

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
January 17, 2006**

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, January 17, 2006 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

CALL TO ORDER

Chairman Hammer called the meeting to order.

ROLL CALL & SEATING OF ALTERNATES

Chairman Hammer asked Clerk Knecht to call roll as follows.

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman	X		
Theresa Forsdick, Vice Chairman			X
Philip Knecht, Clerk	X		
Thomas Harley	X		
Robert Jurasin			X
John Hallisey			X
Dorcas McHugh	X		
Margaret Wagner	X		
Anthony Homicki	X		
James Hughes	X		
Frederick Petrelli	X		
David Edwards		X	

Also present:

- Peter Gillespie, Economic Development Manager/Town Planner
- Denise Bradley, Assistant Planner

PUBLIC HEARINGS

Chairman Hammer explained the procedure for public hearings and asked that the applicants and members of the public come forward to the podium to speak.

APPLICATION NO. 1504-05-Z. Paula Rubinow Special Permit to expand menu and utilize rear yard for outdoor seasonal activities at 271 Main Street.---**CONTINUED FROM 12/20/05.**

Chairman Hammer asked the clerk, Commissioner Knecht to read any correspondence into the record.

Commissioner Knecht read the following into the record:

- Letter dated December 15, 2005 from Paula Rubinow to the Planning and Zoning Commission requesting an extended menu and the use of her back yard for events.
- Memo dated December 16, 2005 from Peter Gillespie and Denise Bradley to the Planning and Zoning Commission reviewing Ms. Rubinow's previous approval from May 4, 2004 including stipulations.
- Memo dated December 13, 2005 from Becky Albert, Environmental Health Inspector with the Central CT Health District to Peter Gillespie and Denise Bradley stating that "Temporary events to receive temporary food permits from Central CT Health District prior to being held. All modifications to be approved by Health District prior to installation.
- Letter dated December 20, 2005 from Charles H. Hart to Peter Gillespie expressing "concerns about the effect that the expansion of menu and outdoor seating capacity of the Main Street Creamery will have on the available parking for our customers and the customers of fellow businesses on Main Street."
- Letter dated December 20, 2005 from Merle and Arthur Nacht to Mr. Peter Gillespie stating, "We strongly believe that the Main Street Creamery should not be given permission to hold outdoor events, either in front of or behind its building."
- Letter dated December 29, 2005 from Brett and Carla Adams to the Planning and Zoning Commission in favor of the proposed events at the Creamery.
- Letter dated January 3, 2006 from Ozlem Camli from the Rainbow Center for Children and Families in support of the proposal.
- Memo received January 13, 2006 from Ross and Florence DeMay to the Planning and Zoning Commission in support of both the expanded menu and the proposed on site events.

In addition, Ms. Rubinow submitted the following letters for the record.

- Letter dated January 17, 2006 from Elizabeth Foran in support of the proposal.
- Letter dated January 17, 2006 from Gail Clark in support of the proposal.
- Letter dated January 17, 2006 from Jane Dumont in support of the proposal.
- Letter dated January 17, 2006 from Jane Dumont in support of the proposal.
- Letter dated January 17, 2006 from Lorraine Farar and Mary Chelstop in support of the proposal.
- Letter dated January 17, 2006 from Patti Carroll in support of the proposal.
- Letter dated January 17, 2006 from Larry Shortell in support of the proposal.
- Letter dated January 17, 2006 from John Mangiafico in support of the proposal.
- Letter from the Sullivan family including an excerpt of a column essay contest written by Colin Sullivan.

Ms. Rubinow first thanked the Planning and Zoning Commission for all of their hard work. She then explained that she would like to offer a few food items in her shop. It has not been her intention to open a restaurant, but at the request of her customers, she would like to offer something. She said that she is right next to the American Legion and at night, the dancers are often looking for something to eat. Ms. Rubinow explained that there is no room in her store for a full blown restaurant but she doesn't see why she is restricted. She is asking for some other items to offer to people. When she first opened at 217 Main Street, she explained that people asked for coffee in the fall, and she offered it. She said that Comstock is now opening a coffee shop and maybe that will affect her business, but that she is no looking to hurt business, she is actually looking to add to it.

Her second request is to use the back property which is commercial zoned to have small birthday parties for fewer than 12 children with the mothers there. She would have a worker assist her with these parties and it would be held in an enclosed, safe environment. She would like to be able to do that and wouldn't hold them before 10 am or after 5 pm.

She said that she held two events which were fundraisers. She has a nice following and was raising money for benches. There is a little boy who is a patron with a brain tumor. She said that she did raise money and was able to donate a gift to him. There were art displays and she had musicians- her dad's band played. Ms. Rubinow said that the event was held on a Saturday afternoon and she did have artists that she knew set up and share their items. She said that it was about people out to support the community, and if the opportunity arose, and the Main Street Creamery can help, she wants to be able to share her property.

Ms. Rubinow explained that there was another event which was an American Girl Party. There were 20-30 girls who

came with their dolls and they were able to donate a doll to a sick girl. There was community spirit at this event. Ms. Rubinow said that if Mrs. Keeney came to her with some idea for a fundraiser she wants to be able to use her property for these events. She said that her shop brings a little happiness. Also, it is not possible for her to have these every week and she is amenable to them being limited and structured. She reminded the commission that she is located on an entirely commercial block and said that she hopes that they will support her proposal.

Commissioner Petrelli said that the opposition seems to have two issues, one is the parking and the other is the indoor/outdoor events. He said that the parking is a hot button issue. He said that he doesn't recall any traffic jams at the site and asked if the applicant is aware of the parking problems. Ms. Rubinow said no really, and when they calculated the parking ten years ago it worked but it is not realistic. She said that when she was in the plaza there were 6 businesses and 12 spots, no one business has enough parking. She added that the dance hall is busy three nights per week and her business is busy at night, but the parking situation is not worse.

Commissioner Petrelli said that the other objection mentioned was to any type of indoor/outdoor activity. He asked if she charged a fee for the small party and were there complaints when she held the small birthday party.

Ms. Rubinow said that if you could not see the girls at the doll party then you would never know that they were there. The noise was nothing compared to the American Legion which operates until 11:30 p.m. She also responded to the letter from Mr. Hart and calculating parking concerns. She mentioned Comstock's food establishment and the corner nail salon which received approval. She said that it takes an hour to get nails done which occupies spaces and that Friday nights the church has singles nights and that on Sundays you can't get to her business before 1 p.m. She said that everyone must bend she has lost business because people can't stop for a quick ice cream. She said that the town has to correct the parking by getting the employees of Main Street, which hurts every business. She tried a few years ago, but a lot of businesses think that it is ok to take up Main Street. Ms. Rubinow made reference to a comment about a child running across the street without their parents, she said that there was one accident a while ago before her business was down the street but she has never had an incident of someone getting hurt.

