

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
November 15, 2005**

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, November 15, 2005 at 7:00 p.m. in the Silas Deane Middle School Auditorium, 551 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Theresa Forsdick, Acting Chairman
Philip Knecht, Clerk
Thomas Harley
Dorcas McHugh
Margaret Wagner
Robert Jurasin
Anthony Homicki

Members absent:

Joseph Hammer
John Hallisey
Fred Petrelli
Peter Leombruni
David Edwards

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

CALL TO ORDER

Acting Chairman Forsdick called the meeting to order. She opened the public hearing and discussed the procedure including that there would be two parts to the meeting, a public hearing and a public meeting. All questions and comments will be taken during the public hearing but then no other testimony after the public hearing is closed. She explained that five affirmative votes were needed to pass a motion.

Acting Chairman Forsdick added that tonight they have before them an application to change some of the regulations for lighting in the Town of Wethersfield. She wants to make clear that there is no application for any change on any piece of town property. There is no application for Cottone Field and they will not be discussing Cottone Field. She said that she wants to make everyone aware that they are not going to talk about that tonight. When they have an application for a specific piece of property that will be the time to talk about that. Tonight they are only hearing changes to the regulations and how they should be updated.

ROLL CALL & SEATING OF ALTERNATES

Commissioner Knecht read the roll, the following commissioners were present: Jurasin, Forsdick as Acting Chair, Knecht, McHugh, Wagner, Harley, Homicki

APPLICATION NO. 1496-05-Z. John Kupper Special Permit under Section 5.2.D.1 to operate a service establishment at 286 Silas Deane Highway.---TABLED.

Mr. Gillespie explained that Mr. Kupper's application was still pending before the Design Review Committee and he therefore asked for it to be tabled.

APPLICATION NO. 1499-05-Z. Matt Durbois Special Permit under Section 7.3.A.5.b to construct an addition at

164-166 Main Street.

Mr. Durbois introduced himself as the owner of the two-family home on Main Street. He also said that he occupies the second floor. He is proposing to construct a one room addition on top of the existing first floor structure. He has a baby on the way and needs an extra room. He submitted a set of plans for the commission. There would be a small portion seen from the street but he is not going outside the existing footprint and it is hardly visible. He has gone through the Historic District Commission.

Commissioner Jurasin asked if the outdoor stairway was an existing one. Mr. Durbois said that it was existing. Commissioner Jurasin then asked if there was any verification of the Historic District approval. Mr. Gillespie said that he had talked to their staff person Robert Cook and it was the case. Mr. Gillespie added that it is a two-family home in a single family zone, therefore it is a nonconforming use. Any additions or modifications have to come before the Planning and Zoning Commission and are subject to section 7.3.5 of the regulations. This talks about the compatibility with the neighborhood, minimizing adverse impacts of adjacent uses, and being in harmony with the neighborhood. This proposal conforms in all other respects with the zoning. Commissioner Jurasin asked if the applicant was the owner. Mr. Durbois said that he was and he is also the contractor.

Acting Chairman Forsdick asked if the applicant knew how long the building was a two-family. Mr. Durbois said that he did not know, he purchased it last year. Commissioner Knecht asked who occupies the first floor. Mr. Durbois replied that a family lives there. Commissioner Knecht asked if there were other two-family homes in the neighborhood. Mr. Durbois said that next door to him is a four family Victorian and two doors down is a Bed and Breakfast.

Commissioner McHugh said that she understood that there was a notice sent out to the neighbors in Old Wethersfield and she wondered if the applicant had heard anything. Mr. Durbois said that he has spoken with the two closest neighbors and they are fine with it. Commissioner McHugh commented that she thought that it was a good idea to send a letter to the neighbors along with the notice, and that it was intelligent on his part. Acting Chairman Forsdick asked if anyone was present to speak in favor or against this proposal, seeing none she called for a motion to close the public hearing. Commissioner Jurasin 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) Forsdick, Knecht, Harley, Jurasin, McHugh, Wagner, Homicki

APPLICATION NO. 1500-05-Z. Town of Wethersfield Zoning Text Amendment to Sections 2.3 and 6.7 regarding outdoor lighting.

