

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

November 7, 2007

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday November 7, 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.

ROLL CALL & SEATING OF ALTERNATES

Chairman Joseph Hammer called roll as follows:

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman	X		
Margaret Wagner, ViceChair			X
Philip Knecht, Clerk			X
Thomas Harley	X		
Robert Jurasin	X		
Earle Munroe	X		
Dorcas McHugh	X		
Richard Roberts	X (7:30)		
Frederick Petrelli			X
James Hughes			X
Anthony Homicki	X		
George Oickle			X

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

Chairman Hammer stated that the all the alternates would be seated on all the applications.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Chairman Hammer announced that Public Hearing 3.2 for Arrow Road the applicant called and it will be continued at the next meeting.

3.1 PUBLIC HEARING APPLICATION NO. 1586-07-Z. Robert Dillon Seeking a resubdivision for the creation of one (1) new lot at 233 Highland Street.--- **CONTINUED FROM 10/16/07**

Chairman Hammer asked the commissioner members who had not been present at previous hearings for Robert Dillon if they had familiarized themselves with the record and felt comfortable participating.

Commissioner McHugh stated she will not be participating.

Chairman Hammer asked the applicant if they wanted to pass the hearing until Commissioner Roberts arrives because there was only 5 voting at that time but if they wait there would be six.

Mr. Dillon decided to pass.

After completion of public hearing 3.2.

Paul Hallisey, Civil Engineer from Hallisey, Pearson, and Cassidy 35 Cold Spring Road, Rocky Hill, CT. Mr. Hallisey has stated that they have met all the requirements for A-1 zone. They have accommodated the neighbors concerns with increasing the side yard and addressed all the items from the town engineer's review.

Mr. Hallisey stated that he had addressed a concern from last meeting on the water pressure in the area. He had MDC run a couple flow tests at the fire hydrants. The minimum requirement for the state code is 25psi and both tests exceeded that. Mr. Hallisey provided a copy of the results from MDC to the commission. The test was dated October 30, 2007. Mr. Hallisey stated that MDC did make a comment that the applicant may have to be prepared to install a booster pump for more pressure to the second floor. But will have to explore more after the home is built.

Commissioner Homicki questioned the issues from the neighbors stated that there have been pressure problems. He wanted to know from the tests that have been down is there any reason to believe that the water pressure has had a history of problems. Mr. Hallisey stated that the MDC has no records that he is aware of but they did tell him that there would be a pressure problem on the upper level and the remedy would be the booster pump.

Commissioner Jurasin asked if the booster pump would affect the neighbors. Mr. Hallisey stated no. Chairman Hammer asked where the booster pump would be located. Mr. Hallisey answered basement.

Chairman Hammer asked how far back did they move the northern house. Mr. Hallisey stated they moved it 15ft. min. The regulations called for 12.

Chairman Hammer called upon audience.

Attorney Silver, from Silver and Silver in New Britain spoke on behalf of the Andrews at 21 Stonegate Drive not speaking on behalf of the Stonegate Homeowners Association. Attorney Silver first addressed the water pressure issue. He stated he has talked to a number of homeowners and the one of many issues brought up were the constant water problems. Attorney Silver talked about the pressure test. He stated that his clients too requested a pressure check from MDC and he provided a copy to the commission with a date of October 29, 2007. He stated that the results are quite different from one provided by the applicant. Attorney Silver talked about the individual pumps and that DPUC stated that the use of individual home booster pumps shall not be allowed for any individual service from the public water supply main without approval of the Dept. of Public Utility.

Attorney Silver also talked about his history with Stonegate Drive. He has two very close friends that live on Stonegate. He talked about the wall and there being reference in the town file. Attorney Silver showed a copy of the current survey of the existence of the wall to the commission. He also talked about how the residents were the ones that raised money for the wall and even help in the construction. He stated that the wall had been maintained by the association for a number of years. He stated that he admits that wall has not been maintained in the past few years. Attorney Silver referred to subdivision regulation 143-7. He talked about the wall and how it cannot be removed if the association owns it with a title there adverse possession.

Chairman Hammer questioned the section 143-7 and that it talked more about the unsafe conditions, land that has steep slopes. Attorney Silver stated that that if you cannot remove the wall then you cannot put a house there because there will be no access. Attorney Silver also reference 143-17.

Commissioner Roberts asked if the Stonegate Association was incorporated. Attorney Silver stated it was incorporate and that he had represented them several times over the years. He stated that they have not kept up their filing with the state. They were filed as a non-profit organization in 1972.

Chairman Hammer commented on adverse possession and that the town's attorney Jack Bradley stated that they are not in a position to determine whether or not there is adverse possession and that is a question for the courts to determine. There was a decision on it in regards to adverse possession.

