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**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
November 2, 2005**

The Wethersfield Planning and Zoning Commission held a public hearing on Wednesday, November 2, 2005 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph Hammer, Chairman
Thomas Harley
David Edwards
Dorcas McHugh
Margaret Wagner
Fred Petrelli
Robert Jurasin

Members absent:

Theresa Forsdick
Philip Knecht
Anthony Homicki
John Hallisey
Peter Leombruni

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

Roll Call

Chairman Hammer called roll:

Harley, Edwards, Hammer, McHugh, Wagner, Petrelli.

He then called the public hearing to order and explained the format, citing that they need five members to vote in the affirmative.

Commissioner Jurasin was present immediately after roll call and present for all hearings.

APPLICATION NO. 1494-05-Z. Southside Partners LLC Special Permit under Section 3.6.C.2 to construct an accessory structure larger than permitted in a residential zone and to modify the approved site plan for Application No. 1428-04-Z with regards to exterior lighting design and the condensers and condenser pad at 82-84 & 86 Wolcott Hill Road.

Chairman Hammer said that this was a continuation of the hearing opened at the last meeting and said that they would hear from the applicant first, then have the commissioners ask questions, and finally have the audience ask questions. He reminded everyone that once the hearing is closed, no additional information can be taken. He requested any speakers to come up to the podium. He reminded the applicant that the commissioners had asked for some additional information which he hoped would be presented tonight and said that the commissioners had looked at the site.

John Carbone spoke on behalf of South Side Partners. He handed out a revised copy of the lighting design and pointed out that Commissioner Wagner's point about the lighting being uneven was true. There was a 'hot spot' on the site and

now the average lumens are set at 3.2 foot-candles. The luminaries on the poles are positioned at 90 degrees and that was done last week so that the commissioners could take a look. The fixtures are full cutoff so there is not a lot of light pollution or displacement of light.

Mr. Carbone said that they paved around the accessory building in order to stabilize that back area. There had been a build up of water and it was mud-like there. The initial site plan had processed stone in that area and the paved area is good and grass was planted. There is still one pocket area to address, and they plan to stabilize this with curbing.

Another item is the condenser pad which was not identified on the plans but was always part of the design. It is now highlighted on the new plan and was also shown at the last meeting. It is five feet off of the building and fifty feet in length.

Finally, Mr. Carbone said that there were some concerns with regard to the neighbor on Livingston Road. He thinks that the potential concerns have been addressed.

Chairman Hammer asked if there had been any new correspondence from the neighbors or was the applicant referring to the letter that had already been submitted. Mr. Gillespie confirmed that there had been no new correspondence. Chairman Hammer asked if Mr. Gillespie had spoken to Mr. Vicino. Mr. Gillespie said that he had told him to take a look at the site and he hasn't heard anything since. Mr. Carbone said that he had spoken with Mr. Vicino about the plantings and fencing. Mr. Vicino had asked if there were going to be any and Mr. Carbone assured him that it was clearly the intent. Commissioner Jurasin asked if Mr. Vicino's house was on the photo and was it the one with the swimming pool. Mr. Carbone said that it wasn't, Mr. Vicino's house was the rust colored one. He also mentioned that the grade is higher than the paved area.

Chairman Hammer asked about the landscaping. Mr. Carbone said that he would fence the area with a six foot high fence down the south side. This is not in the site plan because it is their intent to do this. They also will likely fence the north side. Chairman Hammer asked whether it was ok with the neighbors to construct the fence not live landscaping. Mr. Gillespie said that if they are attempting to block the headlights, then the fence is the way to go, landscaping is not as effective. Mr. Carbone said that they were happy with either. Chairman Hammer asked if he would be willing to agree to a condition about the fence.

Commissioner Wagner reported that the lights have no cover or lens on them. Mr. Carbone said that it is a clear full cutoff fixture with a specular reflector behind the lamp, he insisted that the lens was there. Commissioner Wagner also said that she drove down Livingston and the backyards are not _____. Mr. Carbone said that the cars are more of a concern. Commissioner Wagner stated that her opinion was that the lamps were not too bright the way that they are directed now. Mr. Carbone said that they were pitched before. Commissioner Wagner said that she was concerned about the accessory building being bigger than the approved and built bigger and she was disappointed that it was something as the foundation was poured and the building built. It is a nice building, but too big. Mr. Carbone said that it was a case of the site plan not being consistent with the construction documents. Commissioner Wagner said that they would be hard pressed to say tear it down, but she is disappointed that it was built larger.

