

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
June 20, 2006**

The Wethersfield Planning and Zoning Commission held a public meeting on Tuesday, June 20, 2006 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

CALL TO ORDER

Acting Chairman Roberts called the meeting to order.

ROLL CALL & SEATING OF ALTERNATES

Acting Chairman Roberts asked Clerk Knecht to call roll as follows.

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman			X
Philip Knecht, Clerk	X		
Richard Roberts	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

OLD BUSINESS

Acting Chairman Roberts said that there was no old business.

NEW BUSINESS

APPLICATION NO 1528-06-Z. John Anagnos Seeking a Site Plan and Design Review for an addition and renovations to 884 Silas Deane Highway.

Mr. Gillespie said that the applicant was required to provide a site plan and it didn't arrive on time so he suggests that

this matter be tabled to the next meeting which is July 18.

Commissioner Homicki made a motion to table the application.

Commissioner Knecht seconded the motion.

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

Aye: Roberts, Knecht, Edwards, Harley, McHugh, Wagner, Hughes, Homicki

Nay: None

Abst: None

APPLICATION NO. 1529-06-Z Mike Orsini Seeking a Site Plan and Design Review for a modification to Application 1338-00-Z at 54 Beaver Road.

Commissioner Knecht disclosed that he has known the applicant for 20 years but he knows nothing about this application.

Acting Chairman Roberts asked the applicant to come forward to present the application.

Mike Orsini, 149 Two Brook Road, said that he is seeking to purchase 54 Beaver Road which is the old Tata's building. He would like to put his electrical contracting business there and have his business partner locate his plumbing business in the rear of the building accessed by garage doors. They would also like to locate a retail business in the front of the building; the retailer is unknown at this point, but maybe a donut or t-shirt shop.

Acting Chairman Roberts asked if he had a use proposed for the front. Mr. Orsini said that he did not.

Mr. Gillespie said that there is a memo on file which briefly explains the proposed use and the history of use by Tata's. They have used the back for warehouse space for coffee machines and vehicles. Since then, the zoning regulations have been amended and warehouse use is not permitted. However, given the history, this application was reasonably similar. The staff consulted with Chairman Hammer who felt that it should be presented to the PZC to confirm the staff's opinion. Therefore, it is an application to amend the original approval to Tata's.

Acting Chairman Roberts asked if warehouse was permitted. Mr. Gillespie said that in 2000 this property was zoned Industrial now it is General Business which doesn't allow warehouse so they are in a quandary, but given the history this isn't really a change of use.

Acting Chairman Roberts asked if warehouse use was defined. He added that this is really storage ancillary to a business not self-storage. Mr. Gillespie said that there is no definition of warehouse or storage. He said that the building official doesn't view it as a change of use and he felt comfortable that it was the same use as Tata's. It was the Chairman who felt that the PZC should be made aware.

Commissioner Wagner asked about the process to approve a modification since it doesn't meet the zone. Mr. Gillespie said that they could approve the modification because it is similar to the previous use.

Commissioner Hughes asked for a clarification if the existing business had materials for their own consumption permitted. Mr. Gillespie said that it was permitted as a preexisting nonconforming use and under a different process it might not be the same.

Acting Chairman Roberts said that it is not a traditional warehouse but more like a business that requires products not other people's products.

Commissioner Hughes said that he sees it as similar. Commissioner Knecht asked if it was storage for their materials or retail of electrical equipment. Mr. Orsini said that they will get deliveries from their supply house but everything

will be in the rear and they will abide by the ratio of how it is split up, but no retail from his business. Commissioner Edwards asked if he would be able to come there and buy six outlets for example. Mr. Orsini said no.

Commissioner Homicki made a motion to approve the Site Plan and Design Review for Application 1529-06-Z a modification to Application 1338-00-Z at 54 Beaver Road.

Commissioner Hughes seconded the motion.

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

Aye: Roberts, Knecht, Edwards, Harley, McHugh, Wagner, Hughes, Homicki

Nay: None

Abst: None

APPLICATION NO. 1530-06-Z Town of Wethersfield Seeking Site Plan and Design Review to construct Bocce Courts in Mill Woods Park.

