

[NOTE: These minutes are made available to the public prior to Planning and Zoning Commission acceptance.]

---

**WETHERSFIELD PLANNING AND ZONING COMMISSION**  
**PUBLIC HEARING**  
**September 6, 2005**

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, September 6, 2005 at 7:00 p.m. in the Wethersfield Community Center Meeting Rooms S1 and S2, 30 Greenfield Street, Wethersfield, Connecticut.

Members present:

Joseph Hammer, Chairman  
Theresa Forsdick, Vice-Chairman  
Philip Knecht, Clerk  
Margaret Wagner  
Dorcas McHugh  
Robert Jurasin  
John Hallisey  
David Edwards

Members absent:

Peter Leombruni  
Daniel Camilliere  
Thomas Harley  
Fred Petrelli

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

Chairman Hammer opened the meeting, called the public hearing to order and explained the format. He asked everyone in attendance to be brief when they spoke and requested that a show of hands show support. He reminded the public that all previous speakers are part of the record. Chairman Hammer said that he will call for those speakers in favor and those opposed and everything must be addressed through the chair. When the hearing is closed, the commission does not have the ability to take any more testimony or documentation. If they get through all of the public hearings tonight, then the commission will go to the regular public meeting to vote on the applications. There are nine members total with seven members present to vote. Five affirmative votes are required to carry a motion. If any member of the public leaves before a decision is rendered, they can call the planning department tomorrow.

**APPLICATION NO. 1474-05-Z.** Premier Building & Development, Inc. seeking a Change of Zone from AA Open Space Development District to Special Residential Development Zone at the easterly side of Back Lane also at the end of Old Reservoir Road, known Tax Assessor's Map 43 Block 11 & Map 42 Block 16. Chairman Hammer asked the applicant to go first because the commission had requested specific information. Mr. Harvey, attorney for the applicant, said that he is there to address questions and comments from the commissioners. The proposal is to change the zone on a 15.8 acre property in order to allow for an application for active adult housing. He finds that there is strong support for this use in the town. At the last hearing, there were questions about the traffic impacts and the previous proposal by LaCava. Mr. Harvey handed each commissioner the following:

- A copy of the plan for a 23 lot LaCava subdivision
- A letter from Louis Reynolds, *Close, Jensen and Miller* to Mr. Pat Snow, *Premier Building and Development* dated September 6, 2005 regarding traffic generation for the proposed special residential development of the Harris Property.

The letter states that "...single family usage has a 2-1/2 to 4 times more traffic impact..." of active adult use.

Mr. Harvey added that Mr. Sean Hagearty, their real estate appraiser from R.F. Hagearty & Associates, Inc. had been charged with getting more data and evidence that these types of projects do not have a detrimental effect on the surrounding properties. Mr. Hagearty appeared before the commission and provided each commissioner with the following document:

- A letter from Sean Hagearty, *Vice president of R.F.Hagearty & Associates, Inc.*, to Mr. Patrick Snow, *Premier Building & Development* and Mr. John F. Harvey, Esq., *Barry, Harvey & Later, P.C.* dated September 6, 2005 regarding additional market value impact study for the proposed active adult project on Harris parcel.

He explained that the information provided included sales and resales of small developments in Rocky Hill, he measured the rate of change, the initial vs. current sale price, the trend in listings of single family homes. He found that there are not a lot of projects to provide data with significant conclusions. He looked at projects in Farmington, Simsbury, West Hartford and Manchester for a detailed analysis. He found only 27 sales and resales for the four projects studied. In Farmington, 6 out of the 7 sales were higher than the median selling price, in West Hartford, of the twelve sales, 5 were above and 7 were below and the Simsbury and Manchester projects were evenly split.

Mr. Hagearty went on to say that he looked at sales in the immediate area of the subdivision to match up prior sales and included a summary table. He found that 16 properties have sold since 2001 for which prior sales are available to make a price change comparison. He also found the sales analyzed ranged in price from \$185,000 to \$760,000. Of the 16 sales, 7 have sold at price changes better than or roughly equal to the underlying town median price change while 9 sold at price changes that lagged the median price change in town. He admitted that it was difficult to draw conclusions from a limited data set. However, his conclusion is that the proposed development of the Harris parcel with an active adult condominium containing all detached, ranch and a partial two-story units will not have a negative impact upon single-family home values in the surrounding neighborhood.

Commissioner Knecht pointed out that the sales in Wethersfield are much higher than the asking price of the proposed condominiums. Commissioner Edwards says that the prior sales don't show whether or not they were before or after the housing was built.

Mr. Hagearty replied that the information provided does not reflect all sales in the town, and that his intent was to show a trend and that the sales do not show a negative impact on the sales in the town. Mr. Harvey then told the commission that he would try to answer any questions. He added that there would be no access to Back Lane.

Commissioner Wagner asked if the 39 units proposed for the site were the break even number. Due to significant drainage and wetland issues, that number may need to be reduced. Mr. Harvey recognizes that there may be fewer units, however there are significant dollars associated with the zoning process and zone change and therefore their proposal stands at this point. Her concern is if she approves the zoning change and then they pull out, that someone else can come in with a whole different development. Mr. Harvey said that they are both prisoners of the regulations. Chairman Hammer asked if any other commissioners had questions. Seeing none, he read the following correspondence into the record:

- A letter from Sean Hagearty, *Vice president of R.F.Hagearty & Associates, Inc.*, to Mr. Patrick Snow, *Premier Building & Development* and Mr. John F. Harvey, Esq., *Barry, Harvey & Later, P.C.* dated September 6, 2005 regarding additional market value impact study for the proposed active adult project on Harris parcel.
- A copy of the plan for a 23 lot LaCava subdivision
- A letter from Louis Reynolds, *Close, Jensen and Miller* to Mr. Pat Snow, *Premier Building and Development* dated September 6, 2005 regarding traffic generation for the proposed special residential development of the Harris Property.

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

**Anne Thomas**, 87 Blackbirch, said that she sells land and homes for Prudential Real Estate. Based upon her experience, she does not feel that the proposal will lower the housing values, the real estate market is going to flatten

anyway. She is not originally from Wethersfield, but from Pittsfield, MA where she has seen the town become dead because there was no progress. She sees a huge need for this type of housing in town and that most of these developments are completely sold before a shovel even hits the ground. One of the last homes sold in the neighborhood of this development was a 4 bedroom, 2.5 bath home for \$360,000 on Wildwood, she also quoted home prices on Back Lane at \$350,000, \$320,000 and \$340,000. She said that the proposed homes have a similar value.

Chairman Hammer then asked for those not in favor of the proposal.

**Bill Randazzo**, 424 Old Reservoir Road, commented on the appraised values mentioned. He is not sure that the data set is correct. He asked if the homes around the other proposed developments were similar in value to these homes, in the \$500,000- \$700,000 range. He said that it is the sole responsibility of the commission to worry about the people of Wethersfield not to maximize the developer's profit. His father's company developed a piece of land in this area 25 years ago. He went through this same process and it was agreed that the lots had to be a certain minimum area and the houses had to have a minimum area. In addition, there were 4.5 acres donated to the town. He said that if the commission wishes to change this, then his family would also like to change the agreement. The cul-de-sacs are supposed to have a certain turning radius for a fire truck to turn around. He wants to make sure that the proposed roads would have those minimum turning radii. He added that the proposed 39 units would logically add more traffic than the allowed 23-25 units. He said that it is unrealistic to think otherwise. He wants this property to be developed in the same manner as those before it. He is worried about the additional properties in the area being overdeveloped in the future. He asked why those property owners would settle for 25 homes when they can get 40.

**Paul Meskiewicz**, 21 Westmont Road, presented a petition with 80 signatures representing 60 homes in the impacted area. As far as voting procedure, it may affect the number of affirmative votes that are needed to approve the development. He asked for a show of hands against this development. *{A number of people in attendance raised their hands}*

He had created his own presentation to hand out to each commissioner concerning the application, the land in question and the proposed zoning change. He began with an excerpt from the Plan for Conservation and Development p.17 that read "Wethersfield is a mature community with its existing land use patterns well-established. The town is small with limited land resources for future development. Any future commercial or residential development needs to be complementary to the existing residential neighborhoods in town."

He then read from p.21--Land Use and Zoning Goal, "to protect and improve the quality of life in existing residential neighborhoods... promote the preservation of the 60-foot Tri-Town Connector right-of-way and encourage the development of elderly housing in the former I-291 corridor" He included a snapshot of the overall land there are 35+ acres potentially to be developed for age restricted housing. He asks how much more they need to create. He is not against age restricted housing, he thinks it should be taken in context with the overall growth of the town.

He then read from the Economic Development section "The ability of a town to attract new residential and commercial growth is influenced by a wide range of demographic trends including population growth, household formation, income and employment. The age, size and socio-economic characteristics of a town's population..." On the next page "Another factor in attracting new businesses is a highly educated and skilled workforce." He said that these proposed homes would not be doing this. He understands the need for this type of housing, but again said that the development should be in context with overall growth of the town.

He spoke with Jennifer Rosso from Standard and Poor. She states the following, "Some of the key ratios demonstrating a municipality's economic health include unemployment, the market value and trend of property valuations, and the relative wealth levels measured by effective buying income... In economic downturns, higher-valued properties typically retain valuation and exhibited strong growth through the recession." He finds that contradictory to the appraiser's information.

He agreed that there is not a wide data set of this type of development in Connecticut. He read from a CHAPA report that said "While most of the existing age-restricted developments have been successful, the large number of new age-restricted units coming onto the market in the next three years means there will be much greater competition. Therefore, developments that are not well-located, well-designed and well-priced will be unlikely to succeed." He

does not see that this development's locations close to public transportation, there are no amenities within walking distance, nor does it provide any social activities for the residents. Additionally, he quoted, "It is estimated that 10% of homebuyers over the age of 55 purchase in age restricted communities. Even if the share of these seniors were to double by 2010, total demand would amount to 3,500 units per year. If most of the pipeline projects are built, supply may exceed demand." He pleaded with the commission to not jeopardize the values of their homes with a development that might fail.