Chairman Hammer asked if the fence would be along the two side property lines. Mr. Carbone said that it would definitely be along the south. The east exposure is an empty lot. Chairman Hammer asked if the intent was to go down the paved area behind the garage. Mr. Carbone said that they paved where there was processed stone to stabilize the area. The accessory building is used for tenant storage on one side and the lawnmower, etc on the other. It is not heavily used. Chairman Hammer asked if they could make it clear that the area to the east of the shed, even though paved is not to be used for parking vehicles. Mr. Carbone said that it may be used for overflow of tenant parking as they have a lot of traffic because it is a medical office building. Chairman Hammer asked if the fencing will be high enough to block the parked cars.

Commissioner Jurasin asked if the applicant and Mr. Gillespie could go back to the neighbors about the size of the building and the impact is a major concern and creating more pavement is also a concern. He is concerned about the potential use of the shed, if it is concealed then he feels more comfortable. He would like to see a landscaping or fencing plan that meets staff requirements and has the approval of the neighbors. He doesn't know how to arrange for a vote to ok, but if this is not possible, then a condition that landscaping of fencing is done to staff satisfaction with

neighborhood agreement. He would also like it recognized that the lighting issue be rectified. Chairman Hammer said that it is harder to have an agreement of the neighbors on lighting because it is not an add on. He also asked if the commissioners would like to keep the hearing open. Commissioner Jurasin said that the lighting should be fixed. Mr. Carbone said that there is a building on Jordan Lane that dwarfs any structure in the area, he is inclined to the fencing and landscaping but doesn't need to meet town approval. Commissioner Jurasin said that he last time there were enough dense trees, and now there are no trees. He asked if he is amenable to do whatever to have the neighbor satisfied.

Commissioner Harley said that the site doesn't glow, but the first floor residents can see bright spots still near the property line, there is a bright light that you can see, so maybe put a cover on that. Commissioner Jurasin agreed and said that light wasn't on the original plan. He also suggested that he put a time on that too, maybe April 15 for the landscaping and fencing. Chairman Hammer asked Commissioner Harley if he had a condition to add. Commissioner Harley said that he should put a shade on the light. Mr. Carbone asked if should only be on the one light, Commissioner Harley replied that also shades should be on the back. Commissioner Jurasin added that the staff should visit the site with the neighbor's perspective in mind.

Chairman Hammer asked if the commissioners were ready to close the hearing. Commissioner Petrelli made a motion to close the public hearing. Commissioner McHugh seconded the motion. All members present voted in favor of the motion. (7-0-0) Aye: Hammer, Harley, Edwards, Jurasin, McHugh, Wagner, Petrelli

Nay: None

Abst: None

Commissioner Jurasin asked Mr. Gillespie if the application had listed all of the things that the applicant was seeking for clarity. Mr. Gillespie said that there was an attachment that summarizes the request. A memo dated September 29, 2005 requesting a modification in the following areas, and then the areas are listed.

APPLICATION NO. 1495-05-Z. Ann Artuso Special Permit under Section 3.6.C.2 to construct an accessory structure larger than permitted in a residential zone at 10 Victory Lane.

Chairman Hammer opened this public hearing. Kevin Ward spoke representing Ann Artuso. He said that she has owned the property since 1996. It is presently greater than 1/2 acre and contains a 2500 s.f. house. She is looking for a special permit to install a 12x20 pre-manufactured garden barn from Kloter Farms. It is a high-end shed that is pre-painted and delivered to the site. It would be located on the north corner of the property with an 8 foot setback from each side. The shed would be used for the storage of garden equipment and miscellaneous clutter. Chairman Hammer asked about the proposed shed's proximity to other homes. Mr. Ward said that would be 50-60 feet. Chairman Hammer asked about the trees on the site. Mr. Ward said that Ms. Artuso would have 8 foot high arborvitaes around the front.

Chairman Hammer asked if the regulations only allowed for a 10 x 20 shed and therefore there are two extra feet in some dimension. Commissioner Jurasin said that although 10 x 20 is in the regulations, is this standard or is 12 x 20 the standard. Mr. Gillespie replied that these sheds come in all shapes and sizes and that there is no standard. The town has had these regulations for quite a while and when they were changed, he didn't do a lot of analysis. Commissioner Jurasin suggested that there are circumstances where a particular product might run its course and it is time for a new size. Commissioner McHugh asked that about the setback dimension on the plan, and even though it shows 5 feet on each side, they plan to set it back 8 feet on each side. Chairman Hammer asked if it was both dimensions and Mr. Ward said that it was.

Commissioner Petrelli made a motion to close the public hearing.

Commissioner Wagner seconded the motion.