Kathy Bagley, Director of Parks and Recreation for the Town of Wethersfield, presented the design and site plan for bocce courts at Mill Woods Park. She said that members of UNICCO were with her. She showed the master plan which was approved and located the proposed bocce courts on the plan. She said that it fits in with future plans for the park. She then showed an aerial photo of Mill Woods Park and explained that the proposed bocce courts would be in the middle of the park. She showed the site plan and said that there would be 2 courts separated by a 4 foot brick walkway created from donated bricks. The courts would be 72' x 12' surrounded by timber.

Commissioner McHugh asked what the overall cost would be. Mike Fortunato, 28 Fairmont Street, explained that the approximate cost for all of the donated materials was as follows:

Lumber \$3000-\$4000, Stone dust and Trap rock \$2000, Incidentals \$1000, Brick Walk \$3000. This totals about \$10,000 and the labor is donated also.

Commissioner Wagner said that she thought that the courts were going to be closer to the side of the pond but they look like they are right along the playground. Kathy Bagley explained where the playground was located and said that the courts would be set back far enough and not in the way. Commissioner Wagner asked how close they would be to the playground. Mr. Gillespie said that they would be about 80' away.

Acting Chairman Roberts called for a motion.

Commissioner Harley made a motion to approve Application 1530-06-Z a Site Plan and Design Review to construct bocce courts in the middle of Mill Woods Park.

Commissioner McHugh seconded the motion.

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

Aye: Roberts, Knecht, Edwards, Harley, McHugh, Wagner, Hughes, Homicki

Nay: None

Abst: None

Commissioner McHugh made a comment that she doesn't know how well funded the Mill Woods Master Plan is but she compliments the Park and Recreation Department for working on the Master Plan with donated funds. She said that this is the third facility that has had private funding. She thinks that they are doing a great job.

OTHER BUSINESS

PRE-APPLICATION REVIEW - TBD Seeking a Zone Change from Office (O) to Special Residential Development (SRD) in order to construct twenty-one (21) active adult units at 91 Nott Street.

Mark Trahan, 21 Robbinswood Drive, representing Hometown Development at 21 Nott Street said that they are looking to address some of the comments from the last pre-application review. He had a handout for all of the commissioners. He said that the proposed zone change is for a 5.2 acre parcel and they are seeking a zone change to SRD for Active Adult Use to build 21 stand alone ranch style homes. There would be several facades proposed to make it aesthetically pleasing. They are using J&W architects in Glastonbury and they would have an artistic rendering.

He said that there is an MDC aerial photo of the property in the handout which shows the area to the right of Nott Street and AA vet across the street from the entrance. The building shown on the photo was demolished 1 1/2 years ago. The other photo shows Hubbard Street superimposed to give a sense of the scale proposed, although the proposed lots are narrower. They are hoping to create a sense of community. The Fire Marshal requested a turnaround of 28' and the entrance needs to accommodate medical equipment and egress. There were no questions about flooding to Silas Deane Highway and the other way there is no flooding. He said that during the 100 yr flood one's left tire would be in 4" of water and the right tire would be in 2" of water. They are proposing three different facades. Mr. Trahan said that the issue is as a SRD they want to know the commission's comfort level with 21 individual homes. They have no anticipation of building a high-rise; instead they would like 21 ranch style homes with attached two-car garages and a walkway path and community pavilion.

Dan D'Addeo, 163 Chase Hollow Glastonbury, said that the architect wanted to add a gathering space and they don't have much flexibility to move the houses around. He said that the architect would do a lot more artistic rendering than what they have shown. He said that there would be a brick path and also brick in the turnaround where there may be a community garden and shuffleboard.

Mr. Trahan said that they wanted input from the Town of Wethersfield because it is the third oldest community in the state and a lot of local realtors have told them that the hottest thing is easily accessible houses. He said that these houses would have slab foundations with wide doors and railings in the bath and they are designed for mobility. He said that there are three different criteria for the SRD, a community need, a determination by the PZC that they fill a strong need, and that they are designed and priced properly.