Mr. Gillespie said that he had copies of the proposed changes that he left on the back table for the public use. There is one page which is labeled existing and the second set of three pages shows the proposed text changes. The specific purpose of the hearing is to amend sections 2.3 and 6.7 of the Wethersfield Zoning Regulations to deal with outdoor lighting. The notice of this hearing was advertised as required by statute and copies of the changes were sent out to the Regional Planning Agency in Hartford, which notifies the adjacent communities. There is a copy of a letter in the files that states that they have no opposition to the proposed changes. Procedurally, the requirements were met. Additionally, at the request of the commission, a press release was sent to the local media outlets were notified, TV, Radio and the press. In addition, copies of the regulations and a notice were posted on the Wethersfield Town Website with copies of the text to allow citizens to look them over.

Mr. Gillespie then gave brief history of the amendment. There was a referendum in May 2005 for the entire town concerning lighting. As a result, the PZC in June discussed the issue and requested the town planner to research the issue of lighting, specifically sport and athletic field lighting. In August of 2005, the PZC met again and the staff provided a memo which discussed a variety of options, including six different ways to proceed:

- To exempt the town from the regulations
- To create a variance process through the ZBA
- To create a special permit process through the PZC
- To create detailed lighting regulations
- To create a special zoning district for municipalities

- To create a detailed town ordinance

The conclusion was that the best way to proceed was to look at the existing lighting regulations comprehensively and review a number of changes, not just for sport and athletic field lighting. The staff looked at regulations from Connecticut municipalities like Branford, South Windsor, Tolland, Torrington and Farmington. Also, the regulations from other cities around the country were looked at like Boulder, CO, Patton Township, PA, Chapel Hill, NC, Murano, AZ Scottsdale, AZ.

The following professional societies were looked to for information:

- Pennsylvania Outdoor Lighting Council
- University of Wisconsin
- Illuminating Engineering Society of North America (IESNA)
- Dark Skies Organization

A definition section was added to clarify the following:

- Foot candle
- Full Cut Off
- Glare
- Luminaire
- Shielding

The staff added language that requires that lighting proposals come before the commission, including floodlights for parking lots, maximum lighting levels, shielding full cutoff lighting, gas station canopy lighting, and illumination of signs from top mounted lighting. Also details will be required for specific plans such as photometric analyses, lighting details and lighting calculations. There would be special standards and a public hearing process for sports and athletic field lighting. Exceptions would be made for public roadways and seasonal lighting. However, lights that blink, flash or change would be prohibited.

Mr. Gillespie suggested that the commissioners discuss the following:

- There are not clear standards for the lighting of signs that are internally illuminated and it may make sense to exempt them.
- It is not clear whether or not the town should regulate single family dwellings. If so, should there be lighting thresholds set.
- Additional exemptions may be made for security uses, churches and activities in a residential zone.

Commissioner Jurasin compared the existing to the proposed regulations and noted that in requirement #2 a 90° full cutoff fixture with flat lenses are required to control upward distribution of light and that this requirement is not stated in the proposed version of the regulation. Mr. Gillespie said that it is still #2 in section 6.7.c.2 and was changed to read "All parking area lighting shall be full cut-off light fixtures and floodlighting is prohibited." Mr. Gillespie said that he thought that there was also an all-inclusive definition. He also said that the definition of full-cutoff says that the fixture would be 90°, but doesn't say anything about flat lenses. Commissioner Jurasin said that he saw that later on the kinds of lighting are discussed, he asked if this talked about flat lens. He also asked why this type of lighting is only related to parking. Mr. Gillespie said that he thought that there was a more all-inclusive definition of the lighting.

Commissioner Jurasin asked if in his investigation into other communities' regulations found that 11:00 pm was a reasonable time to shut off the lighting. Mr. Gillespie said that this is a reasonable time and that some municipalities had 10:30 as their limit. He said that the applicant will have to come in for a special permit and because of that, the commission can attach additional limits and include practical conditions to regulate this further, however he did find that 11 p.m. is reasonable.