All members present voted in favor of the motion. (7-0-0)

Aye: Hammer, Harley, Edwards, Jurasin, McHugh, Wagner, Petrelli

Nay: None

Abst: None

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
November 2, 2005**

The Wethersfield Planning and Zoning Commission held a public meeting immediately following the public hearing on Wednesday, November 2, 2005 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph Hammer, Chairman
Thomas Harley
David Edwards
Dorcas McHugh
Margaret Wagner
Fred Petrelli
Robert Jurasin

Members absent:

Theresa Forsdick
Philip Knecht
Anthony Homicki
John Hallisey
Peter Leombruni

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

ROLL CALL & SEATING OF ALTERNATES

Chairman Hammer opened the public meeting and took roll call:

Harley, Edwards, Jurasin, Hammer, McHugh, Wagner, Petrelli.

He indicated that all members would be eligible to vote tonight.

APPLICATION NO. 1494-05-Z. Southside Partners LLC Special Permit under Section 3.6.C.2 to construct an accessory structure larger than permitted in a residential zone and to modify the approved site plan for Application No. 1428-04-Z with regards to exterior lighting design and the condensers and condenser pad at 82-84 & 86 Wolcott Hill Road.

Commissioner Petrelli said that he would be agreeable to a list of the conditions and then put that into a motion, specifically the conditions about lighting and landscaping. Chairman Hammer said that Commissioner Harley had suggested shielding be added to one of the fixtures. Commissioner Harley said that the location could be determined by staff. Chairman Hammer discussed another condition which was the fencing along the south property line.

Commissioner Jurasin made a motion to approve the application with the following conditions:

- The application shall install a shade on some of the lighting fixtures, with the specific number and locations to be determined by the staff with respect to the surrounding neighbors.

- A fencing and landscaping plan shall be incorporated and constructed on the site to the approval of the staff with respect to the surrounding neighbors, and on the south side and the east side as it relates to the fencing and landscaping.

Commissioner Jurasin added that this should be in as soon as possible with the lighting to be done immediately and the landscaping to be done in early spring with May 1st as the deadline.

Commissioner Petrelli seconded the motion. All members present voted in favor of the motion. (7-0-0)

Aye: Hammer, Harley, Edwards, Jurasin, McHugh, Wagner, Petrelli

Nay: None

Abst: None

APPLICATION NO. 1495-05-Z. Ann Artuso Special Permit under Section 3.6.C.2 to construct an accessory structure larger than permitted in a residential zone at 10 Victory Lane.

Chairman Hammer stated that the only change to the plans submitted was to change the setbacks to 8 feet.

Commissioner Jurasin made a motion to approve the application with the 8 foot setbacks. Commissioner Petrelli seconded the motion. All members present voted in favor of the motion. (7-0-0)

Aye: Hammer, Harley, Edwards, Jurasin, McHugh, Wagner, Petrelli

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.

Chairman Hammer explained that this referral was being presented to the commission because Wethersfield is an adjoining town to this development. A couple of meetings ago, the commission heard this matter and asked for more details. Tom Regan, from Brown, Rudnick, Berlack, Israels, LLP spoke on behalf of the applicant, Toll Brothers. He said that they did appear before the commission two meetings ago and waited until this meeting to come again because they were in the process of revising the plans for Newington and now they wanted to present the revised plans to Wethersfield. They have approval of their final sedimentation and erosion controls. Mr. Regan then introduced John Mancini of BL Companies to explain the specifics.

John Mancini, BL Companies, 355 Research Parkway introduced himself and his colleague, Fred Greenberg who did the traffic study and will explain his findings. Mr. Mancini explained that they have scaled back the site plan to 71 units and changed from buildings that range in size from three attached units to six attached units, to buildings that range from three attached units to five attached units. He said that in fact there are only two buildings with five attached units, a few four unit buildings but there are mostly three unit buildings. This was done to create more open space and end units. This was a specific concern to the town of Newington. Mr. Mancini said showed the boundary line of the property on the site plan and explained that there is a small piece of land owned by the State of Connecticut. There would only be a right in/right out access at the high point of Prospect Street. This would be a "Floridian", very restrictive access. In addition, there would be an access drive to Back Lane. This drive meets the design criteria for a town road with the maximum grade of 10% over 80 feet. He said that all of the roads will be private and not town owned. He also said that he had 16 copies made of the documents for each of the commissioners. The site has been designed so that the net earthwork is virtually balanced. The existing condition has a high point and a natural ridgeline. There has been a blasting question. The site is pitched so that the high point of the site is at 270 feet and the low point is at 230 feet, this represents a 40 foot grade change over 1000 feet. The ridgeline also defines the watershed. He had discussions with the town and at the Inland Wetlands meeting received unanimous approval. There would be sheet

flow through the wooded area to the existing catch basin. The other watershed would drain to another catch basin on Back Lane. These basins are identified on the Wetland Report as EDA 4 & 5 and PDA 4 & 5. Pages 7 & 8 have a summary chart of the watershed and storm events. They used HydroCAD to determine the stormwater detention and did a pipe analysis with the HAESTAD method. The stormCAD work is currently underway and the final review will allow the town of Wethersfield to review the final issues. Commissioner Jurasin asked what the issues were. Mr. Mancini said that there were no issues but that they would review the final plans and discuss the loss of the large detention basin in the corner and the locations of the smaller detention basins throughout the site.