Mr. D'Addeo said that Mr. Gillespie brought up the aging population and that the ranches that are available don't have good access, usually 3-4 steps. He said that they plan a minimum number of steps or zero steps and landscape up to the property. He said that accessibility is very important and the attached garage is important in the winter. He further described that the bath would have a walk in shower and a state of the art tub unit, also they are looking at newer energy efficient radiant heating and geothermal as they want them to be cost effective.

Mr. Trahan said that the architect also is touring Old Wethersfield and Wethersfield and has been asked to come back with three different designs to look like a neighborhood not a development. He said that he would like to incorporate Hubbard type homes that would look original to the neighborhood and also would fit in economically. He continued with the handout and said that the last page shows potential ideas. He said that they propose a 15' x 30' footprint and a Wethersfield feel.

Mr. D'Addeo said that the idea is that there would be different facades and rooflines and architectural shingles and different roof and shingle colors. He said that there would be different lighting and access, and that they are developing a consistent concept from the entrance to the middle and the end with stone.

Mr. Gillespie said that he thinks that the applicant wants to discuss the SRD zone requirements for the zone change and concept plan. He said that in some instances the PZC has voted on a concept and in other applications have wanted a detailed site plan. At the same time, a lot of engineering is involved as the site is in the floodplain and requires wetland approval. He said that these gentlemen want to know if they can proceed with a zone change and concept or a

more detailed plan would be required. He asked the commissioners to discuss this.

Acting Chairman Roberts asked for comments. Commissioner Hughes asked what the target price would be. Mr. Trahan said that it would be \$260,000 to \$300,000 depending on the market. Mr. D'Addeo said that they are hoping to sell to people in Wethersfield looking to move to a less expensive home because of the square footage. He said that they are proposing 1200 s.f. with a 400 s.f. garage.

Commissioner Wagner asked if they were located on the east edge of the railroad line and what is the least number of units to make the project feasible. Mr. D'Addeo said that it is important to make the project a success and they are not looking to put as many units as they can because they could pack in lot more with multifamily housing. He said that they are trying to get as many as possible but not trying to pack them in.

Mr. Trahan said that they considered 34 units of two-story townhomes and would be allowed 12 units per acre based on SRD; however they are looking to build something that they are comfortable with. He said that he lives in town and has friends on Hubbard and if they built at maximum density the street would feel like a bowling alley.

Commissioner Wagner asked where the detention basin would be. Mr. D'Addeo said that the detention pond would be at the end but since it is not always visually appealing they plan to take that area and create more wetlands as was done on Spring Street for the commuter lot and it looks terrific.

Commissioner Harley said that he appreciates that they superimposed Hubbard Street and asked Mr. Gillespie what the Plan of Conservation and Development says about the parcel. Mr. Gillespie said that the Plan and the Silas Deane Highway plan say that this property is in the general use category. This site is talked about in general terms about commercial uses nonspecifically. He said that the Silas Deane Highway Plan does identify the opportunity for multifamily housing specifically age-restricted to bring bodies and activity to the Silas Deane Highway. This site has been proposed for office use and a state office plan was proposed and approved however the neighbors were opposed. Then a smaller complex proposed but there was no market for it. He said recently the previous owner owned the property for a long time but the market for office wasn't there. He said that if you look at the Plan there is no specific property for multifamily, however since the property has been on the market it has always been talked about as multifamily and not as commercial other than self storage units.

Mr. D'Addeo said that the residents would have the ability to walk to the Silas Deane Highway easily in this area because it is flat and they can walk to the grocery store and the pasta shop and Dunkin' Donuts. He said that a lot of people are looking for a bus route so that when they can't drive they have options. He said that one purpose is to get people walking on the street and slowing down the highway.

Acting Chairman Roberts said that they were trying to figure out how to assemble the lots on the Silas Deane Highway so they would be more appealing to big box development, however it would be close to impossible to incorporate this lot into commercial development on the Silas Deane because of physical barriers separating this parcel. He said that his personal preference is to have the site plan and zone change together to see what can be done. He said that they could sell the property after the zone is changed and the new plan could be different.