Commissioner Jurasin asked about #8, the luminaire regulations were set by the Illumination Society of North America. He wants to be sure that there is no catch 22 and asked if there was a double check so that they do not say

one thing in one place and then something else. Commissioner Jurasin asked Mr. Gillespie to verify #9 that "all building lights be full cut-off..." Mr. Gillespie said that they wanted to reiterate that because they already discussed the parking lot lighting. Commissioner Jurasin said that it is more than just buildings and parking lots that need the lighting and that they need to keep that in mind. He also brought up that there is no distinction between municipal sports fields and private sports fields. Mr. Gillespie said that he didn't see any regulations that dealt with municipal and private sports fields differently, and felt that they should be regulated similarly. Commissioner Jurasin suggested that they have regulations just for public athletic fields and prohibit lighting on private athletic fields. He asked to discuss this as they go forward. Commissioner Jurasin asked about the exceptions listed in #1 and #2 and asked for some examples. Mr. Gillespie said that section G deals with exceptions:

- First, the lights for the public roadways should be installed no higher than 25 feet. This had to be stated as there are many in residential areas. He has heard comments to establish a 14' height for the rest but in many cases the public light poles exceed that. Therefore, they must either exempt themselves or regulate roadway lighting.
- The other 14' obvious exception to the rules would be to exempt temporary emergency and seasonal lighting.
- Finally, any outdoor lighting that exists is exempt from these regulations. If there is lighting that pre-dates the regulations then they cannot ask to have them comply with the current regulations.

Commissioner Jurasin said that he understands the holiday and seasonal lighting exceptions, but that the temporary/emergency situations are different and you don't want a private land owner to think that is applicable to them. Mr. Gillespie said that the intention was for accidents that require a temporary set up of portable floodlights. Commissioner Jurasin asked if #1 and 2 could say it that way with wording like 'public agencies for the good of the public.' He asked if they could craft a more specific exemption and suggested that they take out the temporary and emergency wording. Commissioner Jurasin's other question was the reference to Rp-6-01, he doesn't have a sense of how bright that is. Mr. Gillespie said that they have copies of the industry standard to have a copy to pass around.

In his research, Mr. Gillespie noted that there are different standards for depending on the type of athletic events and the level of competition. There are standards for High School, College and Professional sports. It is a guide for those who are designing lighting plans.

Commissioner Harley wanted to follow up on the 11 p.m. regulation. He would like to discuss how to deal with an exception. If it comes to the commission as a special permit, is it within the requirements of a special permit to put in further restrictions. Mr. Gillespie said that they didn't discuss in detail although he did mention that it could be subject to a plan of attack, how frequently do they use the lights, what the impacts are going to be and if there are limitations - certain nights may be different. Perhaps a Friday is different than a Tuesday and the lighting can be shut off earlier on that day. Due to individual applications, it may not be something to put in the application, but rather should be discussed.

Mr. Gillespie said that the question now is whether or not the language allows an exception. How late is late for all activity to be complete, is no later than 10:30 an absolute. He asked if they were to be very specific and to discuss whether they should be adding language unless otherwise extended or some additional language to allow flexibility.

Commissioner Homicki asked when the last time these regulations were updated. Mr. Gillespie said that they were updated comprehensively and revised about a year ago tonight, however there was not a lot of time spent discussing lighting, and now this section is brand new.

Commissioner Wagner asked if someone were to build a house, would they need a lighting plan with a photometric analysis. Mr. Gillespie said that he would not require it, however the regulations are not clear. He pointed out section B, outdoor lighting required for safety. He would be more comfortable if the specification said that it was not for single family homes or that homes must have light levels that do not exceed a certain number of foot candles. Otherwise the zoning officer could be fielding a lot of phone calls.

Commissioner Jurasin said that some people do have bright lighting on their homes. Mr. Gillespie said that it should not exist that way and it needs some thought to establish language for something reasonable. Acting Chairman Forsdick said that they need a level. Commissioner Jurasin said that it would only be for the building of houses.

Acting Chairman Forsdick asked those members of the public who wished to speak on this proposal to come forward.