Chairman Hammer called on public comments.

Mrs. Marinelli from 16 Stonegate Drive talked about the taxes on the property not being paid in 14 years. She also wanted state that MDC told her that 70psi for water pressure was normal.

Robert Dillon from 10 Autumn Circle stated that pressure and volume are two different things and from what he knows booster pumps are allowed he is a licensed plumbing contractor speaking from experience. He stated that there is plenty of volume on the street. Mr. Dillon talked about the wall and that it has not been maintained and that it is leaning into the public sidewalk.

Mr. Hallisey stated he thinks that there if a weak case for adverse possession and that MDC had recommended the booster pumps.

Commissioner Homicki made a motion to close the public hearing
Commissioner Harley seconded the motion.
All Aye.

Commissioner Homicki made a motion to approve application with conditions as follows:

1. Any house constructed on "Proposed Lot A", as reflected on plans revised October 12, 2007, shall maintain a have a fifteen (15) foot side yard set back from property located at 21 Stonegate Drive.
2. Consult with town staff and the Metropolitan District Commission (MDC) to determine whether the installation booster pumps is necessary.
3. Applicant to consider not having windows on the side of 21 Stonegate but shall be limited to the installation of two (2) windows on the upper story and two (2) on the ground floor.

Commissioner Jurasin seconded the motion.

The members voted as follows (6-0-1)

Aye: Hammer, Harley, Munroe, Roberts, Homicki, Jurasin
Nay: None
Abst: McHugh

APPLICATION WAS APPROVED.

3.2 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 FROM 10/16/07.**

Commissioner Jurasin made a motion to deny with out prejudice and to waive the new application fee due to lapse in time and applicant not present.

Commissioner Homicki seconded the motion

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

Aye: Hammer, Harley, Munroe, McHugh, Roberts, Homicki, Jurasin
Nay: None
Abst: None

APPLICATION DENIED

3.3 PUBLIC HEARING APPLICATION NO. 1588-07-Z. Hines Sudden Service Seeking a Special Permit in accordance with Section 5.2.F.4., of the Wethersfield Zoning Regulations to construct a 2,900 s. f. restaurant with a drive-up window and in accordance with Section 5.6.D., of the Wethersfield Zoning Regulations for an exception to the minimum front yard setback requirement at 31 Town Line Road.

Gwendolyn Ashbaugh, from Lenard Engineering stated she was here for the applicant Hines Sudden Service who is seeking a special permit for a restaurant with a drive-thru window and a wavier for a front yard set back.

Ms. Ashbaugh referenced memos from Mike Turner on September 13, 2007 and from the Rocky Hill Engineering Dept on October 16, 2007.

Ms. Ashbaugh reviewed the existing site at .95 acres located at the Northwest corner of the Silas Deane Hwy and Town Line Road. The building is 4800 square feet which houses the KFC Restaurant and the offices for Hines Sudden Service. She stated that the site is surrounded by commercial businesses and restaurants. Ms. Ashbaugh stated there are currently 27 marked parking spaces, two entrance accesses an easement that runs from the site through to Motel 6 at the rear. The utilities come from Town Line Road. There are two existing catch basins that dump into a 42 inch pipe that discharges into Rocky Hill.

Ms. Ashbaugh reviewed the proposal. They want to demolish the existing building, construct a new restaurant and a separate two story office building. The office building contains a two car garage for their company vehicles. The restaurant will have a drive thru at the rear. The circulation for the site is to utilize the existing access points for two way traffic. There will be separate parking for the office. There will be parking in front of the restaurant with a drive thru in the back with a by-pass lane. There will be a loading space in the back and dumpsters. Ms. Ashbaugh stated they will be providing 41 parking spaces total with 26 for the restaurant and 15 for the office building. They will also be providing 7 stacking spaces for the drive thru. There also will be two designated employee parking spots. Ms. Ashbaugh stated that they will also be utilizing the existing catch basins. The signs for the site will consist of directional signs. There will be no free standing signs and there will be four signs on the restaurant and a sign with the address for the office building. Ms. Ashbaugh stated the total square footage on the signs for the building is 96.4 square feet which is below the allowed. The office building will be red brick.