Mr. Meskiewicz then read from an article enclosed in his handout which stated, "...over 90 percent of households at least 65 years old prefer to remain in their own homes." He agrees that there is a need for this type of housing however building this in the middle of a residential area does not seem appropriate. From the Nation's Building News, "The 50+ population is looking for new housing, but not within the context of retirement traditionally associated with this age group... by and large aging boomers do not see themselves trading down but instead expect to be moving up to the best housing they have ever had...Probably the most striking thing we've found over the last few years is that many home buyers over 50 are not simply cashing out the equity they've built in their family home, nor are they downsizing into a less expensive house or apartment."

He referred to other articles that he included in the packet, one from the internet which talked about how one community is considering dropping the age restriction on the development because they are faced with fewer golfers and have concern about declining home values. This is from Sun City West which is one of the most successful age-restricted developments. He said that he hopes that they don't have this problem. He then referred to an article from the Middletown Press which said that "...the neighbors-a great number of whom showed up to the (commission) meeting--testified that an active adult development would not be in harmony with the character of the neighborhood...Commission chairman Peter Hanson said in the end, there were simply too many unknowns to approve the project... But beyond that, Hanson said, the commission as also concerned about the appropriateness of the 28-unit proposal, as well as 'its location characteristics, and the municipal infrastructure' in the area"

He also included information from the assessor's records based upon the October 2003 Grand List. He asked the commissioners to take the following development factors into consideration:

- 50% of the 170 existing homes in the area have a higher appraised value than proposal
- 69 homes or 40% have an appraised value of \$100,000 or moer than proposal.
- 44 homes or 25% have an appraised value of \$150,000 or moer than proposal.
- The mean average appraised value of exiting homes is \$404,057.
- The median average appraised value of existing homes is \$358,571.
- All 170 homes in the area are on no "less" than 1/3 acre.
- 146 of 170 existing homes or 85% have over 2,000 s.f. actual living space
- The mean average of total living space is 2,667 sq ft
- The median average of total living space is 2,475 sq ft.

He hopes that the board recognizes that this would only benefit two parties, the current landowner and the developer. There would be an adverse effect on the surrounding homes in the area as well as future zoning requests from the adjoining landowners. He hopes that they recognize that this proposed development is inappropriate and not in harmony or within the character of the Old Reservoir community and not in the best interest of the future growth of Wethersfield.

**Frank Sacremento**, 43 Wedgewood, said that he is concerned that multi-family housing is also allowed in the proposed zone. Active adult housing is not the only use that could be proposed. He said that this makes the traffic studies discussed invalid. Also, he does not feel that the evidence presented by the appraiser showed any trends that favored the project. They are inconclusive at best and that the developer needs to do a little more research. He is opposed to the project.

**John Cebelius**, 35 Westmont, said that the proposed zone change is not consistent with the neighborhood and that it would allow for six units per acre even though this particular developer is proposing 3 units per acre. Potentially, twice as many units could be built. He alerted the developer that there are two other contiguous parcels to this and that he is

concerned that if this is allowed, a precedent would be set. They could be talking about 200 units at some point and Old Reservoir Road could be opened through as a nonstop thoroughfare with more traffic. He concluded that this proposal is fitting a square peg in a round hole.

**Joe Price**, 38 Hawthorne Way said that the data deficient people in the crowd would like to thank their data rich neighbors for speaking before him. This piece of property is a tremendously rich natural resource. If you walk the property, you are likely to stumble on turtles, coyotes, and birds. He understands that this argument may be more aesthetic than financial, but he argued to preserve the beautiful animals and kept the property in its natural state. He urged the commission to deny the proposal.

**Pete Zerio**, 24 Westmont Road, would like to echo everything said already. He is concerned about his property value and the zoning change. He is specifically concerned about the impact to the community from the zoning change. He has lived in Wethersfield for over twenty years, fourteen of those years on Clearfield Road and the past six on Westmont in his dream house. He is fortunate to have the privilege to live there. He is there for the long term. He had a competitive market analysis done by a reputable realtor. He took issue with the \$350,000 homes being built in an area where the property values are \$600,000. He chose to live here as his dream house and the proposal is a slap in the face to the neighborhood. His submittal shows houses on the market and those recently sold. A competitive market analysis shows similar bedroom and bathroom counts. The homes on his street are in the \$600,000 and he can't imagine what would be built for \$350,000. He is against the proposal.

**Matt Daly**, 6 Palomina Way, is speaking against the proposal. His research has shown that the three nearest streets to the proposed development have an average area of 3300 s.f./house. The proposed development would have an average area of 1800 s.f./unit. This is approximately 45% lower than the existing house. Even forgetting about property value, his argument is that the proposal changes the central characteristics of the surrounding area, as well as the architectural characteristics. This would not be consistent with the criteria of the special permit as well as the Plan for Conservation and Development, which is to protect and improve the quality of life in an existing area. He also looked into some of the projects run by Premier Development, including the project being built in neighboring Newington - Sunrise Estates. He found that they are one year behind schedule. He said that if they estimate construction time at this site to be 24 months, and this project is much more complex, it seems reasonable to assume that it would run longer than 24 months. He lives on the corner of Old Reservoir and has young children. He is concerned about dump trucks and other heavy equipment coming up and down the road for 3 or 4 years. He also drove around Rocky Hill to see similar types of developments to that being proposed. He did not find any active adult communities within an existing neighborhood like the one proposed. He thinks the data is lacking and inconclusive and he is against the proposal.

**Diana Viega-Lopez**, 22 Palomina Way, is against the proposal. She lived on Ridge Road until there was a school put in without the neighbors knowing or getting their approval. This changed the traffic pattern on her street. The lights shown into their windows, their kids couldn't play outside. She and her neighbors felt that their lives were attacked and their privacy invaded. She wanted to stay in Wethersfield because there is evidence that the neighborhoods are preserved and the integrity of the neighborhoods is maintained. She would like to see the neighborhood maintained.

**Ken Bradley**, 74 Whippoorwill Way, has lived in the neighborhood for 35 years, he agrees with almost everything said. This is the last remaining open space and he thinks that the Planning and Zoning commission should be more restrictive. This is one of the last remaining habitats for some animals. He thinks that Wethersfield in general should be more selective in approving projects and look at things more carefully. He said that everyone is arguing that the project would decrease the property values, and whether or not it would, it won't increase the property values. If the zoning changes here for two parties it sets a bad precedent.

**Bob Lin**, 14 Westmont Road, he said that the proceedings are backwards and that there was a brief proposal by the developer to change the zoning and extensive testimony not to change the zoning. The attorney commented that this type of housing is needed. There are already eight active adult communities within ten miles of this site and based upon some cursory phone calls there are plenty of openings in these communities. He has looked into these communities for his own parents.

**Elio Lagana**, 15 Westmont Road, he urged the commission to go to that area because it is a beautiful part of town. He

went around the neighborhood and everyone that was home except for one resident on Old Reservoir Road signed the petition against the proposal. He said that virtually everyone that he talked to is against the petition. He pointed out that Mr. Hagearty said that the property values affected are inconclusive, therefore how can he say that there won't be an impact. His biggest asset is his home and the surrounding homes are very beautiful and expensive. He doesn't think that the proposal fits the character of the neighborhood.

**Craig Pinney**, 40 Palomina Way, built his house two years ago on a 1/3 acre lot, which is the average lot size in the neighborhood. When comparing the size of the existing homes to the proposed homes, the cost is more than 50% greater. The proposed kind of home has a place, just not here. All of the homes in the neighborhood are expensive homes and he hates to see that challenged. He is confused about the developer including garages in the square footage count. As a builder, he has never seen that. He came before the commission two years ago, because he was having difficulty fitting his 3000+ s.f. home on his lot. He was 3-4 feet over the rear yard setback, and was denied. It appears as though the developer is proposing two homes on the same sized lot.

His wife is concerned that this is some of the only remaining open space in town, and that it may have a better use as a natural habitat or a soccer field. He mentioned the homes across from Incarnation as large homes that don't fit anywhere except in their own community.

**Kathy Meskiewicz**, 21 Westmont Road, she questioned whether or not there may be a bus line proposed into the area because the people buying these homes may not drive.

**Paula DiMauro**, 40 Hawthorne Way, agreed with everyone on the other side of the reservoir and asked the commission not to accept this application. She lives on the other side of Old Wethersfield and knew nothing about this proposal. She got more notice from Toll Brothers for a project in Newington. She is concerned that the property values would be affected. She is also concerned about the wetland areas. The lower inland wetland floods every spring and many times in the fall it is a natural grass area, they will see where the flooding occurs. She said that there are many others who would like to sign the petition. She hopes that the commission disapproves this application because many other properties would be affected.

**Carol Hurley**, 76 Blackbirch, has lived in the neighborhood since she has been 7 years old. She thinks that the area should be left as open land. There is not a lot of open land left in town and feels that the people should enjoy the remaining land. She talked about the beautiful sunset in that area and it would break her heart to see it developed.

At this point, Chairman Hammer called for any more speakers. One member of the public raised the question about how to sign the submitted petition. Chairman Hammer responded that the petition was submitted under a state law that says that the vote threshold is increased to six votes if there are a certain number of signatures of property owners within 500'.

**Chris Young**, 8 Hunter's Path, she has lived in the area for 15 years across from a swamp with the coyotes. She thinks that the lack of information will cause a ricochet effect that would follow this kind of development. She had been assured that the farmers would not sell and that a few attempts at sales at their end of Old Reservoir had failed, even though lots of timber had been cut down for Right of Way access. She is concerned that the farm property and this property would create a situation that would affect the teenagers, school busses and Fire Department if the roads were connected. She also hasn't been told a lot about the proposal which concerns her.

**Fred Kroll**, 334 Back Lane, he wants to know what no exit onto Back Lane means. He also wants to know what is being proposed for an emergency gate. The road is poorly design with no turnaround area and the existing condos already generate a lot of traffic. He doesn't think that this is well thought out and doesn't want to see any more traffic. He said that people take the corner at 30-40 mph.

Commissioner Forsdick asked Mr. Gillespie to explain the emergency exit. Mr. Gillespie said that the intent is to provide an accessible roadway or path for emergency vehicles not a public Right of Way. An emergency access would have a lock box or fencing to prohibit the public from getting through.