Commissioner Petrelli said that her business is not an attractive nuisance. Ms. Rubinow said that she hopes not. Commissioner Petrelli said that she had asked to exhibit local art by artists. Ms. Rubinow said that she already exhibits art in her shop and if she could have an art festival and invite people, especially kids that would be great for the town. She added that Laura Bush has designated Wethersfield as a town to preserve and a lot has happened in the last ten years. She said that if you choose to live on Main Street then you have to put up with a little. She is trying to be conscientious to her neighbors and she is trying to proposed good and reasonable things. Commissioner Petrelli asked if the applicant was not going to have a restaurant. Ms. Rubinow said that she would like to only have small items already prepared for late afternoon and early evening. She is hoping that she can find a few items to offer her patrons something quick.

Commissioner Knecht said that in reading the letter from the Adams', the event described was very nice. He asked if this might be an avenue to do events at other peoples homes as a reasonable compromise. Ms. Rubinow said that not everyone has that neighbor and a lot of people don't have a large fenced in backyard. Also, it is a lot of work to move everything to another site. She said that she is open to that but has the setting and why not use it.

Commissioner McHugh said that she noticed that there were a number of letters received but she is not privy to their content. Chairman Hammer said that all of the letters that the applicant gave them were in favor.

Commissioner Wagner said that in the letter to the PZC, the applicant was willing to limit the birthday parties if the commission granted a special permit with provisions. She said that certain days and times or setting a limit of two days per week may be a compromise that the applicant is willing to do. Ms. Rubinow said that she is willing to discuss more structure.

Commissioner Wagner asked a question of Mr. Gillespie, in the previous approval there was a stipulation that the commission could reserve the right until June of 2006 to monitor the parking situation. Has the applicant looked at acquiring more parking? She was aware that the town manager has conducted a survey and is waiting for a grant. Mr. Gillespie said that the town has been watching the parking and waiting for the grant which will include traffic and parking as part of that grant money. They will then be able to get a better handle on the existing parking situation, the

employee parking problem and parking close to the businesses. Commissioner Wagner asked if there was a parking problem near this business. Mr. Gillespie said that although it is tough at times, it hasn't reached the critical stage. Commissioner Wagner asked if there was a problem at times does that mean that there was more often not a problem? Mr. Gillespie said yes, it was only a problem at certain peak times.

Commissioner Wagner asked the applicant where she would look for parking. Ms. Rubinow said that she could supply parking in her rear lot but the neighbors didn't want it there and she had to go back to the zoning board and get a variance. She added that if they make her look for additional parking then she doesn't understand why they wouldn't make every business do that, it is not realistic. She said that the town should consider building another parking area. She said that there are only certain times when the parking is that bad. The church has always been supportive and they are only congested on Sundays and every other day they have no problem with the parking lot being used. Ms. Rubinow wanted to mention about the noise that at the event for Ben, the church asked if they could do two puppet shows and they brought in a loud recorder. This only took place for an hour during the afternoon and at any of the other events there was no recorder.

Commissioner Hughes asked if she needed feedback from the Historic District Commission. Ms. Rubinow said that there was none. Commissioner Hughes said that the yard is fully fenced and she mentioned that the off site party the neighbor was very cooperative.

Ms. Rubinow said that at the American Girl Party the neighbor videotaped the whole thing. That neighbor hasn't been happy with anything in her backyard. Commissioner Hughes said that the letter was about an off-site event. Ms. Rubinow said she wasn't sure but that is probably what was being talked about.

Commissioner Hughes asked if there were any updates or changes proposed or required by the Building Department or Fire Marshal. Ms. Rubinow said that she spoke to the Health Department and they said it was up to them. Commissioner Hughes said that they may ask for large ventilation equipment. Ms. Rubinow replied that she wanted to have all of the food prep done with nothing prepared on the premises. Commissioner Hughes asked if she prohibited the guests to bring liquor. Ms. Rubinow said that she cannot imagine ever being asked and she doesn't think that it will be a question, especially for a child's birthday party, but she also has a large family and a lot of events that are personal parties. She said that she can't imagine a parent wanting to bring liquor to a kid's birthday party. Commissioner Hughes asked if it was her company practice to ban liquor or did she not have a policy. Ms. Rubinow said that she had never been subjected to a patron wanting liquor.

Ms. Rubinow asked to read a letter submitted in favor of the proposal. It is an excerpt from an essay contest submitted by Colin Sullivan regarding any place in Connecticut that you would recommend to others. In addition, his parents wrote a letter in support of the proposal.

Public Testimony

Chairman Hammer then asked for public comment on the matter. He asked those in favor to come forward to speak.

Alice Nista, 238 Deerfield Avenue Hartford, said that her daughter goes to Corpus Christi and her family is a member of First Church, and the ice cream shop is the perfect place to be. She doesn't always want pizza so after church her family will go to the creamery. There are so many people from her church that come and love it. She is appalled that someone would speak against a doll party. Also, when she doesn't want to go to a bar or restaurant with her friends, the creamery is perfect. The parking sounds like a witch hunt to her. She explained that people come from all over and not all adults want ice cream, it would be nice to grab something with protein in it.

Alexandra Nista, 238 Deerfield Avenue Hartford, said that Ms. Paula is always so nice to everyone and it is the perfect shop.

Dr. Robbins Barstow, 190 Stillwell Drive Wethersfield, said that he loves Wethersfield and came to speak in support in the interest of the quality of life. He would like to pay tribute to two remarkable women entrepreneurs. The first is Shirley Alderman who opened the Village Shop in 1974 which was a wonderful addition to Old Wethersfield. He

mentioned the taped interview that was done a while ago. The second is Paula who contributes to the vitality and quality of life of the town. Whenever his grandchildren visit, they walk around town and the climax is to go to the Creamery and they have a wonderful time. His granddaughter recently visited from Austin, TX and he took her to the Creamery, he would hate to think that he won't be able to enjoy it. He said that there is lots of room for enterprises and they need vitality and liveliness. He hopes that the Planning and Zoning Commission consider Paula's application and that any concerns are worked out in a stipulation to the permit.

Karen Tullock, 165 Cedar Street, is in favor of the Paula and her suggestions. She said that the Connecticut LIFE magazine had an article about Mr. Paul Monteneri working with the Greater Hartford Visitor's Bureau to consider shuttling convention goers into town. She asked the commission to consider Paula's suggestions and this great service. She submitted the article for the record.

Rich Ricci, 534 Wolcott Hill Road, said that he doesn't want to be redundant. He was a patron of Comstock that followed the crowd to the ice cream shop. He has seen taxes go up and hardships and can't think of a more uplifting and community oriented place than to have an ice cream shop. It is so family-oriented and she has raised thousands for Ben and Hurricane Katrina. She seems willing to work out the parking hardships and backyard parties with the commission. She is a total asset to the community. He asked them to vote in favor of Paula.

