

WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
MAY 17, 2005

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, May 17, 2005 at 7:00 p.m. in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph Hammer, Chairman
George Oickle
Richard Roberts
Margaret Wagner
Robert P. Jurasin
David Edwards III
John Hallisey

Members absent:

Theresa Forsdick, Vice-Chairman
Philip Knecht, Clerk
Earle Munroe
Peter Leombruni
John Adamian

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

Chairman Hammer opened the public hearing and explained the format.

Prior to opening the first application, Commissioner Oickle asked Mr. Gillespie about the applications that were continued from the last meeting. Mr. Gillespie explained that the matter concerning the Folly Brook residential development was still awaiting approval from Inland Wetlands, so they will appear at the commission's next meeting, and Mr. Rana's application is on the agenda for tonight.

APPLICATION NO. 1460-05-Z. Jeff Mortimer seeking a Special Permit to allow the parking of a Camper larger than permitted located on the west side of the road in an A Residence Zone at 119 Westlook Road.

Mr. Mortimer was present to explain his special permit request. He told the commission that two of his neighbors were unable to be present, but that he does have a letter stating that they do not have a problem with the parking of the camper on his property. In addition, two other neighbors were present to testify. He added that he submitted photos that show two possible places that the camper could be parked on the property. The first position is on the side of his driveway and the other is on the side of the garage.

Chairman Hammer asked how long the camper has been parked on his property. The applicant responded that he has lived in the house for two years and has parked the camper there for one year. Chairman Hammer then asked who the closest neighbor would be and whether or not they took issue with the camper on the property. The applicant said that the closest neighbor would be Bill Johnson who was present to testify that he did not have a problem with it. This neighbor would be closest to the camper in either position. Chairman Hammer asked if the applicant had anything else to add. The applicant said that he plans to take the camper out 10-15 times this year and really doesn't have anywhere else to park it, therefore he would like to work with the commission to keep it on his property.

Mr. Gillespie then added that he had submitted a memo to the commission regarding the history of this application, including that a complaint from a neighbor prompted the building official to investigate and require the special permit application. He also said that there had been a letter submitted for the record from a neighbor who is opposed to the

application.. Mr. Gillespie said that under the new zoning regulations, the commission is allowed to issue exceptions to the rules. The rules state that campers on the property should be no longer than 18 feet and should be located in the rear yard.

Commissioner Roberts asked where the residence of the people who wrote the letter objecting to the proposal was located. Mr. Gillespie answered that it was on Onlook Rd., which was not directly behind the property, it was farther away.

Commissioner Jurasin asked for clarification on what relief the applicant was seeking. Mr. Gillespie replied that it was Section 3.5.b of the new regulations on p. 36. Commissioner Jurasin asked the applicant what the length of the camper was. The applicant replied that it was 27 feet from hitch to end.

Commissioner Oickle asked why the camper could not be parked in the rear yard. The applicant replied that if he was required to park it in the rear yard, it would be very difficult to maneuver and it may trench up the rear yard. They determined that it would be very difficult to park the camper in the rear yard without destroying the neighbor's yard. Commissioner Oickle asked about the width of the trailer and the width of the side yard. The applicant said that the trailer was 8 feet wide and the side yard was 15 feet wide.

Commissioner Wagner asked about the first photos taken that showed the camper in front of the house. The applicant said that he has since moved the camper to the side yard, Commissioner Wagner said that the camper is much less obtrusive in the side yard than in the side of the driveway in the front yard and asked if it was a hardship to him to have it in the side yard. The applicant said that he would rather keep in on the side of the garage than not be able to store it on his property at all.

Commissioner Jurasin agreed with Commissioner Wagner and added that it was less obtrusive on the side of the garage than it even would be in the rear yard.

Commissioner Wagner asked if the special permit is granted and this neighbor doesn't have a problem with the camper, but a new neighbor moves in who does, what happens to the permit. Mr. Gillespie explained that the special permit runs with the land, therefore it would carry forward.

Chairman Hammer asked if the camper had been in the existing location for one year. The applicant explained that it had been on the side of his driveway for about a year and on the side of the house for a few weeks.

Chairman Hammer then asked if any members of the public would like to speak in favor of the proposal.

Bill Johnson, 111 Westlook, said that he was the immediate abutter to the property and he has no objection to the location of the camper. He also said that the other neighbors that he has spoken to also have no problem with the camper. Finally, when the camper is parked on the side of the house, the neighbor on Onlook that objected can't even see the camper.

David Trull, 125 Westlook, said that he has no problem with the camper on the property in either location.

Chairman Hammer asked about the other neighbors who submitted letters. The applicant said that one of the neighbors was directly across the street at 110 Westlook Rd, and 54 Onlook Road.

Chairman Hammer then called for anyone to speak in opposition or ask any questions.

The applicant said that he is not sure why he was singled out for the complaint, especially since there are other people in his neighborhood in a similar situation that keep equipment on their property.

Chairman Hammer explained that when a complaint is made wheels are set into motion which get a process like this started. There is not the time or staff available to go after each and every person in town.

Chairman Hammer closed the public hearing on this matter.

