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

The Wethersfield Planning and Zoning Commission held a public meeting on Tuesday, October 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		
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

Chairman Hammer noted that there were only seven members present at the time of roll call and requested the services of one (1) alternate member, Anthony Homicki, to serve as full member.

OLD BUSINESS

P.H. 2.1 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. --- **TABLED FROM 10/03/06.**

Chairman Hammer noted that this was a continued public hearing for a resubdivision and asked Peter Gillespie if he had any new information for the Commission to consider. Peter Gillespie noted that at the previous public hearing, staff and the Commission had identified several outstanding issues related to the plans. He pointed out that since that time, revised plans had been submitted and a memo dated October 17, 2006, from Michael Turner, the Town Engineer stating that he had reviewed the revised plans, that the applicant had incorporated changes to reflect his previous comments and that he finds the current plans revised 10-09-06, acceptable. Mr. Gillespie remarked on the Commission's previous concern regarding the 50' buildable square not being able to touch the 40' front building line without extending into the 50' foot right-of-way on the easterly side of the property. Mr. Gillespie stated that he had discussed this issue with Brian O'Connor, the Chief Building Official/Zoning Enforcement Officer, who had determined that it was alright for the 50' buildable square to extend into the R.O.W. However, the revised plans submitted by Paul Jacques reflect that the buildable square touches the front building line in its entirety without extending into the R.O.W.

Chairman Hammer asked if any members of the Commission had any further questions. He then asked if there were any members of the public who would like to speak on this public hearing. Mr. Hammer asked the applicant if he had any questions of the Commission or anything to add to the record. There being none, Richard Roberts made a motion to close the public hearing. Peg Wagner seconded that motion.

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

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Wagner, Homicki, and Petrelli.

Nay: None.

Abst: None.

Chairman Hammer asked if any member of the Commission wanted to start off a discussion. Richard Roberts made a motion to approve the application as reflected in the revised plans dated 10-09-06. Dorcas McHugh seconded the motion.

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

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Wagner, Homicki, and Petrelli.

Nay: None.

Abst: None.

P.H. 2.2 APPLICATION NO. 1539-06-Z. Bosnian American Islamic Cultural Center Seeking a Special Permit in accordance with Section 10.1.E of the Wethersfield Zoning Regulations for a change of use and a shared parking agreement in accordance with Section 6.2.D.4. of the Wethersfield Zoning Regulations at 312 Silas Deane Highway.--
-TABLED FROM 10/03/06.

Chairman Hammer noted that this public hearing had been continued from the previous Commission meeting. He asked Peter Gillespie if he had anything further to report. Mr. Gillespie noted that at the last meeting a lot of the discussion had focused on the potential occupant load of the building and parking calculations. Mr. Gillespie noted that based on recent changes to the State Building Code, a building's occupancy level is now set by the Building Official and not the Fire Marshall. Mr. Gillespie highlighted comments made from Brian O'Connor, Chief Building Official/Zoning Enforcement Officer, in his memo dated October 17, 2006. In summary, Mr. O'Connor described that the occupant load requirements are based on the 2005 State Building Code §1004 and that the potential occupancy for the proposed use is 104 people. He noted the need for 19 parking spaces to satisfy the requirements, one of which being handicap accessible. Mr. Hammer asked Mr. Gillespie how many parking spaces the applicant was proposing. Mr. Gillespie responded nine (9). Mr. Gillespie also noted that since the last Commission meeting, the Design Review Advisory Committee (DRAC) had approved the applicant's proposal as submitted on October 11, 2006.

Nermin Duric, a member of the Bosnian-American Islamic Cultural Center currently located at 497 Franklin Avenue, Hartford, opened up with a discussion over the concerns of the neighbors. Mr. Duric noted that he had reviewed the letter prepared by Diane Prescod, of 54 Wright Road, and signed by many of the neighbors from October 4, 2006. He referenced the concern over potential for increased traffic on the Silas Deane Highway and local streets by noting that according to the Hartford Courant, approximately 20,000 vehicles drive on the Silas Deane Highway in proximity to the subject site and that he does not feel that the proposed use will significantly increase the traffic flow. Mr. Duric noted that one of the other questions posed was regarding the use of the term "cultural center" to describe the proposed use. Mr. Duric stated that the reason they were seeking the designation of that term as part of the organizations name because they would like to offer guidance to Bosnian Muslims who otherwise wouldn't know where to look. Mr. Duric then addressed the comments made by Brian O'Connor in his memo dated October 17, 2006. He noted that the 2nd story would not be rented and that it would mainly be used as an office space and would not be used for a place of assembly.