There was a memo to Peter Gillespie from the Fire Marshal. Toll Brothers hired GZA to do some extensive probing of the site and they came up with an egg shaped area where rock blasting is needed for basements and utilities. There would be no lighting spillage off of the property and they have approval for erosion control for the area to be disturbed. The site is going to be under maintenance by a HOA (Home Owners Association), therefore the roads will be private as will all of the other areas. Mr. Mancini said that he was available to answer any questions and introduced Fred Greenberg to discuss the traffic study.

Mr. Greenberg said that he had generated a "cheat sheet" for the commissioners to follow the traffic study. The trip generation is pretty standard and they looked at three peak periods in the morning and afternoon which is typical for a residential development. There are 50 peak hour trips with more on Saturday and less on Monday. The street network traffic counts were taken in 2004 and projected to 2007. The current configuration provides better control with full access to Back Lane. There was a question about whether or not another access should be on Prospect Street. The site distance on Prospect prohibits another access and in order to justify the location you must meet a warrant and it is not met here. In addition, the State traffic commission strongly suggested that they not submit the plan with full access. They need all of the site distance on Prospect. Commissioner Jurasin asked if it will be possible to see the Prospect intersection from the site drive because of the trees. Mr. Greenberg said that they had a meeting with the town staff and discussed improvements at that intersection including an extra lane on Back Lane, minor widening to two lanes with an approach as well as widening along Prospect Street. All of this will be submitted to the State Traffic commission. Commissioner Jurasin asked how wide they will make Prospect westbound. Mr. Greenberg answered that typically it is 22'. In this case, the width of each lane is 11' and 13' on the outside and 16' coming in. Commissioner Jurasin asked if it is a 40' cross-section with a length of 150'. Mr. Greenberg said that it was. Commissioner Jurasin said that it is predominately a left turn at peak hour. He added that the traffic plan is good and the report is clear. He has questions about what the Planning and Zoning Commission is supposed to be doing, whether they are voting on the site plan and should think about conditions. If so, should the plan shown be part of those conditions, how do they do this and not compromise the town of Newington and ConnDOT. He added that he believes the traffic plan mitigates the site plan.

Chairman Hammer said that the town attorney has said that the commission has no jurisdiction to require the site plan referral. They are just being asked to give comments to the town and it is not binding but respect is given to those comments just like when the commission advises the council. The commission can support the project with stipulations, they just need to phrase it that way, so that important points don't get lost, however the applicant doesn't need a permit from the PZC. Commissioner Jurasin asked why they needed a permit from Inland Wetlands. Mr. Gillespie said that they needed a wetland permit because of the drainage. It affects the drainage area and they were sent to review the potential impacts. Chairman Hammer said that on the most basic level, 74 units will affect traffic and drainage, it is their job to see how it relates to potential impacts on Wethersfield. Mr. Gillespie said that he consulted with the Newington staff and they are waiting for the PZC's position on this. They have kept the hearing open to receive comments. Commissioner Harley asked if there were permits required to construct on Back Lane. Mr. Gillespie said that there are from the town engineer. Chairman Hammer said that in years past people have tried to fit large retail at this site. Condos are a lower impact use.

Commissioner Jurasin agreed that other than institutional use, he couldn't think of a use with less of an impact. He asked if there was a 10% grade on the road going to Back Lane, and what the general grades of the roadway would be. He is reacting to the residential site plan with residential roads and that they should do whatever they could so that the roads are not 10%. He said that it is too steep for residents and for emergency vehicles. He asked what could be done to get the grade to less than 10%. Mr. Mancini said that the average grade on the site is 3%, and that this meets the new standards. Commissioner Jurasin added that no matter who the units are marketed to, what happens if there are 15

schoolchildren at the site. Mr. Regan said that although the units are not age-restricted, they are age-targeted to active adults and young professionals, he does not see this product attracting families. With regard to the school bus going into Wethersfield, they would be concerned about the safety of the bus and the potential impacts of the bus to Wethersfield residents. Commissioner Jurasin asked if there was a staff report on drainage or emergency access. Mr. Gillespie said that the engineer had reviewed this at an earlier stage and his comments are at the preliminary level, he also knows that the wetlands had input from the engineer. Commissioner Jurasin asked if Inland Wetlands reviewed the drainage in the road and the sheet flow. Mr. Gillespie said that they were more concerned about the outlet to the wetlands.