APPLICATION NO. 1461-05-Z. Pierre Bennerup seeking a Special Permit to operate a Coffee Shop, located on the west side of the road in a Village Business District Zone at 253 Main Street.

Pierre Bennerup, 2289 Chamberlain Hwy, Berlin CT, introduced himself as the owner of Comstock, Ferre and also introduced the application. He explained that the Belden House has been zoned commercial and most recently has been used as an attorney's office until the attorney moved out due to lack of space. Mr. Bennerup said that originally he had planned a coffee shop on the side of Comstock, Ferre, but when this space in the Belden house became available he decided to propose the shop there instead. He has yet to meet with the fire marshal and health inspector next week. There are three exits and he proposes a handicapped toilet and a handicapped ramp. There is an issue with the Historic District Commission regarding the wheelchair access ramp from the front door. He is asking for approval from the commission pending the decision of the Historic District Commission. He has submitted a written explanation for each commissioner.

Chairman Hammer asked about the other use in the Belden House. Mr. Bennerup said that the upper floor is currently vacant and that the lower floor is occupied by State Farm agent Alan Birmingham. Chairman Hammer asked if the diagram submitted shows the ramp coming from Main Street. Mr. Bennerup said that it does and there is another diagram showing a ramp from the rear as an alternate.

Chairman Hammer said that the submission includes a request for 12 tables and 48 chairs and asked if the outdoor seating would be additional. Mr. Bennerup said that the outdoor seating would be located in an area on the north side paved with bluestone.

Commissioner Oickle asked what would be provided for parking at this site. Mr. Bennerup said that there are parking spaces in the rear of the Belden House that are usually blocked off and if the parking area that is currently used for display at Comstock is given up for parking then there would be nothing for Comstock's customers to buy. He said that there is an area in the way back of the shop that could be used for parking, however he doesn't think that it would readily be used for the coffee shop's customers.

Commissioner Oickle asked Mr. Gillespie about the parking situation at this location, specifically multiple parking uses. He suggested an agreement with the neighboring church be worked out. The applicant said that there is no formal agreement with the church but his customers will use their spaces on occasion and the church's parishioners will use the public parking in front of Comstock on Sunday.

Mr. Gillespie said that there is flexibility in the regulations to allow for shared parking, however, typically an analysis and agreement from the church would be required. The expectation has always been that the parking spaces in the rear of the Belden House would be used for that building and how those spaces can be used more effectively is something up for discussion.

Commissioner Oickle asked about the parking regulations when patrons of the existing garden center then use the coffee shop. Mr. Bennerup said that there is a pretty garden located on the south side of the Belden House and he would like to retain that. He suggested working something out with the church where his patrons would pay \$1 to the church refundable for some purchase at his business. He is very reluctant to give up any additional parking at Comstock. Another problem is that when people go into the garden center, it becomes hazardous for the children and pets walking around. He is concerned about allowing traffic, other than emergency vehicles, through his site.

Mr. Gillespie said that the office parking requirements are 4/1000sf of space, therefore 4 spaces for the current use. The restaurant parking is based upon the number of seats - based on the plan there would be 26 spaces inside requiring 9 parking spaces. Adding the outside seats, there would be 38 which would require 13 parking spaces total. Mr. Bennerup said that the written document calls for 48 seats which is not accurate, the total seats would be less than that. Chairman Hammer said that the plan shows 26 spaces inside. Mr. Bennerup said that was correct, and he did not expect to have more than 26 people in the space.

Commissioner Roberts said that his inclination is to keep the hearing open to get some more information on the parking situation. He would like to see more thought going into what spots are available, which ones are likely to be

created or assigned to this, what the expected overlap between the store and the shop would be.

Mr. Bennerup would like for this matter to not be carried over because this is a busy season for him and he would like to see this done.

Commissioner Wagner asked about the lot on the south side of the property and whether the building had been purchased and had any plans. Mr. Gillespie said that there is no current proposal, but the previous proposal had six spaces carved out from Church Street, which is probably the maximum for that site. Commissioner Wagner asked about the lot for the Belden House and whether there was room in the back of the house. Mr. Bennerup said that he does own that lot and Comstock Ferre and that he could probably fit six spaces if he needed to. Commissioner Wagner asked how many employees would work in the shop. Mr. Bennerup said that there would be four employees.

Chairman Hammer asked if Mr. Bennerup was not objecting to creating more spaces in the rear of the Belden House. Mr. Bennerup said that he was hesitant to create spaces through the garden, however he could fit four or five spaces near the shop and more spaces in the rear about 200 yards away. Chairman Hammer asked about the hours of operation. Mr. Bennerup said that he would operate 7 am to 9 pm six days a week, closed on Monday. Chairman Hammer asked if any changes were proposed for the outside of the building, specifically signage. Mr. Bennerup said that he was proposing a handicapped ramp and that any signage would have to go through the historic district commission. Chairman Hammer asked if the applicant felt that the on-street parking was adequate to handle the extra load. Mr. Bennerup said it would be adequate nine months of the year, and the remaining three months there is not adequate parking for anyone.