Frederick Petrelli asked if the applicant was seeking a religious exemption from the tax law. Mr. Duric responded that they hadn't looked at all the details of and that is not there main concern. Mr. Petrelli asked the applicant to describe the activities that will take place. Mr. Duric noted that it will primarily be a place for people to come and pray. He stated that no activities would occur outdoors and that there would be no noise associated. He noted that it would not be considered a "social club".

An unidentified member of the organization discussed his disagreement with a comment made in the correspondence from Diane Prescod in which she stated that the neighbors do not see a benefit to the community as it relates to the passage of this application. He feels that in many ways the community will benefit in that it will help a new segment of the population transition and integration into the American society much easier. He noted it will help them to get organized and grow accustomed to the local culture. He noted that it would also help locals, in this post 9/11/2001 climate, in that Wethersfield will host a Muslim community in their backyard to approach and learn from.

Richard Roberts questioned how the Commission would deal with the shortfall in parking. He asked the applicant if they had any more success in figuring out where the additional parking would come from. Nermin Duric noted that since the last meeting he had approached the abutting property owners and that they had expressed they are not willing to share the parking. He noted that they have even less parking available at their current location and that he is sure that the number of spaces provided for in the plan would be sufficient for the proposed use. Mr. Duric said that they would be willing to adhere to a lesser occupancy rate. Mr. Hammer asked Mr. Duric what he felt the maximum occupancy rate would be. Mr. Duric responded the maximum occupancy rate would be between 30-40 people. Mr. Hammer asked if they would be comfortable if the Commission imposed a limitation on the maximum number of people to 40 persons. Mr. Duric responded that they would. Earle Munroe discussed his concern with regards to fire protection and providing the appropriate means of egress in case of an emergency.

Phil Knecht asked the applicant if they had considered what would happen if their membership grew larger than 40 people. Mr. Duric noted that they had thought about that scenario. He noted that an influx of Bosnians began arriving in this area approximately five years ago and that it then slowed approximately three years after it began. He indicated that the number of Bosnians moving into this area in the past two years has slowed.

Anthony Homicki asked what the corporate status of the Bosnian American Islamic Cultural Center is and whether it is considered tax exempt anywhere. Mr. Duric noted that they are considered a non-profit organization. Chairman Hammer asked if anyone else from the Commission had any questions. There being none he asked if anyone from the public wished to speak.

Ann Marie Amatore, of 318 Silas Deane Highway, noted that she had a problem with parking issues already and that she fears the proposed use would exacerbate the situation. She noted that if the application is passed she would put up a fence.

Rick Green, of 308 Silas Deane Highway, discussed his concern over potential parking problems and stated that there are already constant abuses on his lot.

Robert Keating, of 46 Wright Road, expressed his concern of the parking situation. He does not want to see additional people parking on Wright Road.

Diane Prescod, of 54 Wright Road, submitted additional correspondence from her neighbors and discussed her concerns as follows:

- Increased traffic
- Parking
- Signage
- Lighting
- Necessary site improvements

Dave Claypath, of 62 Wright Road, discussed his concerns with regards to noise and insufficient parking.

Gabriel Amatore, of 318 Silas Deane Highway, discussed his concern that there will be an overflow of parking in his parking lot that the town will be unable to control after an approval is issued.

No one else from the public wished to speak at that time.

Nermin Duric noted that he currently lives on Nott Street and that he would expect that the members of the Bosnian American Cultural Center would have just as much respect for their neighbors and the community as anyone else and that they would not just presume it alright to park on the neighboring property owner's lots. He stated that there will be no noise outside.

Tom Harley asked the applicant to discuss the proposed hours of operation. Mr. Duric stated that the center would be open for five separate prayers during the day. He indicated that the morning prayer at sun-up is very poorly attended as most members work. During the summer, the other prayers are held at noon, 3:00 p.m., 6:00 p.m. and 7:00 p.m. In the winter, the prayers are held at noon, 3:00 p.m., 4:00 p.m. and 5:00 p.m. Mr. Harley asked how many days a week they would be operational. Mr. Duric responded that they would be open seven (7) days a week.

