

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
September 5, 2006**

The Wethersfield Planning and Zoning Commission held a public meeting on Tuesday, September 5, 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		
Philip Knecht, Clerk	X		
Richard Roberts	X		
Thomas Harley	X		
Robert Jurasin	X		
Earle Munroe	X		
Dorcas McHugh	X		
Margaret Wagner	X		
Anthony Homicki			X
James Hughes	X		
Frederick Petrelli			X
George Oickle	X		

Also present:

- Peter Gillespie, Director of Planning and Economic Development
- Denise Bradley, Assistant Planner

The commissioners decided to have Commissioner Oickle as the voting alternate.

OLD BUSINESS

APPLICATION NO. 1528-06-Z. John Anagnos Seeking Site Plan and Design Review for an addition, renovations and relocation of seating at 884 Silas Deane Highway.

Commissioner Hammer noted that the applicant requested that the application be tabled until the next meeting. Commissioner Roberts noted that by statue, site plan applications need to be decided upon by the Commission within a certain timeframe. Mr. Roberts noted that an extension had been filed by the applicant however he feels it's a bad practice to get into where you have something that has been advertised for such a long period of time and the

Commission has yet to here anything on it. He discussed allowing the applicant to withdraw the application and for the Commission to possibly waive the reapplication fee. He noted that the application was submitted on May 30, 2006. Commissioner Hammer noted that he had asked staff to look into the time limits for the application. Denise Bradley noted that the applicant had filed a request for an extension of the hearing on August 1, 2006 and that the sixty-five (65) day extension period will expire on October 14, 2006. Commissioner Roberts noted that he just wanted to make sure someone stayed on top of that issue because he doesn't want to see someone get an automatic approval because the Commission didn't act on something within the proper statutory timeframe. Commissioner Hammer noted that if the Commission were put in that type of position, the Commission could act to deny the application without prejudice. Commissioner Jurasin questioned whether that meant that the Commission would only have until October 14th to render a decision. Commissioner Hammer noted that because it is a site plan application, the Commission will be required to bring the application to a vote prior to October 14th, which means there are only two (2) regularly scheduled meetings of which being September 19th and October 3rd during that timeframe. Mr. Hammer added that the Commission should see how the application proceeds during the September 19th and see if there will be enough time. **This application was postponed until the next meeting.**

NEW BUSINESS

APPLICATION NO. 1532-06-Z. Guaranteed Maintenance & Development LLC Resubdivision and creation of a new lot in accordance with Section 143-1 of the Wethersfield Subdivision Regulations at 478 Nott Street. **This application was postponed until the next meeting.**

APPLICATION NO. 1533-06-Z. Wethersfield Country Club Special Permit in accordance with Section 6.10 of the Wethersfield Zoning Regulations for the excavation of a one-acre pond at 76 Country Club Road.

Commissioner Hammer noted that he would not be participating in this public hearing and asked Commissioner Wagner if she would chair the meeting for this application. Earle Munroe and Dorcas McHugh stated that they would also not be participating in the public hearing. Commissioner Hammer noted that if the three Commissioners would not be participating, both alternates George Oickle and James Hughes would be required to participate. He noted that seven (7) participating members would be formally sitting for the application and that five (5) affirmative votes would still be needed for the application to pass.

Commissioner Wagner opened the application by briefing the Commission on the following correspondence:

- A memo from Peter Gillespie and Denise Bradley to the Planning & Zoning Commission dated July 24, 2006.
- A letter dated July 20, 2006 from Fredrick Clark, Chairman of the Inland Wetlands & Watercourses Commission to Fred Bachand regarding the approval of Application No. 539-06 E/S.
- A memo dated August 30, 2006 from Becky Albert, Environmental Health Inspector stating she had not comment on the application.
- A memo from Michael Turner, Director of Public Works/Town Engineer to Milone & MacBroom dated July 31, 2006.
- A memo from Milone & MacBroom dated August 29, 2006, to Michael Turner, Director of Public Works/Town Engineer in response to staff concerns.
- A memo from Michael Turner, Director of Public Works/Town Engineer to Milone & MacBroom dated August 31, 2006.
- A memo from Milone & MacBroom dated September 5, 2006, to Michael Turner, Director of Public Works/Town Engineer in response to staff concerns.
- A letter from Tony Margiotta dated August 1, 2006, to the Planning & Zoning Commission regarding concerns he has with regards to this proposal.