Commissioner Jurasin expressed concerns about the level of detail in the application and the lack of a staff report on what he would categorize as a restaurant. He said that the written presentation and a plan where the number of seats are not accurate. Also, the plan shows one half of one floor with the other uses not shown. He expects that more time would have been spent on this application, and that it would have included a parking proposal, written hours of operation, and proposed signage. He also wondered if the proposed shop would anticipate foot traffic. He asked about the issues, how are they addressed and what is does the staff think about them. Mr. Gillespie said that the application was received late and therefore the staff has not had enough time to properly review the application. There is a parking issue and there is a suggestion that this be thought about more and the hearing kept open and that is an option for the commission. The signage is typically reviewed administratively as it goes before the Historic District Commission, so that may not be an issue.

Mr. Bennerup explained the types of coffee that would be served. His cousin is a 50% owner of the franchise market. Also, the upstairs space would be used for Sunny Border Nurseries to be franchised to other garden centers. Hopefully this idea would involve bringing in a lot of commerce into Wethersfield. This is a more important idea than just one coffee shop and the whole upstairs is vacant and available for the franchise business.

Chairman Hammer asked how many employees would be using the office space. Mr. Bennerup did not know how many employees as that use would not come about for a year.

Commissioner Oickle asked about a large tree in the driveway and was concerned that there was no site plan that showed this tree. Mr. Bennerup said that the oak tree is precisely in the middle of the outdoor seats.

Commissioner Edwards questioned the ADA compliance of the plan and why the ovens and the freezer would be away from the cooking area. He asked if the plan had been designed by a restaurant designer. Mr. Bennerup said that it had and that there is an alternate plan that would allow use of the back room of the adjacent office space. Contractors have not looked at the plan yet and there are issues such as beams located in certain places that may be moved and the handicapped access may be moved. Commissioner Edwards asked if there was another storage facility in the building. Mr. Bennerup said that he is considering a freezer in the basement if necessary.

Chairman Hammer opened up the application to public comment.

Paul Lisella, 32 Hartford Avenue, is in favor of the application and any business that wants to locate in town and offset his taxes. He is opposed to the applicant opening up the parking lot at Comstock. He thinks that it would be

dangerous to children and pets especially. Additionally he wondered if the planning part of the PZC would be responsible for coming up with a solution to the parking problem. He would like to see the town either extend the public parking further down Main Street in the Village Section, or to come up with a solution to the parking problem, rather than expect the business owners to devise a plan.

Commissioner Oickle said that it was an age old problem in Old Wethersfield, where business keep being added and only the limited on-street parking is available, which do not meet town requirements. Anywhere else in town, the business owners would be expected to provide off-street parking for their business. It is not the town taxpayers who should be expected to deal with the parking issues, the Commission does try to deal with the issues concerning the parking. The businesses are expected to come up with a solution because they benefit financially from locating there. Mr. Lisella said that the town should take some responsibility for coming up with creative ideas for parking spaces. He also offered some suggestions including adding 20-30 parking spaces north of Comstock along Main Street. Commissioner Oickle asked if he was advocating commercial parking in a residential area. Mr. Lisella said that it is only residential on one side of the street. Commissioner Oickle agreed and said that Mr. Lisella's suggestion may be a good idea. They both agreed that keeping cars out of the area at Comstock was a good idea, however Commissioner Oickle is concerned about where the parking should be located. Mr. Lisella said that he gets overflow parking from Main Street all of the time in front of his house, but he tolerates it because he understands the benefits of the commercial tax base.

Paula Larsen, 271 Main Street, asked about the area of the proposed coffee shop. The applicant responded that it would be 1440 s.f. total with two handicapped bathrooms. Ms. Larsen asked if that met the town requirements. Mr. Gillespie said there is one handicapped bathroom on the first floor. Ms. Larsen asked if it was going to be a coffee house with pastries or a restaurant. Chairman Hammer said that a coffee house is all that is being asked of them now and that maybe it would become a restaurant in the future, but not unless the applicant came back before the commission. Ms. Larsen thinks that Comstock is one of the biggest assets in town. She is questioning whether or not the employee parking could be located on the site and not on the street. This would not affect the traffic through the site as they are there for eight hour shifts.

Commissioner Oickle asked if Ms. Larsen had any suggestions to improve the parking situation in that area. Ms. Larsen said that if the employee parking could be located on the site in the rear that would help alleviate some of the problem. Chairman Hammer asked if she was required to have her employees park in the rear of her site. She explained that she has a different situation because her employees are limited to her dad, who parks in the rear and kids who get dropped off or bike ride. Any additional employees are required to park either in her rear yard or at the church. She is not against the coffee house and would like to see it located in town. She hopes that the town can come to some resolve with respect to parking. All employees should have to park at the big lot at the Keeney or maybe something can be worked out with the church.

Chairman Hammer asked if the applicant had anything to add. Mr. Bennerup said that his employees are not allowed to park in front or around the corner.

Commissioner Jurasin said that the application says seeking special permit for the coffee shop use, and would the applicant then come back with a site plan to work out the other issues. Mr. Gillespie said that an approval would be for a change of use for a coffee shop and would have to resolve all of the other issues as well, it would not be a two step approval.