Linda Case 103 Park Avenue - She wanted to commend the board and the planning department on the new regulation. She writes for the Place section in the Hartford Courant about the built environment. She is happy that Wethersfield is getting a consciousness about this issue. She thinks that this is a win/win because it will save money and reduce light pollution and add beauty. She is happy that people are becoming more sensitized to lighting. She commented that Calgary, Alberta saved \$2 million a year on public lighting without becoming dark or less secure. She has lived on Park Avenue which is a beautiful street that embodies neighborhood focal points and beauty. On New Years Eve 2000, she noticed a cold, gray light after someone had changed a flood light in the neighborhood. It changed the sensibility and she worked with Kathy Bagley and the NU engineers to put in a full cutoff fixture. Also all of the lights go off at midnight. She says that we are all getting more sensitive to this, including the town as the new nature center has full cutoff lighting. Everything is still perfectly visible. This is in contrast with the wall pak lighting on Wright School which don't illuminate. She endorses the new regulations and appreciates the shield light requirements. She pointed out that more floodlight stops you, it is a misconception that it helps you see better.

Mark Torres 28 Jameswell Road - He had a question about the regulations. They don't address portable lighting like generated powered lights you would find on spotlights at a store opening, or a 5000 watt light on a stick. He thinks that it sounds good especially with regard to the glare, however the regulations sounded like they dealt with permanent fixtures and portable generated lighting may be a way to get around the regulations for an unspecified period of time.

Dan O'Connor 34 Dorchester Road - He is present to ask the commission to consider amending the current zoning regulations with regard to sport and athletic field lighting. He thinks that the staff did a wonderful job with the regulations. The Chairman mentioned that they were not to discuss Cottone Field, and the reason that is not an application before the commission is that the current regulations don't allow that type of lighting. After consulting with the mayor, town manager and Mr. Gillespie, it was determined that it may be in the best interest of the town to address the current regulations. He is asking those here tonight to speak up if they echo Linda Case's comments with regard to aesthetics. People are here tonight to ask that the commission please amend the zoning regulations not just for Cottone Field but for the entire town. He asked those in the audience to stand if they support amending the regulations, specifically to allow for sport and athletic field lighting. [25 people stood in support]

Mark Monterelli 424 Wolcott Hill Road - He has lived opposite the high school for the last 30 years and is very familiar with the activities there. He is asking about section F and to approve those changes to create processes to go through to make the potential to light Cottone Field go through the proper channels. He thinks that it is a very good document.

Jon Cathcart 23 Wolcott Hill Road - He is in support of the amendments and Dan's comments. He wants to address the question regarding temporary and emergency lighting. From his industry he explained that it is not always a public office that requires the use of emergency lighting. Commissioner Jurasin asked for an example. Mr. Cathcart explained that a private contractor may need the lighting, for instance the Wolcott Hill Road job under Jordan Lane is a contractor, not a public agency. He also noted that it is listed twice, in #5 section B and section G.

Acting Chairman Forsdick asked if anyone else would like to speak.

Sharon Reynolds Resident of Rocky Hill, grew up in Wethersfield. She had a question about the amount of time it may take to change the wording. She asked if it would be approved at the next meeting because she knows that a lot of residents have questions.

Acting Chairman Forsdick explained that there has been a discussion and they may make some changes and may ask to come back at the next meeting. If they are comfortable with the document then they may vote. It is a very serious issue that they have been working on a long time. She doesn't know how the commission feels, they may want to see it again before they vote.

Commissioner Jurasin said that the important issue items should be talked about so that the staff can think about the wording. Because of the importance of the issue and the opportunity for others to speak, he would like to go through those things to look at for alternate wording. Acting Chairman Forsdick asked him to go through his list and then have

Mr. Gillespie come back at the next meeting with a finished product.

Commissioner Jurasin listed the following issues:

- Portable vs. permanent lighting. A wise comment was made by a citizen concerning temporary security lighting being needed by other than a public agency.
- Wording is needed for lighting in the single family zones.
- The whole issue of light for more than parking lots, buildings and sport and athletic field lighting.
- The issue of time. He is in favor of seeing something to make sure that there is no catch-22 referring to different standards.
- He would like the staff to look at how to handle private athletic fields if the are allowed, then maybe the same standards.
- The exceptions should be written to separate holiday and seasonal from temporary and emergency/ road lighting. In instances like construction at night he is not quite sure how to handle it. He would not like to see big bright lights.
- Mr. Gillespie had mentioned churches, other uses should be part of coming in for a permit.