Peg Wagner stated that she takes no issue with the proposed use of the building in the capacity represented by the applicant. Ms. Wagner noted that she does however take issue with the lack of parking. She pointed out that the applicant had reached out to the immediate neighbors and that they had been unwilling to enter into a parking agreement. She wondered if they had reached out to other neighbors, for instance the Price Rite shopping plaza. She added that she cannot approve the application with only the nine (9) spaces because she doesn't feel they can predict whether the provided spaces would prove sufficient.

Tony Homicki asked if the Commission approved this application, could the structure be resold with this as an approved use. Peter Gillespie responded that the nature of the use would have to be "like-for-like". Mr. Gillespie then discussed a memo from Mike Turner, Town Engineer, and dated September 29, 2006, which noted a series of comments and that they would need to be addressed.

Mr. Hammer asked if there were any more comments from the Commission. There being none, Fred Petrelli made a motion to close the public hearing. Phil Knecht seconded the motion.

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

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Wagner, Homicki, and Petrelli.

Nay: None.

Abst: None.

Fred Petrelli made a motion to approve the application with the nine (9) parking spaces provided with the stipulation

that the occupancy be limited to 30-40 people. Joe Hammer seconded the motion for the purpose of discussion.

Anthony Homicki voiced concern over the level of completion in the application. He noted deficiencies in proposed lighting, drainage and snow removal. He noted that not all of the Town Engineer's concerns had been met and that he was inclined to deny the application as it stands.

Peg Wagner noted that she works in the Wethersfield public schools and has observed that there are a lot of Bosnian families in the system. She feels that this type of establishment should be welcomed in the community however, she feels that this is not the appropriate place for it.

Dorcas McHugh agreed with the comments made by Ms. Wagner. She noted that she likes the idea of them having a prayer hall with their family. She thinks their intentions are of the highest caliber and she admires them for working so hard to but noted that the parking issue needs to be resolved. She wondered if the applicant may want to try again to come up with an alternate parking agreement.

Thomas Harley noted that the shortfall in parking is too great. Mr. Hammer agreed that parking is the main issue with this application but noted the property is located within a business zone and that the neighbors and the Commission may potentially have the same concerns if a business use was proposed for this site. He is unsure, due to the site constraints, whether there is really an absolute fix to the parking issue.

Richard Roberts proposed to amend the motion for a conditional approval in which the applicant would be required to enter into a parking agreement, in a form acceptable to town staff and the Town Attorney, for no less than six (6) additional parking spaces and within 1,000 ft. of the site prior to receiving a Certificate of Occupancy. Chairman Hammer noted that if the arraignment could not be met, the approval would not be effective. Additionally, Mr. Roberts added to the motion seven (7) conditions from Mike Turner's September 29, 2006 memo as follows:

1. A detail of proposed rock filter dissipater to plans (as approved by the IWWC).
2. Provide details of exterior parking lot and building mounted lighting. All lighting shall be full cutoff.
3. Add note that existing 36 inch Maple will be protected and saved.
4. Provide a landscaping plan for front of building. Add note indicating lawn areas in front building and along sides of parking area.
5. Label parking spaces as being delineated with painted line striping.
6. Applicant should provide details of trash collection or provide a dumpster and enclosure.
7. Confirm slope and dimensions of proposed ramp and landings meet ADA requirements.

Mr. Petrelli accepted the amendment to his motion. Mr. Hammer seconded the amended motion but made clear that if the applicant does not obtain an agreement for the additional parking spaces in writing to the satisfaction of town staff and the Town Attorney, the approval will not be effective. Mr. Hammer asked if there was any further discussion. There being none, he called for a vote.

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

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Homicki, and Petrelli.

Nay: Wagner.

Abs: None.

NEW BUSINESS

P.H 3.1 APPLICATION NO. 1540-06-Z. Main Street Creamery & Café Seeking a Special Permit in accordance with Section 10.1.C.13 of the Wethersfield Zoning Regulations to amend Application No. 1504-06-Z, to allow for

special events at 271 Main Street.