Commissioner Jurasin asked if the unisex lavatory was acceptable. Mr. Gillespie said that the building or health department would have to answer that. The applicant has to comply with those codes or he has to seek a waiver from the state building official as a separate issue. Chairman Hammer asked the commissioners to identify the information that is lacking. Commissioner Jurasin said that he would like to see a site plan as specified by the regulations. Mr. Gillespie said that a site plan is warranted to show where the parking would be located. Commissioner Jurasin asked if the tree that was mentioned would survive the proposed outdoor seating. Mr. Gillespie said that it wouldn't be that complicated to identify the tree and gazebo.

Commissioner Oickle made a motion to continue this hearing to the next meeting, until the applicant submits adequate

information. There is no site plan, a vague concern about parking and major issues are up in the air. The applicant submitted the materials late and it was not well presented. This matter should not have been on the agenda. He wants to know what is being voted on, and would like to have a staff memo with recommendations at the next meeting, along with comments from the town engineer.

Commissioner Roberts seconded the motion. He agreed that more information is needed and that the commission cannot take chances that the parking situation would be resolved. Commissioner Jurasin agreed and that the responsibility of resolving the parking situation should be shared by the town and the business owner. It is important to understand what is happening and what is agreed to and why.

Chairman Hammer commented that there is positive feedback on the use, however it is a significant enough use in a small area that requires additional information including conceptually whether or not five or six parking spaces in the rear, permission from the church across the street as well as tightening on the specifics like the number of seats. He encouraged the applicant to work with the staff to address these issues before the next meeting so that the commissioners have all of the information needed to make a decision.

All members present voted in favor of the motion, and the hearing was continued until the next meeting, June 7, 2005.

(Aye: Hammer, Oickle, Roberts, Wagner, Edwards, Hallisey, Jurasin)

APPLICATION NO. 1462-05-Z. Trinity Christian Fellowship seeking a Special Permit to establish a place of worship having shared parking spaces, located on the east side of the road in a General Business District Zone at 370 Silas Deane Highway.

Reverend Albert Thompson, 401 Coppermill Road, is a co-pastor of the multi-cultural Trinity Christian Fellowship. The building would be used for worship services, bible study, men and women's prayer groups and different outreaches. Chairman Hammer asked about the proposed interior renovations. Rev. Thompson said that he submitted a print of the cosmetic changes, there are no structural changes proposed. He is proposing a pulpit area and some partitions to create offices.

Chairman Hammer asked how many members would use the building. Rev. Thompson said that there are 53 members with about 12 for bible study. Chairman Hammer asked if the building could accommodate more than 53 members. Rev. Thompson said that it could, but if they grew much more than that they would either have two Sunday services or move. Chairman Hammer asked if the rest of the businesses in the building would not operate on Sunday. Rev. Thompson said that all of the parking on the site is available to the Church on Sunday, and they are allowed to use a certain number of spaces during the week as well. Finally Chairman Hammer asked if the space that the Church currently has in Elmwood is smaller than the proposed space. Rev. Thompson said that it is somewhat smaller.

Commissioner Roberts asked who the other tenants in the building are now. Mr. Gillespie replied that there are no tenants at the moment. 364 Silas Deane Hwy has Gurney Chiropractic and the white building on the other side is a mental health counseling center with enough parking for its use.

Commissioner Oickle said that the town planner has recommended adding handicapped parking spaces, but that the building and pavement looked like they were in good shape. He said that the dumpster was shown on the plan in a parking spot, where normally some screening is required by regulation, which should not be a problem. He asked if the facility would be used during business hours during the week. Rev. Thompson said that he and his wife may be there during the day, but there would be nothing requiring any more than the allowed parking during the week.

Commissioner Edwards said that the population count on the plan was based upon table and chairs and not an assembly count. The population count is low.

Commissioner Jurasin said that the number of parking spaces on the site plan seems adequate even without the five tandem parking spaces. Mr. Gillespie said that is an existing condition, not normally allowed in that manner. Rev. Thompson said that the owner, Mr. Traina, said that they could use all of the parking on all of his property in that area.

Mr. Gillespie said that by shared parking he meant shared use of the property at its maximum and not necessarily tallying the parking, it really means using the parking at off peak times. Commissioner Jurasin said that the hours of operation must be part of the application then.

Chairman Hammer asked the property owner to speak. Mr. Sebby Traina 132 Balfour Drive West Hartford, introduced himself and said that he did a lot of renovation work at the property. He said that on Sunday, the office building would be closed and they can use all of the parking. Commissioner Jurasin would like to clear for the record that this use would have access to all of the parking on Sunday. Commissioner Hallisey wanted to state for the record that the maximum parking is only needed on Sunday. The use on Tuesday nights is only for twelve people. Mr. Traina said that there is plenty of parking for everyone at the site. Commissioner Jurasin said that as long as the other tenants are willing to abide by that then he is ok. Chairman Hammer asked if the owner would make it clear to the other tenants that the church would have access to all of the parking on Sundays.

Commissioner Oickle said that there is on street parking all along Nott Street if there is not enough parking. He said that it is the same situation as in Old Wethersfield with the on-street parking.

