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**WETHERSFIELD PLANNING AND ZONING COMMISSION**  
**PUBLIC HEARING**  
**October 4, 2005**

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, October 4, 2005 at 7:00 p.m. in the Wethersfield Police Department Meeting Room 250 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph Hammer, Chairman  
Theresa Forsdick, Vice-Chairman  
Philip Knecht, Clerk  
Margaret Wagner  
Thomas Harley  
Fred Petrelli  
Anthony Homicki  
Robert Jurasin  
David Edwards

Members absent:

Peter Leombruni  
Dorcas McHugh  
John Hallisey

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

**APPLICATION NO. 1490-05-Z.** Don Hammerberg Associates seeking Site Plan Review to construct an addition at 1260 Silas Deane Highway.

Mark Fey presented the application for the addition and he discussed the details concerning the construction including the relocation of utilities. He said that he had received comments from the Fire Marshal that discussed access through the rear exit. He said that he had comments on 1290 Silas Deane Highway, the adjacent building that Mr. Fey couldn't address. He talked about the electric coming in on the North side of the building that they need to find the exact location of the water line but are waiting for MDC records to do so. He incorporated the comments from staff so far, including the suggestion from the Design Review Committee that the brick on the addition match the existing brick on the building. Mr. Fey said that he did get a variance from the Zoning Board of Appeals because of the design.

He then presented the elevation and said that the fenestration would be the same as the existing and that the plantings would include bushes and mulching as represented on the photograph. He then talked about the layout of the interior of the infusion center and why it created the hardship that required the variance.

Mr. Fey mentioned that there had been a concern about parking, therefore he included his calculations on the new sheet that had been submitted. He discussed the floor plan which includes the need for wide corridors, storage for medical records and restrooms. This doesn't leave much space for the small exam rooms and patient waiting area which is used for the parking count. He said that he used a 20% loss factor in the parking count, but it would probably be more like a 50% loss.

Chairman Hammer asked if there were any questions from the commissioners, seeing none, he asked for questions or comments from the public. Seeing none, he asked Mr. Gillespie for any additional information or staff comments. Mr. Gillespie said that the addition had been presented to the Design Review Committee who approved it with the

stipulation that the brick on the addition matches the existing. Also, a variance was granted by the Zoning Board of Appeals because it is too close to the side yard setback. He said that some of the parking is leased from the adjacent site at 1202 and 1190 Silas Deane Highway. 64 spaces are leased to this site to meet the minimum parking requirements. He said that the comments from the Fire Marshal are relative to the building next door and access through 1290 for this building. He said that this issue has to be worked out with the Fire Marshal.

Commissioner Jurasin asked if this should be a condition if it were to be approved. Mr. Gillespie said that it is really an enforcement matter with the Fire Marshal and historically there is a fire access with 1290 Silas Deane Highway therefore he is not sure how to condition it on this issue. Commissioner Jurasin said that there is a concern about the importance of the issue however. Mr. Gillespie asked Mr. Fey if there was an easement. Mr. Fey said that there is no apparent easement and that Close, Jensen and Miller did a whole easement map but there was nothing for this.

Commissioner Jurasin asked if all the other comments were met. Mr. Gillespie said that there had been an issue with the parking tabulation and that the applicant can exclude spaces, however he hadn't seen the new calculation until today. He said that there are 228 required and 237 provided which includes the leased spaces. Therefore, the minimum requirement has been provided. However it is a busy site during the day. Commissioner Jurasin said that he has noticed that everyone wants to park in the same 20 spaces in the front.

Mr. Fey mentioned in closing that the brick that is required may be almost \$800,000, but the owner is willing to work within the financial aspect to improve the building for the community. They have a good reputation and he asked for the commission's approval.

Commissioner Forsdick made a motion to close the public hearing. Commissioner Petrelli seconded the motion. All members present voted in favor of the motion.