Roger Rubinow, Paula's father said that he supports his daughter. He offered an approach from a different perspective. He was a chef and owned his restaurant for 22 years. He said that he would like to set the commissioners minds at ease. They have legitimate concerns but the establishment could not open as a restaurant because of restrictions. There would be no cooking that would require a hood because it would be cost prohibitive. A hood system is \$1000/ft and it would take forever to recoup. She has a convection oven to heat up croissants. He works for her on Saturdays and people come in looking for something to eat. He has had to put as many as 20 people out who said that it would be nice to offer sandwiches.

Mr. Rubinow also said that the alcohol is a legitimate concern, however it is definitely not the situation is not conducive to alcohol. No parent would allow their child to go to a backyard party with alcohol. He doesn't know the regulations in town but it is not a good mix. As far as the parking issue, he said that it is a reactionary situation and they are bringing in new business. He said that he had a restaurant on Main Street in Middletown and parking is a problem all over. The commission should take into account the wonderful things that his daughter has done the warm feelings and receptive personality that keeps people coming back.

Chairman Hammer asked if anyone else would like to speak in favor, seeing none he then asked for those to speak against.

Aislinn Hayes, 29 Hartford Avenue Wethersfield, she said that the ice cream shop is a nice place and that you can get sandwiches at the pizza shop. She said that this business runs to do things without permission until people complain. She read from a letter from her daughter written in 2004 "what if the creamery comes back for a restaurant permit". She then read from an extensive new letter written by her daughter, Maureen Hayes. The letter was in opposition to the planned expansion and to the use of the backyard for parties. She hates to be one of the 'disgruntled neighbors' and thanked the commission for doing their job. She said that she predicted this request for menu expansion and all of her objections to the opening of a restaurant remain. She has also experience raucous screeching from the parties with no thought to the neighbors. She even heard this in the house. She said that when she first opened her business in the other location, she remembers the pie and cake shop owners crying that their lease expired and that the applicant was taking over their lease. Ms. Hayes said that she thought why doesn't the applicant take another open storefront. She also said that the applicant and her employees park in the Comstock lot. Ms. Hayes said that is not the way one acts. Aislinn Hayes resumed her testimony in opposition. She said that she has already experienced a party and it wasn't pleasant. She requests careful monitoring. Chairman Hammer asked where her house was located. Ms. Hayes said that she is around the corner her year is near Paula's backyard.

Chairman Hammer asked her to explain where her property was in relation to the creamery. Ms. Hayes said that she is one property removed from the rear yard.

Kathleen Ahearn-Williams, 15 Hartford Avenue Wethersfield, requests the commission to deny the request for the

expanded menu and the request for blanket permission to host events. The applicant has appeared before committees saying that her addition would meet her needs. The commissioners challenged the location and the applicant insisted that it would work. Ms. Ahearn-Williams said that her property is near the residential portion of the property and faces the residential area. She lives around the corner from the American Legion and on Saturday mornings hears the Irish Step Dancing and then the Cajun music on Friday nights. However she finds it hard to pull into her driveway and knows the parking problem first hand. The summer is especially busy and the corner is always busy with children running to their cars. She didn't want parking behind her backyard. The expansion show that the applicant will do anything and everything to attract customers and she has dismissed neighbors concerns. The applicant didn't follow the stipulations and has a history of noncompliance. She has cost the town a considerable amount of time and money to untangle the mess. She has continued to submit requests for expansion. Ms. Ahearn-Williams said that she is not a disgruntled neighbor. Her home is her life savings and she has a right to privacy. She said that she is afraid that the value of her home would significantly decrease. She is asking the commission to deny the application tonight. She said that there is a fine line in the definition of restaurant. The applicant was given permission for a retail business that sells ice cream.

Kathy Danoshevitz, owner of Spicy Green Bean Deli, said that she wished there was a way to clear up the definition of restaurant. In the letter submitted by the applicant, she is requesting sandwiches, salad and soups which is replicating the deli's menu, so she is concerned. Ms. Danoshevitz said that the pizza shop does sell salad and sandwiches also. She also said that if this expanded menu impacts her business then she will need to start selling ice cream. She added that Paula says that there is not a parking issue and the Deli's employees' park behind her shop. In the front, all of her spots are taken and there is a blockage. Her business is open from 7 am to 3 pm and parking is an issue for her. She would like a clearer idea of what light fare is.

Judith Melchreit, 357 Main Street, is opposed to the proposal. Her concerns are related to the parking configuration, traffic and the intensity of use and integrity of the zoning approval process. The amount of traffic and large groups of unsupervised children has produced a safety issue. There was a child injured last year when struck by a car. She explained that she drives to State Street to avoid Church and Main which is a very dangerous situation. The small amount of on-street parking means that 271 Main Street is only suitable for retail ice cream shop, not a restaurant. She is opposed to an inappropriate intensity of use at the property. The increased traffic will be detrimental to the neighbors. An outdoor seasonal café or events is too intense for that location. Finally, it sets a dangerous precedent to make a decision solely on what is good for one business rather than the good of the neighborhood and the integrity of the zoning process is at risk. She wondered why they went through the initial zoning process just to have it overturned.

Shirley Alderman, next door to the Creamery. She said that the people who have gotten up to speak are not opposed to Paula's ice cream shop. They are opposed to all of the other things that she wants to do. She said that on May 9, when Paula first went to the committee they voted with limitations including not a restaurant. A restaurant has food. She attended the zoning meeting and they took one third of the meeting trying to decide what a restaurant was. She said that 100% of the time should be devoted to the ice cream, not trying to do civic minded things for the town of Wethersfield. She explained that her property lines up with Paula's and that everything that goes on in her backyard is right next to her. She hears everything that goes on in the weekends in her backyard. She said that one weekend day the church came with loud speakers and it was so noisy that she had to leave for the day. Before she left she put a camcorder in the attic from before 10 am to 5 pm. She decided to record every session over there all summer long. She said that it was so loud that many weekends she left. She said that it is supposed to be an ice cream shop not a place to do good for everyone in Wethersfield. She said that she was on the arts commission and they do plenty of good things for the town. She doesn't see Mrs. Keeney needing Paula's help. Ms. Alderman added that all these things were done without permission and Paula says she didn't know she needed permission. She said that at one meeting Paula got five different variances to have the shop there and then turned around and broke the rules with the sign, lighting and garden. She added that people say such wonderful things but they don't know what is going on and the neighbors do. Since Paula has so many wonderful ideas, she suggested that she donate her time to children's programs, so many of the things that she wants to do on her property can be done through a committee in town. Although the ice cream shop attracts wonderful children and mothers, when Ms. Alderman does the gardening with her daughter, there are men who loiter at the shop who make crude remarks. She said that Paula asked for an ice cream shop and that is all it is supposed to be. She said that Paula's backyard is not commercial nor any of the other properties are commercial and her property is zoned business to the doors of her garage. Ms. Alderman said that her tenant is never there on

weekends taking up parking spaces, she had to call the police so many times when the ice cream shop opened because of people parking in or blocking her driveway. Finally a sign was posted. She said that there are plenty of places to eat and the pizza shop serves sandwiches. She said that they are not ended here and that the requests won't stop there. She said that it is wonderful when the creamery is busy but where are people going to go if all of the seats are occupied. She talked about permission given for one table and chairs for handicapped accessible patrons and a sign should be on it so that anyone else doesn't sit there. She added that there were tables and chairs all over the place this summer and so much traffic on town property that it is ruining the tree. She doesn't understand why someone would sit there for an hour having a wonderful time together and she doesn't think that a shop is for that purpose. She would say that most of the children that use the yard are not from Wethersfield because of the screaming and yelling and running around that was going on. At the events, she rarely saw supervision. She said that two functions on a weekend over the whole summer would be agreeable to her if the zoning approves what it is and the police should be involved. She talked about the people that lived in her house before were afraid that the children would be hurt by all of the traffic.