Mr. Gillespie said that the churches and other uses would be bound by the 14 foot limit because most of them are in residential areas. There is a different standard for non-residential uses in residential zones, they would not be exempt but still regulate to allow higher poles. Higher poles mean less poles and maybe make this exception for certain uses subject to approval.

Commissioner Harley added the following to be researched:

- Additional lighting for single family uses
- Internally illuminated signage
- Address an exception from the 11:00 p.m. rule.

Acting Chairman Forsdick asked if everyone was all set, and if so could this be continued to the first meeting in December. Commissioner Jurasin asked if Mr. Gillespie could turn the changes around that quickly. Mr. Gillespie said that he would work on it and probably have something for next week. It would be the same format with copies for everyone in the back.

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
November 15, 2005**

The Wethersfield Planning and Zoning Commission held a public meeting immediately following the public hearing on Tuesday, November 15, 2005 at 7:00 p.m. in the Silas Deane Middle School Auditorium, 551 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Theresa Forsdick, Acting Chairman
Philip Knecht, Clerk
Thomas Harley
Dorcas McHugh
Margaret Wagner
Robert Jurasin
Anthony Homicki

Members absent:

Joseph Hammer
John Hallisey
Fred Petrelli

Peter Leombruni
David Edwards

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

APPLICATION NO. 1496-05-Z. John Kupper Special Permit under Section 5.2.D.1 to operate a service establishment at 286 Silas Deane Highway.---TABLED.

APPLICATION NO. 1499-05-Z. Matt Durbois Special Permit under Section 7.3.A.5.b to construct an addition at 164-166 Main Street.

Commissioner Jurasin made a motion to approve the application. Commissioner Knecht seconded the motion.

Commissioner Harley said that the regulations say that there should be less of an impact and less of a nonconforming use. He feels better that the owner is living upstairs but in the future he will be renting out a two bedroom. It is an increase in density in a two-family house. He said that he has very little problem with the application except that it is not less of a nonconforming use. He referred to sections 7.3.a.5 and 7.3.a.6-7 that specifically says that.

Commissioner Knecht pointed out that the addition won't hurt the neighborhood because it is compatible with the other homes in the neighborhood. Commissioner Harley asked how in a single family zone. Commissioner Knecht said that the values would be protected. Acting Chairman Forsdick said that a lot of the surrounding houses are duplex or two-family. Commissioner Harley said that he didn't realize that a lot were nonconforming.

Mr. Gillespie said for the record, regulation 7.3.5 allows the commissioners to grant a special permit, it doesn't say that you can't expand if it is in harmony with the neighborhood. The regulation specifically gives the commission the ability to extend or expand but also gives an out so that the proposal does not create adverse impacts. Commissioner Harley indicated that they had not heard from the neighborhood. Mr. Gillespie said that the applicant did testify that he had sent out notices via certified mail so that if a neighbor is opposed, they can come to the hearing. Ms. Bradley said that he also sent a letter and included that in his application.

Commissioner McHugh added that she happened to be in the neighborhood and heard two neighbors discussing the proposal. They said that they had appreciated being notified by personal letter. When she asked how they felt about the proposal, they said that they agreed with the design. Commissioner McHugh said that she thought that it was intelligent of the applicant to send out the letters to his neighbors.

Acting Chairman Forsdick called for a vote. All members present voted in favor of the motion to approve.

Aye: Forsdick, Knecht, Harley, Jurasin, McHugh, Wagner, Homicki (7-0-0)

Nay: None

Abst: None

APPLICATION NO. 1500-05-Z. Town of Wethersfield Zoning Text Amendment to Sections 2.3 and 6.7 regarding outdoor lighting. - Continued to first meeting in December

APPLICATION NO. 1497-05-Z. John Tartaglia Site Plan and Design Review for Phase II site development located at 61 Arrow Road.