Aye: Hammer, Forsdick, Knecht, Edwards, Harley, Jurasin, Wagner, Petrelli, Homicki

Nay: None

Abst: None

**WETHERSFIELD PLANNING AND ZONING COMMISSION  
PUBLIC MEETING  
October 4, 2005**

The Wethersfield Planning and Zoning Commission held a public meeting immediately following the public hearing on Tuesday, October 4, 2005 at 7:00 p.m. in the Wethersfield Police Department Meeting Room 250 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph Hammer, Chairman  
Theresa Forsdick, Vice-Chairman  
Philip Knecht, Clerk  
Margaret Wagner  
Thomas Harley  
Fred Petrelli  
Anthony Homicki  
Robert Jurasin  
David Edwards

Members absent:

Peter Leombruni  
Dorcas McHugh  
John Hallisey

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

#### ROLL CALL & SEATING OF ALTERNATES

Joseph Hammer, Chairman

Theresa Forsdick, Vice-Chairman

Philip Knecht, Clerk

Margaret Wagner

Thomas Harley

Fred Petrelli

Anthony Homicki

Robert Jurasin

David Edwards

**APPLICATION NO. 1490-05-Z.** Don Hammerberg Associates seeking Site Plan Review to construct an addition at 1260 Silas Deane Highway.

Commissioner Jurasin moved to approve the application as submitted. Commissioner Forsdick seconded the motion. She asked if there were any conditions. Mr. Gillespie said that they had discussed the problem with access to the standpipes on the side of the building and they wouldn't want the record to reflect that they ignored the Fire Marshal's comments. Commissioner Jurasin recommended adding that as a condition.

Chairman Hammer clarified that the condition would read that:

- This owner will pledge to cooperate to the extent that he can with the Fire Marshal for access.

Commissioner Forsdick agreed to the condition. All members present voted in favor of the application. (9-0-0)

Aye: Hammer, Forsdick, Knecht, Edwards, Harley, Jurasin, Wagner, Petrelli, Homicki

Nay: None

Abst: None

**C.G.S. § 8-3h Review** - Toll Brothers Development proposed 74 unit residential development located at 2340 Berlin Turnpike (Hartford Drive In), Newington.

Mr. Gillespie said that this project is currently going through the Newington Planning and Zoning commission process and is being held over until October 12 and it is being referred to this commission for consideration. Also, Mr. Gillespie, the Town Manager and the Town Engineer have been monitoring the situation and have written a memo back in February. It is now essentially before the commission now. Chairman Hammer asked if the town of Newington was asking their advice on the matter. Mr. Gillespie said yes as it affects the town of Wethersfield.

Tom Regan, an attorney with Brown, Rudnick represents Toll Brothers. He said that they have spent the last six months working with the Town Managers, Planners and Engineers for both towns designing a traffic solution to the site. The preliminary concerns with the State decided that the primary access off of Prospect Street with a secondary access off of Back Lane. The State urged the secondary access as well as only a Right In/Right Out off Prospect. One of the deterrents of developing the site has been the access, which is why residential was chosen for the development of the site because it is the lowest traffic generator. A limited entry onto Back Lane and a right in/right out onto Prospect is proposed. They are also proposing to substantially upgrade Back Lane pursuant to the town's comments.

John Mancini, BL Companies 355 Research Parkway Meriden, CT introduced the engineering of the site. He said that there is a long history to develop the site and he understands the access and traffic there. Over the last 8-10 months they have looked very closely at the access. On Prospect Street they have located the high point of the vertical curve.

The driveway has been designed as a Floridian type, very restrictive right in/right out to make a strong statement of geometry so that a car trying to come into the site making a left wouldn't be possible. Traffic from the Berlin Turnpike would enter a deceleration lane and then enter the site. Through discussions with the DOT, they suggested a secondary access on Back Lane. Because it is a dense neighborhood there is no benefit to come out and make a right onto Back Lane because it would just put you right back where you began. However, they are going to create improvements at the light on Back Lane. There is now a single lane approach in all directions. They are proposing a sliver widening to meet DOT criteria so that a left turn for vehicles from Prospect to Back Lane will not impede the flow of traffic on Prospect. They also propose to take the basins on Back Lane out of the pocket to create a left hand turn lane on Back Lane. All of this is proposed to happen with very little change to the signal. It will be an operational improvement and will help the left turn out and the flow of traffic westbound.