Mr. Mancini said that the town of Newington had no negative comment on the roadways and it does meet their design standard for the minimum town road, and because this is not a town road, it was designed beyond what was needed. They still meet the maximum grade and there is no sheet flow. The water flows to the catch basins which have deep sumps and meet and reduce the runoff. Commissioner Jurasin said that when the ice freezes on the roadway he is concerned about the impact on the property across the street, also are they taking the basin out of the pocket.

Mr. Mancini said that they will eliminate the problem met pre and post development with regard to runoff drainage and there is no change to the first lot in Wethersfield. Commissioner Jurasin asked if Wethersfield allows 10% grade on their roads. Mr. Gillespie said yes and that it is the standard in most towns. Commissioner Jurasin asked about the lighting, the number and height of the poles. Mr. Regan said that the small monument sign would not be lit and that there would be no lighting on Back Lane. Mr. Gillespie said that there would be one pole at the monument sign, however. Mr. Mancini showed the commissioners the type of street lighting in a rendering. Mr. Mancini also showed the photo of the proposed access from Back Lane. He explained that 10 pine trees and 10 deciduous trees would be added and the supplemental canopy from the existing trees will never allow a direct site line into the development from Back Lane. The landscaping overlaps the pavement and there would be a landscape berm installed between the two houses that are across from the exit drive.

Commissioner Wagner asked if they had considered any other exit besides Back Lane, like the Berlin Turnpike. Mr. Mancini said that due to the topography of the site it is just not possible there is no way to make a connection to the Berlin Turnpike. He added that a second access onto Prospect Street would be dangerous because you cannot see a car coming unless you are at the crest. Commissioner Wagner said that the only access is off Back Lane. Mr. Mancini said that the restricted access on Prospect will be the main access. Commissioner Wagner said that the best thing for Wethersfield would be an exit from Prospect. Mr. Mancini explained that all of the affected residents came to the Newington meetings.

Commissioner McHugh asked if the applicant was prepared to address the blasting issues and the problems that Wethersfield has had with blasting. Mr. Mancini said that there is only one zone that requires blasting and that they will adopt the more restrictive code. If the town of Wethersfield is more restrictive then they will live with that. They will hold a pre-blast field meeting, use limited hours and live with the more restrictive code. Commissioner McHugh said that she realizes that they have no authority but will they agree to conform to the Fire Marshal's memo. Mr. Mancini said that they are already outside the 300' blast range. Commissioner McHugh said that many in Wethersfield felt the results of blasting farther than that and it has been an issue for the past two years for the Nott Street area. It is unpleasant for the residents and if they go along with the guidelines it will make it easier. Mr. Mancini said that they will do the recommendations anyway.

Ray LaVoie from 63 Boardman Terrace asked a question about the exit onto Prospect and said that it would not be a good idea for a left turn there. Mr. Mancini said that there would be no left turn there onto Prospect. Commissioner Edwards asked if the sign on Back Lane would be larger than the sign on Prospect Street. Mr. Mancini said that the Back Lane sign is 1/3 of the size of the Prospect Street sign. Prospect Street is the prominent entrance and will be marketed as such. Commissioner McHugh asked what the price range of the condos would be. Mr. Regan referred to the representative from Toll Brothers who said that they would range from \$270,000 to \$320,000. Mr. Regan added that there are four different floor plans and two of them have the master bedroom downstairs.

Chairman Hammer told the commissioners that they need to craft their comments. He suggested that they phrase it in terms of supporting the project subject to the following concerns. Mr. Mancini gave the commissioners a copy of the

latest plan for them to reference. He noted that all of the roadway improvements are in Wethersfield. Commissioner Edwards asked about the completion date. Mr. Mancini said 2008.

Commissioner Jurasin listed the following concerns:

1. The roadway improvements as presented be implemented.
2. The site distance at the site drive at Back Lane be maintained for 30 mph speed on Back Lane.
3. The drainage on the private drive, leading to Back Lane and along Back Lane should be reviewed and approved by the town engineer.
4. The applicant adheres to the town of Wethersfield blasting requirements.
5. The Fire Marshal shall review and approve this for emergency accessibility which is different than the issue of blasting. He is concerned about that grade and curvature of the roads.
6. He would like the town planner to confirm that the residents immediately impacted are ok with this as implied by the testimony.
7. The issue dealing with the school buses should be addressed, especially if Newington school kids are going through Wethersfield roadways.