Chairman Hammer asked the applicant to step forward and identify themselves for the record. Ann Monahan began the presentation by noting that she had been hired to represent Paula Rubinow and the Main Street Creamery & Café. She noted that Paula Rubinow was also present. Ms. Monahan discussed the fact that she had just been retained by her client and that she had a few questions to ask regarding the history of the previous Commission approvals and on the current application before she proceeded. She asked for clarification as to why Ms. Rubinow had been required to seek a special permit for what she considers to be the normal use of a business in a commercial district. Ms. Monahan said that she had not seen anything in the minutes that has required her to come here today and she does feel that by requiring her to come here before the Commission to petition to have birthday parties on the premises or to have a pumpkin carving contest is interference with her due process rights and is discriminatory. She requested that before proceeding she could get the history straight as to why the Commission is requiring her client to get a special permit for what is a normal use of her business premises. Ms. Monahan said that her client is not here before the Commission to rehash the issue of whether she should be zoned as a commercial business or whether she should be allowed to operate her ice cream shop on her property, as those issues were dealt with at previous Commission hearings. Ms. Monahan stated that she just did not understand why her client was asked to submit this application and allow the Commission to micro-manage every event she wants to have on her property.

Mr. Hammer noted that he didn't feel that this was the right forum to be debating why the applicant was required to submit her application but noted very briefly that the Commission has spent an arduous amount of time with Ms. Rubinow discussing this precise issue. Mr. Hammer explained that Ms. Rubinow had been approved as a food service facility, and then had applied in the spring to expand her menu and to allow for special events and birthday parties. Mr. Hammer noted that the Commission approved the expansion of the menu and to allow for birthday parties but had not approved any special events to take place on the premises. As noted in the minutes from the March 7, 2006, meeting, there are multiple references to the fact that she would have the opportunity to come back and apply for special events if she wanted to. Mr. Hammer noted that what is before the Commission tonight is a food service business, which is a special permit use to begin with, requesting to expand the service beyond food by bringing in events that have activities, games, music etc.

Ms. Monahan said that her concern lays in the fact that other food service facilities in that district have never been required to come before the Commission to approve any type of sidewalk sale, fundraiser, wedding or any other event. She feels her client is being singled out. Ms. Monahan asked if the Commission had required any other food service establishments in the area to receive this type of approval for similar events.

Chairman Hammer again suggested that he did not feel that tonight was the right forum to host this debate. He noted that he could not speak for these other facilities adding that many of them have been operational since before there was even zoning in town. Mr. Hammer said that all of these issues are looked at on a case-by-case basis. The Commission's position in this case is that Ms. Rubinow needs to obtain this special permit to allow for special events. Ms. Monahan asked whether it was the Commission's position that every time her client wants to host any event that she will have to deem their approval. Mr. Hammer discussed many of the potential distinctions in the types of event Ms. Rubinow might seek and stated that he would not speak for the whole Commission. In terms of the matter at hand, Mr. Hammer noted that there is particular event Ms. Rubinow is hoping to receive the Commission's approval for, that the clock is running and that he had noticed an advertisement for this event that has not yet been approved. Mr. Hammer said that he imagined it to be important for Ms. Rubinow to receive the Commission's approval and that in order to do that the Commission would need to proceed in hearing the details of the application before them tonight. Mr. Hammer noted that if the applicant wants to disagree with whether she needs to be here then that's fine however the hearing should proceed.

Ms. Monahan stated that the application is much broader than how Mr. Hammer had just explained it. She said that her client wants a determination as to whether the Commission is going to allow her to have any special events on her property and then noted that Ms. Rubinow does not want the Commission to regulate any of her reasonable uses of her commercial property. Ms. Monahan said that there has been no showing that Ms. Rubinow has done anything that is not conforming with her property that is zoned commercially. Ms. Monahan said she had done a search and came to the conclusion that the Commission had not required this type of approval from any other food service establishment

in the Village Business District. Ms. Monahan said that at issue is not just the single event that she has planned. Ms. Rubinow would like to host other events throughout the year based upon her own belief as to what is good for her business. Ms. Monahan again stated that she feels that requiring this approval is against her client's due process rights and is discriminatory.

Chairman Hammer stated that if Ms. Monahan did not wish for the Commission to hear the application that they wouldn't. He also said that if she would like to Commission to hear the application, while reserving her right to disagree with the Commission on whether Ms. Rubinow should have been required to submit this application, then they would. Mr. Hammer stated that a decision would have to be reached as to whether the Commission would be proceeding in hearing the application before them.

Ms. Monahan said that she feels that the Commission needs to understand that the applicant is questioning their authority to regulate any of this. She said she could point to over twenty (20) events that occurred in the last year that haven't come before the Commission for a special permit because they are not required to. Ms. Monahan said her client has been singled out but indicated that she would like to go forward tonight with the application with the understanding that she is not just asking for the specified event but for multiple events throughout the year.