Mr. Mancini went on to describe the driveway from Back Lane to the development and said that the actual location of the driveway would be driven by the grade of the site. The natural highpoint is beyond the existing tree line and in order to sculpt the driveway into the slope and utilize the existing vegetation they would use an S curve. The driveway is long enough and with the desirable grade is interesting and allows for overlap of the proposed and existing so that you can't see into the development from Back Lane. He then presented a photograph of the current conditions and a computer enhanced photo of what the drive would look like. He described the proposed plantings and the stone pylon sign that would be approximately 5' x 7' and decorative on Back Lane. There would also be decorative street lighting and a basin to collect the water. The total development would be 74 town homes that target young professionals with 64 maximum peak hour trips. They would not be adding a lot of traffic to Back Lane but it does make sense to have an additional access point on Back Lane especially to deter an erroneous movement onto Prospect.

Mr. Regan said that they could do the project with just the right in/right out onto Prospect but they were urged to explore the Back Lane exit by DOT. They had explained the plan to the abutting residents prior to the hearing in Newington. Also, they had met with several of the abutting residents and the two property owners across from the driveway entrance who would be directly affected. They agreed to install landscape berms to shield the headlights. It would be an L-shaped berm to accomplish this. Mr. Regan also said that there would be no construction vehicles or access from Back Lane. All of the construction traffic would enter and exit the site from Prospect Street.

Commissioner Petrelli asked if the right in/right out would be near the existing entrance to the site. The applicant said that it would not be, it would be moved up to meet site line requirements. Chairman Hammer asked if the units would be condominiums or apartments. Mr. Regan said that they would be condos for sale. He referred to the representative from Toll Brothers who said that they would be two bedroom condominiums with 1500-200 s.f. each. Chairman Hammer asked what the difference in traffic would be. Mr. Mancini gave an example of BJ's which has a peak hour traffic count of 300-400. This site would have peak hour traffic of 64 on a Saturday. Commissioner Wagner asked why the peak hour wouldn't be Monday through Friday. Mr. Mancini replied that the pm peak hour on Friday is 50 and the morning weekday peak hour is only 40 trips. Commissioner Wagner asked how they got that information if these condos were to be sold to young professionals who would each be leaving in a car to go to work. Mr. Mancini said that not everyone enters the road at the same time in the morning and commuters ride between 5 am and 9 am. Mr. Regan added that although there is no age restriction to be placed on these units, they think that they would get a lot of empty-nesters. 60-70 of the units have the option of first floor master bedrooms, which is a big attraction. Commissioner Knecht asked about the price for the units. The representative from Toll Brothers said that the prices would be in the high \$200,000 to low \$300,000. Commissioner Knecht then asked if the units would have radon detectors. The representative said that they do not have them at this time but if required they will comply.

Commissioner Jurasin asked a question about process. He had thought that in the past Newington had made a commitment to abide by the neighbors on the Wethersfield side not have an access on Back Lane. He added that if this is an application for a curb cut in Wethersfield, why isn't this a public hearing and not just a referral.

Mr. Gillespie replied that the application for a curb cut doesn't fall under the site plan approval or Special Permit approval. He had talked with the town manager who is ultimately the local traffic authority and this doesn't meet the thresholds for a formal application submission. Therefore it is being referred under 8-24.

Commissioner Jurasin said that he doesn't know what is in the regulations that make it not so, but most towns have a

site plan approval process for a site plan. He doesn't understand what is unique about Wethersfield. Mr. Gillespie said that he took part in a meeting in town hall that had a number of residents of the area. It was indicated that DOT wanted an alternate access. Commissioner Jurasin said that only because of the agreement were they not able to do it. The applicant was forced to go to the DOT with only one curb cut and now they are forced to come back and ask for a curb cut onto Back Lane. He doesn't know what has changed from the original town agreement and said that the DOT will approve a right in/right out access only.

Mr. Mancini said that the opinion of the neighbors particularly those in the first six houses and those across the street from the proposed driveway that is important in this case. At the public hearing in Newington, a substantial number of people listened to the presentation and identified their concerns. When the chairman asked if there were any comments, the people in the immediate location didn't seem concerned with the end use. Commissioner Jurasin added that this is the same commission in Newington that denied having Wethersfield residents speak at the hearings in the past and now want to understand the opinions of the Back Lane residents.