Commissioner Jurasin said that he would like to see more landscaping. Mr. Gillespie asked whether he was concerned about the trees along Back Lane. Commissioner Jurasin said that is why he proposed the condition about maintaining proper site distance that should take care of that concern. Mr. Gillespie said that maybe the kids could walk to Back Lane. Commissioner Jurasin suggested that the alternatives be addressed between the applicant and town of Newington and that Newington advise the staff of the solution and get the staff response. Chairman Hammer asked if that was a positive motion subject to the conditions. Commissioner Jurasin said that if the site plan was approved in Wethersfield, it would not look like that, it would have more meandering roads, so he doesn't know how to comment. He thinks that the roads are too straight. He said that wasn't a motion, but just his concerns.

Commissioner Edwards suggested that they say this is our comment. Commissioner Jurasin asked what the value in recommending approval with conditions if the people who can incorporate have no desire to incorporate them. Mr. Gillespie said that a motion to advise Newington that the Planning and Zoning Commission of Wethersfield concurs and ask that the following be addressed through town staff. We had seven issues.

Commissioner Jurasin said that if a referral comes to us from our town council, we don't even have the ability to comment in reality we can only give a yea or nay - if it is yea then it only needs a simple majority vote. If it is nay, then it needs 2/3 majority, what is the effect of this referral. Chairman Hammer said that it doesn't have any effect but hopefully they will consider that Wethersfield has the following concerns and has spent considerable time looking at this and urge you to address them. He suggested that they could say that this type of project is preferable to retail and we would like our concerns to be taken into account. Commissioner Edwards suggested that they phrase it as allowable concerns. Chairman Hammer said that Commissioner Jurasin has stated the concerns and he only disagrees with one, but he will let that go. He also said that if Newington doesn't concur with the concerns, they could just ignore them.

Mr. Mancini asked if it was inappropriate to make a comment at this time. Chairman Hammer said that it would be fine, it wasn't a public hearing. Mr. Mancini said that based upon his experience before the town his sense of how the site plan is being shaped, he is of the opinion that they wouldn't disagree and would want to make sure that fire access, bus pickup, blasting and all site lines were discussed with the town staff. The site plan was being shaped, the number of units has been reduced and open space has increased. He didn't think that Newington would disagree with the concerns.

Chairman Hammer suggested that they say we have reviewed and have the following concerns, but be neutral. Commissioner McHugh said that they should start off on a positive note. She thinks that this is a good use and would much rather see this than the flea market or Christmas tree sales. Commissioner Jurasin agreed that the proposed use provides the least impact. Commissioner McHugh said that it is upscale housing and she thinks that they should be positive and express their concerns. Commissioner Jurasin said that would be appropriate to say that the land use, type and density is appropriate and is sensitive to Wethersfield. Commissioner Wagner said that she doesn't think they could ask for a better use of the site. She recognized that this is a very heavy commercial corridor and that they have only

had commercial applications which would have a negative impact on the residents of Wethersfield along Back Lane. She thinks that this application is a great segway between the commercial and residential land that they can't ask for a better development of the site, except maybe less quantity of units. She is in support of the development with the stipulations expressed.

Commissioner Wagner made a motion to express to Newington the support of this development of the site with the stipulations that have been discussed.

Commissioner McHugh seconded the motion. Chairman Hammer asked to summarize the seven stipulations. Mr. Gillespie summarized them and suggested that as a caveat to the review they referenced the drawings as revised to October 26 2005 and requested that any significant changes be presented to the town staff.

All members present voted in favor of the motion. (7-0-0)

Aye: Hammer, Harley, Edwards, Jurasin, McHugh, Wagner, Petrelli

Nay: None

Abst: None

Mr. Regan mentioned that they had changed the zoning on the site to R12. It had been a split zone that was 80% commercial, now it is residential and Toll Brothers will own the land. They have an option to buy with the closing after approvals are in place.

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

Commissioner Gillespie asked that this be tabled in anticipation of a legal opinion. The town manager asked that this be postponed until after the election so that the new council can decide what they would like to do.

Commissioner McHugh commented that she would like to see the Conservation Commission start negotiations with the neighboring property owners if the PZC will be seeing this again and going forward. There are three other parcels that neighbor this property and can come to them asking the same thing. She knows that the Conservation Commission is effective at talking to people and asking them to donate the land. This is a benefit to the landowner to donate because they will no longer have to pay taxes and they can write it off on their federal taxes. These informal negotiations will give the Conservation Commission the opportunity to look at the whole parcel, not just in a piecemeal fashion. Mr. Gillespie said that he will be in attendance at their next meeting to discuss PZC policies and maybe he can get some of them to come to a PZC meeting.