Dave Spear, Engineer with DLS Consulting out of Windsor, CT. He was asked to look at this proposal from a traffic engineering view. They looked at the traffic on Town Line Road for midday peak and pm peak hours. It calculated to be 1200 for midday peak which is slightly higher than the pm peak. The traffic on the Silas Deane showed 2131 midday peak and 2250 pm peak. Mr. Spears also calculated the traffic at the existing site. There were 88 trips 45 in and 3 out during midday peak. There were 58 trips spilt evenly in and out during pm peak. Mr. Spear stated there isn't going to be new traffic just a rerouting of traffic and there will be no effect on the signal at Route 99. Mr. Spear also reviewed the accident history. There were a few but none were related to the driveway. He also did a queuing model based on a single channel queue and the actual service rate of the vehicle at the window and based on that calculation the demand for the drive-thru is 4 spaces beyond the one at the window a total of 5. The site is designed for 7. Mr. Spears stated that the redevelopment is an improvement and it does not impact safety.

Commissioner Jurasin is concerned about the queuing at the drive-thru. Mr. Spears stated they have observed the queuing at various peak hours and it came in less then the calculated queues. Commissioner Jurasin also wanted to know about the activity of the easement through Motel 6. Mr. Spears stated that when they did their calculations they also calculated the Motel 6 traffic through that easement and it was only about 5-6 cars per hour. Commissioner Jurasin wanted to know if the office building was only for the applicant and not subject to leasing other tenants. Ms. Ashbaugh stated that was correct.

Commissioner Jurasin also had a concern about the pavement widths of the site. He stated that the widths are several feet shorter than the standard. He asked Mr. Gillespie about the regulations. Mr. Gillespie read Sec 6.2e required space is 9 x 18 and driveways are 22 wide for two way traffic and 11 wide for one way.

Commissioner Jurasin also questioned the location of the handicap spots. He felt that they should be near the side door and not in front where they have to cross through the parking lot. Ms. Ashbaugh stated that the handicap spots are located right in front of the main entrance with a crosswalk and it is closet.

Commissioner Harley had a question for Mr. Gillespie on the illuminating directional signs. Mr. Gillespie referred to the memo from Mike Turner and the comment that directional signs should conform to the MUTCD standards.

Commissioner Munroe wanted to know if the hours for the employees working in the office building will be typical of that. Mr. Spears stated that the office building will be the central office for all stores with approximately 10 employees and no other tenants. Commissioner Munroe thought there will be a conflict of with cars exiting the office building parking lot. Mr. Spears stated there is an internal intersection but during midday there will only be a few cars. He stated that they had not analyzed that intersection.

Chairman Hammer called upon the audience. There was no one to comment.

Commissioner Homicki made a motion to close the hearing.
Commissioner Munroe seconded the motion.
All Aye.

Commissioner Jurasin made a motion to approve the wavier for the front yard set back and special permit with conditions as follows:

- Applicant to work with staff on handicap spaces.
- Applicant to work with staff on location of drive thru signs.
- Applicant to work with staff on type and number of signs.
- Applicant to work with staff on internal intersection to provide traffic control.
- Applicant to move drive thru window west to provide more room for queuing.

Commissioner Homicki seconded the motion

The members voted as follows (6-0-1)

Aye: Hammer, Harley, Munroe, McHugh, Homicki, Jurasin
Nay: None
Abst: Roberts

APPLICATION WAS APPROVED

OTHER BUSINESS

4.1 C.G.S. § 8-24 Review No. 06-07 – Mitchell School 226 Prospect Street – Sale of Property and New Lease.

Peter Gillespie, Town Planner spoke on behalf. He stated they are looking to sell the property and release it to Mitchell School Associates LLC. The intent is to maintain the building for the elderly.

Commissioner McHugh asked if the original lease was for 50 years. Mr. Gillespie stated that the original transaction was in 1985.

Chairman Hammer asked Commissioner Roberts in simple terms what was going on with the ground lease. Commissioner Roberts stated that the town owns the real estate and the Mitchell School Associates LLC owns the building. The town sold the building separate from the land and that the current owner is selling his rights under the lease and its ownership to the building to a new entity. So they are revising the lease so the town is leasing to the new owner for another 50 years.

Commissioner Harley made a motion to give a positive referral.

Commissioner McHugh seconded the motion.

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

Aye: Hammer, Harley, Munroe, McHugh, Roberts, Homicki, Jurasin

Nay: None

Abst: None

4.2 C.G.S. § 8-24 Review No. 07-07 – Pyquag Village Open Space

Peter Gillespie, Town Planner spoke on behalf referenced memo dated October 15, 2007 from Bonnie Therrien, Town Manager.

After a discussion on the memo...

Commissioner Roberts made a motion to give negative referral that they do not except the quit claim deed from LaCava Construction for the open space parcels.