Mr. Regan said that they have gone to great lengths to get a design that both Newington and Wethersfield is comfortable with. They do not want to put a retail use like Wal-Mart here. Commissioner Jurasin asked about process again and if a Wal-Mart were to develop the site is the commission allowed to comment on the site plan and is there a site distance and what the grades are. Mr. Mancini said that the grading of the driveway and site lines meet Wethersfield's criteria. Mr. Gillespie said that it is an unusual thing that he has no experience with and how to classify this application. Commissioner Jurasin asked if the town thinks that they will have their own public hearing on this matter. He also asked what the commissioners are to act on with regard to the referral. Mr. Gillespie said that the scope of the review is the whole plan and the focus is not limited to Wethersfield but the entire site as it impacts Wethersfield. Commissioner Jurasin said that he has many questions usually generated under the normal review process. Mr. Gillespie said that a site plan approval process does not have a public hearing.

Commissioner Forsdick supported Commissioner Jurasin's comments and said that if they are going to approve something they should have additional information. Even if they are not made to have a public hearing, the commissioners would like to have drainage and other information normally submitted to ask questions about the impacts.

Both Mr. Mancini and Mr. Regan said that they have no objections to going through the specific information and answering questions. They will resubmit all of that information for each commissioner. Mr. Regan said that all of the information has already been submitted in an application, but he will supply additional information for each commissioner until they are satisfied that they have enough. Mr. Mancini added that he thinks that this is an excellent use for the parcel and he will defend the access, drainage and proof in the document submitted. Chairman Hammer suggested that he talk to the staff about what needs to be submitted. Mr. Gillespie said that he would discuss with the applicant what should be included and also would speak to Mr. Turner about his comments.

Mr. Mancini said that he didn't know that is what the commissioners were looking for and he is happy to do it all again. He will treat this session like a workshop and take all of the comments and information back and be prepared at the next session. Mr. Regan pointed out that he didn't wait for Newington to make this referral. He had in fact submitted an application with Wethersfield previously. Chairman Hammer said that they will review the plan by the next meeting.

**APPLICATION NO. 1493-05-Z.** Wethersfield Shopping Center seeking Approval under Article X.D.2. of the Wethersfield Zoning Regulations to install a series of two-sided banners to be hung from the light poles in the parking lot of 991-1115 Silas Deane Highway.

Gayle Deneen presented the application for the banners. She has received a copy of the original application and apologized that the permit had expired in 1993. She would like to replace the banners as the wind and elements have taken them down. The banners are narrow and Lorne Rosen from Art Effects has come up with a design to incorporate the name and logo. Ms. Deneen said that they would be replacing the hardware. Chairman Hammer asked if the banners would be at the same height as the existing. Ms. Deneen said that they would be. Commissioner Jurasin said that it was a good idea to replace the banners and asked about the material of the banners. Ms. Deneen said that the

wind and elements have destroyed them and that she has had new ones made on heavier material and at that there is a 5-7 year life. She said that she was not sure what the material is made of other than a plastic coated fabric that is silk screened.

Commissioner Jurasin asked if the Design Review Committee had any suggestions on the appearance. Mr. Gillespie said that this application doesn't qualify for Design Review Committee review. The applicant said that the Wethersfield Shopping Center relies on these banners as their only signage. She said that they had to say Wethersfield Shopping Center and that they needed a design criteria with an artistic element. Mr. Gillespie said that the original approval was for 7 poles and would these be 14 banners double faced on those poles. Ms. Deneen said that they would be.

Commissioner Knecht asked if they would hold up through the winter. Ms. Deneen said that the Shops at Somerset Square change theirs seasonally and that maybe they would look to that as an option in the future. Commissioner Wagner said that the blue and white are Wethersfield colors and asked if the red was for the red onion. Ms. Deneen said that she has been working for a year on the design and that the existing banners had some burgundy in them however the computer translation of the red color might not have come through correctly. Commissioner Knecht said that it was a good idea. Chairman Hammer agreed and said that it looks like it has been tastefully and professionally done.