Commissioner Wagner asked what the tax revenue loss would be from this land for all of the parcels. Mr. Gillespie said that he would work with the assessor's office to get that information.

Commissioner McHugh made a motion to table this action. Commissioner Wagner seconded the motion. All members present voted in favor of the motion. (7-0-0)

Aye: Hammer, Harley, Edwards, Jurasin, McHugh, Wagner, Petrelli

Nay: None

Abst: None

MINUTES

- [Minutes of the October 18, 2005 Meeting](#)

Commissioner Wagner made a motion to accept the minutes as written. Commissioner Petrelli seconded the motion.

All members present voted in favor of the motion. (7-0-0) Aye: Hammer, Harley, Edwards, Jurasin, McHugh, Wagner, Petrelli

Nay: None

Abst: None

STAFF REPORTS

- Progress Drive

Mr. Gillespie handed out a memo from the town attorney regarding some property on Progress Drive. He asked the commissioners to review this and decide whether or not to pursue a course of action. He added a brief history of the side that it was a subdivision created in 1989 that was supposed to be finished within 5 years or by extensions granted. Since these were not granted, there is a lien on one of the lots. The PZC can vote to take action. The town attorney has suggested that the PZC hold a hearing and get a response from the public and the property owner before deciding a course of action.

Commissioner Jurasin recalled putting one property as bond at the developer's suggestion. Mr. Gillespie said that there was performance bond and then a lien on the lot, the property owner went into foreclosure, so now there is a new owner who has assumed the lien. Chairman Hammer wondered how the property could have been transferred with the lien in place. Commissioner Petrelli asked about the \$159,500 vs. the \$159,000 values mentioned in the letter. Commissioner Jurasin asked how to get the lien. Mr. Gillespie said that they are setting up to do certain things and recover the costs.

Chairman Hammer said that the parcel is undeveloped and they denied terminating the subdivision, he would like to give the owner the opportunity to come to a hearing and speak. Mr. Gillespie said that he lien is in perpetuity and that the outstanding taxes started this year. Commissioner Harley said that the purpose is for the landowner to recover the void subdivision. Mr. Gillespie said that if no one buys the lot there is a concern because the town manager would like to get some productive use out of it. He added that if they are going down that road then they would get the present owners attention and that may result in a positive, or they can sit tight and wait. Mr. Gillespie said that he could sit down with the town manager and attorney and walk through everything so that they have a plan of attack.

Commissioner Petrelli asked if the taxes were over the \$159,000 and if there was no tax warrant. Mr. Gillespie said that they are not at that level. Chairman Hammer said that there were some good suggestions discussed and if Mr. Gillespie can sit down with the town manager and town attorney to figure out the best option and then decide. Commissioner Jurasin questioned what happens if there is an accident on that road. Mr. Gillespie answered that the town doesn't own the road, that there is no deed. Commissioner Jurasin asked if the town can be accused of not acting. Mr. Gillespie said that maybe that could happen. Chairman Hammer suggested that he throw that into the discussion. Mr. Gillespie thought that the town might be exposed by lack of action. Commissioner McHugh asked if it was the street that Soundbridge was located on. Mr. Gillespie said that it was. Commissioner McHugh was concerned about a big liability especially with the school buses that travel there. Mr. Gillespie said that the remaining work to be done includes sidewalks, a turning lane on Wells Road, pins and monuments. Also there is only a binder down the whole length. It has been estimated that the work would be approximately \$180,000. Commissioner Jurasin asked if the lot with the lien was located somewhere in the middle of the street. Commissioner McHugh expressed her disbelief that the parents and schools weren't concerned. Commissioner Wagner added that most of the students are not from town. Mr. Gillespie said that the school contract should protect them.

- Upcoming Meetings

There is a memo from the town manager regarding a meeting of the land use committee on November 17 at 6:00 p.m. at the Stillman School. Mr. Gillespie asked as many members of the commission to attend as possible.

Mr. Gillespie reminded the commissioners that the next meeting of the Planning and Zoning Commission would be

held at the Silas Deane Middle School. Commissioner Wagner asked if he notified the council and if they have spoken on the agenda of that meeting. Mr. Gillespie said that he notified the mayor and the town manager. Chairman Hammer asked if they were meeting before the PZC meeting. Commissioner Wagner said that the lighting was such an important issue prior to the election and lately it hasn't come up. Chairman Hammer asked if it would make sense to delay the public hearing from the 15th. Commissioner Wagner said that she was concerned about the public notice and concerned that the public know so that they can give input. Commissioner Jurasin suggested that they hold the public hearing for two reasons. The first is that the research is done and it is the right thing to do. There is an overriding issue to resolve this, it is not an issue that no one cares about. The regulations as they stand may not be perfect but still protect and they should move forward.