Mark Arigoni, L.A. Project Manager from Milone & MacBroom, Inc. began the applicant's presentation. He discussed the Wethersfield Country Club's application and approval Diversion Permit approximately two (2) years ago for

redoing the outdated irrigation system. He noted that the Diversion Permit allowed the Country Club to withdraw from its wells up to 300,000 gallons of water per day. As part of the irrigation redesign Milone & MacBroom was assigned to work with that number and looked for storage areas. Working with the irrigation designer it was determined that about an acre/foot of storage was going to make this system work feasibly and would not exceed the 300,000 gallon maximum per day withdrawal from the wells.

Mr Arigoni presented the Commission with a large scale aerial photo showing the two (2) separate parcels of the golf course. He noted that they went through a feasibility study included walking the site with a hydrogeologist and the Greens Committee to determine the best location environmentally for the pond. He described several different concept options. It was determined that they would proceed with the option to locate a single pond in the area between the 17th Green and the 2nd & 18th tea box. A golf course architect, Stephen Kay who had redone the sandtraps several years ago was retained by the Country Club to look at what would happen if a pond was installed in that general area and creating a focal point or making an esthetic element to the golf course. Mr. Kay provided a few sketches that were turned into working drawings and grading plans that were then developed into the application.

Mr. Arigoni noted that the applicant is seeking to create a one acre pond that will disturb approximately 3.3 acres in the process of excavating 10,000 cubic yards of material. He outlined a proposal for twelve (12) foot by twelve (12) foot insulated irrigation pump house. He noted that the sound produced from the pump house will be nominal and plantings around the pump could be added.

Mr. Arigoni then sought to clarify the round of correspondence with Michael Turner, Director of Public Works/Town Engineer. He distributed copies of the final response from Milone & MacBroom dated September 5, 2006, to the Commissioners. He began walking through the final comments and noted that the hope to revise that sheet and submit as a condition of approval. He noted that the first comment made by Michael Turner in his memo dated August 31, 2006 stated that the proposed deposition of excavated material into the practice area is in direct conflict with and diminishes flood storage created by drainage improvements/flood storage capacity project completed in the practice area by the Town drainage project there in 2004 and that an alternate location of fill disposal be determined on site and presented for approval. Mr. Arigoni described the map within the application package that each Commission got with the original submission. He noted that the Country Club intends not to take any fill off site, there will be no truck traffic on existing roads within the Town other than to bring the equipment on the construction site but rather excavate the material, use an existing cart path over to the practice range. The added material will be used to upgrade the existing driving range. The idea being to create a berm along the backdrop of the tea boxes between driving range and putting green with the potential to create a small short game practice area and also to provide a separation between the adjacent property owners. Mr. Arigoni noted that the intent is to maintain the existing drainage patterns and not alter the functions of the flood storage area. He described that the difference between the plans the Commissioners had in front of them and the plans he was presenting was that, after having a conversation with the Town Engineer after his comments, Milone & MacBroom was able to get a hold of a copy of the 2004 drainage plans and incorporate them into there proposal and highlighted the extent of that project and pulled all of the proposed improvements out of that area so there will be no effect within any of the work that was done by the town in 2004. The location of the line will be shown on the revised plans.

Mark Arigoni continued by discussing the Town Engineer's comment that further details of the noise performance characteristics and hours of operation of the proposed aeration system for the TPZ be provided due to the proximity of nearby homes. He noted that this comment was brought upon during the Inland Wetlands and Watercourses Agency (IWWA) meeting due to the impression that if a pond is constructed, there would be stale, stagnant water that would create a mosquito breeding habitat. Mr. Arigoni indicated that an aeration system will be installed and that the manufacturer indicated that the noise level generated will be comparable to a low throttle lawn mower but the water sound from the fountain; they will cancel each other out. So what will be heard is the splashing water. He noted that if the Commission would like decibel levels, they would be provided. Mr. Arigoni stated that the system will operate between 7:30 a.m. and 6:00 p.m.