Commissioner McHugh asked what the process for Inland Wetlands was. Mr. Gillespie said that the earliest it could be received would be at the July 19 meeting and he doesn't know if they would act that night so probably the August meeting they could have the public hearing and vote after approval. He said that he earliest they could get it all engineered would be the first meeting in September but that might be overly ambitious. Commissioner McHugh said that optimistically there would be no shovel in the ground until spring.

Mr. D'Addeo said that the site plan takes time and they would be spending a lot of money for no reason if they couldn't have the SRD. He said that he understands the reasoning and has no intentions to sell the property their intent is to build the project.

Mr. Trahan said that when they reviewed the Silas Deane Master Plan they read about the purpose to bring people in to support retail. This property has been vacant for twenty years and is on the town's blight list. He said that they sent a letter to the neighbors and introduced the concept and gave them invitations to meetings as they know that the public

can make or break the project and they want to start with the neighbors. The neighbors said that they would love to see development but not office. He said that the people on Hubbard look at the property and it is not good looking. However, when it is done it would be someone's backyard and would be a benefit and safer for kids and help the property values. Mr. D'Addeo added that right now it is dangerous and used as an area for bonfires, forts, etc. He added that they would like to develop ASAP.

Mr. Trahan said that if they get the zoning change then they will plow money into the project to get it done but he empathizes with the PZC. He said that they feel it is a great project and is sorely needed and would serve the tax base and the aging population.

Commissioner Hughes asked about access to the Silas Deane Highway. Mr. Trahan said that there is none, just an easement for the MDC. Mr. D'Addeo said that they are not looking to add a connection. Mr. Trahan said that there must be a pipe underneath because the brook ends at that Right of Way and then starts again.

Commissioner Wagner asked if they could approve the SRD with the specifications that it is single family home development. Mr. Gillespie said that the way the regulations are set up there is no conditions on a zone change. However, they could approve a zone change and the reason for the approval should be the concept plan and it would be part of the record, but not condition this approval based on density submitted is X. He said that the record would clearly reflect the plan.

Acting Chairman Roberts said that they would be hard pressed to deny a site plan that complies even if it did have more units. Mr. Gillespie said that it would be tough to deny a site plan that complies with zoning but the regulations are put together to know what the site plan was. He said that Old Reservoir Road is a very complicated precedent. Mr. Gillespie said that Folly Brook and Church Homes are not doing it, but a lot of engineering has to go into this site.

Mr. D'Addeo asked if they approved the zone change and changed the concept. Commissioner Wagner said that they approved the zone change with a site plan twice and approved a zone change with no site plan once.

Mr. Trahan said that they are looking for a niche market and buyers can't find ranches. He said that their demographic is someone who has lost a spouse, or is a snowbird and can't find something in town in their price range. He said that they wouldn't build townhomes that wouldn't sell and they don't want people to protest. They want something that is financially rewarding for buyers and good for the neighborhood. He said that if they don't get the SRD then they will go back to the drawing board because there is no market for a commercial property there. He said that they have been going through the process of cleaning the property and removing tanks. He said that you can smell oil on the property so the tanks need to come out. He said that they are trying to be stewards of the community and they want to build the property and sell them quickly and they think that it is a good product.

Acting Chairman Roberts asked the commissioners if anyone thought that this was a bad idea. There was no response. Commissioner Harley asked if the next step was to come in for an SRD with a concept plan and they are not concerned about not having the site plan application. He said that the location doesn't appeal to him but there is no big downside to a higher density plan and no big problem because it agrees with the Plan. He said that he appreciates and would prefer lower density but he is inclined to review the application without the site plan. Commissioner Hughes agreed and said that the 20 year history is the downside and what is the worst case scenario with density. He said that big box development is confined by water, railroad and high tension wires. Acting Chairman Roberts agreed that if they grant the zone change the less desirable option would be more dense housing and it would have to meet the confines of the site. Commissioner Wagner said that they probably couldn't get denser and still be able to provide adequate drainage, access, etc. Commissioner Hughes said that the saleability can't be worse than the way it has sat and this would be a big improvement.