Commissioner Wagner said that the regulations were expanded to enable more development in town. They should change the lighting regulations so that they can tell gas stations to put filters on the lights and insist on lighting plans. They still need to move forward and she would like to make the public know that the regulations are being modified and looked at. It would be nice to let the press know. Commissioner McHugh asked if there would be a press release. Mr. Gillespie said that he will do a press release although it can be difficult to convince the paper that it is newsworthy. The town manager has put it in her weekly report, the Wethersfield Taxpayers group knows and he has spoken with folks that he knows are supporters. Mr. Gillespie said that he will also put it on the town website in a prominent location on the first page. He will also let the usual sources and media outlets know about the meeting. He has booked the middle school and because it can be a challenge to get that room, he suggested that the commission hold the meeting and if people don't show up, then they may continue the hearing. Commissioner Wagner agreed to move forward. Chairman Hammer asked Mr. Gillespie to check the availability of the middle school for the December 1st meeting. He also asked if there would be anything else on the agenda. Mr. Gillespie said that there are one or two other things because they could not convince those applicants, however he did advise them that if the situation warrants, they may not be heard. Commissioner Harley asked if there would be a notice on local access television.

PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING.

Carol Kober Narciss from Griswold Road spoke before the commission. She explained that she is purchasing the Wethersfield Bike Shop and will sign the papers contingent upon the zoning. It is her understanding that it is in a residential zone and that the bike shop got a variance to be commercial property as retail. She would like to open a country gift shop and build upon historic Wethersfield. The building is two-tiered and on the larger floor she would like to locate the gift shop and on the smaller floor, possibly a coffee bar. She is presenting this idea to the commission to get a feel for whether or not this would be possible. She plans to operate Monday through Friday from 10-5 and Saturday from 10-4 with no Sundays or evening hours. She doesn't plan to do anything to the outside except paint and sprucing up. There are ten designated parking spaces which she thinks will be enough based upon similar uses like the Tapestry Rose in Rocky Hill which only has 3-5 cars at a time. She discovered that the State holds the lease for part of the property, since it was an old railroad depot and that the State wants to sell the .08 acres. The person that she spoke with said that they are in the process of getting an appraiser for the property. She emphasized that the store would showcase homemade crafts and gifts and gourmet food, coffee and teas. The coffee bar would be to the side with maybe a small espresso machine and some cookies, pastries or cake.

Chairman Hammer said that it sounds like a nonconforming use with a prior variance. He asked Mr. Gillespie to relate what was being talked about was within the scope of the commission or would she have to go back to the ZBA. Mr. Gillespie said that it was a nonconforming use within a residential zone, and that she would come to the commission for a continuation of the nonconforming use status, to the ZBA to go to another nonconforming use of less objectionable character, or to the commission for a special permit to create or expand the nonconforming use. He said that he would have to check into how the previous use was created, whether by variance or some other action. He has talked to a number of people about the property line going through the building and he understands that the lease runs until 2011.

Commissioner Petrelli asked if the railroad tracks were still active. Mr. Gillespie said that they were active a few times a week. Commissioner Wagner confirmed the location off of Church Street and asked the applicant if she was aware that a Tim Horton's had been approved on the Carvel site. She explained that it is a chain that serves coffee and sandwiches and that it has been approved to be built on the corner of Church Street and Silas Deane Highway. She

added that a third Dunkin' Donuts has also been approved. Ms. ___ said that she was aware of the Dunkin' Donuts on the Suny's site, but that her establishment shouldn't compete, the coffee and tea would be separate. Commissioner Wagner then asked if the food would be made on site or brought in. Ms. ___ said that she would be making the coffee but not the food, she was thinking that this would be more of a gift shop that serves coffee. Mr. Gillespie explained that the coffee is what adds the question, otherwise the gift shop would just be a case of retail to retail. Commissioner Wagner said that she is not against the use, it just gets more complicated. Chairman Hammer asked if Mr. Gillespie could look into this and decide whether the application should go to the commission or the ZBA. He said that he would and that if she calls early next week he will try to have an answer for her.

CORRESPONDENCE

None

OTHER BUSINESS

None

ADJOURNMENT

Commissioner Petrelli made a motion to adjourn the meeting.

Commissioner Jurasin seconded the motion. All members present voted in favor of the motion and the meeting adjourned at 9:28 p.m.

Philip Knecht, Clerk