Commissioner Forsdick made a motion to approve the application.

Commissioner Knecht seconded the motion.

Mr. Gillespie reminded the applicant that just as in the previous approval if there were any changes to the design, then she must come back to the commission. Ms. Deneen said that she would like to come back for an additional color banner for the spring/summer and what would the process be. Chairman Hammer said that it would be the same process before the commission. Commissioner Knecht asked if she would be using this new design in print ads and she said that she might be.

All members present voted in favor of the application. (9-0-0)

Aye: Hammer, Forsdick, Knecht, Edwards, Harley, Jurasin, Wagner, Petrelli, Homicki

Nay: None

Abst: None

## **REGULATION OF REAR LOTS - Discussion**

Mr. Gillespie introduced the topic and said that rear lots are referred to as flag lots. The rear lot is typically located behind a conventional subdivision lot and in most cases there is a narrow access way to the lot. Mr. Gillespie summarized some of the information in the commissioner's packets. He said that many communities do permit rear lots through a special permit process and public hearing including notice to neighbors. Usually the rear lot is required to be 1.5 to 2 times larger than a conventional lot and that the access to the rear lot must be owned by the rear lot owner. Also sometimes it is required that the driveways to the rear lot meet emergency vehicle standards.

He noted that in Wethersfield's case, the town has smaller lot sizes than most towns and therefore it might be appropriate to limit rear lots to those zones with the largest minimum land area. The largest lot size is the AA which is 20,000 s.f., and he would not recommend rear lots be allowed in zones where the minimum lot size is 7500 s.f.

Chairman Hammer asked if Mr. Gillespie knew approximately how many rear lots could be created if it were only allowed in those zones. Mr. Gillespie said that he has talked to the GIS person and figured that it would be a bit of an exercise and that they would have to do some geographic analysis to come up with qualified land. Chairman Hammer wondered how many towns don't allow rear lots.

Commissioner Wagner asked why the rear lot should be 1.5 times larger than a regular lot. Mr. Gillespie said that the

rationale is that a larger plot is necessary to locate the house and give the opportunity to give enough clearance between the properties. Some towns also have a larger front yard requirement in order to push the house farther back on the lot. Chairman Hammer suggested that if the commission wanted to allow rear lots, it may be helpful to have an idea of the number of properties that would be affected.

Commissioner Jurasin offered that for years the commission has wrestled with these flag lots and the regulations lent themselves to property owners creating flag lots to the detriment of the neighborhood. Then the landowner would own the property but lease the house in order to get around the regulations. He said that it took a long time to get rid of that from the regulations. If there is a lack of land to build housing then he is open to reconsidering the issue, but he would like to see a matrix of the common things in each town that make it workable, the things in the old regulations that made it terrible and then recommendations from the staff. Chairman Hammer added that he would like to see how many towns don't allow them. Commissioner Knecht offered that in his experience as an appraiser, rear lots work out well in some towns. Chairman Hammer commented that there may be neighbors who couldn't do this and now it will change. Commissioner Jurasin said that he is not averse to keeping the rear lots, he just didn't know how to fix them because it was so before.

Commissioner Wagner asked for more information on the minimum square from the Greenwich regulations. Mr. Gillespie said that and lots of other towns with tough land left that is wetland free have used the minimum square as a tool to regulate subdivision lots. Wethersfield recently incorporated a minimum buildable square regulation in order to eliminate rear lots. This regulation would have to be tweaked in order to allow rear lots if that is what is decided.

## **MINUTES**

### [September 20, 2005 Meeting](#)

Commissioner Wagner asked for a correction on p.8 - the third paragraph should read that the 'owner will use the gazebo during the night' -- not 'light'

Chairman Hammer asked for a correction on p. 19 - near the bottom of the page should not read that 'Chairman Hammer finds that part of the motion', but should read that "The commission finds that:"

Commissioner Forsdick made a motion to approve the minutes.

Commissioner Knecht seconded the motion.