Mr. Harvey then addressed some of the questions and concerns. The drawings will be clarified to show a typical cul-

de-sac with the adequate radii. The requests to save the land would only be granted by the town if they decided to take the land as open spaces. In the impressive presentation done by one resident, it was mentioned that some of the elderly trade up. This has not been his experience. He understands the concern over losing value. He stated again that there is a need for this type of housing it is up to the commission to balance the neighborhood concerns with the development. The data on property value is inconclusive.

Chairman Hammer stated that the following additional correspondence had been submitted:

- A letter dated September 6, 2005 from Glenn Terk at 145 Old Reservoir Road in opposition to the proposal.

He asked if there was a question whether or not six votes were needed instead of five and whether they would like to vote without knowing this information. Commissioner Jurasin said that he without knowing that info, they shouldn't vote. Chairman Hammer agreed that they should know that to vote and asked a different question about whether or not to close the public hearing. Commissioner Jurasin said that if the issue is the calculation, can't add to the petition tomorrow and unless there is another reason to keep it open, it should be closed. Commission McHugh asked about the square footage of the units, specifically what is shown on the conceptual drawings. Chairman Hammer asked the developer to review the size of the proposed units and whether the application included or excluded the garages. Mr. Harvey responded that the units would be 1400-2000 s.f. typical as shown on the drawings. Some of the homes are less than 2000 s.f. but over 1500 s.f. without the garage based upon a typical interior.

**John Mallon**, 54 Wedgewood Drive, spoke as a point of information. He doesn't know that other people can't join in the petition. He doesn't know that is correct, and given that there is a request from people as well as possibly a failure of notice, he recommended that the commission keep the hearing open solely to accept a petition.

Chairman Hammer said that there was an evidence of mailing for this hearing. Mr. Gillespie said that there may not be a question of notice. The zoning regulations require legal notice posted at the site with a sign and a legal notice in the paper and lastly that the applicant mails the legal notice to all property owners within 300 feet. All of this was done.

One member of the public called out that the legal notice wasn't in the September 2, 2005 paper as advertised. Chairman Hammer indicated his thought that it is the practice to readvertise a continued hearing, but it is not required. Denise Bradley, assistant planner, said that she had received the certificate of publishing that confirmed the August 26 and September 2 publishing.

Chairman Hammer asked whether or not they close the hearing subject to Mr. Gillespie evaluating the number of votes needed to pass the application. There has been a request to accept additional signature and/or additional petitions. Chairman Hammer did not think that this was necessary.

Motion to close the public hearing made by Commissioner Jurasin

Seconded by Commissioner Forsdick

Vote: (8-0-0)

Yay: Hammer, Forsdick, Knecht, Hallisey, Edwards, Jurasin, Wagner, McHugh

Nay: None

Abstain: None

Chairman Hammer asked the commissioners if they planned to deliberate on this matter tonight. Commissioner Jurasin recommended that they should take this out of order and deliberate now. Chairman Hammer agreed and the public meeting began.

**APPLICATION NO. 1478-05-Z.** John Tartaglia seeking a Special Permit to convert an existing building into twelve (12) apartment units located at 295 Ridge Road, Church/Granberry Homes.

Jane Marie O'Connor, president of 55+ and a consultant on active adult housing spoke about the development. She presented each commissioner with a packet of information including the following:

- A survey sample of CT Active Adult Developments
- Executive Summary of a 55+ Buyer Survey
- Federal Fair Housing Act Excerpt relating to age-qualified housing
- An article from the Real Estate News titled "Demographic Trends to Shape Future U.S. Housing Markets"
- An article from the Nation's Building News Online by Evelyn Howard titled "There's a market for affordable seniors housing"
- An article from the Housing for Seniors Report, June 2005 titled "Active Adult Development Trends Charted Over the Past Decade"
- a bound presentation which she reviewed with the commission.

She asked the commissioners to notice the photographs on the pages of the bound presentation because they are typical locations and an accurate representation of the type of housing to be built. She then read through the eleven findings written in the submitted Executive Summary of the 55+ Buyer Survey. She also read through many of the details of the other submitted materials. She emphasized that this would be a condominium type project with condo fees. She said that most buyers were willing to pay \$125-\$250/month in fees for the density of the project.

This type of project is not skilled nursing or assisted living. The 55-65 age range is for independent living not a service enriched project. This is an age-targeted lifestyle purchase and a totally elective choice. Only 15% of the 55+ population buy units between 1200 s.f. and 2500 s.f. 1900 s.f. is the average size. The primary market is higher end unit with prices that span the gamut. The master suite kitchen and master bathroom would typically be on the first floor. Ms. O'Connor pointed out that 42% of the buyers desire to move within 15 miles of their existing homes and only 4% intend to carry a mortgage. These would not be built for Section 8 housing. Customization is important to these buyers as well as a community feel and open floor plans.

Ms. O'Connor then listed the benefits, the increased tax revenue and the low impact on the town infrastructure because most of the trips would be generated during non-peak hours which would not overtax the roadways. She also discussed the fact that it is sustainable development with ancillary spending and overall is a positive addition to the town. She noted that 65% of the income is spent within a local radius.

Commissioner Knecht then asked where the parking would be for this project. Ms. O'Connor turned it over to the developer who said that there would be nine spaces in front and the rest would be in the rear in a covered carport. Commissioner Jurasin said that he is concerned that the twelve units may not fit the mold of the marketplace. Ms. O'Connor said that she gave those averages and when she reviewed the plans the units proposed are 1000 s.f. One size does not fit all in the 55+ community. She divides the 55+ group into four quadrants, the youngest of which want supersized projects and the oldest prefer the smaller sized spaces which this project fits. These types of stacked flats are not equal to the supersized single family homes and plexes. She said that the profile of the buyer would be single folks looking for things like security. They may have lost a spouse and want very close neighbors. Commissioner Jursain asked what the mechanism for active adult use, how is it restricted. Chairman Hammer said that his understanding is that it is a deed restriction. Mr. Gillespie said that they have not provided documentation on how they are going to implement the age restriction, and he recommended that it be attached as a condition on any decision made by the commission.

Ms. O'Connor said that she sees a covenant to the deed and the implementation of that carried out in a homeowner's association document. Commissioner Knecht asked if all of the units would be on one level. The applicant said that they would be on one level. Commissioner Knecht said that he is concerned about going the special permit way related to enhancing the front of the property. He would like to see the parking in the rear and more landscaping in the front.

Jeff Gebrain, Landscape architect said that he had submitted a preliminary site plan and small copies were given to the commissioners. This shows the parking in front and the one-way drive in front. They have a very elegant building that they want to fix up. There is a requirement of 2 cars per unit, so with the 13 units, 26 spaces are required as well as 2 for the existing apartment. The reason they chose to provide 9 spaces in front, the ramp in the front is required by the

Fair Housing Act. They tried to keep an open landscape area in the back instead of parking. They have limited the parking to the north end of the building. They have gone to some expense landscaping this plan in order to enhance the front entrance. They hope to screen the parking from the street using a brick retaining wall. He then described the front landscaping and architectural features. He said that the front then picks up a pedestrian quality as well as keeping existing big trees. He is also adding maples and access to the sidewalk which is on the bus route. The access would remain one way out on the south and to the north would be widened to two way access. They are closing the drive that goes between two existing buildings to create a green space. The front is for visitors and owners as well as handicapped spaces and entrance. The plan is far more developed this time.

Commissioner Jurasin asked about the driveway now and whether it is now one-way and how does it run. The applicant said that the two way portion is needed to access the parking in the rear and it is now not designated anything. Commissioner Jurasin asked Mr. Gillespie to comment. He has not officially seen it in operation and since it was built in 1932 he can't say it is only wide enough for one way traffic and they are proposing to widen a section of it to a full two way. Commissioner Jurasin asked if that decision could be made when they come back in for the rear of the site. Ken Herbert, Compass Engineering, came forward to address the question. Commissioner Jurasin discussed the direction with him. Commissioner Jurasin said that it may not be necessary to make it two-way until they come in with the proposal for the rear. Doug Ellis, Buck & Buck Engineering, came forward to say that they did not need any section of the horseshoe to be for two way traffic, that they only need the other section to be two-way.

Commissioner Knecht asked why there were signs advertising apartments to rent. Mr. Herbert said that there are units in the rear of the lot that are for rent. These units are a source of income for the developer during the renovation. Commissioner Knecht said that he found these signs to be confusing to potential buyers. Mr. Herbert said that he could take them down. Commissioner Forsdick said that she does not have a problem with the nine spaces in the front of the property if they are properly landscaped. However, if the bushes die is there an association that will take care of the landscaping? She would like to see this beautiful building become beautiful again and instead of paving in the rear, she would like to see the green space in the rear. She would like to see the patios; they have not been shown on a plan. Mr. Gebrain said that those units on the ground floor that face the rear would have the patios. There would also be a larger lawn area with a gazebo.

Commissioner Wagner said that she did not get a L2 plan. The layout plan shows the perimeter of what is included in this application. There is another plan that shows another house. She is confused about the boundaries of this application. Mr. Ellis explained that there is a note on the plan that says that the house was excluded. Commissioner Wagner said that she also had questions about lighting. She has only seen the post, not the wattage or any other information. Mr. Gebrain apologized for not including the L2 plan. Mr. Ellis said that L2 was submitted as part of the set of full size plans. Commissioner Wagner asked if there was an analysis on the impact of the proposed lighting. Mr. Gebrain said that photos submitted showed that the light would be like residential lighting, not commercial. Commissioner Wagner asked about the dimensions of the gazebo. Mr. Gebrain said that it would be 14' in diameter and 10' in height. Commissioner Wagner asked about the drainage, specifically the roof leaders are going into the ground. Are they going into the ground or onto the ground and where are they going from there. The applicant said that they are going into the ground and he doesn't know where they are going from there. Commissioner Wagner asked about the last pipe going into Ridge Road and why is it smaller. Mr. Ellis said that the idea is to retain some of the water and slowly let it go. Finally, Commissioner Wagner asked about the memo dated September 2, 2005 from Michael Turner, Town Engineer. Mr. Ellis said that they had not seen the memo. She said that there are eleven comments which she would like to see addressed. Commissioner Edwards asked if they would be able to accommodate a bigger turning radius around the carports when they develop the rear of the property. Mr. Herbert said that this development in the front should allow for future development in the rear. The rear needs to serve as a source of income. Commissioner Edwards still mentioned his concern about the carport. Mr. Ellis said that there still would be enough room. Commissioner Forsdick asked if the applicant would like to see and comment on Mr. Turner's September 2, 2005 memo.