James Williams, 15 Hartford Avenue, wanted to explain that behind their house is residential. He doesn't know how Paula is given permission to have parties on residential property. If she does have these events for 150 people, there is nowhere for them to park. He submitted the zoning map for the record.

Debbie Garth, 15 Carriage Hill Drive said that she is opposed to the expansion of the menu and the use of the backyard. She is appalled to hear that someone had to leave their house because of the noise. She said that the people who spoke in favor don't really live around the creamery and that the commission should vote according to the good of the neighborhood.

Chairman Hammer asked if there were any further questions from the commission members. Mr. Gillespie said that if you look at the site plan the modified zone line showing the new Village Business district is on there. The modified zone line is a good majority of the rear of 271 Main Street, as well as 265 Main Street and the line was expanded which the maps shows. The property lines are followed and then it comes back to the Main Street Creamery. Chairman Hammer said that the rear yard is split. Mr. Gillespie said that there is a small area in the very rear that is still residential but the majority is Village Business.

Ms. Rubinow submitted a large survey map to clarify. She said that she never sold sandwiches and doesn't want to run a deli. She doesn't know what kind of food she will have and really wants to reach out to the people coming. She said that she wouldn't be concerned about having the same items as the deli and the Deli says that her employees' park in front and it isn't true. She has high school girls that work for her and they are dropped off or park in her rear lot. She doesn't understand why the Deli isn't more concerned about the nail salon and why she is singled out for parking concerns.

Chairman Hammer asked if she would serve the food items only off season or simultaneously with the ice cream. Ms. Rubinow said that she stayed open this year until December 17 and she doesn't want it in stone, but she would like to close by Thanksgiving and depending on the weather she will open again in the spring. Chairman Hammer asked about her hours. She said that they are 9 am to 10 pm but if she stops serving coffee then she might not open that early. She explained that the noise was from one event for Ben Goldman and it was a puppet show that lasted for two - 1/2 hour sessions. She had never had a loud speaker on her property at any other time. She said that the event brought people to the area.

Chairman Hammer asked about the impacts of the proposal. Ms. Rubinow said that nothing she has done has brought the amount of noise and parking problems that the Legion generates. She knows that the people who lived there before her left because of the Legion. Chairman Hammer asked if she has no problem prohibiting the music can she set a limit in the number of parties that she holds. Also what would she consider a limited amount. Ms. Rubinow said 1-2 parties a day would be enough and she doesn't want anything past 5 pm. She had about half a dozen 1 1/2 hour long parties. July and August are quieter with people on vacation and if she can hold a half dozen events if the opportunity arises, she would like to do that.

Mr. Rubinow said that his band played from 2-3:30 pm and it was not offensive music. It was more conducive to the older set and they didn't play all day long or early in the morning. Paula's events were held in the mid-afternoon and

he didn't know that he needed a permit to play. A video was taken and the parents objected to the children being filmed.

Chairman Hammer said that he understands that there are strong feelings on both sides but he doesn't wish to go back and forth with the neighbors. Mr. Rubinow said that it was unfair that false statements are being made.

Chairman Hammer asked why if the menu is expanded would there be no impact on the neighbors. Ms. Rubinow said that she can't imagine how what she sells impacts her neighbors. Chairman Hammer asked if the peak periods would be expanded. Ms. Rubinow said that she doesn't want this menu to take over and can't let it affect her night business.

Commissioner Knecht asked if people stay. Ms. Rubinow said that the stuffed croissants that she serves don't satisfy people and she directs people to the deli or the pizza place or the tavern.

Commissioner Petrelli asked about her health district license and asked if she had ever been cited for rodent droppings or was the trash barrel uncovered. Ms. Rubinow said never and that she keeps the place very clean. Commissioner Petrelli asked about the tri-town health district's response and if the convection oven was in compliance. Ms. Rubinow said that it was ok.

Commissioner Homicki asked if she had considered submitting this as two separate issues. Ms. Rubinow said that she didn't know that the restaurant was such a major issue. Commissioner Homicki said that he sees two issues, the expansion of the menu and the use of the yard. Chairman Hammer said that the commission can say yes to one and no to the other.

Commissioner Homicki asked if the history of the ZBA hearings was only on the restaurant use. Mr. Gillespie said that the bulk of them were to regulate parking and the building. She received a variance to not park in the rear.

Commissioner Homicki asked if he was aware of any complaints to the police or the zoning enforcement officer. Mr. Gillespie said that there were a number of complaints on the signage but he doesn't have the numbers. Commissioner Homicki asked if there could be a restriction on the hours of use of the backyard. Ms. Rubinow said that she only held two events the one for Ben Goldman and the American Girl party. She said that at her grand opening everyone enjoyed the music and that is why she thought to have it again.

Commissioner McHugh said that she was confused about serving food because as part of her approval stipulation #8 says that "the use approved with this application is limited to the retail sales of ice cream, candy, dessert, coffee and other similar items. The use is not approved for a restaurant." She said that the commission outlined what could be served. Ms. Rubinow said that was based upon the parking and asked the commission how parking is based on food. She added that no other establishment is asked about food. Mr. Roger Rubinow said that it is a point of interpretation regarding similar items. Commissioner McHugh said that to her similar items to coffee is tea.

Commissioner Knecht said that parking is an issue and if food is served will parking be a problem. Ms. Rubinow said that no businesses are open at night and parking is not a problem. She said that during the day people don't com in for ice cream.

Chairman Hammer asked if the commission was ready to wrap up and if the applicant had anything further. Ms. Rubinow said that she did not.

Commissioner Petrelli made a motion to close the public hearing.

Commissioner Hughes seconded the motion. All members present voted in favor of the motion. (8-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Hughes, Petrelli

Nay: None

Abst: None

APPLICATION NO. 1506-05-Z. Bellsite Development LLC seeking a Change of Zone from Office District Zone to Special Residential Development Zone at the southwest corner of Folly Brook Boulevard and Spruce Street.

Chairman Hammer asked the Clerk, Commissioner Knecht to identify any correspondence for the record. Commissioner Knecht identified the following:

- Memo dated December 29, 2005 from Peter Gillespie and Denise Bradley to the Planning and Zoning Commission comparing the dimensional and area requirements of the Office District and proposed Special Residential District. The memo also gives some background information on the application.
- Memo dated January 9, 2006 from Becky Albert to Peter Gillespie and Denise Bradley with no comment on the application.