Mr. Traina said that he is awaiting a letter from CL&P with regard to using the right-of-way for additional parking.

Chairman Hammer asked if anyone wished to speak in favor, against or had a question.

Helen Jones, 120 Amherst Street Hartford, she is a member and deacon of the church. The congregation is enthusiastic and things are always done decently. They really do need the space and this is a great opportunity for the church.

Joanne Thompson, co-pastor, explained that during the week there may be more than two cars there due to one-on-one ministry. The actual numbers may vary slightly from those that were submitted.

Chairman Hammer seeing no further questions or concerns, closed the public hearing.

APPLICATION NO. 1453-05-Z. Rana Automaster LLC seeking a Special Permit for a General Repairer's License and to display and rent vehicles & trailers (both renewals of ZBA Applications), located on the east side of the road in a Regional Commercial District Zone at 1652 Berlin Turnpike (Public Hearing left open from April 5, 2005 & May 3, 2005

The Applicant did not appear. Commissioner Roberts made a motion to continue with the regular meeting. Mr. Gillespie informed the commissioners that the number of UHaul trucks had been reduced to three and that there seemed to be fewer unregistered cars.

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
MAY 17, 2005**

The Wethersfield Planning and Zoning Commission held a public meeting immediately following the public hearing on Tuesday, May 17, 2005 at 7:00 p.m. in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph Hammer, Chairman
George Oickle
Richard Roberts
Margaret Wagner
Robert P. Jurasin
David Edwards III
John Hallisey

Members absent:

Theresa Forsdick, Vice-Chairman
Philip Knecht, Clerk
Earle Munroe
Peter Leombruni
John Adamian

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

APPLICATION NO. 1460-05-Z. Jeff Mortimer

Commissioner Roberts made a motion to approve the application with the condition that the camper be stored side yard and next to the garage rather than in front of it. Commissioner Wagner seconded the motion. Commissioner Hallisey confirmed that this was shown in one of the submitted photos. All members present voted in favor of the proposal. (Aye: Hammer, Oickle, Roberts, Wagner, Edwards, Jurasin, Hallisey)

APPLICATION NO. 1461-05-Z. Pierre Bennerup

APPLICATION NO. 1462-05-Z. Trinity Christian Fellowship

Commissioner Roberts made a motion to approve the application as submitted with the stipulation about the timing and availability of shared parking. He also said that the applicant must work with the town staff to clean up the location and enclosure of the dumpster.

Commissioner Oickle added that the two handicapped parking spaces be signed and marked. He added that the owner should work with CL&P to gain access to the right-of-way for additional parking.

Commissioner Hallisey seconded the motion.

All members present voted in favor of the proposal. (Aye: Hammer, Oickle, Roberts, Wagner, Edwards, Jurasin, Hallisey)

APPLICATION NO. 1453-05-Z. Rana Automaster LLC

The Applicant did not appear. Mr. Gillespie informed the commissioners that the number of UHaul trucks had been reduced to three and that there seemed to be fewer unregistered cars, however some of the signs and storage remains. Therefore, he said that the applicant had made some progress. There was a discussion as to whether or not the application should be denied without prejudice and it was decided that if the public hearing was closed that the application would not be automatically approved.

Chairman Hammer asked if conditions could be generated by the staff without keeping the hearing open.

Commissioner Jurasin made a motion to close the public hearing.

Commissioner Oickle seconded the motion. All members present voted in favor of the motion. (Aye: Hammer, Oickle, Roberts, Jurasin, Wagner, Edwards, Hallisey)

MANDATORY REFERRAL under §8-24 of the Connecticut General Statutes for the review of possible uses for the Olson House building at 105 Marsh Street.

Chairman Hammer explained that the building has become vacant and that the town council has asked the building be marketed to someone who is willing to repair it and then be charged a reasonable rent. He then asked Mr. Gillespie to explain further. Mr. Gillespie said that it is located in a Residential A zone and that there is a sizeable parking lot at the site. It could be considered a pre-existing nonconforming use and therefore could be changed to another

nonconforming use, otherwise the building could be used as residential. There is a considerable amount of work that needs to be done on the property and that would be made clear to anyone interested in the property.

Commissioner Oickle asked what the surrounding cemetery was zoned. Mr. Gillespie said that both properties are zoned Residence A. Commissioner Oickle said that he wouldn't mind seeing the cemetery expanded.

Commissioner Wagner said that she serves on the Capital Improvement Commission and they had discussed that a low impact office use at the site like a doctor or dentist would be most desirable. She said that the town manager thought that the Old Wethersfield residents wanted the building to remain and not be torn down.

Chairman Hammer asked if commercial use would be feasible at that location. Mr. Gillespie said that it would be either as a continuation of the existing use or a change in nonconforming use. He added that the town does not have a particular interest in retaining the building, so they may be willing to sell it.

Commissioner Oickle recalled a situation where a building was proposed to be taken down on Main Street. The building was preserved after public hearing and now is being used as a lawyer's office. It worked out very well. He is concerned if there was a change made, what is the use of the property to the north and would this be a spot zone.