Don Mondani, applicant asked if there were any other memos that they should review. Chairman Hammer said that was it and called for public comment.

**John Beretta**, 40 Tollgate Road, is concerned with the development of the rear of the lot. He knows that it is not in

front of this board. The original proposal in April or May called for 30 units back there. His concern is water, and that the applicant doesn't even know where the water is going. His yard backs up to this and is still wet. He is concerned that the front will get developed and then the town will have to approve the units in the back.

**Phil Civitello**, 26 Tollgate Road, spoke before but he had unanswered questions. He asked what the current zoning status for any future development on this property. He asked why they would approve such an obscure spot variance. He said that it is an incomplete application. He thinks that the proposed elevator could have been added to the inside without adding square footage to the property. He mentioned the questions that the town engineer has as well as the commissioners regarding lighting, drainage and travelways. He had asked for floor plans which he didn't receive. He is concerned about the impact on the neighborhood which survived the Village condos which was a hit to their street. He said that it is spot zoning and not consistent. He asked to see the color elevation. When he viewed it, he said that there must be a better way to do nine parking spaces. He agrees with the commission to put the parking in the rear. The wall with the sign is obstructive. He has a number of questions and thinks that there is a lack of information.

**Donald Reilly**, 37 Tollgate Road, said that the application is complete, his biggest concern is what is going to happen with the 8-10 acres of land in the rear of the lot, they had been told that there could be up to 40 units back there. He has no problem with the development of the property, however he thinks that the proposed parking lot in the front of the property is going to be an eyesore, it is going to stand out and doesn't fit in with the character of the neighborhood. Right now there is an orange safety fence and he can just imagine what a brick wall that big with a wrought iron fence on top of it would look like. He thinks that would be an eyesore. They are looking to make income on the apartments in the back and at the same time say they would be high-end condo units. He admitted he is not 55 and over but he wouldn't buy a high-end condo unit in Wethersfield with apartments right behind it.

**Andy Wohls**, 25 Tollgate Road, said that Phase I without Phase II is nonsense. He sees both phases together and his concern is drainage. When he first purchased the property he was not prepared for the drainage problem just one year later. He showed the commissioners pictures of his property when it had flooded.

**Paul Hoey**, 15 Tollgate Road, said that the parking in front of the property is inconsistent with the neighborhood. There is no house in the neighborhood with cars in front of it. He requests that they keep it that way. He said that for \$200,000+ for small units do not fit in with the character of the community. He said that the units are too small and will sell for less which will hurt the property values. He recommended that the commissioners wait to see the floor plans and wait to see what is planned for the second half of the parcel before making a decision.

**Renee Desjardins**, 44 Tollgate Road, has been there for twelve years and feels the same way as his neighbors. He is concerned about what would happen behind Phase I of the project. His property abuts the rear of the property and he doesn't know what would happen in Phase II. He is surrounded by the Village and Jordan Lane Shopping Center and is concerned about 30-40 units going in behind his house.

Chairman Hammer then asked for any other public speakers. Seeing none, he asked the applicant to respond.

Doug Ellis, Buck & Buck Engineers, he doesn't see anything on Mr. Turner's memo that can't be accommodated. He also said that they have made a commitment to store run off on the site and to not increase it.

Commissioner Jurasin said that he would like to see a site plan that incorporates the eleven comments. Chairman Hammer asked if they would accommodate the request to put the parking in the rear of the lot.

Mr. Gebrain addressed the eleven comments.

- He said that the parking has been shown in the front and he did say yes they could be put in the back but they chose to put them in the front hide them behind brick wall and landscaping in order to leave greenspace in the rear for the buyers.
- The sidewalk is shown as an S curve down the front for accessibility. If they look at the grades along the roads they may still be able to provide sidewalks along the roads, but the S Curve is 5% or less so maybe with some ramping, the same thing can happen along the driveway.
- The sidewalks along Ridge Road can be brought up the driveway to the building but he doesn't know if they

would be ADA accessible.

- Landscaping is shown on both sides of the driveway.
- He will confirm that the site is capable of handling a vehicle with an SU-30 turning radius.
- They have landscaping shown along the front of the building.
- They have proposed a residential scale full cutoff 150 watt lighting fixture.
- They respectfully disagree with the request to park in the front
- The trench does not relate to the wall location and he is not sure what the trench is for.

Chairman Hammer apologized that this memo was not made available to the applicant before tonight. He asked if there were any other comments from the applicant.

Peter Burgyn, architect for the project described the layout of the units. They would be flat style stacked units.

- The first floor would have 5 units 910-940 s.f. each.
- The second floor would have 5 units 900-1100 s.f. each.
- The upper level would have 2 Penthouse units of 870-810 s.f. each and the owner is entertaining the idea of creating one 1600 s.f. apartment.
- The lower level would consist of a caretaker apartment of 1300 s.f.

Don Mondani, Real Estate Broker for the project said that the builder has recently purchased another property in town and really cleaned it up to encourage business to come into town.

Chairman Hammer clarified that the application before them was for the large existing building in the front of the lot. He said that they would have to come back in to do anything in the rear. The applicant would then have to come in with a zone change request and a specific site plan with the number and location of proposed units.

Mr. Gillespie said that he had nine issues to further discuss or attach as conditions. The tenth would be the issue of parking in the front yard. He recommended that the following be added to any decision as follows:

1. Understanding and/or copies of covenants or restrictions regarding the age-restricted nature of the project.
2. Location of the Siamese connection to the satisfaction of the fire marshal.
3. Keep the driveway one-way until Phase II is submitted at least.
4. Keep the sidewalks along the crescent driveway instead of an S curve in the front of the property.
5. Provide photometric analysis and details of all proposed lighting to include full cutoff.
6. Provide information as to what the proposed roof drainage consists of and where it goes.
7. Confirm that the driveway meets the required SU-30 turning radius.
8. Show sidewalks across both curbcuts
9. Identify the Phase II utility corridor.
10. There is an outstanding issue with the parking in the front of the property.

Commissioner Jurasin said that he thinks it is a domino effect. The high wall is there because of the parking. Perhaps the high wall may not work in a residential property. If the parking is in the back, other than a drop off area, the landscaping would then be different than those submitted He suggests that if the parking is moving to the rear than the front yard landscaping may need to be reassessed.

Chairman Hammer asked if he needed another alternate landscape plan.

Commissioner Jurasin said that he is satisfied with Mr. Turner's memo as-is.

Commissioner Wagner said that she would like to see a plan that shows the modifications that Mr. Turner has suggested and she would like to keep the hearing open to get that information.

Commissioner Hallisey agreed that he would like to see the landscaping in the front without parking as it has been for years. He would like to see the revised site plan with the parking in the rear.

Commissioner Jurasin said that even if this is approved, doesn't mean that the rest is approved. Chairman Hammer said that if they come through with Part I, may not even proceed with Part II. Chairman Hammer asked Mr. Gillespie if there was enough time to keep the hearing open. Mr. Gillespie checked his record and said that the application was received on July 29 and the hearing was opened on August 21, therefore they are ok to keep the hearing open.

Commissioner Forsdick made a motion to keep the hearing open. Commissioner Knecht seconded the motion.

Vote: Yay: Hammer, Forsdick, Knecht, Hallisey, Edwards, Jurasin, Wagner, McHugh

Nay: None

Abstain: None

**APPLICATION NO. 1480-05-Z.** Steve Fiedler seeking a Special Permit to allow the construction of a new restaurant building located at 486 Silas Deane Highway

Chairman Hammer recalled that they had opened the public hearing at the last meeting but did not have a presentation. Commissioner Jurasin asked the applicant if they had Mr. Turner's September 2, 2005 memo. The applicant said that they did not have the memo, so the commissioners gave them a copy. Peter Alter presented the application for Tim Hortons. He explained that he represented Steve Fiedler and with him was Al Carpenter from BL company did the site engineering. The site has been used as a Carvel and now a Carnival ice cream store. The site is approximately 27, 153 s.f. (0.62 acres). The plan is to raze the existing building and build a Tim Hortons. They did have the benefit of comments from the staff and have incorporated most of the comments. They have been through the Design Review process and the site plan reflects those comments. They have met with Inland Wetlands and received their approval. The plan results in a zero runoff from the site. Unanimously approved the plan and it addressed all of the wetland conservation issues under their jurisdiction. They believe that they conform to the regulations.

All of the proposed landscaping meets or exceeds the requirements. There are a significant number of dead trees along the eastern boundary. A versa-lok retaining wall with landscaping at the base will replace that landscaping. The site as it exists is either pavement or brush. Their comprehensive landscape plan will create a more attractive view from Church Street. One additional feature not on the plan is a proposed architectural wall at the corner of Church and Silas Deane Highway to rehabilitate this corner. Tim Horton's will be a place for workers in the area to get lunch or a light dinner.

The parking on the site conforms to the requirement. They mandate 20 spaces even though 16 are required by the regulations. He asked the commission to consider a waiver. One of the spaces closest to the intersection of Church and Silas Deane encroaches on the setback line. It is well landscaped and protected visually from the corner. Even though it is not required, they would like to maintain 20 parking spaces. They have signage that meets the regulation and have provided samples. The erosion and sedimentation control plan was reviewed by Inland Wetlands and they think that the site would be adequately protected during construction.

They have provided a lighting plan, specifications for lighting standards as well as the height of the poles. They would be 25 feet high and full cutoff with no spillage over the site. If the commission would like to lower the poles, then more poles would be needed. They have also submitted a photometric plan.