Paula Rubinow, of 271 Main Street, indicated that she would like to use her back yard, which was rezoned commercial, for an event such as she has planned. She said she feels she does not need the Commission's approval to let people come to her business. She said she would like to use her back yard as it is a safer environment for the children. She noted that she is not asking for any loud music in the back and that she is trying to be a good neighbor. She said the events would take place no later than 5:00 p.m. Ms. Rubinow said she had arraigned for a gentleman to come and make balloon animals for the shop and to have a few local artists paint. She thinks that the events she would like to host are appropriate. Ms. Rubinow noted that she had installed a six (6) foot fence to give her neighbor the privacy that they deserve and that she would now like to be able to start using the property. She will be making dedications to three (3) local residents who have recently passed away. Ms. Rubinow noted that there will also be a clown acting out a Halloween skit. She then indicated that if the Commission will not allow this to take place in the back yard that she would move the event to the front of the property. She then asked if any of the Commissioners's had any questions.

Chairman Hammer sought to clarify what the applicant was requesting the Commission to consider. He noted that one event she was proposing would take place on October 28th and 29th from 1-5 p.m. Ms. Rubinow indicated that was correct. Ms. Rubinow then estimated that she might receive fifty (50) children a day.

George Oickle asked Ms. Rubinow if she was seeking approval for this specific event and then suggested that he would rather hear an application for a certain amount of event a year rather than coming in sporadically. Ms. Rubinow agreed that seeking a blanket approval for multiple events would make more sense.

Ms. Monahan noted that her client would certainly like to be enabled to have unlimited events and that they would be happy to provide the Commission with a letter detailing the events. She then added that to have to come back every time her client wishes to host an event could become quite cumbersome. Ms. Monahan said that her client would like to ask for permission to have unlimited birthday parties and up to fifteen (15) special events per year.

Chairman Hammer noted that the Commission must be very careful because although the applicant is now requesting approval for items that don't reflect how the application was publicly noticed. He said there are limits to what can be expanded once the application is in process. Mr. Hammer asked the applicant if they had any additional information to present. Mr. Hammer then asked if the Commission had any questions for the applicant. There being none, Mr. Hammer opened up the public hearing.

Vincent Sidwell, of 79 Hartford Avenue, noted that his family frequents the establishment and that these special events should be encouraged. He views the approval of this application as being an asset to the community. Mr. Sidwell said that Ms. Rubinow's shop serves as a de facto community center.

John Moffat, of 44 Desmond Drive, discussed his opinion that the proposed events would be a benefit to the town and that they should be allowed to take place without restriction.

Rich Ricci, of 534 Wolcott Hill Road, discussed his experience watching Ms. Rubinow work and struggle to make her business into a successful enterprise it. He questioned why she has been singled out among all the Village Businesses to apply for this special permit. He wanted the Commission to realize that there is a lot a stake her with regards to business in the Old Wethersfield community.

Faith Kilgorne, a former Wethersfield resident, said that she would like to see Ms. Rubinow's parties to take place in the rear yard because it will be safer for the children in attendance. Ms. Kilgorne questioned the objection to allowing special events. She suggested to the Commission allowing for a blanket approval for three years without restriction.

Roger Rubinow, of 9 Eastlake Place, Middletown, respectfully requested that the Commission consider approval of these events.

John O'Brien, of 433 Silas Deane Highway, noted that he was in attendance in professional capacity at the request of several of the abutting property owners. The homeowners are requesting that the Commission deny the application before them due to their continuing legitimate concerns regarding the applicant's use of her property and the significant impact it has on her neighbors. Mr. O'Brien said that the applicant has repeatedly violated the terms of the existing permit.

Maureen Hayes, of 29 Hartford Avenue, voiced her opposition to the application and noted that she participated in previous hearings. She stated that it was important to the neighbors that there is clarity in what is allowed. Ms. Hayes said she feels as though the applicant has violated her approvals. She reiterated a previous concern regarding a lack of parking. She noted that there has been a trust broken between the applicant and her neighbors. Ms. Hayes then voiced her concern that the applicant will violate the terms of her approvals again. She questioned who would police the terms.

Kathleen Ahern, of 15 Hartford Avenue, asked the Commission to deny the application based on the violation of existing permits. She said that the Commission has an obligation to set a standard and maintain its integrity.

Susan Alderman, of 267 Main Street, complained that many of the children who visit the Creamery end up trespassing in her yard and flowerbed. She added that the business produces a lot of noise. She is opposed to any increased activity on the subject premises.

