Earle Munroe and Commissioner Jim Hughes accepted the modification to the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

**THE APPLICATION WAS APPROVED.**

**3.5 APPLICATION NO. 1580-07-Z. Town of Wethersfield Seeking Site Plan and Design Review for site improvements at 30 Greenfield Street (Pitkin Community Center).**

Kathy Bagley, Director of Parks and Recreation, here this evening with members of Architect firm, Friar Associates, members of Building Committee and Members of Keane Foundation to present plans for 9/11 Memorial Sports Center to be houses at the Pitkin Community Center.

Bob Roach, Friar Associates, here on behalf of Wethersfield Parks and Rec Department, Building Committee and Keane Foundation. Mr. Roach said that they have also been working closely with Town Staff to get input.

Mr. Roach said that they are not proposing any additions to the building. They will be doing interior renovations and minor site work. Mr. Roach went over the renderings that were provided to the Commission. Mr. Roach stated that in the proposal they would like to create an entrance on the east wing on the building where they are focusing their efforts. They will be making renovations to the gymnasium, the existing daycare will be relocated and they will take over the space to create a fitness area, meeting area and create storage areas. They will be proposing to do a turnaround driveway loop.

Mr. Roach stated that there is an existing generator on the east side of the building that they are proposing to relocate to the back side of the building. He said that they have been working with Town Staff to make sure they can do the work and stay up to code. There is also a propane tank on the east side of the building that they are proposing to remove and provide new landscaping, signage and lighting. The new propane tank will be buried on the south side of the building.

The paving work is limited to the driveway that they are proposing, but they will be doing some re-stripping. They are proposing a free standing brick wall on the front corner of the building.

Mr. Roach said that inside the building the gymnasium currently has a stage which will be removed to maximize the

space. They will also be doing minor asbestos abatement work and the floor will be replaced with sports flooring.

Mr. Roach said that they are proposing to put in two (2) new windows on the east side. The theme is 9/11 Memorial Sports Center, thanks to donations from the Keane Foundation. The windows they are creating will be reminiscent of the towers. Mr. Roach explained all of the 9/11 attributes in the renderings provided.

Adam Palmer, showed the Commission photos of the existing building as well as views of the renderings.

Mr. Roach handed out a memo dated July 17, 2007 with the items that were identified in the Bid Documents as Alternate Bid Items. Mr. Roach read the memo to the Commission.

Commissioner Oickle asked how the building will be secured with so many entrances. Mr. Roach said that they are working with the security vendor for the existing building.

Commissioner Oickle also asked if Design Review has looked at this and if they had any suggestions. Denise Bradley stated that Design Review approved it last Wednesday night, as submitted.

Vice Chair Wagner asked Mr. Roach what the numbers on the back yard lighting. Mr. Roach said that the backyards were showing zero (0) and one (1). Vice Chair Wagner asked if there was lighting in the southwestern corner. Mr. Roach said there was lighting in the back. Ms. Bagley also said the back parking lot is lighted sufficiently.

Chairman Hammer noted that when the Commission takes action, the applicant is asking for two (2) waivers. The first waiver is of the general site plan (landscaping in only proposed areas affected by the proposed work) and the second waiver is a waiver of the A2 survey requirement for the entire site.

Commissioner Dorcas McHugh made a motion to approve **PUBLIC HEARING APPLICATION NO. 1580-07-Z** with the 2 waivers (Section A.2.C.2.a - A2 survey) and (Section A.2.D.6-landscaping)

Commissioner Jim Hughes seconded the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

### **THE APPLICATION WAS APPROVED.**

**3.6 PUBLIC HEARING APPLICATION NO. 1581-07-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.---**CONTINUED UNTIL 8/07/07.**

**3.7 APPLICATION NO. 1582-07-Z. Vincent DeFilippo** Seeking Site Plan and Design Review to construct two (2) new structures for office use and associated site improvements at 1912 Berlin Turnpike.

Jack Guilmartin, Hewitt Engineering, 470 New Britain Rd, Kensington, speaking on behalf of Mr. DeFilippo. Property known as 1912 Berlin Turnpike, old gas station. Mr. DeFilippo has taken the gas station down and is looking to develop the property. The area is 27,000 sqft. Mr. DeFilippo is looking to put two (2) buildings on the site, utilizing the two (2) existing entrances. Mr. Guilmartin said that the front portion of the property is in total disrepair. He said that both buildings will be serviced by existing sanitary sewers that are on the site. Mr. Guilmartin also stated that the entrances to both of the buildings will have handicap ramps.

Mr. Guilmartin said that the proposed landscaping would have low vegetation.

Chairman Hammer stated that Town Staff has not yet had an opportunity to review the plan so this application will be continued.

Vice Chair Wagner asked the applicant what kind of businesses will be in the buildings? Mr. DeFilippo stated that there will be a mortgage company, oil company and will lease the other building.

Commissioner Richard Roberts made a motion to continue **APPLICATION NO. 1582-07-Z** until the next meeting.

Commissioner Jim Hughes seconded the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

## **OTHER BUSINESS**

### **4.1 PRE-APPLICATION REVIEW - Arby's Restaurant Proposal for property located at 1151 Silas Deane Highway.**

John Harvey, Attorney, Dan Johnson, principal/owner of property, Andrew Daly, Construction Director Northeast Region for Arby's, Kevin Johnson, Close, Jensen & Miller.