They are showing refuse storage to be in a gated concrete pad in the area to the east of the building. They plan to use cedar fencing as specified in the plans. They have also submitted a traffic study indicating that there is no impact on the intersection of Silas Deane Highway. They have queuing for as many as 8 vehicles. BL companies surveyed three similar Tim Horton's facilities and the average was 3-4 cars and the maximum was 7 cars. They feel that 8 cars is enough.

They have under Article 8 all of the criteria under which a special permit is reviewed. The drive thru triggers the need for a special permit and they feel that they meet all of the requirements. Architectural shingles are featured on the roof. The building will be yellow with white trim with a brick accent on the lower elevation. They are significantly improving this corner and feel they will be a benefit to the area. With the changes recommended by staff and the

Design Review committee, the plan is of high quality.

The access points to the site are from Church Street and the Silas Deane Highway. The exit onto the Silas Deane Highway may require the traffic to exit onto Church at certain times of the day. The site is accessible through sidewalks. The parking spaces in the rear would be for employees. The site achieves the goals of the general business zone and meets the zoning requirements and will be an attractive addition to the Silas Deane Highway.

Commissioner Knecht said that he went to a Tim Horton's restaurant in Newport that was pretty decent and wondered if it would be the same. Steve Fiedler said that he has 25 stores in RI and MA. Many of the stores were previously Bess Eaton and were remodeled. Chairman Hammer asked if there were any stores without drive thrus in CT. Mr. Fiedler said that there were two facilities in RI without drive thrus, one is a kiosk in a gas station and the other is within the University of Rhode Island. Chairman Hammer asked if they could function without the drive thru here. Mr. Fiedler said that they could not function without the drive thru at this location.

Commissioner Jurasin agreed that it made sense to have the employee parking in the rear. He has a concern about the left turn in and out from the Silas Deane Highway. Given the layout, the drive should be designed for right turn in and out only and no left turn. This would create a safer environment. Their plans are in to the DOT to address that situation. Commissioner Jurasin said that he is trying to increase and enhance the safety and the driveway is really only for a half dozen employees. The site will still function but eliminate the hazard. Mr. Al Carpenter asked to defer the question to the DOT. Commissioner Jurasin said that the DOT will review the plans presented and they will react to the submission. He said that they want to avoid that it might not be a safe access but not incorporated into the site plan. He asked why they would be against eliminated the left turn if it is only to be used by the employees and drive thru customers.

Fred Greenburg, BL Companies Traffic Engineer said that the left turn into the site is primarily for Church Street but extends beyond the site. The traffic can see for 1000 ft down the road so there really should be no problem. The left turn out of the site would come out from the back of the building and if they can't make that turn they have to wrap around the building past all of the pedestrians and out the Church Street exit. The only time the left turn out of the site should be a problem is during the morning peak hour. They are asking to be treated just as all of the other sites along Silas Deane Highway and he is only aware of one other business without a left turn lane and that is the Valero Gas station.

Commissioner Jurasin also objected to the parking space waiver. He would not like to set a precedent for something not even needed. Mr. Alter said that even though it isn't required, it is needed by the applicant. They want 23 spaces but are satisfied with 20 and 16 spaces are truly inadequate. Chairman Hammer joked that if they lose the drive thru they can have 30 spaces. Mr. Alter restated that they need the drive thru. Chairman Hammer said that the use is interesting and different, however he is having trouble with the drive thru. Mr. Alter said that the drive thru is absolutely necessary.

Commissioner Wagner spent the day reviewing the package received. When she got to their submission, all of the t's were crossed and i's dotted. She was impressed with the research done and the complete application. She thinks that they did an excellent job and she is in favor of the project. Chairman Hammer also apologized for not distributing Mr. Turner's memo earlier. Commissioner Forsdick asked them to address the concerns on the memo.

Al Carpenter addressed Mr. Turner's comments:

- The existing facility does not meet the requirement. In order to provide the building closer to the street, the landscaping, circulation and parking would suffer, therefore the site needs to be developed as proposed. The plan they have is preferred to one where there is no more than 25% area between the street line and front building line.
- He has used the Autoturn program to show how an SU-30 vehicle would fit through the site.
- They can accommodate the screening for the HVAC units.
- They would be happy to adjust the lighting as necessary.
- They have the ability to provide the stacking documents from the other sites that they studied.
- They agreed to provide sidewalks instead of crosswalks.

- They agreed to consider redesigning the dumpster screening.
- The sign requirements will be met with the building signs.
- They don't have control over the connection with the property to the north.
- They will add a warning sign.
- They can add landscaping there and on the west side in front of the building.

Mr. Alter suggested that the dumpster enclosure should not match the building but rather that it should be distinctive from the building, so the cedar fencing may look better. He said that it is a matter of taste. The only other item is that they can do a calculation to see how close they are to the 25% at the corner, however they are substantially reducing the existing nonconformity.

Chairman Hammer asked about the six ground signs that say Tim Horton's. Mr. Gillespie commented that the regulations state that they cannot have advertising on the directional signs.

Chairman Hammer then opened the application to public comment. Seeing none, he asked the applicant for final comments. Mr. Alter said that he believes that the plans presented meet the standards and expectations of the regulations. Chairman Hammer asked whether the hearing should be closed at this point.

Motion to close the public hearing made by Commissioner Forsdick

Seconded by Commissioner Jurasin

Vote: (7-0-0)

Yay: Hammer, Forsdick, Knecht, Edwards, Jurasin, Wagner, McHugh

Nay: None

Abstain: None

Note: Commissioner Hallisey was not present as he had to leave

**APPLICATION NO. 1483-05-Z.** Manuel Pine seeking a Special Permit to construct a new building for retail use at 416 Silas Deane Highway.

Mr. Harvey presented the application and introduced the architect, Mr. Brian Plourde and the traffic engineer, Mr. Bubaris. He gave a quick history of the application at this site as this is the second public hearing. The matter was withdrawn after the first public hearing. They have been before the Design Review Commission four different times because corporate Dunkin' Donuts has changed the design that many times. This proposal would result in the demo of the existing Suny's restaurant. They are requesting a waiver on 54 s.f. of parking lot landscaping and otherwise conform to the regulations. He then introduced Kevin Johnson, Close, Jensen and Miller to explain the site plan.

Mr. Johnson oriented the commissioners to the site and explained that they are proposing a 1042 s.f. Dunkin Donuts with a drive thru. They have one access point to the site. There is a dedicated single drive thru lane and dedicated angled parking spaces. All traffic would come around the rear of the building and there is a by-pass lane for those not going through the drive thru and one exit from the site. The storm drainage forward of the existing building face goes to the Silas Deane Highway and that in the rear sheet flows to the rear of the site. All of the proposed drainage being collected in catch basins directed to a subsurface chamber where it will tie into a 24" pipe and discharges to the wetlands east of their site.

Today the entire site is paved, they are proposing to remove paving and add deciduous trees, evergreen shrubs and annuals. They did submit a waiver request for 54 s.f. of the internal green space. However, the overall landscape requirement has them 1268 s.f. over what is required.

They are proposing three freestanding light poles of 25 feet in height. They are also proposing 2 wall pak lights. All

luminaries will be flat lens, full cutoff with house shields. The freestanding would be 250 watts and the wall paks would be 175 watts.

The erosion and sedimentation control plan includes silt fencing around the entire perimeter of the site, and he described the system in place during construction as well as post construction. He had received a verbal voice mail that ConnDOT was in concurrence with their storm drainage calculations. They intend to incorporate their comments into the final plan as well as the comments received from Mr. Turner.

Mr. Johnson then addressed the September 2, 2005 memo from Mr. Turner:

- He said that he had already addressed item 1 regarding ConnDOT review of the drainage.
- He has contacted the electrical engineer with regard to item #2 - the inconsistency in the lighting plan. The engineer was not able to provide a new drawing for tonight's meeting, however, they would be willing to work out any additional issues with staff if there was a decision made tonight.
- He said that the plant proposed in front of the Siamese connections should not interfere because it is only 2 feet high, however if it would, then they could eliminate that plant. In addition, they could eliminate or relocate the wall sconce proposed for that location.
- The paving east of the site is proposed to remain because it is owned by Northeast Utilities.
- They would be opposed to any kind of signage hanging down because it is not in keeping aesthetically with what is being proposed on the site. They would be willing to put another type of sign on the site stating the clearance.
- They are willing to reconfigure the walkway and plantings and work the details out with the staff.

The heating and cooling equipment is proposed to be located on the flat portion of the roof at the rear of the building with screening. The height of the lighting is not on the plans but the freestanding poles would be 25 feet. He has gotten approval from Wetlands and Design Review. One of their comments was to incorporate the same kind of siding around the freezer as is on the main building. He also said that the signage requests would be met.

Brian Plourde, from Pustola & Associates, architect for the project said that the approval from the Design Review committee and the building has evolved from the first application. They have removed the commercial space and instead have put in a 500-700 s.f. private office space. It will have a private set of stairs that go up to the space through the kitchen, it will not be an accessible, rentable space. They are proposing tan vinyl siding with charcoal black architectural shingles. The signage would be a 20 s.f. fascia sign with is allowed, the striped awnings with the orange and purple colors. The clearance for vehicle height will not have a structure, just a fabric awning which is 9' off of the pavement. They prefer not to put in a height restriction bar because that gets hit first. The propose signage on another part of the property. The windows would be white aluminum framing with white grills. The office space would have dormers, there would be a cupola and the screening for the freezer would consist of vinyl siding to match the building. The rooftop units would have a railing 42" high and if more screening is needed, they can go to 5' or 6'.

Chairman Hammer asked if a previous application was proposed with white exterior. Mr. Plourde said that the prototype now is tan. Other stores in the last couple of years have been grey or white. Chairman Hammer commented that the one on the Glastonbury/East Hartford town line is white and looks more colonial than the tan. Mr. Plourde said the color could be changed if needed. Commissioner Edwards warned the applicant that the DOT emissions station next door had a line so long that the cars were directed to the subject property to wait in line. He suggested that they take a look at this situation. Chairman Hammer clarified that Wethersfield Automotive is next door and asked if the traffic engineer would say something about this issue.