Mr. Arigoni noted that a comment letter had been submitted by Antonio Margiotta of 155 Stockingmill Road regarding public health concerns. Mr. Arigoni then introduced Matt Sanford, a professional soil scientist at Milone & MacBroom. Mr. Sanford addressed Mr. Margiotta's concern over the potential for increased mosquito breeding by

noting that the proposed pond will be different than a normal stagnant pond typically found on a farm or in residential lawns in that it the pond will be equipped with an aeration system, it will be drawn down during the summer months for irrigation purposes so that the water level will be fluctuating constantly, it is designed with 2/1 slopes which are steep in nature to provide a quick transition from shallow to deep water reducing the amount of mosquito breeding habitat in the pond itself because the mosquitoes do not like to breed in deep water. In addition, the Country Club is planning a fish stocking program including large mouth bass and other pan fish species that prefer to feed on the larvae. Mr. Sanford also noted that pesticide's, approved by the Department of Environmental Protection for mosquitoes and algae, would also be used.

Matt Sanford then addressed Mr. Margiotta's second concern requesting tests relating to the proposed irrigation well, pumping rates and the effect that the pumping will have on nearby wetlands and watercourses. Mr. Sanford pointed out that Milone & MacBroom did a pump test in 2002 evaluating the effects of pumping well #1 and well #2 for up to 300,000 gallons per day. Monitor wells were set up in nearby wetlands and evaluated for five (5) straight days and it was found there were no impacts on the wetlands. Subsequent to that evaluation, the State approved the Diversion Permit. Mr. Sanford noted that Mr. Margiotta's third concern regarding the applicant's proposed groundwater pumping will have on groundwater elevations was also addressed within the Diversion Permit application. Mr. Sanford stated that there was no impact on private wells or groundwater.

Mr. Margiotta's fourth concern regarding noise generation from was then discussed. Matt Sanford noted that the pump house will consist of a twelve (12) foot by twelve (12) foot insulated shed and for the most part will not be heard and they will not be running overnight. Mr. Sanford then discussed Mr. Margiotta's concern regarding the potential for increased back-up of the nearby swales and ditches. Mr. Sanford noted that the proposed project would not change the approximately ten (10) acre watershed because there is no added impervious areas. The surface waters generated will be the same post-construction. Mr. Sanford stated that if for some chance, a hurricane that brings large amounts of water into the area, the pond may over top. If that does happen, the grading of the area would direct the water to the existing swale on site flowing south into Two Stone Brook. Mr. Sanford then addressed Mr. Margiotta's final concern regarding the potential need for blasting by stating that there is no blasting anticipated. However, if shallow bedrock was found, the applicant proposes to expand the pond width to reach volume instead of blasting.

Commissioner Wagner then asked the Commission if they had questions for the applicant's. Bob Jurasin commended the applicant for the thorough presentation and posed a few questions. Mr. Jurasin asked if the applicant was prepared to go on record stating that they would not conduct any blasting. Mr. Arigoni responded that they would not conduct any blasting. Mr. Jurasin then asked to what scale the plans were done and how many homes are within 100 feet of the project. Mr. Arigoni responded that the scale was set to 1"= 30', and that only one home on Stockingmill Road was located within the 100 foot proximity to the pond and even farther away from the pump station. Mr. Jurasin asked if the applicant's would be amenable, as stated during the presentation, to add landscaping around the pump station. Mr. Arigoni stated that they would. Mr. Jurasin then asked for the applicant to indicate for the record that the proposed pump station would be insulated. Mr. Arigoni said that they could add a drawing to the record that tells that it would be insulated. Mr. Jurasin asked if the Town Engineer had an opportunity to review the two responses to the September 5th memo. Denise Bradley noted that he had seen the letter but not formally responded to it. Mr. Jurasin noted that any action taken could be contingent on the review of the Town Engineer. Mr. Jurasin then asked whether the Inland Wetlands and Watercourses Agency (IWWA) had imposed any stipulations on the approval. Matt Sanford responded that the IWWA granted an Erosion and Sedimentation Control Certification instead of an actual wetlands permit because it was deemed a significant activity within the wetlands. Mr. Sanford noted that the approval was granted with no conditions.