Ken Herbert from Compass Engineering was present for the applicant. He reminded the commission that he had been here previously for phase I and that the approval was limited to the front of the building. At that time, the commission did not approve the whole thing because the developer did not want to pave the whole thing. The applicant put some parking in front and was to come back for Phase II when the building was more fully rented.

Mr. Herbert said that the town has inspected the work done to date and there is a memo from Mr. Gillespie dated November 9 regarding the rest of the work to be done. He then discussed the additional site work that is needed:

- Completing the full parking plan for the front of the building (8 parking spaces). *Mr. Herbert said that the lot may be paved not striped.*
- The planting of arborvitae screens on the Russell Road side of the site to screen the dumpster pads. *Mr. Herbert said that would be done.*
- The paving and striping of the gravel parking lot in the rear of the building (Russell Rod.) to accommodate 39 spaces. *Mr. Herbert said that would be done.*
- Designation of the appropriate number of Handicapped parking spaces. *Mr. Herbert indicated that this will be taken care of.*
- Construction of the proposed infiltration trenches. *Mr. Herbert wasn't aware of the results. Mr. Gillespie said that his site visit revealed that just a small portion of the trench had been constructed about 30-40 linear feet.*
- Paving and striping of the lower parking lot on the Arrow Road side of the site to accommodate 11 spaces. *Mr. Herbert said that the lot is not paved and will be paved eventually.*
- The creation of a total of 87 parking spaces although the plans indicate 92 spaces. *Mr. Herbert said that this will be done, but he is asking for a delay..*
- The installation of a series of rooftop mechanical units. *Mr. Herbert said that this will be done*

Mr. Herbert said that the developer has cleared a lot of the site and he is planning to further develop the site as it will support more development. He is probably going to propose another building and Mr. Herbert thought that the timeline was for somewhere down the road. Now it seems that has been moved up and the developer would like to propose the new building by the spring, therefore he doesn't want to have to pave the parking lot and then rip it up again. He is not sure what the new development would look like, he is just asking for a little leeway to not pave in the spring.

Mr. Herbert said that the building may be something for the lower parking lot as the developer thinks that he can fit a building in there, and everything else outstanding can and will be done. If no proposal comes forward soon, then it will be paved. However, he intends to propose a building and needs a C.O. for this building. He would like to rent this building out for income and defray the cost of the new construction.

Commissioner Knecht asked if he was asking them to approve a certain amount of work. Mr. Herbert said that he is asking the commission to approve and he will have to do the paving, but not immediately. The rentals would pay for the future construction and the paving will go ahead, however they don't want to put it down just to rip it up. Commissioner Knecht asked if the paving was the only issue did Mr. Gillespie have a problem with it. Mr. Gillespie said that if the Planning and Zoning Commission allows a grace period for a minimum time than spaces may be demarked with at least curb stops or another interim method to identify spaces in the grave condition and meet the minimum requirements. He said that it may be ok in a temporary condition for a period of time and they can revisit it in the spring as a reasonable time. He would be hesitant to allow any more time particularly because of the precedent that it might set.

Commissioner Harley said that the applicant has no plans submitted for the back. Commissioner Knecht asked what if there are not plans, then why not pave. If there is no plan than what happens to the pavement in that area. Mr. Herbert said that they will have to pave it if there are not plans and that he is just asking for a delay. Commissioner Harley said that he needs a clear site plan for Phase I and an approval before the site plan for Phase II is done. Mr. Gillespie said that today there are more than 55 parking spaces, they have done work beyond Phase I and in the approval, Mr. Tartaglia expected to come back to determine the full buildout. There were two sheets for Phase I and Phase IA and this would be revisited when the office was considered. Commissioner Harley said that the C.O. for Phase I is for the industrial use. Mr. Gillespie said yes, for the bays. Commissioner Harley then asked if the site plan for Phase II is the approval for the entire office complex. Mr. Gillespie said that if the site work is done, then he counted 87 spaces needed even though their table shows 92. Commissioner Harley commented that the pavement is not continuous and that he would need 29 spaces in the rear. There is no driveway between the entrance and the building.