Jim Bubaris from Bubaris Associates in Cheshire spoke about the traffic. He has no knowledge about the emissions situation, and said that it is a police matter and they should be dealing with it and not directing people to the street or to private property. There have been several iterations on the site and this is the best situation to date. They have submitted a prior site plan to the DOT and received their comments. The DOT wanted one drive in and one drive out with all angled parking to promote movement around the building. The drive thru aisle and bypass aisle would go around the building with 240' of stacking before hitting the Silas Deane Highway. The one-way movement through the parking lot comes to a stop sign before exiting the parking lot. He described where the parking spaces would be. The State said that they wanted only one-way coming out of the lot because with larger cars making a left hand turn block

the site distance of someone making a right hand turn. There is no way to configure this to restrict the right turn out only. There are times of the day when the left turn can be made and drivers will do that. The Dunkin' Donuts on the other side of the street will complement this site. That one will be utilized by drivers going southbound and those going northbound would use this site. So the right turn is not restricted out of the site.

Chairman Hammer asked about the emissions center to the left. Regardless if they are wrongly telling people to park on this site, doesn't he think that as part of the safety analysis it should be investigated. Mr. Bubaris asked if they should go away if this is happening. He has not seen it happening and he said that he could go take a look at it, however he thinks it is a police matter. Chairman Hammer said apart from that, if people are trying to turn in and out he should be aware of the amount of activity and time to exit the site. He said that they are going to use the common left turn lane and if people are turning into the other site, they would be using up the left turn lane. Mr. Bubaris said that he had investigated other Dunkin' Donuts to get information on what was happening. He asked questions of Commissioner Edwards on how the Automotive emissions site functioned and when should he investigate. Commissioner Edwards said that it was between 8 and 9 a.m. on the July 4 weekend. Commissioner Jurasin said that he is only going to report what he sees and the site plan most likely will not be changed to accommodate it because their site plan needs to accommodate their own site restraints. Chairman Hammer asked about queuing at other Dunkin' Donuts and how many cars could be stacked here.

Mr. Bubaris said that he could queue 14 cars here. He observed the other Dunkin' Donuts and at the site north of the subject site he said that averaged 9 cars with a high of 12 and the other site to the south had an average of 5 with a high of 9 cars and the one in Rocky Hill had an average of 7 with a high of 12. He figured 20' per car in the lane and they can queue 14 cars at this site. He referred to the table submitted to the commissioners. Chairman Hammer also asked for information on peak vehicle trips in and out of the sites studied. Mr. Bubaris submitted a copy of this information and said that the counts fell within the recommendations of the DOT of 400 trips - 200 in and 200 out. Therefore whatever the customer count is, the traffic would be twice that. There would be between 165 and 195 customers. They will not be pulling from another site, this will generate the same kind of activity as the other sites, not new trips, but passby traffic.

Commissioner Forsdick commended the group about the application submitted tonight with the expertise as compared with the previous submission. She said that the amount of information provided makes their job easier.

Mr. Harvey said that is pretty much the presentation and added that the paving in the rear cannot be touched as it is part of the Northeast Utilities property. He said that the addition of this site is a business decision.

Mr. James Ripper, 55 Hillcrest, has submitted two letters in opposition to the project. He said that when he drives to the end of his street it is difficult to go north onto the Silas Deane Highway. There is no light on either Hillcrest or Morrison so this situation is introduced on each street. Mr. Ripper discussed with a representative from the DOT if they knew of local situations and the commission imposed a right turn only would they approve that and the DOT said that they wait to make decisions until the local commission votes on the matter. Mr. Ripper said that there may be a safety hazard if a right turn restriction is not imposed. Parking is another issue, he thinks it will be horrendous. He counts 14 spaces with 4 of those spaces going to employees. He thinks that it will be more of 7 or 8 on staff at peak times. So if the office use upstairs also needs parking, he thinks that there would be a parking problem. He advised the commissioners to visit the site to the north, although he thinks that site is not well designed. HE asked the commissioners if this is the kind of development that they would like to see on that site for the next 25 years. There may be a far greater use with a greater tax generator for this site. He asked them to sit back and ask if they really need this use even though it will be an improvement to the existing site.

Laura Saunders, 84 Hillcrest, submitted a letter at the first meeting. Hillcrest and Morrison are two residential streets with an office building across from Suny's restaurant. She thnks that this is a poor use of space. The other two Dunkin' Donuts are across from strip malls and this one is proposed across from a residential area. She is concerned that the traffic on Hillcrest and Morrison would increase with the additional 165 cars to that site. The traffic would vastly increase. She acknowledges that it is a commercial site, but this type of use generates a lot more traffic than typical commercial use.

Mr. Ripper spoke again saying that Mr. Bubaris stated that the site to the north would complement this site. He said this is conjecture. Also, Mr. Harvey said this is a permitted use subject to their approval. He said that it is not it is a special permit which is subject to a process that has conditions and needs approval. This is not deemed to be a permitted use.

Craig Sundquist, owner of 416 Silas Deane Highway, he owned Suny's restaurant and thinks that this is an extremely long process. He appreciates all of the work done by these people. He knows Close, Jensen and Miller is reputable and acknowledges that they have done a lot of work to meet the commission's needs. He is concerned that because this process has taken so long, he may have lost out on a business opportunity with Chuck's steak house which would have improved his life, instead he has had to borrow from Mr. Pine to keep himself going and his kids going.

He understands the concerns of Mr. Ripper and respects that he is a safe driver who only takes a right turn and hopes that the customers would do the same. He also understands Ms. Saunders comments and really loved having her visit his restaurant, but something has to go in at the site and he really needs to sell it.

He thinks that this new site will eliminate the problems at the site across from the police station because the traffic and stacking at that site have been a problem. He did not buy a home across from a State Highway and doesn't know what that feels like. This is a commercial site and will have a commercial business in it. He said that he is having financial trouble because of this process and would like to see something happen at this site. He had an opportunity and lost that opportunity and he has to move forward including opening another breakfast joint. He hopes to get this done.

Chairman Hammer asked for any other members of the public to speak, seeing none, he asked Mr. Harvey to conclude. Mr. Harvey said that he said that the application is subject to permitting, not a permitted use per say. Mr. Bubaris cannot comment on parking and they do have a reserve area on the rear. This will relieve the site at the north. 80% of the traffic to the site will come from existing Silas Deane Highway. Hillcrest is to the north of the site and Morrison is to the south.

Chairman Hammer asked for a vote on whether to close the hearing.

Motion to close the public hearing made by Commissioner Jurasin

Seconded by Commissioner Forsdick

Vote: (7-0-0)

Yay: Hammer, Forsdick, Knecht, Edwards, Jurasin, Wagner, McHugh

Nay: None

Abstain: None

**APPLICATION NO. 1484-05-Z.** Todd Malloy seeking a Special Permit to park a commercial vehicle in a residential zone.

Todd Malloy, 40 Sunrise Terrace, handed out a document from his employer stating his employment with the company and what he is expected to do. He sells construction equipment across the state. The truck he is seeking the permit for is his mobile office and it is required to be at his residence. It is a DOT rated truck and he is expected to keep up on all safety issues. The truck is a mobile office the headquarters for his company is outside of Milwaukee, WI. The complaint was filed by a person over a half mile from his house even though it is not in view because that person was not granted permission for his commercial vehicle. He did get cooperation from his neighbors who have a view of the truck and he handed copies of these letters to the Chairman. These letters indicated that they do not have a problem with the truck being parked there. He works from his home with a computer and needs access to the truck. The DOT contractors require him to be on their sites at all times during a 24 hour period, sometimes 7 p.m. to 2 a.m. making sure that their equipment is running right. The truck has been there for four months before a complaint was filed. The immediate neighbors did not have a complaint about the truck, although there may be some neighbors who do have a

complaint tonight. He said that the original complaint came from a neighbor who doesn't have a view of his house.

Chairman Hammer asked how the vehicle was in violation and if there were any other options for the applicant. Mr. Malloy said that he has been parking there since April 1 and the complaint came in the middle of July. It is a weight issue with this truck and with nothing in it is over the weight. The other option is to go to a public storage place. He is concerned for safety reasons to use this option because there is over \$35,000 worth of equipment in the truck. Chairman Hammer asked if the employer would pay to rent the space and what they would do if it had to be moved. Mr. Malloy said that he wasn't sure if they would pay and when he asked his direct boss, he said that he would have to search for a place and then ask the company how much they would pay. Chairman Hammer asked if he had alternate transportation. Mr. Malloy said that he had two vehicles but got rid of the second vehicle after three months of having this truck before the complaint was filed. He doesn't have a second vehicle at this point. Chairman Hammer asked what the period of time for parking this truck would be. Mr. Malloy said that he is looking to improve his position over the next two years which would result in a new vehicle, a small pick-up truck. Mr. Gillespie said that it is just over the allowed weight and also has signage on the outside which is in violation. If it could be parked in the garage, it would be ok. Mr. Malloy said that it could not be parked in the garage because his garage is under the house.

Chairman Hammer asked if the commissioners had any questions. Commissioner Jurasin asked about Brian O'Connor's memo specifically the reference to the unloading and deliveries done by the truck. Mr. Malloy said that there is demonstration equipment in the back of the truck, but no loading or unloading is done at his home. All deliveries of equipment is to United Rentals in Plainville where he picks up the equipment and deliver it to the job site. Commissioner Forsdick asked if Mr. Malloy knew about the regulation that these type of commercial vehicles cannot be parked at your home. Mr. Malloy said that he was not aware of the regulation before the complaint and he feels that the law is not enforced and is outdated. Many businesses are not local and therefore people must park these vehicles at their homes. He said that he saw 24 commercial vehicles on his drive over tonight and therefore the law is not enforced unless there is a complaint. Commissioner Jurasin commented that this truck is not as large as some of the ones that they had seen and how close on the weight is this truck. Mr. Gillespie said that the weight is close in this case, but the advertising on the truck also makes a difference. Commissioner Jurasin agreed with that. Chairman Hammer then opened the hearing to the public.