Mr. Gillespie said that it wouldn't be a spot zone because the zone would not be changed, the property to the north is both wet and owned by the cemetery. This would be a pre-existing nonconforming use. Commissioner Wagner asks about the zoning next to the cemetery and next to the Olson House. Mr. Gillespie said that it is just Residential A.

Chairman Hammer said that the parking at the site would exceed the requirements for a dentist or doctor office. Commissioner Roberts said that the site seems like it would not be conducive to residential use, but would be good for a low impact commercial or quasi-municipal use. He would like to see the property not marketed toward one use, but rather put it out for bid and see who is interested.

Mr. Gillespie said that they would plan to market it broadly and include all of the problems with the building. Commissioner Hallisey asked if the town's preference was to sell or rent the building. Mr. Gillespie said that the town preferred to sell it.

Commissioner Oickle asked if the Public Works Department would like to use it. Commissioner Wagner answered that there is a lot of work that needs to be done on the property, so they would not be interested.

Chairman Hammer asked if a motion needed to be made, Mr. Gillespie answered that a motion was not needed. Commissioner Roberts added that under 8-24 the commission should react to a proposal not make a proposal.

PRE-APPLICATION REVIEW - Peter Brissette, Tim Horton's Restaurant proposal with drive-thru window at 486 Silas Deane Highway.

Alan Carpenter, P.E., from BL Engineering introduced the application. He described the 3/4 acre site with the existing Carnival Ice Cream store with access from Church Street and Silas Deane Highway. They are proposing a 1758 sf. Tim Horton's restaurant. The drives would be located at the most remote location from the intersection. The site is in a General Business zone which requires a special exception for a drive thru. They did go before the Design Review Committee a few weeks ago and got their input. The site is not fully engineered or surveyed because this is a pre-application and the applicant is present to get some input from the commission.

Chairman Hammer asked what a Tim Horton's restaurant consists of. Steve Fielder from the Tim Horton's company responded that they are part of the Wendy's franchise that compete with Dunkin Donuts and Starbucks, but also offer a lunch menu. They have become entrenched in New England after a recent acquisition of Bess Eaton Donuts.

Chairman Hammer asked how many seats would be in the restaurant and how much of the business would be take-out. The applicant said that there would be 40 seats and take-out would consist of 40-50% of the business with the drive-thru. Chairman Hammer asked about the importance of the drive thru. The applicant said that it was very important because they are a convenience type business. Chairman Hammer asked about the hours of operation. The applicant

said that they like to stay open 24 hours otherwise it would be 6 am to 11 pm or midnight.

Commissioner Hallisey asked about the volume of business. Mr. Fielder replied that in a mature store their business is comparable to Wendy's. Commissioner Hallisey asked where the closest Tim Horton's is located. Mr. Fielder said that there are stores in Meriden and Vernon. Chairman Hammer asked if it was a comparable traffic generator to Dunkin Donuts. Mr. Fielder said that they would propose to do 50-70% of their business and their hope is to meet their volume within a few years.

Commissioner Jurasin asked if the applicant had the opportunity to review the comments submitted by the town engineer. He said that all of the comments are relevant, particularly #15 :

- Consider warning so tall vehicles using drive thru will not enter or hit roof overhang.

Mr. Gillespie said that the Starbucks installed a bar which doesn't seem to be working, so he thinks that they should take a look at this. Commissioner Jurasin discussed the opportunity to meet with other property owners and discuss cross easements, as Mr. Turner suggests in #13 of his memo:

- Consider connection between parking lot and property to north.

One property owner can't do it alone, it has to be agreed upon by all of the property owners. However, he is curious why they chose this layout for the drive thru as it seems tedious to get to the drive thru from the Silas Deane Highway. The engineer responded that he did not have an argument for that other than they tried to get the drive thru stacking as far from the intersection as possible. Mr. Fielder said any repositioning would create a situation where cars will drive through the stack lane, normally an undesirable situation.

Commissioner Wagner asked if the restaurant could be located at the beginning of the proposed drive thru. Mr. Fielder said that was a consideration but then people would be able to walk through the drive thru lane. They try to keep that situation from happening.

Mr. Fielder said that if a stack lane comes between the parking it creates a difficult situation for exiting the property at busy times.

Commissioner Oickle asked if the design considered the proximity to the cleaners. Mr. Fielder said that they were prepared to sufficiently light the area back there.

Mr. Carpenter said that he will review the town engineer's comments which are reasonable and he will accommodate them in the new plan. Commissioner Oickle asked if the staff had a chance to issue comments on this. Mr. Gillespie said that he asked Mr. Turner to comment on this pre-application. Commissioner Oickle asked about inconsistencies like roof-mounted signs. He also asked about the proposed roof colors in the color rendering that was submitted. Mr. Carpenter said that they will work with the staff concerning signs and that the proposed roof shingle would be an architectural brown shingle with orange highlights.