Bill Bellock, from Bellsite Development, Manchester, CT, introduced the proposed zone change. Mr. Bellock said that he is requesting a zone change from Office District to Special Residential Development. Pursuant to the zoning regulations, they have submitted the required forms, the required mailings were sent out and a sign was installed on the site. The site has sat vacant for 40 years and is 11.47 acres, but development of the site would be contained to 2.5 acres east of Folly Brook. He described the zoning surrounding the property and said that the property is in a Residential B zone which allows for single family development on 7500 sf lots. There are no office buildings or office uses in the immediate area. The closest is the State of Connecticut offices on Jordan Lane. The site does not lend itself to office use except a small office use and a small office user has many opportunities to locate along one of Wethersfield's commercial corridors. Modern office tenants require significant signage, traffic counts and parking. The property is surrounded by residential uses aside from the D'esopo property. The subject site's designation is normally only found along commercial corridors or have existing offices or commercial uses.

The subject site doesn't have either of these characteristics. The subject site is somewhat of an anomaly and the Special Residential Development zone is a floating zone. The subject site lends itself to this ideal transitional use. The plan of conservation and development recommends options for senior citizens as well as preservation of open space. The zone change is consistent with both of these as the majority of the property would be preserved as open space and would be providing senior housing. They are proposing 12 age restricted condominium units which is permitted under the SRD. The Town has the largest percentage of residents over 55 in the capital region, according to the Town's plan. He then discussed the proposed density. He said that the site is ideal for the proposed use. He talked about the density and how it would be under the required.

Mr. Bellock said that he had submitted a development matrix, based upon an earlier request. He said that he is not quite sure what it shows and doesn't include a traffic analysis. He listed certain site conditions, but there would be limitations. He said that the second page shows the type and size of each use group. The site as proposed would yield more building area but less traffic impacts.

Mr. Bellock then introduced Bob Arsenault the engineer for the project who explained the site plan. He explained that the entire parcel has a density of 4 1/2 units per acre and that the flood zone is at elevation 52. The units have no basements and the elevation of the slab is at 54. They would use MDC water and sewer. The building coverage is only 16% even if just the 2 1/2 acres is used as a conservative calculation. The maximum allowable is 35%.

The requirement for the front yard is 50 feet. They are requesting an exception to allow for just a 25 foot front yard instead because Folly Brook Boulevard is set so far back to the street line, it is actually 60 feet from the pavement. They will pipe the storm water and have considered all comments from Mike Turner's memo.

Chairman Hammer said that they were acting on the schematic site plan and asked Mr. Arsenault if the wetlands were a conservation area. Mr. Arsenault said that the shaded area on the plan shows the development and the rest -9 acres would be a permanent conservation easement. Chairman Hammer asked for confirmation that there would be twelve units on the site plan.

Commissioner McHugh asked if the wetlands area was not buildable. Mr. Bellock said that there is an area with trees and a knoll that is outside of the wetlands area and may be buildable, but one would have to cross wetlands to access it. Commissioner McHugh confirmed that there is only a small buildable portion of the lot.

Commissioner Wagner asked if the entrance was always at the location shown on the plan. Mr. Bellock explained that it was always there across from Greenfield Street. Mr. Arsenault said that they had previously been asked to move it a little bit which was accommodated.

Commissioner Wagner made a motion to close the hearing. Commissioner Petrelli seconded the motion. All members present voted in favor. (8-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Hughes, Petrelli

Nay: None

Abst: None

APPLICATION NO. 1508-05-Z. Vito's Pizzeria Special Permit for the sale and dispensing of alcoholic beverages at 673 Silas Deane Highway. (Renewal of Zoning Board of Appeals approval)

John Harvey spoke on behalf of Anne Mafucci who has owned Vito's Pizza for 28 years. She is looking for a renewal of the full liquor permit with sit down bar that was granted by the ZBA in 2003. Since then the PZC has been given the responsibility for these permits. The applicant is hoping to now renew the license with no time limit.

Mr. Harvey distributed two copies of the license. He went on to say that in 1995 they got approval for a full service bar and again in 2003 were approved and constructed the bar. He distributed a copy of the site plan for the restaurant. He explained that there has been no problem with the police. Under the criteria listed in Section 5.8, there is no undue concentration as the nearest church is 2/10 of a mile and the nearest competing establishments are the Wethersfield Diner and Bonkers café. Anne has been selling liquor here since the 1980's.

Chairman Hammer asked if everything would physically stay the way it is. Mr. Harvey said that there is a valid liquor license and yes it would. There was a piano player, however he has temporarily left because the owner found out that when she applied for her restaurant permit she needed to apply for entertainment in order to allow him to play.

Commissioner Wagner said that the memo that she saw said that the approval that had been granted by the ZBA was only for one year. Mr. Gillespie said that he was wrong and after further research he discovered that one month after the approval it was modified to a three year approval.

Commissioner Petrelli made a motion to close the hearing.

Commissioner Homicki seconded the motion. All members present voted in favor of the motion. (8-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Hughes, Petrelli

Nay: None

Abst: None

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
January 17, 2006**

ROLL CALL & SEATING OF ALTERNATES

Chairman Hammer indicated that there were eight members who were present and eligible to vote.

APPLICATION NO. 1504-05-Z. Paula Rubinow Special Permit to expand menu and utilize rear yard for outdoor

seasonal activities at 271 Main Street.

Commissioner Petrelli opened the discussion. He said that he had listened intently both to the applicant and those in favor of the proposal and to the opposition. Commissioner Petrelli said that he thinks that the truth is somewhere in the middle. He said that he also sees three issues. He asked what makes Old Wethersfield. Is it a gated community or a place for residents and business? Second, he said that he sees the parking argument although he thinks that only the church seems to have issues. Third is business competition. He said that he doesn't see any correlation between selling croissants and an increase in parking. Also, Commissioner Petrelli explained that he is sensitive to the backyard usage, he said that there is a means to compromise both with time and how many people can use it. He said that he understands that there is a history of opposition and that neighbors are concerned about the noise level.

Commissioner Petrelli said that he agrees that there are two issues one is the expanded offering of food items. He said that he doesn't know what restaurant means and he said that it is nebulous to have a restaurant without other components. He said that he wonders if it could be split somehow to allow the expansion of food items but limit the operation and usage of the backyard even though the backyard is within the commercial zone.

Chairman Hammer asked Mr. Gillespie if there is anything in the regulations that provides for property split into two zones. Mr. Gillespie said that the practice has been to regulate the property where the activity is being proposed rather than looking at the zone of the majority of the property. This property is part of the Village Business district and is entitled to commercial activity and when the town rezoned they tried to match the property lines but for some reason the small back portion of this property was missed.

Commissioner Knecht said that he has trouble being convinced that the addition of food will enhance the parking problems. He said that the parking problems are there whether there is food or not. He said that the backyard situation is another story.