**Richard Fippinger**, 28 Wells Farm Drive, he is appearing as a private citizen, a property owner and a resident of Wells Quarter Village. He is completely opposed to the application for a special permit for the resident at Sunrise Terrace. He distributed a picture that he took that demonstrates the large size of the box truck in front of the single family home and the impact that it has in the residential neighborhood. Neighborhoods are fragile places and zoning is meant to protect these neighborhoods. The law was never meant to be a popularity contest between neighbors, but meant to protect the appearance and property values of neighborhoods. There is good reason why commercial vehicles were banned from the front of homes, because they are giant eyesores. He described the current process of many companies giving their employees a truck with equipment to go on site. The presence of a parked commercial truck causes other homeowners to relax their high standards of maintenance which causes deterioration of the neighborhood over time. The applicant of a recent meeting asked him why the town hadn't gone after this vehicle on Sunrise Terrace. These vehicles become a hazard due to heavy equipment parked near a single family residence, particularly near the bedroom. If the insurance carrier knew that a fully loaded truck was parked at a home, they may raise their premium. It is a fire hazard. If a community does not actively enforce the zoning laws, but rather waits for complaints. The complaint was made in June. If a community does not actively enforce the zoning laws and neighbors do not like to complain, the town doesn't enforce, especially overnight and on weekends. This is the time that the trucks are parked at the homes. He asked why it requires a formal complaint to enforce the law. Neighbors should not be subjected to ten foot high vehicles with hydraulic lift gates next to their property or on their street. Children should not be subjected to truck traffic and back up noise in a quiet neighborhood. This application should be immediately denied. This situation has lasted long enough. He urged the PZC to continue to discourage the issuance of special permits to allow the parking of commercial vehicles in neighborhoods. He doesn't know the young man involved, but does have the view out the window when he drives up the street at the same time as the children go to school.

**Elliot Carey**, 47 Sunrise Terrace, lives across the street and didn't complain about the truck. He waited and expected to be contacted by other neighbors to say what they are going to do about that truck. He is in violation of the laws and the truck is registered in New Jersey, not paying taxes in Connecticut or Wethersfield. He used to work with the

applicant's grandfather and his wife worked with his grandmother, so he knows the applicant and knows that he is a good person. However, the big white truck is stuck into a small driveway that overbears the driveway itself. It is unfortunate that he can't find a place for the truck, but he is going to have to find a place and get Connecticut plates.

**Ed Cusano**, 56 Sunrise Terrace, he lives a few doors down from the applicant and has two children aged 2 and 4. The street curves and there are nine children who play in the street in that area and an additional 30-40 school aged children in Wells Quarter Village walking around going to school. He sees the truck zipping up and down the street three to four times a day and he is concerned about his sons or someone else's kid getting hit by the truck.

**Sal D'Agostino**, 53 Sunrise Terrace, he shares some of the same concerns expressed. He can think of other commercial vehicles in the neighborhood. Of the children in the neighborhood that Mr. Cusano spoke of, four have down's syndrome. There is also a group home on Eastern Drive. They need to keep an eye on what is going on in the neighborhood. He harbors no ill will toward Mr. Malloy, however the truck doesn't belong there. At first he thought that the truck would only be there for a little while, and didn't complain, but now would like to see the truck gone.

**Michael Goldberg**, 35 Sunrise Terrace, speaking in favor of the application. He grew up in the home that was occupied by his grandmother. He has a company issued vehicle as does his wife and unfortunately for Mr. Malloy he didn't have a choice in the company vehicle that was issued to him. To quote his father a retired police officer of 32 years, 'use discretion.' He asks the commission to use discretion to protect this gentlemen's livelihood. Mr. Malloy doesn't have an alternative and needs the truck. He lives 20 feet across the street and can attest that he doesn't have any goods or services delivered to his home. Mr. Goldberg said that he has UPS deliver goods to his home everyday because he is a surgical implant representative during the day, and he does understand having a company vehicle. As far as the letters of notice that were issued, they were required to be within 300 feet. He asked the commissioners to review whether or not the people speaking tonight are within that 300 feet because if Mr. Malloy was required to send notification to more neighbors, then he would have, however he wasn't required to do that. If this were a recreational commercial vehicle he wouldn't be in favor of it, but because it is directly in correlation with his livelihood, he is in favor of the application.

**Richard Fippinger**, spoke again reading a letter from **Leigh Gallager**, 65 Farmingdale Road saying that the commissioners have opened Pandora's Box. She asks why the commission would go against the regulations to allow this. Rules are made for a reason.

Chairman Hammer asked for any other speakers. Seeing none, he asked the applicant to respond. Mr. Malloy said that he has no ill feelings toward his neighbors and has a 2 year old and another child on the way. He doesn't zip down the road as he has the same concerns for the children. In closing, people have said that he receives things at his home, which he does not and it isn't a four axle truck, it is a two axle truck. The truck was issued in New Jersey. His company does pay Wethersfield taxes on the truck and the Connecticut plates are in the mail.

Chairman Hammer asked the commissioners about whether or not to close the hearing.

Motion to close the public hearing made by Commissioner Forsdick

Seconded by Commissioner McHugh

Vote: (7-0-0)

Yay: Hammer, Forsdick, Knecht, Edwards, Jurasin, Wagner, McHugh

Nay: None

Abstain: None

## WETHERSFIELD PLANNING AND ZONING COMMISSION PUBLIC MEETING

## September 6, 2005

The Wethersfield Planning and Zoning Commission held a public meeting immediately following the public hearing on Tuesday, September 6, 2005 at 7:00 p.m. in the Wethersfield Community Center Meeting Rooms S1 and S2, 30 Greenfield Street, Wethersfield, Connecticut.

### Members present:

Joseph Hammer, Chairman  
Theresa Forsdick, Vice-Chairman  
Philip Knecht, Clerk  
Margaret Wagner  
Dorcas McHugh  
Robert Jurasin  
John Hallisey  
David Edwards

### Members absent:

Peter Leombruni  
Daniel Camilliere  
Thomas Harley  
Fred Petrelli

### Also present:

Peter Gillespie, Economic Development Manager/Town Planner

## ROLL CALL & SEATING OF ALTERNATES

Chairman Hammer opened the public meeting and took roll call. He indicated that all seven members would be eligible to vote tonight.

Present : Hammer, Forsdick, Knecht, Edwards, Jurasin, Wagner, McHugh

**APPLICATION NO. 1474-05-Z.** Premier Building & Development, Inc. seeking a Change of Zone from AA Open Space Development District to Special Residential Development Zone at the easterly side of Back Lane also at the end of Old Reservoir Road, known as Tax Assessor's Map 43 Block 11 & Map 42 Block 16.

Mr. Gillespie said that it wasn't clear whether the petition would in fact have enough signatures to require the six affirmative votes. Commissioner Jurasin asked whether the result would be whether a simple majority or a 2/3 vote is necessary to approve the application. Chairman Hammer made a suggestion to defer the vote. There are 8 people present and they have 65 days to vote. Commissioner Forsdick said that they would defer just for a vote, not for additional public hearing.

Chairman Hammer said that if they do not vote tonight, the town planner will present the result of findings regarding how many votes are needed for this. They will not accept any additional testimony. They have been given some very well researched and thought out materials so to him it is worth taking the time to review this and vote at the next meeting. Commissioner McHugh asked if the members of the public could resubmit a petition if it is found to be invalid. She asked if there is a deadline. Chairman Hammer said that the petition should be presented before close of hearing and that they can't accept anything else. He is not sure that the co-owners need to sign, however he would defer to the town attorney on that. One member of the public asked why this signature problem was not brought up before the close of public hearing.

Chairman hammer asked Mr. Gillespie to explain. Mr. Gillespie said that he had met with Mr. Meskiewicz and provided him with a copy of a sample petition as well as a 6-7 page excerpt from a book referred to by land use planners and attorneys written by Judge Fuller, he had given him section 4.2 of that document beginning on p. 41.

There is a particular point in that document that discusses this point. He doesn't know whether or not he factored that into the petition. He also met with Mr. Meskiewicz again and urged him to get as many signatures as he could. Chairman Hammer asked for a motion to table this. The Motion to table the decision until the next meeting on Sept 20 made by Commissioner Forsdick

Seconded by Commissioner McHugh

Vote: Yay: Hammer, Forsdick, Knecht, Hallisey, Edwards, Jurasin, Wagner, McHugh

Nay: None

Abstain: None

**APPLICATION NO. 1478-05-Z.** John Tartaglia seeking a Special Permit to convert an existing building into twelve (12) apartment units located at 295 Ridge Road, Church/Granberry Homes.

Public hearing was left open to September 20, 2005.

**APPLICATION NO. 1480-05-Z.** Steve Fiedler seeking a Special Permit to allow the construction of a new restaurant building located at 486 Silas Deane Highway.

For purposes of discussion, Commissioner Forsdick moved to grant the application with the stipulations that Mr. Gillespie noted and that the staff make sure that those all take place.

Motion made by Commissioner Forsdick to approve with the stipulations that Mr. Gillespie read into the record with staff to ensure that the corrections are made before they proceed

Conditions:

1. In accordance with section 5.6, the requested waiver of one parking space within the front yard is approved.
2. The applicant shall modify the height of the light poles as noted by the town engineer and ensure that all are full cutoff.
3. Provide the plans to provide the architectural wall detail consistent with other walls along the Silas Deane Highway.
4. The directional signs on the property must be modified to remove the Tim Horton's logo.
5. The condenser units shall be modified with aesthetic screening and consideration of noise impact of the HVAC units. The screening details shall be provided to staff.
6. Plans are modified to show sidewalk details at all curbcut crossings.
7. The dumpster shall be screened to match the building.
8. ~~Add clearance signs for the drive-thru.~~ *{Modified see below amendment}*
9. There shall be no left turn onto the Silas Deane Highway from the site.
10. The applicant shall provide documentation from other sites that stacking for ten vehicles is sufficient.

Seconded by Commissioner Jurasin with the following amendment:

- an alternative to the overhead height restriction sign to be used on the site, details to be worked out with staff.

Commissioner Jurasin also said that he is not passionate about the left turn lane issue on Silas Deane Highway. He expects the DOT to have a number of comments on that issue and will abide by the DOT on that matter.

Commissioner Forsdick indicated she was amenable to the addition to the motion.