George Oickle asked whether the private well concerns have been addressed to the applicant's satisfaction, what the specifications of the pump station and for details on the type of vehicles that will be used to transport the excavated material. Matt Sanford noted that the closest well is approximately 1,500 feet away and after all the analysis of the pump test it was determined that the pumping would not have any impact on the residential wells. Mark Arigoni noted that the proposed pump station will be twelve (12) feet by twelve (12) feet and partially in ground with approximately five (5) to six (6) feet being above ground with a typical shed style roof with asphalt shingles. Mr. Arigoni noted that a few shrubs would be planted around the pump station. He then described the use of trucks on the cart path during construction by stating that they are intending to use conventional construction trucks. Operating hours will be between

8:00 a.m. to 5:00 p.m. Bob Jurasin asked how many days it will take to complete the project. Mr. Arigoni said they are anticipating a twenty-two (22) day construction period starting in November.

Richard Roberts noted that the Commission understands that the applicant has no intention to blast and that the pond's width will be enlarged if they come across bedrock. Mr. Roberts stated that if it's going to be materially different from the plans the Commission is currently looking at he would like to be reassured that the kinds of issues raised with respect to the steepness of the existing pond taking care of the mosquitoes would be consistent with any topography the applicant ends up with.

Peg Wagner asked if the owner irrigates during the day while people are out on the course. Fred Bachand stated that on occasions they do. Peg Wagner asked if they irrigate at night. Mr. Bachand stated that they do. Ms. Wagner noted that the applicant stated that the pumps will not be running at night. Mr. Bachand noted that the wells will recharge the pond. There is going to be a one (1) foot draw down so if the pond recedes by one (1) foot or more, the wells will automatically recharge the pond. Ms. Wagner asked if that meant the pumps might go on at night. Mr. Bachand noted that the pump will run at night. Ms. Wagner then asked for the decibel levels for the pump as well as for the aeration system, be turned into the planner. Ms. Wagner asked if the applicant had calculations to prove that if the pond was at its highest level and a 100-year storm event came through the area, that the applicant would not be causing any more damage than currently exists there. Mr. Sanford said they are not physically changing any of the landscape within the watershed so that the amount of water that is currently getting to this location is not going to change with the excavation of the pond and that a one and a half (1 1/2) foot overflow area would be created. Jim Hughes asked whether that applicant meant that the overflow protection, the applicant was actually creating a retention area. Mr. Arigoni responded that the pond is not being created to serve that purpose but that the pond would be able to store an additional foot over an acre of water. He noted that there is a foot of ponding there now and they are not adding any impervious area that would increase runoff. He explained that what is there now it is a grassy area that just infiltrates and it is anticipated that it would be the same conditions post construction. Peg Wagner stated that rain is not going to infiltrate into the ground when you have nine (9) feet of water and a live pond. Mr. Arigoni noted that the pond will not be lined and that groundwater will still flow and leach out of the pond. The applicants will not be drawing groundwater they will be feeding it with well water. Peg Wagner then asked how deep the other ponds on the golf course are. Mr. Bachand stated that the other pond is approximately nine (9) feet deep. Ms. Wagner asked if there had ever been any safety issues related to these ponds. Mr. Bachand responded that there hadn't and added there is an eight (8) foot high fence around the property.

Peg Wagner asked if there were any additional questions or comments from the Commission. There being none, she invited members of the public to speak. Stephen Piferi, of 160 Stockingmill Road which is the property that directly abuts the golf course adjacent to the proposed project. He thanked the Commission for asking the majority of questions that he had but asked for a motion for a recommendation to complete a survey of the potential storm effect for the reason being that the swale located approximately ten (10) to fifteen (15) feet from his property line that under current storm conditions is utilized. He wondered how a one hundred year storm event would effect his property. Bob Jurasin asked Mr. Piferi wondered if he was concerned about the location of the pump house. Mr. Piferi responded that he is not too concerned with that because of the site lines. Bob Jurasin asked if he was concerned about the noise of the water aerator. Mr. Piferi responded that given the hours of operation and being familiar with the other aerator he was not concerned about the noise. He is concerned however about the aerator being shut down at night due to mosquito control. Peg Wagner asked Mr. Piferi if the swale had ever flooded onto his property. Mr. Piferi responded that if had not, it came to about three (3) feet from his property. He noted that to date the swale has worked as designed but he would like to be assured that with additional water his property will not be impacted. George Oickle asked whether what Mr. Piferi was looking for was a berm. Mr. Piferi responded that he was surprised given the grade of the land that a berm hadn't been proposed. His concern is a spillway or breach given the proximity to his property. Mark Arigoni noted that the while the swale does fill up with water, whether the pond is excavated or not, that swale will function the same way. The applicant did consider constructing the pond with a berm but not only would it have to be approved by the Department of Environmental Protection for safety; it could hypothetically would have more of a chance of breach during a large storm. Mr. Arigoni noted that the pond would not be the biggest concern with regards to this neighborhood and those other watercourses, including Two Stone Brook, would potentially cause larger problems in the event of a large storm. Jim Hughes questioned whether the applicant meant that because the pond is pump fed as opposed to groundwater fed, that in a one hundred year event Two Stone Brook and the other watercourses in the area