Commissioner Munroe seconded the motion

The members voted as follows (6-0-1)

Aye: Hammer, Harley, Munroe, McHugh, Homicki, Roberts

Nay: None

Abst: Jurasin

4.3 PRE-APPLICATION REVIEW – Paul Randazzo – 322-334 Silas Deane Highway.

Paul Randazzo, in regards to 322-334 Silas Deane Hwy. Proposal is to demolish four dilapidated houses and building a 9500 square foot office/retail building. Mr. Randazzo showed the commission the plans of the building and what his wants them to look like. He will not be changing the elevations. They would be meeting the parking requirements. Mr. Randazzo stated that he wants the look to be staggered similar to a town house effect. He stated he has a couple of people interested in purchasing. He asked if they can get the zoning changed from office to office/retail.

4.4 PRE-APPLICATION REVIEW – Close, Jensen & Miller – 1881 Berlin Turnpike

Kevin Johnson, Engineer from Close Jensen and Miller was there to get preliminary feedback on plans for the corner of Arrow Road and the Berlin Turnpike. They are proposing a single building with three retail uses. One will be a Dunkin Donuts with a drive-thru and the other two have not been decided at. Mr. Johnson stated there would be two entrances one on Arrow Road and the other on the Berlin Turnpike. On the rear portion of the site they are proposing another single building for possible storage, warehouse, and retail/showroom.

Keri Gagnon, Local Franchisee of Dunkin Donuts in Wethersfield and Newington. Mr. Gagnon stated

that they are proposing to have the buildings look similar to the building with Elaine's Restaurant.

Commissioner Jurasin asked about the zoning of the site. Mr. Johnson stated that the site is zoned regional commercial. Mr. Gillespie stated that in a regional commercial zone they allow product assembly, light fabrication, storage facility and manufacturing.

MINUTES

Chairman Hammer stated there was one correction in the October 16, 2007 minutes. The section where it stated that Commissioner Munroe made a motion to approve the application for the Bed and Breakfast with stipulations of the limit of number of guests at 125 was modified to be 100. Commissioner Roberts was the one who made that modification. It should be bulleted under his section. Commissioner Roberts stated he has asked Denise Bradley if there was an approval letter with all the conditions. They have not gotten that out yet and will not approve the minutes until then.

STAFF REPORTS

No staff reports.

PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING.

Peter Leombruni, from 200 Broad Street stated he was there as a concerned neighbor and also on behalf of other concerned neighbors in reference to 185 Broad Street the Silas Robbins House. Mr. Leombruni stated he was not there for the commissioner to revisit their decision he was there bring to their attention that soon after the decision. There were two events. One was a wedding on that Saturday and the other was unclear private event on Sunday. Mr. Leombruni read a letter explaining what they had observed. He stated that parking was a big issue, there was a rock band under the tent, and the police were called. Mr. Leombruni stated that this does not improve the quality of life in the area and would like the commission to revisit the decision in a year.

Mark Bryant from 55 Robbinswood Drive stated that staff was parking on Robbinswood and people were driving backwards when they could not find a spot. There also were box truck for the catering and the trucks for the porta pottys. He is concerned about safety. Mr. Bryant asked if there will be an open forum 1 year from now.

Chairman Hammer stated yes if they are looking for a special permit. Chairman Hammer also referenced a memo from Tom and Holly Landers.

CORRESPONDENCE

8.1 An invitation to attend an Information Meeting on Public Service to be held on November 14th at 7:00 p.m. in the Police Department Community Room, 250 Silas Deane Highway.

PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS

APPLICATION NO. 1589-07-Z. Catholic Charities Child Development Center Seeking a Special Permit in accordance with Section 3.2.3 of the Wethersfield Zoning Regulations to operate a child care center at 449 Silas Deane Highway. (Renewal)

APPLICATION NO. 1590-07-Z. The Bunker Restaurant Group Seeking a Special Permit in accordance with Section 5.8 (Alcoholic Beverages) for the sale and dispensing of alcohol at 580 Silas Deane Highway. (Renewal)

APPLICATION NO. 1591-07-Z. Salvatore Vassallo Seeking a Special Permit to park a commercial

vehicle in a residential zone at 74, 76 & 88 Nott Street.

APPLICATION NO. 1591-07-Z. Patel Ramesh Seeking a Special Permit in accordance with Section 6.10 (Earth Removal & Filling) of the Wethersfield Zoning Regulations for the receipt of fill at 35 Arrow Road.

ADJOURNMENT

Commissioner Jurasin made a motion to adjourn the meeting.

Commissioner Munroe seconded the motion.

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

Aye: Hammer, Harley, Munroe, Roberts, McHugh, Homicki, Jurasin

Nay: None

Abst: None

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,
Amy Chodorowski
Planning and Zoning Recording Secretary