Chairman Hammer asked if they could submit ballpark figures for the traffic entering and exiting the site. Mr. Carpenter said that information would be in the traffic study. Chairman Hammer said that there has been much discussion about what the commission would like to see in terms of the site and having buildings locate closer to the sidewalk with the parking in the rear. He asked if they had looked at that for this site. Mr. Fielder said that they did look at that, however DOT wants to see two to three cars between the window and the street. Chairman Hammer suggested moving the building to the lower left corner with no parking in front of the building. Commissioner Jurasin said that the concept that they would like to see is the building fronting the street with the parking located in the rear. Mr. Fielder said it would be very difficult to make the drive thru work with that location.

Commissioner Oickle asked if a drive thru with ten cars push the building back on the site. Mr. Fielder said that it would be difficult to move the building without having people drive through the stack. Commissioner Oickle said that the town of Wethersfield has suggested the Town Center at this location. This means one to two story buildings at the site. He asked what the Design Review Committee said about this project. He would like to know why the applicant

may not want to put up a two story building up front and have multi use in that location. Also, if the commission does not go along with the town center notion, what are the chances that another proposal will be brought before them.

Mr. Gillespie said that the Design Review Committee did review it and the discussion ended on the issue of the Town Center location. This intersection is key in terms of what happens at the property because of its visibility and proximity to town hall. The 1987 plan discusses that the buildings be located as close to the intersection as possible to avoid a big parking lot. The comments to that effect go back to that plan. There were several comments about whether this proposal meets the master plan for the highway and what the best use of this property is. The Design Review was not able to answer that question. Commissioner Oickle heard that they threw this issue back to the Council and PZC. The Commission has reviewed this property before and the comments are the same. Commissioner Oickle is afraid that the Town Center concept would be more theory than practical, and he is wondering how it can be implemented.

Commissioner Hallisey asked what the Town Center plan was. Mr. Gillespie said that it was not specific to this property but rather identified this intersection as a key area along Silas Deane Highway, and to see some more intense development of the four properties including public space. The intent was that whatever happens at this location is important and must be reviewed very carefully. He added that since the drive thru dictates the building location, therefore without the drive thru there may be more flexibility to develop this property.

Commissioner Roberts said that the town has done things to abandon the town center concept because they have done nothing with their own town property to promote the town center.

Commissioner Wagner asked if the number of parking spaces could be reduced. Mr. Carpenter said that the number of spaces are more than required, however they are approved by a real estate committee from Tim Horton's who have identified that this many spaces are needed. Commissioner Wagner said that the comments are based on the fact that there is a lot of pavement at the site and if that could be addressed that may take care of some of the issues. Commissioner Wagner thinks that the building is attractive and is what is wanted along the Silas Deane Highway. She recommended adding more greenspace to the parking lot. Mr. Carpenter said that he thinks that they have the flexibility to do that. They contemplated adding a linear island between the head in parking spaces. He also discussed the segmental block wall as an attractive element of the landscape.

Chairman Hammer commented that beyond the 1987 plan, the commission thinks that the building should be sited properly and if the drive thru is deciding the placement of the building than it is conceivable that the commission could decide that a drive thru doesn't work. He also recommended that the applicant review the traffic impacts and volume particularly along Church Street which is residential. He also has concerns about fast food with drive thru window as a use and wonders if it is the best use for this parcel. This property is an important one in the heart of the commercial district. He looked at the special permit regulations specifically whether the use will enhance community development and not result in excessive numbers or proximity of like uses. He has concerns that the town does not end up with wall to wall drive thru windows down the Silas Deane Highway. He does not want to make a decision tonight, however he does have concerns. He wants to be comfortable that the use is good enough.

Commissioner Jurasin echoed Chairman Hammer's comments. He said that it doesn't have to do with the Town Center or whether or not there is a drive thru. He thinks that it has to do with whether or not the Silas Deane Highway would be a better place than it is now. If the drive thru problem needs to be solved differently, then make it work. If the applicant can make this work without variances and meets the regulations and comment #1 in Mr. Turners memo:

- Site does not meet requirement to have no more than 25% area between street line and front building line paved, however this application would be closer to compliance than existing conditions, possible need variance.

Mr. Carpenter said that there is a 25% requirement in this zone, so they will provide that.

He added that there is sure that there is a happy medium between what the town needs at the site and what will work for the applicant. He thinks that they can do it if given the chance.

Commissioner Oickle asked if Commissioner Jurasin if there was any answer to the location of the drive thru, specifically if DOT requires 10 stacking positions. Commissioner Jurasin said that the DOT would accept anything that

the applicant proves that they need. He doesn't know whether ten is the right number or not. They will accept an argument if the documentation is comprehensive. Commissioner Jurasin said that the BL companies can demonstrate that they have heard the comments and can incorporate them, particularly cross easements. Mr. Carpeneter said that they would leave the option for the neighbor to connect on their dime if they reconfigure their site in the near future. Commissioner Jurasin said that the site should allow it.

Commissioner Wagner said that they are missing the point that this is an eat-in restaurant as well, which is an enhancement because it would provide a place for the town hall employees to walk to for lunch. It is not just a morning drive thru, but also would be used at lunch and for light dinners.

Commissioner Oickle said that there are now two ice cream places in Old Wethersfield and now that Carvel is gone here, it has been replaced in Old Wethersfield.