Vote: (6-1-0)

Yay: Forsdick, Knecht, Edwards, Jurasin, McHugh, Wagner

Nay: Hammer

Abstain: None

Commissioner Jurasin asked if all new applications along the Silas Deane Highway are subject to special permit. Mr. Gillespie said that that was not the case, that this application triggered a special permit because of the drive-thru.

**APPLICATION NO. 1483-05-Z.** Manuel Pine seeking a Special Permit to construct a new building for retail use at 416 Silas Deane Highway.

Motion made by Commissioner Forsdick to approve with the seven conditions as listed by Mr. Gillespie:

Conditions:

1. As requested, the landscaping waiver would be approved.
2. The Dunkin Donuts logo must be removed from the directional signs.
3. The plan is revised to reduce the height of the light poles.
4. As appropriate, add height clearance signs for the drive-thru.
5. Modify the plans to add building lighting recessed into the soffit overhang.
6. Provide additional detail as to the visual and sound screening of condensers and compressors on the roof.
7. Modify the site plan to provide some form of warning to pedestrians walking northbound adjacent to the building so that they would not be struck by vehicles exiting the drive-thru lane. If a railing is used, the Siamese connection shall not be blocked.

Mr. Gillespie said that there was a discussion about changing the color of the building from tan to white and also a discussion about off-site employee parking. Mr. Gillespie added that he did not think that off-site parking should be part of a condition.

Chairman Hammer was reminded that he had generated the comment about the color of the building. Chairman Hammer said that he felt that the white color was more colonial and asked the commissioners to think about what color they prefer. He said that he think that white is better but he did not think that the color of the building would change his vote. The other commissioners discussed the issue and decided to leave the proposed color as-is.

Commissioner Jurasin asked if they would be granting a landscaping waiver. Mr. Gillespie said that under the new landscaping requirements, there is language that gives the commission the ability to modify the requirements. This was done because the commission was not sure whether the new regulations were too restrictive. Commissioner Jurasin said that he was not sure that the commission should be granting landscaping waivers along the Silas Deane Highway and that he is flabbergasted that the developer cannot fit the landscaping into the site.

Mr. Gillespie mentioned that the applicant is providing more than the required landscaping overall on the site, however they are deficient in parking lot landscaping. Commissioner Jurasin asked Mr. Gillespie to clarify the discrepancy.

Mr. Gillespie read from the following correspondence from the applicant:

- A letter from Kevin Johnson, Landscape Architect, Close, Jensen and Miller, P.C., dated September 2, 2005 to Mr. Peter Gillespie stating "...the applicant is required to provide 1,133 square feet of landscaping within the limits of the gross parking lot area. Only 1,079 square feet is provided for a deficiency of 54 square feet. However, regarding the overall landscape requirement, the applicant is required to provide 5,676 square feet of landscaping on site and is proposing to provide 6,944 square feet for an excess of 1,268 square feet. Overall, the landscaped area being proposed is more than the minimums being required by the Zoning Regulations and is a considerable enhancement over the existing condition of bituminous pavement..."

Commissioner Jurasin said given that, he is amenable to granting the landscaping waiver.

The motion was then seconded by Commissioner Wagner

Vote: (6-1-0)

Yay: Forsdick, Knecht, Edwards, Jurasin, McHugh, Wagner

Nay: Hammer

Abstain: None

Chairman Hammer added that he has nothing against Dunkin Donuts specifically, and is glad that they are improving the site. He has concerns with the traffic volumes and the proliferation of donut shops and drive thrus along the Silas Deane Highway. He thinks it is a delicate balance between economic development and this type of use and it was a tough call for him, but this is where he comes out on this one. With the previous application, he feels that it was an even more sensitive site.

**APPLICATION NO. 1484-05-Z.** Todd Malloy seeking a Special Permit to park a commercial vehicle in a residential zone.

For purposes of discussion, Commissioner Forsdick made a recommendation to deny the application. Chairman Hammer asked for a second, seeing none, he started a discussion.

Chairman Hammer said that the applicant had specifically requested six months and they had approved the last similar request for a time period of six months. He said that each of this type of application needs to be looked at on its own because they are different properties and different types of trucks. Even though this is the first time in years that they are enforcing a particular regulation, whether it is good or bad it is in front of them to decide. He said that the applicant may need time to make other arrangements and that it would be reasonable to grant some time to do that.

Commissioner McHugh said that she would second the motion on the table if it was restated by Commissioner Forsdick. Commissioner Forsdick restated her motion and Commissioner McHugh seconded the motion. Commissioner Forsdick said that she does not think that this use should be allowed and that the applicant should use his other car to get back and forth to work, just like everyone else. She doesn't have compassion for a regulation that is blatantly broken.

Chairman Hammer said that he feels that there is a particular process in place and that the commission needs to look at each case individually because in some cases it may be allowable.

Commissioner Jurasin asked if the previous application was approved for a time period or denied. The commissioners recalled the application being approved for a time limit. Commissioner Jurasin said that he would have favored denial. Commissioner McHugh said that she went by the site and it is a very clean truck, but it is a huge box truck that is dominant when you look at the house. She said that they have to look at the town overall and decide whether or not people are going to be allowed to park these types of vehicles in front of their houses. She doesn't think that they should be allowed except in extreme hardship cases.

Commissioner Jurasin said that he supports denial, but that the applicant does need the opportunity to do something to correct the situation, it wouldn't be fair to start ticketing him immediately. Chairman Hammer agreed and said that he is inclined to grant the same six months that the previous applicant was granted.

Commissioner Forsdick said that she would restate her motion to deny the application with one week to correct the situation before the building official can begin taking action.

Commissioner McHugh asked about granting a month. Commissioner Forsdick agreed to one month, but without the opportunity to reappear before the commission after a month. Chairman Hammer said that he thinks this is a little quick.

Commissioner Jurasin asked if this would be an approval for one month or a denial. Commissioner Forsdick said that she would prefer a denial with one month to correct the situation. Chairman Hammer again questioned whether one

month would be enough time. Commissioner Wagner offered that it sounded that the applicant had already done some legwork to change the situation, so thirty days should be enough time.

Chairman Hammer asked if the zoning officer would be willing to abide by the request. Mr. Gillespie said that he had not discussed this with him, but that he imagined he would be amenable to it. Mr. Gillespie added that it may make the zoning officer's job easier as he can tell the next person that the commission denied the last application. Chairman Hammer called for a vote.

Motion made by Commissioner Forsdick to deny with one month to relocate vehicle and instruct the building official to take no action until the thirty days is up.

Seconded by Commissioner McHugh

Vote: (6-1-0)

Yay: Forsdick, Knecht, Edwards, Jurasin, McHugh, Wagner

Nay: Hammer

Abstain: None

Mr. Fippinger asked if there would be the opportunity for public comment. Chairman Hammer said that due to the late hour he was not sure. Mr. Fippinger said that he would like to make a point of information. He said that he has heard threats that some of his neighbors that they will apply for the special permit and if they are granted six months they would have enough time to add a snow plow to their oversized vehicle and get through the winter season. He wanted to notify the commission.

### **G.S. 8-24 Review - Purchase of Open Space located at 15 Heather Drive (rear)**

Mr. Gillespie said that he would like the commission to act on this because they are running out of time there are only thirty days to respond to the town council. Mr. Gillespie has provided a copy of the tax map. He said that the lot would become substandard and if the other lots in the neighborhood are not taken then it doesn't make any difference.

Commissioner McHugh asked how it got on the town council agenda. Mr. Gillespie said that it was proposed by the property owner and was appraised at \$40,000. The proposal was for \$30,000. Mr. Gillespie said that he spoke to the town manager about it not being a wise use of limited resources, but to get through to the council, the commission needs to act. Commissioner McHugh pointed out that there are three or four other property owners that are in the same situation. Mr. Gillespie said that without their properties, this wouldn't make much sense, also, this type of action would create a zoning violation because the lot would become substandard.

Chairman Hammer asked for a motion to recommend that they deny the request and not buy the property. Commissioner Forsdick made the motion with the reasons that it is one property in isolation and that the abutting properties are in the same situation and why take one and not all, and it also creates a substandard lot which is a zoning violation. Commissioner Jurasin seconded the motion.

Vote: (7-0--0)

Yay: Hammer, Forsdick, Knecht, Edwards, Jurasin, McHugh, Wagner

Nay: None

Abstain: None

### **REGULATION OF ATHLETIC FIELD LIGHTING**

Held until the next meeting

## **MINUTES**

- Minutes of the August 16, 2005 Meeting

Held until the next meeting

## **STAFF REPORTS**

Held until the next meeting

## **PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING.**

Held until the next meeting

## **CORRESPONDENCE**

A letter from Dolores Sassano, Town Clerk to Daniel Camilliere date August 16, 2005 Regarding the Town Council's acceptance of his resignation from the Planning and Zoning Commission.

A letter from William Bellock to Peter Gillespie dated August 22, 2005 regarding the authorization to the Planning & Zoning Commission to allow for the extension of the Public Hearing for Application No. 1470-05-Z and an extension of the Site Plan Review of Application 1471-05-Z.

A memo from Peter Gillespie, Town Planner to Mike Turner, Director of Physical Services date August 17, 2005, requesting that the Inland Wetlands monthly meeting date be moved from the third Wednesday to the second Wednesday.

A letter from Don Moisa, Inland Wetlands Agent to Rogin Nassau dated August 30, 2005 regarding an application submitted to the Town of Rocky Hill for a proposed Motorcross pedal bike track and rider education training facility on C Lane in the Rocky Hill Meadows.

A letter from Frederick Clark, Chairman of the Inland Wetlands & Watercourses Commission to William Bellock dated August 19, 2005 regarding the Commission's decision to deny Application No. 516-05E/S without prejudice.  
Held until the next meeting

## **OTHER BUSINESS**

Held until the next meeting

## **ADJURNMENT**

Chairman \_\_\_\_ made a motion to adjourn the meeting.

Commissioner \_\_\_\_ seconded the motion. All members present voted in favor of the motion and the meeting adjourned at 1:20 a.m.

Philip Knecht, Clerk