Five of the members present were eligible to vote and voted in favor:

Aye: Hammer, Forsdick, Knecht, Petrelli, Wagner, Harley

Nay: None

Abst: Homicki, Jurasin

## **STAFF REPORTS**

Mr. Gillespie said that there has been new information submitted concerning the referral that the commission had reviewed at 15 Heather Drive Rear. The additional information may materially impact the decision that was made. The property owner is still interested and therefore it is back on the agenda.

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

## **CORRESPONDENCE**

- packet with information relating to Lot Number 130 Wolcott Hill Estates, Oxford Street.

- letter from James Sollmi, Director of Engineering & Highways for the Town of Rocky Hill, to Don Moisa, Town of Wethersfield Inland Wetlands Agent, dated September 20, 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.
- letter from Helen Hodgman, Josephine Stannard, Susan Carpenter, Emily Carpenter and Amy LeRoy to Bonnie Therrien, Town Manager and the Historic District Commission dated September 20, 2005 regarding Main Street Creamery & Café.
- letter from Attny. Elizabeth Foran to Brian O'Connor, Chief Building & Zoning Official dated September 21, 2005 regarding the Main Street Creamery & Café.

## **OTHER BUSINESS**

Mr. Gillespie wanted to make sure that the commissioners knew that there was a moratorium in Rocky Hill on the motorcross track use.

Commissioner Jurasin discussed the referral of the drive-in site and asked if Mr. Gillespie could do the following three things before a motion is made on that issue:

- Write out clearly what the commission is acting on.
- Explain the process of a 8-24 Referral -
  - ◦ If the commission votes in favor of a referral is a simple majority needed to approve it.
  - ◦ If the commission votes against a referral is more than a simple majority of the council needed to approve it.
- What happened to previous commitments made to not allow access to Back Lane - what is the town's official position and has anything been changed.

Mr. Gillespie asked when the Wal-Mart proposal was submitted. Commissioner Jurasin said that he wasn't sure that a formal proposal was ever submitted. He appreciates the suggestion to solicit input from the residents of Back Lane.

Commissioner Homicki has watched the site as the former assessor of Newington. He said that the curb cut concept is a wise one and raises questions about

Commissioner Harley asked if it would be possible to administratively reconsider a vote that has already been decided upon. Chairman Hammer said no, the only thing that he has heard of was an applicant may be able to come back before the commission if they were denied without prejudice, but not if an application was approved.

Commissioner Harley said that he was concerned about what was approved. He doesn't know enough about the zone change and concept plan and would like to suggest that if the commission doesn't like what the developer comes back with that they deny it then. If that is the case and it goes away, he then suggest hat they take the opportunity to go back to the old zoning which was more restrictive. Chairman Hammer reminded the commissioners that the developer still has to go through a very rigorous second stage that requires him to detail the particular type of housing and meet all of the regulations to demonstrate how many units can fit there.

Commissioner Harley said that if the new zone allowed the concept and it was only 20 buildings of 2000 s.f. each then it is not a substantial issues. If they come back with 800 s.f. buildings and far more density then he is concerned. Chairman Hammer said that the regulations give latitude and control and he suggests that because they are discussing one decision and it may be in court under appeal and the applicant is coming back they should not discuss it at this time. Commissioner Harley asked about the appeal. Chairman Hammer explained that the appeal period has not expired, therefore anyone can file an in light of that he would like to suggest avoiding unnecessary discussion.

Commissioner Jurasin asked if the next step would be a site plan application given the type of land use and what is approved. He asked would it be an as of right site plan or would there be a special permit attached. Mr. Gillespie said that it doesn't require a special permit however additional standards above and beyond the normal site plan are applied as part of this process. Chairman Hammer acknowledged that the impacts are analyzed as well as the building design

and architecture. Commissioner Wagner said that the wetlands are going to be a big issue for that site.

## **ADJOURNMENT**

Commissioner Petrelli made a motion to adjourn at 9:15 p.m.

Commissioner Forsdick seconded the motion.

All members present voted in favor of the motion.

Aye: Hammer, Forsdick, Knecht, Petrelli, Homicki, Wagner, Jurasin, Harley, Edwards

Philip Knecht, Clerk