Commissioner Knecht asked if this was the highest and best use. Mr. Trahan said that from a saleability standpoint it was and a marketing standpoint it was and it would provide pride of ownership. He said that he grew up in town and plans on living here and doesn't want to be known as the bad developer. He wants to provide quality that he can be proud of. Mr. D'Addeo added that they both grew up in town and believe in the town.

Commissioner Wagner asked if they considered assisted living. Mr. D'Addeo said that a lot of people still want to be

in their own home and that's the group that they are looking to please.

Mr. Trahan said that he has an elderly neighbor who has a visiting nurse come and since he is in a two story colonial he has moved his room to the living room. He said that they want to provide a home that they can grow with and don't want to modify thirty years later. He said that if they want to stay in the house but can't do stairs than it is feasible for 55 and over.

Acting Chairman Roberts said to summarize no one thinks it is a bad idea and the consensus is that they are amenable to a zone change application without a completed site plan, just a concept plan.

Acting Chairman Roberts asked for a motion to take the 8-24 Referral before the discussion of Commercial Vehicle Regulations as there were members of the public present who wished to speak.

Commissioner Wagner made a motion to take the 8-24 Referral item before the discussion item.

Commissioner Homicki seconded the motion.

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

Aye: Roberts, Knecht, Edwards, Harley, McHugh, Wagner, Hughes, Homicki

Nay: None

Abst: None

Commissioner McHugh commented that Wethersfield is the oldest community in the state and that Windsor claims it but we own it.

C.G.S. § 8-24 REFERRAL - A referral from the Town Council regarding the proposed lighting plan for Cottone Field.

Mr. Gillespie said that for the record the commission received this referral from the Town Council on June 5 and they voted to refer the proposed lighting plan under the 8-24 statute. He said that any municipal improvements are referred to the commission prior to final action. He said that what is being referred is the idea as written up in the documents attached to have Wethersfield High School's Cottone Field sports lighting. He said that the regulations require that prior to construction a special permit is required by the town to get specific plan approval. This referral is for the idea of lighting and by statute the commission has 30 days from the date of the referral or the council views the lack of action as a recommendation for approval. Mr. Gillespie said that the attached information provides detailed specifications on the lighting levels, construction details and plan and there will be additional information.

Acting Chairman Roberts said that they are being asked to provide an opinion on the concept rather than a particular plan. They are just being asked whether outdoor field lights are ok to put at Cottone Field.

Commissioner Wagner said that she is in support of the lighting at Cottone Field for sporting events and would like to see a lighting layout and photometric analysis. She is hoping that those things meet the qualifications. She is in support of the lighting and was one of the individuals to make the change in the zoning regulations possible.

Commissioner Homicki said that it has been an extensive and exhaustive effort. He said that he is in favor and is intrigued to see the final project. Commissioner Harley said ditto.

Commissioner Edwards said that he would like to see a schedule of times including day of the week. Also, there was no wind study done on the poles and he said that people in this area may have a problem with sway on the poles. Commissioner McHugh agreed and said that she also would want to see that information that fills in a blank on pg. 3. She said that she would also like to see the photometric to show the illumination on the neighbor's property.

Acting Chairman Roberts said that if one is ambivalent on the lights, the town just spent millions on the turf so it

would be foolish not to light it as well. He said that the information asked for as well as who is responsible for the payment should be part of the application.

Commissioner McHugh asked the chair if the public could speak even though it is not a public hearing. Acting Chairman Roberts called the members of the public to the microphone.

Kathy Bagley, Director of Parks and Recreation, spoke in support of the lights on Cottone Field. She said that they need to get more information prepared to put together. She said that it would be a state of the art field and games under the lights would make the field more available. She said that they are working with donated funds. She supports the lights and hopes to move forward.

Sheila Suppicich, 24 Oxford Street -said that she is on a subcommittee for the lights and turf and is not sure what package the commissioner received because she thought that there was photometric study in there although it is small. She said that they are Valmont poles approved by the regulations and town code and the engineer has approved the wind load. She said that the lighting system would be computer designed so no light would be outside into the neighborhood. She said that these are put into other residential neighborhoods and they are hoping to get a person to talk about that. She said that the funding is through private funds and they will provide a maintenance schedule. She said that they are galvanized steel poles and don't need much maintenance and the electrical systems are built to last and they will have to replace bulbs occasionally. She said that the new field has received great compliments and she can address questions.