Commissioner Harley said that he has the same thoughts that the food doesn't drive the parking into short supply but the use of the backyard disturbs the neighbors, whether it is in the Village Business district or not. He said that a complete shutdown would be inappropriate but maybe some notice to the neighbors and limits on the events would be acceptable.

Commissioner McHugh agreed that the service of light fare won't change the parking. She said that the main issue is that the applicant keeps pushing the limits to extend permission. She said that it is stressful to the town staff in the Development office and they cannot constantly monitor to see if she is conforming. Commissioner McHugh said that the applicant has a history of putting the town staff in stressful situations and she is again pushing the limits. Commissioner McHugh said that the applicant has created her own history and she will try not to use it as a bias.

Commissioner Wagner said that she agreed with Commissioner Knecht that the menu change will not impact the parking and she would like to go a step further and find out what is being served and write it down so that they know what the menu consists of. She said that the use of the term "similar items" in the previous approval is broad and open to interpretation. She said that she would also like the applicant to work with the Health Department to determine what can be served without additional equipment.

Mr. Gillespie said that the restaurant is defined by the equipment and that she has indicated that she will not be making this on the premises which will get around the additional equipment. If additional units were to be added, it would be a new level of impact. He said that the commission could limit the food to pre-packaged or not prepared on the premises in order to limit the impacts of large equipment. He said that he is concerned about specifically listing menu items as the applicant isn't sure what she wants to serve.

Commissioner Knecht asked if whatever is cooked has to be identified by the Health Department. Mr. Gillespie said that it would.

Chairman Hammer said that she had indicated that it would be prepared off site and reheated on site. He suggested language to the effect that there are no structural changes proposed to the building so if the Health Department says that she has to add vents to prepare a certain food, then she can't do that. Mr. Gillespie agreed that this language won't

be an undue burden because she had mentioned that there is no intent to add equipment.

Chairman Hammer said that he recognizes the feelings on both sides of the issue. He said that the menu expansion should not make a significant difference in terms of traffic or crowds. He added that the events are a more difficult issue.

Commissioner Wagner said that she asked the applicant if she was willing to limit events and she said yes.

Commissioner Wagner said that she appreciates the applicant's desire to be a town center with events in the rear yard, but with the proximity to residential homes the events should be limited by special permit with notice, or maybe even have the event in the church parking lot. She said that she is against the major events but not the birthday parties. She added that she could have a birthday party every day in her own backyard and that the applicant has a right to do so to, but there should be a limit set so that they don't occur every afternoon.

Commissioner Hughes asked for clarification why the previous zoning board put a limitation on the menu. He wondered why they felt that it was important to limit the menu. He said that the applicant seemed confused, but he said that it seems well thought out. Mr. Gillespie said that he had drafted some language for the commission and that in the motion and conditions they wanted to make the record clear because that is what she specifically asked for. She would have to come back if it became more than that. Commissioner Hughes said that the applicant doesn't intend to be a restaurant but at the previous meetings she didn't intend to sell more than ice cream. He said that when he asked about BYOB, he didn't get a good answer and he said that it is not out of line to have alcohol at a birthday party. He agreed that Commissioner Wagner could host a birthday party every day on her property, but he wondered if the party is for hire can limits be set. Mr. Gillespie said that if a party is for other than personal use he can delve into the limitations from a zoning point of view. He added that a family function is different.

Commissioner Petrelli asked what about the definition of restaurant. Chairman Hammer said that he guesses that an ice cream parlor with nine seats is a restaurant already. Mr. Gillespie read the definition as a facility used for the preparation and sale of food to eat. Chairman Hammer said that the ice cream shop is a restaurant. He offered some comments on the backyard situation. He said that if the events are several times a year with the potential for 150 people and if the birthday parties are for twelve 5-year old kids three times a day on Saturday and Sunday from June to August then it will be tough on the neighborhood. He said that there must be a feasible way to try to give an approval for something without an impact. He suggested one non birthday party event per season and maybe three birthday parties during each month of July and August. He said that he is worried about crafting a condition that would be difficult to enforce, and he wonders how feasible it would be to manage.

Commissioner Homicki asked about the process for a special permit.

Mr. Gillespie said that he sensed that the commission was struggling with the matter. He said that since the shop is closed for the winter and the menu expansion has been discussed for some time, there is no rush. He suggested that he consult with the town counsel to come up with language that has teeth for enforcement. Then, there would be something on the table to discuss. The commissioners were in favor of this suggestion.

Commissioner Knecht said that the child party question is important if the commission would like to allow her the maximum income to stay there. Chairman Hammer disagreed and said that she has a thriving business that is not going to go down the tubes if the approval is not given. She is entitled to the reasonable use of her property and if the commission can't be comfortable with the backyard usage then let her do two birthday parties in July and two in August. He said that he is comfortable having Mr. Gillespie explore this language. Commissioners Homicki and Petrelli agreed.

Commissioner Hughes asked if they have to enforce, who is really going to break up a birthday party. Mr. Gillespie said Brian O'Connor. Commissioner Hughes said that this puts him in a tough spot. Chairman Hammer suggested that one way to resolve this is to let it go for three months subject to a complete revocation if there are problems. Mr. Gillespie said that they have done it for other things.

Commissioner Harley said that he is in favor of having the staff craft something. He added that even the neighbor said that she would be ok with limitations. Chairman Hammer suggested that they table and discuss at the next meeting.

Mr. Gillespie said that it would be food for thought.

Commissioner McHugh made a motion to table the matter until the next meeting. Commissioner Homicki seconded the motion. All members present voted in favor of the motion. (8-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Hughes, Petrelli

Nay: None

Abst: None

APPLICATION NO. 1506-05-Z. Bellsite Development LLC seeking a Change of Zone from Office District Zone to Special Residential Development Zone at the southwest corner of Folly Brook Boulevard and Spruce Street.

Commissioner Harley suggested that the commission hear the site plan presentation before voting on the zone change. Chairman Hammer asked if anyone would like to make a motion to pass on the vote and hear the site plan presentation.

Commissioner McHugh made a motion to switch the order of the site plan presentation and the vote. Commissioner Harley seconded the motion. All members present voted in favor of the motion. (8-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Hughes, Petrelli

Nay: None

Abst: None

APPLICATION NO. 1507-05-Z. Bellsite Development LLC seeking site plan and design review to develop twelve (12) age restricted housing units at the southwest corner of Folly Brook Boulevard and Spruce Street.

Mr. Bellock said that the units would all be stick frame construction and at the Design Review Committee's request would be gray with white trim. Two of the units would be handicapped accessible, which satisfies the requirement of 10% being handicapped accessible.