Chairman Hammer then asked any there was anyone else from the public who wished to speak. There being none he asked if the applicant had anything further to add to the record.

Ann Monahan addressed a number of concerns highlighted by the public. She noted that the applicant has had a professional come to the premises and test the noise levels during a birthday party and that the noise fell within a conversational level. Ms. Monahan stated that this is a commercial business district and children cannot be disallowed. Ms. Monahan stated that the applicant had adhered to the conditions of previous approvals and that she has had to turn down numerous requests to use the facility for parties and events. She said that the applicant whole heartedly dispute that she has not abided by the restrictions imposed.

Paula Rubinow questioned why, if the neighbors were concerned over noise produced from any of the birthday parties she had recently hosted, they hadn't called the police. She noted that she is standing up defending her right to bring family and community together.

Chairman Hammer asked if anyone from the Commission had any comments.

Rich Roberts commented that the last hour has essentially been a discussion of the conditions of the previous approval and that there is now a request from the applicant for carte blanche for a period of three years for special events. The applicant hasn't clearly demonstrated what she is requesting from the Commission. Mr. Roberts said that the only tangible application that he can see was outlined in the letter from the applicant dated October 28, 2006. He notes however that tonight the applicant first negated their need to stand before the Commission at all and then sought to change the intent of their request. He requested that at some point before the public hearing is closed to make sure the

Commission is clear on what they are being asked to address.

Ann Monahan said that the applicant is requesting approval for fifteen (15) events a year that the Commission may classify as "special events" but her client considers to be normal business events. She said the applicant would be happy to present a list to the Commission in advance detailing the specific events. Ms. Monahan also noted that Ms. Rubinow is requesting the use of her backyard. She said what she doesn't want to have to do is to come back to the Commission every time a magician or poet expresses interest in doing something.

Dorcas McHugh noted that the concern of the Commission was that there is a lot of disagreement among the neighbors and the business establishment. She said that the Planning and Zoning Commission spent hours trying to reach a negotiable position in the application posed and approved in March of 2006. Ms. McHugh noted that the approval expires in December of 2006 and she doesn't understand why the applicant hadn't come before the Commission with a more specific request.

Paula Rubinow said that she doesn't really need the Commission's approval to invite children to her shop. She is trying to appease what is being required of her. She said that she is trying to be a successful business owner and somewhat of an entrepreneur. Ms. Rubinow then disputed that she had violated any of the conditions of her approvals. She then requested proof of the violations from her neighbors. Ms. Rubinow noted that the zoning in a portion of her backyard had been re-zoned commercially. She said this was done to encourage business growth downtown.

Peg Wagner said that she feels the applicant is being singled out by the Commission. She noted however that she is not prepared to grant approval for fifteen events without having the details in writing or properly noticed the abutter's. She voiced concern that the applicant and her lawyer were standing before the Commission debating what was being requested. Ms. Wagner said that the Commission is only prepared to vote on the one event specified in the applicant's letter.

Fred Petrelli made a motion to close the public hearing. Peg Wagner seconded the motion.

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

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Homicki, Wagner and Petrelli.

Nay: None.

Abs: None.

Peg Wagner made a motion to approve one (1) special event for October 28th & 29th as outlined in the letter from Paula Rubinow dated October 2, 2006. Rich Roberts seconded the motion with the stipulation that the event take place in the commercially zoned portion of the property. Peg Wagner accepted the amendment to the motion. Chairman Hammer noted that he agreed with Ms. Wagner's motion because when he had read the application he was under the impression that the Commission was being asked to act on the one (1) special event outlined in the October 2, 2006 memo and also because the neighbor's weren't notified about multiple events being proposed. Mr. Hammer asked if there were any additional questions or comments from the Commission.

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

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Homicki, Wagner and Petrelli.

Nay: None.

Abs: None.

3.2 APPLICATION NO. 1541-06-Z. Hometown Developers, LLC Seeking Site Plan and Design Review to construct twenty-two (22) age restricted housing units at 91 Nott Street.

John Harvey, of Barry, Harvey & Later P.C. introduced Mark Trahan and Dan D'Addeo of Hometown Developers, LLC, Richard Morris of JWM Architects, LLC, and Corey Garro, Dave Pickett and Kevin Johnson of Close, Jensen & Miller. Mr. Harvey noted that this was a follow-up application to the Zone Change application granted on July 18, 2006 allowing for an S.R.D. zone on 5.2 acres.