Commissioner Hughes made a motion to make a positive referral to the Town Council.

Commissioner Wagner seconded the motion.

Commissioner Hughes asked if the comments were needed and asked Commissioner Edwards if he wanted the comments about the wind study added. Commissioner Edwards said yes. The commission agreed that all of the comments should be added as follows.

In the application to the PZC, the commissioners would like to see the following:

- The lighting layout,
- A full scale photometric analysis,
- A schedule of times including days of the week and time of day,
- A wind study on the light poles filled in, currently information left blank,
- A discussion about who is responsible for the payment of the lighting.

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

Aye: Roberts, Knecht, Edwards, Harley, McHugh, Wagner, Hughes, Homicki

Nay: None

Abst: None

Discussion of Commercial Vehicle Regulations.

Mr. Gillespie asked if the members were prepared for the discussion. The members indicated that they had no information. Mr. Gillespie said that it had been handed out at the last meeting. He reviewed what he had proposed. He said that one thing was the concept of whether these exceptions should stay with the PZC or be sent back to the ZBA. He said that it had been handled as a variance historically but he is not sure if they can approve a hardship. The ZBA does have the ability to grant a special permit and the test is different than that for a variance. He said that maybe the concept to send it back to the ZBA as a special exception or special permit may make sense. He said that he feels strongly that it should be sent back but the PZC has the authority. He said that the concept was to expand the definition of commercial vehicle to raise the Gross Vehicle Weight ratio a little bit and create different thresholds of commercial

vehicles. For small vehicles, the zoning officer would be able to handle these and file them for the record. There would also be a category for exempt and permitted vehicles. The last category would be for those that exceed and go through the process at the ZBA. The new regulations would require screening of the vehicle as well.

Acting Chairman Roberts said that he agrees with the concept to do it as a special permit so that they don't need a hardship and would limit to vehicles and owner rather than run with the land. Commissioner Wagner asked which one runs with the land. Acting Chairman Roberts said that the special permit doesn't require a hardship and if they give a variance the owner could have the vehicle regardless of the vehicle and person. Commissioner Wagner said that she thought that the special permit was for that property and it always had that special permit and the next owner still had the special permit. Mr. Gillespie said that if it is the same vehicle and meets the same criteria. Acting Chairman Roberts agreed it would have to be the same situation.

Commissioner Knecht asked if it was a time condition. Mr. Gillespie said that the land use permits do run with the land but they are very specific so if there is a change it requires either an amendment or to have them come in.

Commissioner Wagner asked about the difference between a special permit and a variance. Mr. Gillespie said that a special permit is permitted subject to special standards and a variance is an exception to the rule. Acting Chairman Roberts said that is because of the nature of the property. Commissioner Wagner asked if what that meant was that it has to stay with the PZC rather than go to the ZBA. Mr. Gillespie said that the ZBA can grant a Special Permit. Acting Chairman Roberts said that the prior ZBA did it as a variance. Mr. Gillespie said that it is harder than a special permit and if it is brought to court it might not be considered proper.

Commissioner Wagner asked about the zoning officer's opinion on the matter. Mr. Gillespie reminded the commission that the zoning officer is staff to the ZBA so they want it kept at the PZC. Then the commissioners asked what the Planning Staff thought. Mr. Gillespie said that this issue and dealing with the RV issue should go back to the ZBA who can better handle these applications. They would have to amend the regulations and keep it as a special permit. However, you don't meet for a month.

Commissioner Homicki asked if there was a sense of urgency. Mr. Gillespie said that there wasn't. Commissioner Homicki asked if they could carry it over to the next meeting. The commissioners agreed.

C.G.S. § 8-3h REFERRAL - A proposal to remove an existing industrial building and develop an 8.9 acre site into commercial uses located in the Town of Newington at 751 Russell Road.