would experience a disproportionate rise as opposed to the pond. Mr. Arigoni responded that Mr. Hughes' comment was correct.

Commissioner Jurasin asked Mr. Piferi if he was comfortable with the flooding issue with the applicant's explanation that the swale will function in the same way. Mr. Piferi responded that given the proximity it is a natural concern. Mr. Jurasin asked if the Town Engineer had looked at the overflow issue. Peter Gillespie responded that it was not mentioned as an outstanding issue.

Michael Strong, 12 Gristmill Road would like to see the Town Engineer give a written response to the revised plans.

Ray Wasaylas, 250 Hangdog Lane noted that he wanted the applicant to confirm that the Country Club would control the surface level of the pond. He wondered if a hurricane was anticipated; if the level of the pond could be pumped down to add more water storage for protection. Mr. Bachand noted that he assumed that would be possible. Mr. Wasaylas asked how much water was currently pumped from the wells per day. Mr. Bachand noted that the Diversion Permit allowed for 30,000 gallons to be pumped per day but that maximum was rarely reached.

There being no more public comment, Peg Wagner asked the Commission if there were any additional comments. Richard Roberts asked whether there was a formal sign off needed from the Town Engineer to confirm the drainage issue. Peg Wagner asked whether the Commission would like to see that as a condition of approval. Bob Jurasin noted that having the Town Engineer's sign off as a condition. George Oickle agreed. Jim Hughes also agreed that the Town Engineer's sign off could be a condition of approval.

Peg Wagner asked for a motion to close the public hearing. Jim Hughes made a motion to close the public hearing. Richard Roberts seconded the motion and all voted in favor.

Peg Wagner asked if there was a motion to approve the application. Richard Roberts made a motion to approve the application as presented with the condition that the Town Engineer confirm that he has no additional comments or questions following the review of the September 5, 2006 letter from Milone & MacBroom. Bob Jurasin seconded the motion but would like to see confirmation from the Town Engineer that no additional swale is needed on the south east side of the pond to provide adequate storm water drainage. He would like the applicant to submit a letter reiterating that there could be some advanced planning for additional water storage in the event of a major storm. He would like to add that there be no blasting, that there be planting around the pump house approved by staff, the schematics of the shed demonstrating that it will be insulated and that the pond be stocked with fish as discussed. Richard Roberts added that if the configuration of the pond is significantly changed, that staff be consulted to ensure that all drainage and mosquito considerations are adequately dealt with. Peg Wagner added that the noise decibel levels be presented to the Planning Department for the aeration and water pumps along with construction management plans also be submitted. Peg Wagner asked if Richard Roberts accepted those conditions as a part of his motion. Mr. Roberts responded that he did. Ms. Wagner asked if there was a second to the motion. Mr. Jurasin seconded the motion.

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

Aye: Wagner, Knecht, Harley, Jurasin, Roberts, Oickle and Hughes.

Nay: None

Abst: None

Joseph Hammer then resumed his duties as the chair.

APPLICATION NO. 1536-06-Z. Geoff and Heather Gaunt Seeking a Special Permit to use an existing garage as a clubhouse/workshop at 36 McMullen Avenue.

Commissioner Hammer briefed the Commission on the following correspondence:

- A memo from Peter Gillespie and Denise Bradley dated September 1, 2006.