Mr. Harvey outlined the applicants request to construct twenty-two (22) single family detached units. He pointed out that the entire project was comprised of a common property. He then discussed the required and proposed dimensional requirements of the proposed development. He pointed out some of the site constraints which include the railroad right-of-way and a Helco utility easement. Mr. Harvey then noted that the applicants are proposing a sidewalk only on one side of the street. Mr. Harvey discussed the historical use of the site as a truck terminal and the environmental cleanup that the applicants recently carried out. He then noted the proximity of the site to local services and amenities within walking distance.

Mr. Harvey then noted that this proposal would clearly present less of a traffic impact than the other commercial and office uses previously approved for this site. He noted that the height of the proposed structures will be much more compatible with the adjacent residential properties. Mr. Harvey then showed a document that overlaid Hubbard Place into the site. He noted that the development would serve as a transitional zone between the Silas Deane Highway and the residential neighborhood. He then pointed out that in the Plan of Development it notes that 35.4% of the population is aged 55 or over. He said that the pricing and the size of the units is reasonable and that the development wouldn't impact the town's services, the tax base will increase and would meet a specific demographic need for housing. Mr. Harvey noted that there was no opposition voiced during the public hearing for the approved zone change and that there doesn't appear to be any opposition to this application.

Mr. Harvey then went on to address the memo from Mike Turner dated October 16, 2006 regarding the installation of the sidewalk on both sides of the street. Mr. Harvey then addressed the memo from Peter Gillespie and described the site development waivers the applicant would be seeking.

James Hughes asked Mr. Harvey if the street would become a public road. Mr. Harvey responded that it would be a private road maintained by an association.

Corey Garell, of Close, Jensen & Miller, noted that the proposed road is 950 ft. long and 24 ft. wide. He noted that there is a turnaround capability as requested by the Fire Marshall. He stated that the grades are fairly gentle. He pointed out that each unit is approximately 35' by 40' and the attached garages are 20' by 25'. He said the spacing between the units varies from roughly 15'-45'. He said there is a setback of 15 ft. between the building face and the curb. He noted that the site will be designed for a 10 year storm. He noted that the site will drain towards the south through a series of pipes and swales. He added that before the outlet to the wetlands it will go through a grease/oil separator. He said that for soil and erosion control there will be a silt fence and hay bails installed along the perimeter of the property. Mr. Garell noted that all utilities would be located underground. He then distributed and discussed a traffic statement.

Kevin Johnson, of Close, Jensen & Miller, discussed the landscape plan for the site. He noted that the applicants would be seeking a waiver to several of the landscape requirements as follows; Sections 3.4.E.2., 6.1.E.2., 6.1.I.1., 6.1.I.2. and 6.1.I.3 of the Wethersfield Zoning Regulations. Mr. Johnson described the proposed lighting fixtures. In closing, Mr. Johnson noted that a lighting engineer had completed a study and photometric drawings have been submitted.

Richard Morris, of JWM Architects, noted that the proposed floor plans and façade options have been submitted. He noted that the Design Review Advisory Committee had favorable comments with respect to the overall site design and the multiple façade variations available to the buyer. He commented that the aesthetics of the neighborhood would not appear planned or monotonous and that the applicant is trying to extend the fabric and character of Wethersfield into this development. Mr. Morris said that the colorations of the siding will be sedate and complementary tones. He then presented three (3) potential façade variations.

Mark Trahan, of Hometown Developers LLC, discussed his intention to make the new development blend into the existing community. He said that the demographics of the community lend to a built in market for their proposal. Mr. Trahan then discussed the environmental remediation that had recently occurred on the site.

Chairman Hammer noted that the Inland Wetlands & Watercourse Agency (IWWA) has an application pending on this property to be heard on October 18, 2006. He noted that the Planning & Zoning Commission would be unable to act on the application before them until the IWWA had reached a decision. Mr. Hammer the asked if the Commission had any questions for the applicant. There being none, he asked for a motion to table the application.

Tony Homicki made a motion to table the site plan and design review application until the next regularly scheduled meeting. Peg Wagner seconded the motion.

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

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Homicki, Wagner and Petrelli.

Nay: None.

Abs: None.

OTHER BUSINESS

4.1 PRE-APPLICATION REVIEW - 245 Main Street, LLC Seeking to covert an existing building in the Village Business Zone into four dwelling units.