Currently there is a 6200 sqft building that used to be Abdow's, Firehouse Grill & Bennigan's. The building has been vacant for over a year. The proposal is to demolish the building and create a building about sixty (60) percent of the size, about 3,400 sqft. There would be seating for seventy-seven (77) people +/- and a drive-thru. Mr. Harvey showed the Commission drawings of the proposed building.

Mr. Harvey said that they have been to Design and Review, and they approved it. The only suggestion that they had was to change the gray block on the base of the building to brick.

Mr. Harvey said that the company has a standard size menu board which is forty (40) sqft. They can not shrink it down in still function in their corporate model. It would require a variance. Mr. Harvey said that he would like the Commission to be as candid as possible.

Andrew Daly, Arby's Restaurant Group, showed the Commission a photo of the standard menu board for the Arby's drive-thru. Mr. Daly said that the reason for the size of the menu board is to accommodate all of the products they serve in the store. Based on the size of the menu board, a variance will be required. Mr. Gillespie confirmed that Mr. Daly was correct.

Mr. Daly stated that they feel the layout is what is best for the site from an operational standpoint as well as servicing as many customers as possible. Mr. Harvey said that the peak in the front of the proposed building is pretty much the logo/design of Arby's.

Commissioner Oickle said that he is not impressed with the rendering. Chairman Hammer asked if there was an alternate style for the restaurant. Mr. Daly said that he would have to discuss this with the company. Commissioner Roberts said he agrees with Commissioner Oickle and Chairman Hammer. He feels that if they allow the building to look like it does in the renderings, people will complain that it is inconsistent with the Silas Deane Highway plan. Commissioner Roberts said that he understands corporate logos, but he thinks that it is a little much.

Chairman Hammer asked if the drive-thru was a project breaker. Mr. Daly said that it more than likely would. Vice Chair Wagner said this is an opportunity. If the building will be torn down, this is an opportunity to improve the Silas Deane Highway and how it looks. Vice Chair Wagner said that the character that the town is shooting for; is not what

she sees in the pictures shown to the Commission. Chairman Hammer said that if they had an unusual, great looking building it would be an asset to Arby's and the town.

**4.2 C.G.S. § 8-24 Review - Easement Request on 53 Harold Street for a driveway on to Eagle Street.**

Mr. Gillespie explained the referral regarding 53 Harold Street. It pertains to the construction of a driveway off of Eagle Drive. A building permit was issued from the building department for an addition on the rear of the property. Mr. Gillespie stated that he handed out a sketch of how the addition was proposed on the back of the building and also copies of elevation drawings. The original plan for the addition on Harold Drive did not include a driveway plan. Mr. Gillespie stated that the town did not approve in any way a driveway off of Eagle Drive. The driveway was put in without permission.

Mr. Gillespie said that Eagle Drive is basically a driveway. It is not a road. Commissioner Hughes asked if Eagle Drive is not a road, then how can they give the homeowner any type of access to it.

Chairman Hammer suggested a temporary revocable license rather than an easement. If the owner sells the property, the license would not be transferable.

Commissioner Richard Roberts made a motion to give a negative report with comment if the Town Council feels inclined to provide any kind of right access that it be done in the form of a revocable temporary license.

Chairman Joseph Hammer seconded the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

## **MINUTES**

Minutes of the June 19, 2007 meeting.

Commissioner Richard Roberts requested that the votes on some of the motions be changed from 10 to 9. 10 Commissioners are not allowed to vote.

Commissioner George Oickle made a motion to approve [the meeting minutes of June 19, 2007](#).

Clerk Phil Knecht seconded the motion.

The members voted as follows (7-0-2)

Aye: Wagner, Knecht, Munroe, Harley, McHugh, Oickle, Roberts

Nay: None

Abst: Hammer, Hughes

## **STAFF REPORTS**

Design Review does not feel that the existing regulations and/or policies in place give them enough control in terms of ability to tell applicant's that certain designs do not fit into what the town is trying to accomplish. Planning and Zoning could possibly sit with Design Review to talk about this issue.

Chairman Hammer suggested that Design Review come to the next Planning and Zoning meeting to discuss.

## **PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING.**

There was no one in the public that wished to speak.

## **CORRESPONDENCE**

**8.1** A letter dated June 22, 2007, from the Historic District Commission to CP Equity Holdings LLC noting the approval of Application No. 3481-07 (Comstock Ferre Building).

**8.2** A letter dated July 13, 2007, from Vincent DeFilippo to Joseph Hammer regarding the withdrawal of Application No. 1558-07-Z.

**8.3** A copy of Public Act No. 07-222 entitled *An Act Concerning the Connecticut Siting Council and Cellular Towers*.

Commissioner Richard Roberts made a motion to request the sighting council to do a local telecommunication coverage assessment for the town.

Commissioner George Oickle seconded the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

## **PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS**

**9.1 PUBLIC HEARING APPLICATION NO. 1576-07-Z. Rana Automaster LLC** Seeking a Special Permit for a General Repairer's License and to display and rent vehicles & trailers located at 1652 Berlin Turnpike (Renewal).

## **ADJOURNMENT**

Vice Chair Peg Wagner made a motion to adjourn the meeting.

Commissioner Thomas Harley seconded the motion.

The members voted as follows (9-0-0)

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

Nay: None

Abst: None

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

Philip Knecht, Clerk