- A letter to Jeff & Heather Gaunt from the Zoning Board of Appeals regarding the approval of Application No. 5957-06 on Monday, July 24, 2006, seeking a variance to permit the use of a detached accessory building subject to the following stipulations:
 1. There shall be no permanent sleeping quarters.
 2. There shall be no bathroom or kitchen.
- A memo from Becky Albert, Environmental Health Inspector dated August 30, 2006 indicating that she had no comment with regards to this application.

Commissioner Hammer asked Peter Gillespie to indicate to the Commission why it is necessary for the applicant to receive a special permit approval from the Planning and Zoning Commission after the Zoning Board of Appeals had approved a variance. Mr. Gillespie noted that the Building Official/Zoning Enforcement Officer felt that the issue still required a special permit from the Planning and Zoning Commission. Mr. Gillespie indicated that a lengthy discussion ensued with regards to the matter and that he had not felt as strongly about requiring the applicant needing approvals from both in considering the approach that if a variance is required, it is overkill to also send them to the PZC. However, in this particular case because of the potential residential nature and occupancy, the Building Official/ZEO that it still required approval from both. Mr. Gillespie noted that a discussion of the policy and procedural question later on tonight so there is future guidance for staff on these matters. Mr. Gillespie stated that if there is a public forum and the ZBA does have a public venue to discuss these issues, it may not be necessary to duplicate that by sending it back through the Planning and Zoning Commission. Mr. Hammer asked what if there was a case in which an applicant didn't go to the ZBA then would it have to come before the PZC. Mr. Gillespie responded that it would. He noted that because what the applicant was specifically requesting fell outside the realm of a standard accessory use, there is a clause in the regulations that is somewhat of a catch all that says an application requires a special permit if it's other than a use spelled out within the regulations.

George Oickle noted that he had looked at this application at home and questioned why it was before the Commission being that it is not a mother-in-law apartment, it's not an apartment, they're not renting anything, it is a playhouse. He questioned why the town would require its citizens to go before the PZC under our current regulations and worse yet after having gone to the ZBA, who also handled this application. Mr. Oickle continued his statement by suggesting that the Commission rescind the cost of the application and that the town look into this matter and at least let the Building Official know that the PZC doesn't want to see this kind of application. He noted that if the proposal included plans for a kitchen, sleeping quarters or bathing facility he could understand why the PZC would hear it but he disagrees that every time someone wants to put in a kid's clubhouse in a garage doesn't seem necessary.

Bob Jurasin commented that he would like to go a step further in that he'd like the Commission to vote on hearing this application because it is not needed and reimburse the applicant the permit fee. George Oickle remarked that if that was a vote he'd second it. Joe Hammer agreed that there is an issue here in terms of whether the application should be before the Commission or not and suggested listening to the applicant to better understand exactly what the applicant wants to do so the Commission can act from a more informed position. Mr. Hammer questioned whether that was agreeable to the other Commissioners. Mr. Jurasin commented that he would agree to that as long as it didn't preclude the applicants from getting their fee back. Joe Hammer noted that he thought the Commission does have that ability. Peter Gillespie noted that the Commission could reimburse the fee until a decision is made. Mr. Hammer asked the applicant to briefly describe the proposal.

Geoff Gaunt, 36 McMullen Avenue, described plans to renovate an existing garage because it needs to be renovated so it doesn't fall over and since they currently don't use it as a garage and the kids are in and out of it all day, they decided that if they renovated it they would make it into a space that had a little more character to it. He is proposing to have a space for the family to hang out in. Mr. Gaunt noted that his wife would also like to have a painting studio. The proposal does not include changing the footprint of the structure. He said they will be adding a dormer off the back that would bring in a little more light for the painting studio. He said that it is really just an improvement to the overall structure including waterproofing and the look.

Joe Hammer asked if the family space would be located just on the 2nd floor or the whole garage. Mr. Gaunt responded that the 1st floor would be a common area for the kids and the 2nd floor would be the studio. Mr. Hammer

asked the applicant if there is another garage on the property or if they will just give up the use of the garage with this project. Mr. Gaunt responded that they do not use the existing garage for vehicles so the parking situation will not change. Mr. Hammer asked if there was any running water proposed. Mr. Gaunt responded that there was not. Mr. Hammer then opened the floor for questions and comments from the Commission.