Mr. Arsenault said that there would be three buildings with a total of 12 units and a 24 foot access drive directly across from Greenfield Street. Each unit would have a one car garage with no garage spaces facing Folly Brook or Spruce Street. There would be adequate parking with 12 additional spaces. The sanitary water and sewer pipe runs and discharges to Folly Brook. The site is currently in bad repair and in fact with proposed changes to the brook, they will be improving the flow. Mr. Arsenault then showed a blow up of the rear area where the floodplain lies. There is a balance of cuts and fills proposed so there would be no detrimental effect with the floodplain. The floodway, the center part of the brook through that area carries the majority of the stormwater. They would improve the flow through the floodway by widening the brook as shown. He then pointed out the dark blue area shows a channel width to 18 feet. Some clearing has been done in this area already.

Mr. Arsenault showed a series of pictures and described them. The first picture shows the property to the south looking north. The improvements would help with the conveyance. The second photo shows the floodway. There are no cuts and fills in the flood zone. If they improve the floodway itself they would accomplish the same conveyance. The third photo shows the site looking north. This photo shows that there are lots of restrictions and growth which causes restrictions in the flow. To improve this, they are looking at maintaining the brook and give it a nice width. He said that first they would improve the channel, second cut the under story growth. To accomplish their goals they propose stones in the embankments and riprap. They would use sedimentation control in the catch basins and biofilter plantings for stormwater and water quality.

Mr. Arsenault said that there is one zoning issue. They are asking the commission to consider waiving the 50' setback line to allow a 25' setback. There would still be a nice setback of green area from the street.

He went on to say that traffic counts for this site would be 42 trips per day based upon 3 1/2 trips per day per unit. There would be no adverse conditions on the roadways. Mr. Arsenault described the landscaping. The streetscape in the front would be a buffer. He was asked to look at the mound but didn't want a planted area there to create ponding. He discussed the plantings with the town and at the town engineer's request, replaced burning bush that was proposed as it is considered invasive. Forsythia will be planted instead. The plans submitted show the lighting with no poles higher than 14' and complete cutoff fixtures.

Commissioner Wagner asked where the sidewalk is going. Mr. Arsenault said that it ends at Folly Brook Boulevard and is picked up again across the street.

Commissioner Knecht asked if there was a floodplain zone insurance policy for each tenant. Mr. Arsenault said that the tenants are governed by an association. Mr. Bellock added that the language doesn't require a FEMA insurance policy.

Commissioner McHugh asked if part of the recommendations from Inland Wetlands was for the flood contingency plan to be put into the plan in anticipation of flooding. Mr. Bellock said yes. The finished floor of the proposed units is 54' and the flood level for a 100 year storm is 52'. If the water rose to a certain level there would be notification from the association to vacate the property. Commissioner McHugh said that she knows that there is a lot of flooding in that area along with a backup of sewage. Mr. Arsenault said that there are no basements proposed for these units and the slabs are 2' above the 100 year level. He talked to the MDC about areas where the backup occurs. They told him that it was downstream and that there is no problem here. Also the sewage would flood into the roadways before flooding the homes.

Commissioner Wagner asked if they need a DEP permit for the proposed work on the brook. Mr. Arsenault said that they do, but the DEP won't consider their permit request until they get local approval. Commissioner Wagner asked what Inland Wetlands recommended if the water does reach the 100 year level. Mr. Bellock said that he has pictures from September 21, last fall of a so-called 100-year flood event and it didn't flood the property. Commissioner Wagner said that the units would be surrounded by water. Mr. Bellock agreed that Folly Brook Boulevard would be underwater. Commissioner Wagner said that she has a problem with the plans because they are building in the wetlands.

Commissioner McHugh agreed that she doesn't like to see building on a marginal piece of property where flooding can come to the residences, however she likes what would be done to the brook. She recalled that the town started working on some of the brooks a few years back and thought that was a good thing. Mr. Arsenault said that this is the last bottleneck. Commissioner McHugh said that although she normally doesn't like to see habitat destroyed, she thinks it is a good thing to clean up the brook. Mr. Arsenault said that with the filling in and piping as well as improving the flow, they would be doing the same function of the wetlands. Commissioner McHugh asked if the property was adjacent to Wintergreen Woods. Mr. Bellock said that it wasn't.

Commissioner Homicki said that with the recent work done on Cumberland this complements the area and preserves open space.

Chairman Hammer said that it was indicated that they complied with the open space requirements. Mr. Arsenault said that 25% of the 50% must be non-wetlands. They are providing 32% which meets the regulations. Chairman Hammer said that they needed 1.43 maximum. Mr. Gillespie said that the Inland Wetlands regulates the conservation easement so there is no need to condition the application on that.

Chairman Hammer asked what they proposed for refuse disposal and screening. Mr. Bellock said that a private collection company would pick it up from each unit as single family collection.

Mr. Gillespie said that there are sign issues that can be dealt with later. They did receive the photometrics on the lighting and they have a sidewalk. They need calculations for the parking, open space and landscaping. The regulations require an agreement for the age-restricted nature of the units. Mr. Bellock said that they are willing to use town language or they will submit their own document. Mr. Gillespie said that since they are the first approved 55+

development, they will have to submit the language.

Chairman Hammer said that prior to voting they would stop the site plan portion and go back to the zone change.

APPLICATION NO. 1506-05-Z. Bellsite Development LLC seeking a Change of Zone from Office District Zone to Special Residential Development Zone at the southwest corner of Folly Brook Boulevard and Spruce Street.
(continued)

Chairman Hammer made a motion to approve the zone change conditioned on the schematic site plan given which shows a limit of twelve units or similar.

Commissioner Petrelli seconded the motion.

All members present voted in favor of the motion. (8-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Hughes, Petrelli

Nay: None

Abst: None

APPLICATION NO. 1507-05-Z. Bellsite Development LLC seeking site plan and design review to develop twelve (12) age restricted housing units at the southwest corner of Folly Brook Boulevard and Spruce Street.(continued)

Chairman Hammer made a motion to approve Application 1507-05-Z to develop twelve condominium units. The motion includes that the applicant will be allowed to modify the minimum yard requirements on the Folly Brook Boulevard side as shown on the plan. Pursuant to Section 3.4.H of the regulations, the commission finds that:

- a. There are unusual site conditions that exist which warrant flexibility in the application of these regulations.
- b. The exception provides for the most orderly development of the land and the neighborhood.
- c. The exception results in a substantial functional and aesthetic improvement in the site design.

The approval would include the following conditions:

1. A table which includes the calculations used to demonstrate compliance with the parking, open space and landscaping requirements.
2. A written declaration of covenants and restrictions running with the land and or buildings which shall restrict occupancy of the buildings to 55+ to the satisfaction of the town attorney.
3. The applicant shall provide a conservation easement in a form satisfactory to the town attorney.

Commissioner Petrelli asked if there is an age restriction on the owner to 55+ what if a grandchild wished to live there. Mr. Gillespie explained that there are usually provisos in place. For example, a husband could be 55 and a wife 52, allowances can be written and there are no absolutes. The exceptions are limited but there is standard language to cover them.

Commissioner Homicki seconded the motion. Chairman Hammer added that it is a tight, awkward site and along with the preservation of open space it is a good use for the site.