Commissioner Jurasin asked if the Design Review Committee provides a written sheet of comments.

Mr. Gillespie said that they normally do, but do not have one in this case. They commented that there is nothing specific to compare projects against until there is a detailed set of design guidelines for the Silas Deane Highway. Commissioner Jurasin asked when this would be ready.

PRE-APPLICATION REVIEW - Anthony Gallicchio proposal for a Self Storage Facility, Car Wash & Gas Station at 2090 Berlin Turnpike.

Anthony Gallicchio, 66 Cedar Street, owner, described the property. Due to its elevation and the fact that a portion of the rear is in wetlands, it has been difficult to market the property. The current proposal is to put self storage in the rear of the lot and some commercial in the front of the lot, particularly a car wash and gas station. There would be no major filling on the MDC sewer. Mr. Gallicchio agreed with some of the comments made in Mr. Turner's memo, particularly eliminating the illegal dumping and sale of parked cars. They hired an architectural firm that drew up the proposal with consideration for the radius, the side yards, the wetlands and the sewer right of ways that run through the property. The people who are interested in the site only want to purchase it if they can use the rear of the property, therefore they have not concentrated too much on the front of it. The engineer realizes that there can be no impact to wetlands and that detention ponds need to be designed. The driveways are existing and there is parking for the self storage units. The car wash and gas station are designed so that traffic would come in through the north of the site so no cars would be out on the Berlin Turnpike. There is an alternate site shown for the gas station on the plan. Mr. Gallicchio said that he was born in the house on the property and the issue of being in two towns has never been a problem.

Commissioner Oickle said that he would like to see the glass window boarded up. The Applicant said that he has boarded it up at least twenty times and that people still break in. Commissioner Oickle understood and suggested the applicant hand pick the site. He also asked if there was access off of the ramp. Mr. Gallicchio said there is no access on the ramp, they bought access from the State in order to put a driveway in there. Commissioner Oickle said that he hopes that the State allows the third turning lane in front of the site. The lane narrows in front of his property. Mr. Gallicchio said that lane is already there. Commissioner Oickle suggested relocating some of the storage facilities slightly to get the best configuration.

Commissioner Jurasin asked what building six was. Mr. Gallicchio said that it was the old car wash. Commissioner Oickle asked about the condition of the old building. The applicant said that it was in good condition. Mr. Gillespie recalled that the style of each of the self storage units may not be allowed, however the regulations may be allowed through the special permit process.

Commissioner Oickle asked if there have been any other proposals. Mr. Gallicchio said that the only decent proposal was a skating rink, however after they got approval for it, they ran away and never came back.

Commissioner Jurasin said that he was inclined to see that everything is in line for the self storage units to be approved. However, he would not like to see a gas station and he does have concerns about the traffic lanes.

Commissioner Oickle asked what else could be put in at this site. Commissioner Jurasin said that if they do want a gas station, it may negatively impact the layout of the storage.

Commissioner Roberts said that he agrees about the self storage issue and the traffic at the site.

Commissioner Oickle reminded the applicant that he must go before the Inland Wetlands commission and get approval also.

The applicant said that there is a need for the drive-up self storage and the other building is a convenience but the enclosed self storage is more difficult. Mr. Gillespie said that there is an opportunity to make the building in the front less like a storage space.

Mr. Gallicchio thanked the commission for the opportunity to present the application.

APPROVAL OF MINUTES OF: [May 3, 2005](#).

Commissioner Jurasin made a motion to approve the minutes of May 3, 2005.

Commissioner Oickle seconded the motion.

All members present voted in favor of the motion. (Aye: Oickle, Roberts, Wagner, Edwards, Jurasin,) (Abs: Hammer, Hallisey)

Public comments on general matters of planning and zoning. None

Correspondence. None

OTHER BUSINESS

Mr. Gillespie described a situation with the industrial park off of Wells Road. The subdivision improvements were never completed and there are now giant holes in the road. There was a lien on the sale of lot 2 and the town attorney feels that there may be leverage to get the improvements done. The commission would have to hold a show cause hearing and then make a decision on whether or not the improvements should be done. Mr. Gillespie is looking for some guidance as to how he should pursue this situation. By putting a lien on the lot they would gain the resources needed to improve the subdivision. Chairman Hammer asked if it would be noticed as a potential revocation of bond for subdivision.

Commissioner Roberts asked if the town ever found an assistant town planner. Mr. Gillespie said that they did hire someone today, Denise Bradley, who will start on June 6 and was working in the Middletown Planning Department.

Mr. Gillespie also said that he had a meeting with a developer regarding the Funzone property who is willing to tear it down and fill in the site.

ADJOURNMENT

Chairman Hammer asked if there was any other correspondence or other business. Seeing none, Chairman Hammer asked if there was motion to adjourn.

Commissioner Roberts made a motion to adjourn.

Commissioner Jurasin seconded the motion. The motion passed unanimously (7-0).

(Aye: Hammer, Oickle, Roberts, Wagner, Jurasin, Edwards, Hallisey)

The meeting was adjourned at 10:30 p.m.

Philip Knecht, Clerk