Commissioner Jurasin asked why the applicant is here now if he already received the approval for the office and wants to occupy. Mr. Gillespie explained that a condition of the Phase I approval required him to come back before the

commission for Phase II. Commissioner Harley asked if he is ready for a C.O. for the office space. Mr. Gillespie said no, he is ready for a building permit for the office space in order to finish the project. Commissioner Jurasin said that the owner probably plans to do the inside of the offices during the winter months and takes a risk renovating the office. Mr. Gillespie said that he can't give a building permit until the site plan issues are straightened out. Mr. Herbert said that the owner always intended to develop the site further he wants to rent out the existing then propose new construction in the rear. The parking will not remain that way with new development in the rear. Commissioner Jurasin said that even as a paved area there is no designation of aisles. Mr. Herbert said that the entrance on this side of the building would go out onto Russell Road.

Commissioner Harley said that it is all gravel now, formalize it and let people park there. His thought is to give the applicant approval to get the building permit and recondition Phase I to make him wait for the C.O. until he has a paved surface. Mr. Gillespie said that the applicant is asking for consideration to not require paving. Mr. Herbert said that the building is raw space not, he wants to get a building permit to be ready to do build out for a tenant. Mr. Gillespie asked if he expected a tenant to move in before May. Mr. Herbert said that he won't pull a building permit until he has a tenant. Commissioner Jurasin asked how they could approve a Phase II that doesn't meet the requirements.

Mr. Herbert said that they were required to be here when Phase I was approved. For Phase II, they were required to come back when they wanted spaces if they filled their building and to do the office.

Acting Chairman Forsdick said that her understanding is that the owner is ready to do Phase II but doesn't want to commit to paving. He wants the building permit to buildout the building without worrying about paving until spring. In the spring, if he doesn't pave then he doesn't get a C.O. She said that the owner could build but he will have to make up his mind when he gets a tenant and a building permit it is at his risk because to put a person in the building he has to pave. Mr. Herbert said that he is asking for a delay in order to pave later so that he doesn't have to rip it up. Acting Chairman Forsdick said again that he is asking for a building permit, but no C.O. until he paves. Mr. Herbert said that the owner won't need a building permit until he has a tenant because the tenant will design his own space. If he has to pave then he will do it, but he really wanted a delay in paving until a new plan was done. He said that it could be bonded.

Commissioner Wagner said that this developer has a problem. She wants to see a plan for the entire property with all phases. She said that he doesn't have her vote until she sees what he plans to do with the whole site. Mr. Herbert explained that this is just how the owner works. He doesn't have a plan for the whole property, just some ideas, more like a concept plan. Commissioner Wagner said that her opinion is that if he develops the existing building then he needs to pave, it doesn't matter what his plan is for the rest of the property. He needs to pave and then he will tear it up. Mr. Herbert explained that he was trying to avoid that situation. Commissioner Wagner said that the commission doesn't have a plan and he wants to rent offices but no paving and he doesn't have a good track record. Mr. Herbert said that he has done everything he said.

Commissioner Homicki referenced Mr. Gillespie's November 9 memo and read the 6th bullet which says that paving and striping of the lower parking lot on the Arrow Road side of the site to accommodate 11 spaces. He asked Mr. Gillespie about the concept of Phase 1,2, and 3 and now we are in the second phase and in six months he will appear again, is that what this memo references. Mr. Gillespie replied that the memo references the minimum things that need to be done before occupancy.

Commissioner Homicki asked who is marketing the site, and if there are any pending tenant leases. Mr. Herbert said that 3 or 4 bays are currently occupied. Mr. Gillespie said that was 25-30% of the site. Commissioner Homicki asked about the marketing and whether it was on a 6 month or 6 year agenda. Mr. Herbert said that the owner is going ahead quicker than he thought. Don Mondani is the broker. He said that he wants to start on the office so he needs the phase II building permit.

Commissioner Jurasin asked Mr. Herbert what would happen if the commission votes in favor of giving the building permit but not the C.O. Mr. Herbert said that he is not sure how he would handle that. Commissioner Jurasin asked if the infiltration trench wasn't done and they voted to approve, how would he put that in during the winter, and how

would he plant arborvitae in the winter. He gets the sense that they don't want to do anything. Mr. Herbert said that he didn't have to do that under Phase I. Mr. Gillespie confirmed that the memo is what the applicant hasn't done under phase II.