Mr. Hammer asked Peter Gillespie if an applicant would need to appear before the PZC if they proposed an extra bathroom, kitchen or sleeping quarters. Mr. Gillespie explained that the Zoning Officer was having difficulty getting past the term in the regulations entitled "Guesthouses" in which it requires an applicant to have an acre of land, limited occupancy and other various requirements. In that scenario, this particular project does not meet those requirements so he sent the applicant to the ZBA to get variances to Section 3.6.E.1 of the zoning regulations. In addition to that, the regulations require a special permit for a guesthouse. Peter Gillespie noted that this is not a "guesthouse" as was indicated by the applicant.

Bob Jurasin questioned why the applicant was required to go to the ZBA. Peter Gillespie responded that because the Zoning Officer classified the structure as a guesthouse, and it did not meet the requirements for such use. Richard Roberts commented that he was surprised and confused that the applicants were required to go to either Commission because it would seem that it fell under the permitted use of one detached private garage no larger than 850 s. f. He added that the ZBA approved a detached accessory structure for residential use and noted that if anything this application would fall under G.2., where it states that any accessory structure customarily incidental to a residential use and smaller than 200 s. f. in area may have required a variance.

Commissioner Hammer asked if there was anyone from the audience who would like to speak to this application. Al Hudson, of 37 McMullen Avenue commented that he was in favor of this application. Mr. Hammer asked Mr. Hudson if he had attended the ZBA hearing. Mr. Hudson responded that he had. Mr. Hammer noted that it seems that this proposal not consisting of plumbing, the bathroom, the kitchen or sleeping quarters is a very important distinction from what somebody else might try to do with a garage in which case the PZC would be interested in seeing an application. Mr. Hammer asked if anyone else had any questions. There being none, Bob Jurasin made a motion that the Commission not hear this application because it does not come under our regulations to hear it and that the applicant be reimbursed for the permit fee. Tom Harley seconded the motion. Richard Roberts added that for the purpose of completing the record on this application, it should be stated that no special permit is required under our regulations. Joe Hammer noted that George Oickle would be participating in this vote.

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

Aye: Munroe, McHugh, Hammer, Wagner, Knecht, Harley, Jurasin, Roberts, and Oickle.

Nay: None

Abst: None

OTHER BUSINESS

A Discussion Regarding the Regulation of Rear Lots

Peter Gillespie noted that the Commission received a memorandum dated September 1, 2006 which had been updated several times since the Commission first discussed this issue on September 12, 2005. He discussed being approached by a number of landowners that had an interest in seeing the regulations modified to permit rear lots. Presently, the regulations do not permit rear lots. Peter Gillespie highlighted the data collection completed on this issue by staff including researching surrounding municipalities and other communities in Connecticut to get a lay of the land as to what is going on in the area with regards to rear or flag lots. After that point, the Commission was presented with copies of sample regulations from some of those communities and surveyed those regulations for common trends. Those Commissioners present wanted to see a couple of additional pieces of information including a draft regulation, information on previously approved rear lots within Wethersfield and an assessment of how many potential parcels of

land in town might become eligible if in fact a regulation was adopted. Mr. Gillespie noted that he has also spoken to the Fire Marshall expressing his strong reservations and concerns about how inaccessible these rear lots may be. There is a memo in the file reflecting the Fire Marshall's concern. In the packet in terms of things that are new, Peter Gillespie noted there is a draft of the new regulations, an inventory of properties in town that meet the general definition of rear lots of which there are approximately thirteen (13) and inventory of the tax maps identifying potentially thirty (30) properties that are oversized and have excessive frontage that some one could potentially come in with a rear lot proposal. Mr. Gillespie commented that he had brought this issue back before the Commission for guidance as to how staff should proceed.