The members present voted as follows: (7-1-0)

Aye: Hammer, Knecht, Harley, McHugh, Homicki, Hughes, Petrelli

Nay: Wagner

Abst: None

APPLICATION NO. 1508-05-Z. Vito's Pizzeria Special Permit for the sale and dispensing of alcoholic beverages at 673 Silas Deane Highway.

Commissioner McHugh made a motion to approve the application.

Commissioner Petrelli seconded the motion.

All members present voted in favor of the motion. (8-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Hughes, Petrelli

Nay: None

Abst: None

C.G.S. § 8-24 Review - Proposed Bocce Courts at Mill Woods Park

Kathy Bagley displayed the Mill Woods master plan and explained that she was approached by UNICO to construct Bocce Courts in Mill Woods Park.

Commissioner Knecht said that he thought that this was a great idea and remembered how popular the bocce courts in Hartford were every Friday night. Commissioner McHugh commented that the Mill Woods master plan has changed slightly but everything is getting funded which is great. She likes the community involvement in the development of the park.

Mike Fortunato, from UNICO explained that he brought the idea forward and knows that there is support from members of the community as well as other clubs in Hartford that remember the bocce courts that were so popular. He said that they had a fundraiser and raised several thousand dollars as well as in-kind donations of materials, labor and use of construction equipment. UNICO is a service organization that raises over \$25,000 a year. They give half to high school scholars in the form of 12 - \$1000 scholarships. The other \$12,000 is used to fund programs like sending kids to camp and the Memorial Day parade. Many of the members are tradesmen and have made a commitment to maintain these courts. They would like to have the courts put in by spring if possible.

Commissioner McHugh asked what the monetary value of the courts would be if they had to pay for materials and labor. Mr. Fortunato said that it would be about \$10,000 each, so \$20,000 total if done by an outside contractor.

Commissioner Knecht asked if there would be tournaments. Mr. Fortunato said that there is one scheduled for the spring with Rocky Hill, Berlin and Manchester to play at their courts. He said that the sport has increased in popularity and attracts both young and old players. He said that there are lots of clubs around the country that have put in bocce courts and increased membership. He explained that anyone can play so people can bring their daughters and sons. They chose Mill Woods because it was a shady spot with a nice picnic area.

Commissioner Homicki asked why just two courts. Mr. Fortunato said that due to site limitations two was possible. They did not want to disturb any existing trees. They consulted with the tree warden and think that it will work.

Commissioner Knecht made a motion to send a positive recommendation to the town council. Commissioner Wagner seconded the motion. All members present voted in favor of the motion. (8-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Hughes, Petrelli

Nay: None

Abst: None

APPLICATION NO. 1497-05-Z. John Tartaglia Site Plan and Design Review for Phase II site development located at 61 Arrow Road.

Doug Ellis from Buck & Buck Engineering presented the proposal. He said that Ken Hebert had been handling phase I which was the brown existing building and now Buck & Buck has taken over Phase II of the site plan. Mr. Ellis pointed out the gray on the site plan which represented the pavement. He said that there was also a small bituminous strip to Russell Road that is existing and would stay. The sheet flow would run to the east and a crushed stone trench would collect the drainage. There are 94 spaces proposed with only 92 required for the industrial part of Phase I and Phase II which provides the additional parking for the office use. Mr. Ellis described the light green on the site plan as the existing grass and woods and the dark green as the added gravel. He recognized that there was an issue about paving this area and that it would be paved. He said that they have discussed the possibility of another building and it is still being considered, however he is just here to present Phase II. The owner is intending to come in with Phase III by the spring before the paving is done.

Chairman Hammer asked if it would be another building. Mr. Ellis said that he would put another cold storage building on the site but right now he is only here with this plan. Commissioner Wagner asked if the gray area was the area indicated to be paved in the spring. Mr. Ellis said that it was.

Chairman Hammer asked if there were any other questions or if Mr. Gillespie had anything to add. Mr. Gillespie said that last time there was a lot of confusion about the site layout and parking in the lower area. This is not an issue anymore. Also they asked for a lighting plan and there is now one in the packet. A lot of new information was submitted since this application was continued from November 15. He said that it has been in front of them for a long time due to a request for a series of extensions. He also asked if there had been a review by Mr. Turner. Mr. Ellis did not see comments from Mr. Turner.

Chairman Hammer asked how many spaces would be in the gray area. Mr. Ellis replied that there would be 62 additional spaces. Chairman Hammer asked if this brought them up to 92. Mr. Ellis said that it would with 5 handicapped accessible spaces even though only 4 are required.

Commissioner McHugh asked if she heard correctly that they might come in before the paving is done to propose the addition. Mr. Ellis said that is possible, but also possible that they do not come in at all, so they want to move forward with Phase II. Commissioner McHugh asked why they don't wait until they are sure. Mr. Gillespie said that they need this parking in order to obtain Certificates of Occupancy for their tenants. Commissioner Harley said that the site plan application starts construction. Commissioner Wagner added that they can't have their C.O. until the site is paved. Commissioner Harley then said that they may come in the meantime with something else before it is paved, but he feels more comfortable with a complete proposal.

Commissioner McHugh asked if she had read that there had been a lot of clearing. Mr. Gillespie said that there had been some clearing until a complaint was filed from the condo residents. There are no significant trees to be cut down, only scrub brush and overgrowth.

Commissioner Harley asked if they would illuminate the site. Mr. Gillespie said that the photometric shows that it is not near the condos.

Chairman Hammer asked if the commission was ready to take action on the application.

Commissioner Petrelli made a motion to accept the site plan as presented.

Commissioner Homicki seconded the motion. All members present voted in favor of the motion. (8-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Hughes, Petrelli

Nay: None

Abst: None

APPLICATION NO. 1512-05-Z. Richard Bernstein Site Plan and Design Review for a new curb cut in Mill Street

and a driveway extension at 1160 Silas Deane Highway.

The applicant was not present.

Commissioner Homicki made a motion to table the matter.

Commissioner Hughes seconded the motion. All members present voted in favor of the motion. (8-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Hughes, Petrelli

Nay: None

Abst: None

Discussion of proposed amendments to Section 3.7.B.2 (Yards on Corner Lots) and 3.5.1.A.2 (Incidental Parking).

Chairman Hammer requested that the discussion be postponed until the next meeting.

MINUTES

[Minutes of the December 20, 2005 Meeting](#)

Commissioner Wagner made a motion to approve the minutes.

Commissioner McHugh seconded the motion.

All members present voted in favor of the motion. (8-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Hughes, Petrelli

Nay: None

Abst: None

STAFF REPORTS

None

PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING.

None

CORRESPONDENCE

Mr. Gillespie had given the commissioners correspondence. There was no discussion.

OTHER BUSINESS

None

ADJOURNMENT

Chairman Hammer made a motion to adjourn. Commissioner Petrelli seconded the motion. All members present voted in favor of the motion. (8-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Hughes, Petrelli

Nay: None

Abst: None

The meeting was adjourned at 11:15 p.m.

Philip Knecht, Clerk