Mr. Gillespie said that he had discussed this briefly but had not understood the nature of what was being proposed until they picked up the plans and received the referral from CROG. He said that it would be a zone change and text amendment to permit and change the zone from Industrial to Berlin Turnpike Business to permit a Hotel up to four stories. He said that the plan is a hotel of 100 rooms, a bank of 3,000 s. f., a restaurant of 5,000 s. f., a gas station of 3500 s. f. and about 9,000 s. f. of retail shops. He said that the Regional Planning Agency commented that they found no apparent conflict however the traffic generation needs to be accommodated by the Berlin Turnpike and Route 175, so it doesn't conflict with adjacent development. He said that the site is located at the corner of Russell Road and Route 175 and that the proposed access is on Route 175 and not on Russell Road. She said that is a State highway and they will have to look at the traffic issues. Commissioner Hughes said that it is a ramp and a road.

Mr. Gillespie said that it is mixed use and a zone change is needed to amend the regulations. Commissioner Homicki asked if it was the Charlie Lowe's site and the Hartford Hospital site. Mr. Gillespie said that it was 8.9 acres. Commissioner Homicki determined that it was just the Charlie Lowe's site. Commissioner Knecht said that they have no control over Newington. Mr. Gillespie said that they can pass on comments.

Commissioner Homicki commented that the traffic pattern is complicated and although it is a beautiful piece of land it is difficult parcel. He said that they should consider the traffic carefully. Commissioner Harley said that the STC (State Traffic Commission) process will address the traffic issues. Acting Chairman Roberts said that the consensus is to provide a response as a letter from the PZC stating the concerns.

REFERRAL FROM THE ZONING BOARD OF APPEALS - Turnpike Brothers LLC A variance in accordance

with Section 5.3 (Accessory Uses) to permit an outdoor merchandise display at 1884 Berlin Turnpike.

Mr. Gillespie said that the ZBA has an application on a property owned by John Harvey. It is a pawn shop and they are seeking to legalize their outdoor display of bikes, mopeds, etc. He said that the reason that it went to the ZBA is because it is in the Business Park Zone and there is no outdoor merchandise permitted and it needs a variance. He said that the ZBA's next meeting is Monday so this is the last meeting before the ZBA considers this application.

Acting Chairman Roberts said that junk on the street is not an atmosphere that they want to create, so he would not be in favor. Commissioner Knecht asked if it was previously owned merchandise. Mr. Gillespie said that it was.

Mr. Gillespie said that it is a referral and if the PZC wants to take a position it probably should be in the form of a motion, if not the regulations require any use variance activity to be referred to the PZC for comment.

Commissioner Homicki asked if the parcel had been cited a number of times. Mr. Gillespie said that it was cited once and they brought the merchandise inside but they feel that it is an important part of their business. Commissioner Homicki said that he has strong concerns to maintain the position of the commission. Commissioner Knecht asked as long as the merchandise is inside is it ok. Mr. Gillespie said that a lot of stuff is outside and it has spilled into the parking lot and it is not an attractive display.

Commissioner Homicki made a motion that the PZC has strong concerns about outdoor display of retail items and feels that it should be put under review.

Commissioner Knecht asked if it was the type and quality of the merchandise or just not right to do it at all.

Acting Chairman Roberts explained that they don't want every retail business to turn into a yard sale as that is not contemplated by the regulations. Also because the building is on the Berlin Turnpike and it is not easy to see in, shouldn't apply as then it could be applied to everyone and it is a variance instead of a regulated activity.

Commissioner Wagner seconded the motion.

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

Aye: Roberts, Knecht, Edwards, Harley, McHugh, Wagner, Hughes, Homicki

Nay: None

Abst: None

MINUTES

[Minutes of the June 6, 2006 Meeting](#)

The vote on the minutes was tabled to the next meeting.