George Oickle agreed that the fire issue is a key one with regards to the type of materials and width that would be required. He recalled some of the reasons for the introduction of the "buildable square" regulation amendment. He praised the staff for looking to other communities and showing the Commission that several surrounding communities do allow for these types of lots. He agreed that expanding the lot size and other dimensional requirements would be beneficial. He expressed that he is not favorable to the idea of having multiple adjacent driveways due to the smaller nature of these potential lots. Jim Hughes addressed Fire Marshall Gary Santoro's memo. He expressed his opinion that the difficulty of locating these houses would be taken care of with the use of the CAD system in which special notes can be added. He noted that GPS systems are being added to the town's fire apparatus with laptop computers that will provide firefighters with an aerial view of the house provided by the MDC. Mr. Hughes added that many of the properties in town are accessed by long driveways which the fire department has been able to maneuver. Mr. Hughes noted that it is possible that the Fire Marshall has not taken into consideration what has changed in the fire department recently that has allowed them to become better suited to address problems such as access to these lots. Mr. Hughes said the fire department is fully ready, willing, able and equipped to remedy a rear lot situation. He said approvals should be based on a case-by-case issue not a blanket scenario. Richard Roberts noted that he would like to proceed with shaping a new rear lot regulation that works both for the property owner and the town as far as being consistent with existing development patterns and providing the required public safety access and so forth. He remarked that the alternative to the Commission not drafting a regulation would have prospective applicants for rear lots by default go to the Zoning Board of Appeals where, the outcome will be dependant on what the application is, who the applicant is and whether their neighbor's happen to be mobilized or not. Mr. Robert's added that he would like to see something that sets forth what the guidelines are and have it something that the Commission can be comfortable with. Bob Jurasin questioned whether an applicant could file an appeal with the ZBA if the PZC denied them. Mr. Robert's responded by saying that they could only appeal to the ZBA if what they proposed to do doesn't fit what the regulations permit, noting that for example, if the Commission required the rear lot to be 150% of the ordinary size in the zone or something similar. He was unsure whether the applicant would still have to come before the PZC for subdivision approval after getting the variance of the particular requirement. Joe Hammer said that if it were a special permit use that it would and then the Commission would have the potential fall back of being able to justify that this particular lot, in this particular location is not appropriate for safety etc.

Mr. Hammer asked Peter Gillespie whether the town was now in the situation where because rear lots are not allowed, the applicant could go to the ZBA and come back to the PZC with a variance in hand. Mr. Gillespie responded that the applicant would potentially never have to come before the PZC if the subdivision of land was considered a free cut. Mr. Hammer noted that in some of the other regulations of surrounding municipalities, they have incorporated specific findings that the Commission has to make to support a special permit such as that the lot would be an appropriate addition to any specific location, that it would not cause undue harm on adjoining property owners and that there is safe access. He would like to see that type of language in any regulation adopted so that the Commission would have something to stand on if when evaluating each application comprehensively, the Commission decides it's not appropriate.

Phil Knecht noted that he has seen many rear lot situations during his years as an appraiser. He noted that while looking at the market that exists now for new construction, the town hardly has anything available at all so if there is an opportunity for a new house to be built for a family, he would like to see something to allow this type of development.

Bob Jurasin noted that in the past the PZC had specifically went out of its way to eliminate rear lots and he is curious to find out how many have been approved by the ZBA. He added that if the Commission could adopt a regulation such

that an application for a rear lot would always be a special permit to avoid negative impacts that he would be favorable to support it.

Peter Gillespie noted that staff will take another chance at drafting a final regulation that addresses some of the issues talked about and then set a public hearing for a vote on an amendment.

MINUTES

The minutes of the August 1, 2006 meeting were not available.

STAFF REPORTS

There was nothing to report.

PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING

None

CORRESPONDENCE

- A letter dated July 28, 2006, to all Municipal Town Planners from Stephen Korta, Chairman of the State Traffic Commission regarding Major Traffic Generators Certificates of Operation.
- Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter.
- A letter dated August 23, 2006, from Bonnie Therrien to all representatives of Town Boards and Commissions regarding a mandatory meeting on Tuesday, September 12, 2006, at 6:30 p.m. in the Community Room of the Police Department.
- A letter from the State Department of Transportation regarding a hearing set for Accent Limosines, LLC, 82 Dudley Road.

UPCOMING BUSINESS

APPLICATION NO. 1535-06-Z. Michael Liska Seeking a Special Permit for renovations, building additions, site improvements and the construction of an additional drive-thru bay at 25 Wells Road.

ADJOURNMENT

Chairman Knecht made a motion to adjourn the meeting at 10:02 p.m.

Commissioner Harley seconded the motion.

All members present and eligible voted in favor of the motion. (9-0-0)

Aye: Munroe, McHugh, Hammer, Wagner, Knecht, Harley, Jurasin, Roberts, and Oickle.

Nay: None

Abst: None