Mike Barry, of Barry, Harvey & Later PC, noted that the site is geographically located at the corner of Church and Main Streets. The building was formerly a Masonic Temple and has been vacant for a number of years. Mr. Barry discussed the applicant's proposal to convert the two-story building into four dwelling units. The layout would consist of a single bedroom and a two bedroom unit on each floor.

Mr. Barry stated that there would be no major changes to the exterior of the building except for a proposed one-story, four bay garage addition and the installation of a handicap ramp. Mr. Barry discussed that the reason his client sought a pre-application review from the Commission was because there was some question as to whether a multi-family use is permitted in the Village Business (VB) Zone. As stated in Section 5.2.A., of the Wethersfield Zoning Regulations permitted residential uses in the VB Zone are one-family dwellings and mixed-use residential and commercial uses in the same building. Mr. Barry then noted that in accordance with Section 5.2.I.5., other uses similar to the permitted uses in a zone may be permitted by Special Permit.

Mr. Barry noted that the site is unique to the VB Zone in that it is one of the last buildings sitting idle with no use. He described the site itself as being small and having major constraints with respect to parking development. Mr. Barry noted that the proposal would increase the non-conformities with regards to the side yard setbacks.

Chairman Hammer asked if the applicant had considered an office or retail use of the property. Mr. Barry said that it would seem to be impractical and that to do the conversion, the highest and best use to make the project cost effective is residential. Mr. Barry also noted that the applicant is interested in living there herself.

Richard Roberts discussed some example of dwelling systems that exist within proximity to the site. He noted that there are 24-30 apartments above Village Pizza and 6-8 units behind the Village Tavern. He said the whole concept of mixed use isn't necessarily owner occupied business establishments.

Peg Wagner questioned whether the Commission was backing itself into a corner by not considering to allow multi-family on this site because that would increase the possibility that the site might never be developed for a commercial, retail or offices uses due to lack of space for adequate parking.

George Oickle asked Mr. Barry to describe the previous approvals that had been obtained for this site with respect to the proposed use. Mr. Barry noted that there was an approval for an office use that would have required the parking to be located under the existing structure. Mr. Barry noted that this option was too cost prohibitive.

Chairman Hammer voiced his concern that if the Commission interprets the Zoning Regulations in a certain way then they will have to be able to do it uniformly in the future. He noted that the Commission would essentially be saying that Section 5.2.A. allows for multi-family uses.

Mr. Roberts noted that he would rather see this proposed development come to fruition than watch the property sit idle or more intrusive use. He said the question is whether the applicant needs to seek a variance prior to coming to Planning & Zoning, if they could come in under the current regulations or if a zoning text amendment may be required.

Dorcas McHugh voiced concern with regards to lack of adequate parking in the VB Zone and the fact that the proposal may exacerbate an existing problem. Mr. Barry noted that the site engineers could try to redesign the site to allow for more parking.

Mr. Barry stated that he would await advice from the Town Attorney as to how he should proceed.

4.2 C.G.S. § 8-24 Review - Discussion of a Town fence bordering 381 Wolcott Hill Road.

Peter Gillespie noted that the applicant for this proposal was not present. Dorcas McHugh made a motion to table the application. Thomas Harley seconded the motion.

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

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Homicki, Wagner and Petrelli.

Nay: None.

Abs: None.

MINUTES

5.1 Minutes of the September 5, 2006 meeting.

Peg Wagner made a motion to approve the minutes as submitted. Fred Petrelli seconded the motion.

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

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Homicki, Wagner and Petrelli.

Nay: None.

Abs: None.

5.2 Minutes of the September 19, 2006 meeting.

Peg Wagner made a motion to approve the minutes as submitted. Earle Munroe seconded the motion.

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

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Homicki, Wagner and Petrelli.

Nay: None.

Abs: None.

STAFF REPORTS

PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING.

CORRESPONDENCE

8.1 A letter dated October 4, 2006, from John Bradley, Town Attorney to Peter Gillespie regarding Public Act § 06-80.

8.2 A letter dated October 11, 2006, from Brian O'Connor, Chief Building Official/Zoning Enforcement Officer to John Zubretsky regarding the electronic message center located at 449 Silas Deane Highway.

UPCOMING BUSINESS

ADJOURNMENT

Rich Roberts made a motion to adjourn the meeting at 11:36 p.m.

Commissioner McHugh seconded the motion.

Philip Knecht, Clerk