STAFF REPORTS

Discussion of ZBA notification process

Mr. Gillespie said that the regulations state that the applications requiring a public hearing have the applicant notify the neighbors. The ZBA feels strongly that it is the town's responsibility to notify the neighbors not by certification of notice but in town envelopes and regular mail. The regulations say that they should do it the way that the PZC does. He said that he wanted to bring it to the commissioners attention and that the neighbors are getting noticed just not as the regulations say. The ZBA would like to change the method but the only way is through a regulation amendment and public hearing. Acting Chairman Roberts asked if it would be an administrative burden on the town to change. Mr. Gillespie said that it would be the cost of a town staff member and postage, and the ZBA understands that but still

feels that it is the town's responsibility and that is the way it has always been. He said that the nature of variances is that it is primarily homeowners not developers and it is more of a burden on them than the town.

Acting Chairman Roberts asked if the notification for variances was 300 feet. It was confirmed that it was 300 feet. Commissioner McHugh asked if the town helps with the list. Mr. Gillespie said that the town gives the applicant the list and labels. Commissioner McHugh asked about the certificate of mailing. Mr. Gillespie said that is done by the developer but the town just sticks it in the mail, so there is no evidence that it was mailed. It hasn't been a major problem yet.

Commissioner Wagner said that the developer needs to do it and the town doesn't need to incur the cost. She asked if it is possible for the ZBA to have a different set of rules. Mr. Gillespie said that he hasn't asked the town attorney if it is a problem that they do not follow the regulations. A staff member brought it to the zoning officer's attention and he brought it to the ZBA so it was an in house staff issue.

Acting Chairman Roberts asked why 300 feet for a variance. Mr. Gillespie said that the towns vary and they picked 300 feet but not a lot of thought went into it. Commissioner Homicki said that he is not familiar with other towns that do it. Mr. Gillespie agreed that there are very few towns that do the mailing. Acting Chairman Roberts said that it was a burden with no benefit. Commissioner McHugh added that the town does provide the list and labels. Mr. Gillespie said that this was easier for the town because they have software that does it simply.

Acting Chairman Roberts said that if the town does take it on, he would want to see it reflected in the fee and make it consistent with the regulations. Commissioner Harley mentioned a two-tier fee structure.

Commissioner Wagner made a motion to leave the notification process the way it is. Commissioner Hughes seconded the motion.

Commissioner Homicki suggested that they check with other communities. Mr. Gillespie said that he would pose the question on listserv. Acting Chairman Roberts thought that was a better solution.

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

Aye: Roberts, Knecht, Edwards, Harley, McHugh, Wagner, Hughes, Homicki

Nay: None

Abst: None

Mr. Gillespie asked for a clarification to continue the way the PZC notifies and for the ZBA to continue what they do.

PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING

None

CORRESPONDENCE

- A letter dated June 13, 2006 from Kimberly Perotta to the Planning and Zoning Commission.

Acting Chairman Roberts said that the letter asks for a waiver of the applicant fee when she has to reapply in two years. Commissioner Knecht asked how much the fee was. Mr. Gillespie said that it is \$280 but the applicant gets \$50 back when they return the sign, so \$230. Acting Chairman Roberts asked who they had waived the fee for already besides the auto body shop applicant who was there at every meeting. Commissioner Harley said that it had only been for 6 month renewals.

Commissioner Hughes suggested that they give her a refund when she comes back because she might not come back.

Commissioner Homicki agreed that they should wait.

- The spring 2006 edition of the Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter.

Acting Chairman Roberts mentioned that there was also the following correspondence:

- Two letters from Capitol Region Council of Governments dated June 16, 2006 with a report on the zoning referral from the Town of Newington.
- Plaintiff's Trial Brief dated June 19, 2006.

Acting Chairman Roberts said that some members might specifically be interested. He said that no members are named specifically in the lawsuit, but they are in the brief. Commissioner Wagner asked how long they had and what the developer's stance was. Mr. Gillespie said that they have 30 days from last Friday to provide a response brief and the developer is partnering with the town to defend.

UPCOMING BUSINESS

None

ADJOURNMENT

Commissioner Homicki made a motion to adjourn the meeting at 9 p.m.

Acting Chairman Roberts wanted to thank Commissioner David Edwards and Commissioner John Hallisey for their years of service as they elect not to continue.

Commissioner McHugh seconded the motion.

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

Aye: Roberts, Knecht, Edwards, Harley, McHugh, Wagner, Hughes, Homicki

Nay: None

Abst: None