Commissioner Jurasin said wouldn't there be a site plan with an application package and staff reports, drainage reports, etc done in Phase I. Mr. Gillespie said that the town engineer did do a review but there is no drainage plan until Phase II. The applicant did go to Inland Wetlands who did review the infiltration trench. Commissioner Jurasin asked how this got through as a complete Phase II application. Mr. Gillespie said that it was submitted with Phase I, no lighting was proposed. Mr. Herbert said that they went in with everything but the commission only approved Phase I.

Commissioner Jurasin asked if only the rear pavement is missing, he recalled another thing missing. He echoed Commissioner Wagner's comments. Commissioner Harley said that he would like to look at the Phase II site plan not waiting for Phase III. The applicant should have complete plans for Phase II, and then get the building permit. Mr. Gillespie said that per the original conditions, nothing is developed without the blessing of the commission.

Commissioner McHugh said that she thinks that they send a direct message that they appreciate the quality of work that they want to do but the commission has a process. Even if they agree with the concepts, he has to follow process. They will work with him but he needs to present a document.

Commissioner Harley said that to help the applicant maybe they can see a planting plan. There are plantings missing from the Russell Road/Arrow Road corner on the front and sides. He doesn't care about the rear landscaping if the intent is to develop but the west and south are not going to change. He would like to see the applicant come in with a landscape plan.

Acting Chairman Fordick asked if the commission would deny the application and allow the applicant to come back with a full site plan, lighting and drainage included. This would be for Phase II only or table the application.

Commissioner Homicki asked if there was any indication of the quality of the lessee pending with the case, this has not been relayed in any way. In fact, he feels that this case has been handled with a low profile. He said that tabling is painfully generous given the owner's reputation. He would like to clarify the gray area. Historically in a site plan approval everything is on the plan not in limbo. He said that they should table it for a short time at the owner's expense. Acting Chairman Fordick said that if they table it maybe the owner will withdraw.

Commissioner Jurasin said that his interest is in the parking lots and having them paved and that is what the applicant doesn't want to do. He doesn't understand why they deny something that they want but the applicant doesn't want to do. Commissioner Wagner said that under the regulations, an office building needs pavement. She would like him to show the ultimate plan so that they can pave the parking area. The parking needs to be paved to show the office if he has other ideas then make this portion with a future plan.

Mr. Herbert said that he is calling for him to make a decision and he will come back with a full plan. He will show the site as future development. Commissioner Jurasin said that he is not confident. Mr. Herbert said that he needs the phase II approval. Commissioner Wagner said that it is in his best interest to know where the drive is so that he doesn't have to rip up what is being paved. The slope and drainage of the paved area should not block the parking lot. Commissioner Wagner said that if they have lights, she will need to see them.

Commissioner Harley asked if anyone had thought of a partial C.O. He suggested granting the Phase II approval and site plan with 92 spaces for full build out. He understands that the owner doesn't have the desire to pave that area and that it is only 30% occupied. What if the applicant didn't pave the parking lot, but rather only as the occupants dictate. Mr. Gillespie said that a temporary C.O. is usually limited to seasonal construction, particularly landscaping. He doesn't recall allowing a business to open without a paved surface.

Commissioner Homicki made a motion to table the matter. Commissioner Wagner seconded the motion. Mr. Gillespie said that the staff is in dialogue with the applicant and the next meetings are December 6 and December 20. Mr. Herbert said that December 6 would be too short of a time frame to create the documents. Commissioner McHugh suggested that they have the applicant back at the first meeting in January. Commissioner Homicki amended his

motion to table to December 20 to deliver a quick and expedited process. He added that Mr. Herbert relay the severity of the issue and the need to clarify it. The members voted as follows:

Aye: Forsdick, Knecht, Harley, McHugh, Wagner, Homicki

Nay: Jurasin

Abst: None

Commissioner Jurasin explained that he is opposed because he would have though tthat the application is not complete, therefore there is no clock running because it is not a valid application. Mr. Gillespie said that the clock runs even if it is incomplete, so the commission either had to deny or table the matter. Without the applicant withdrawing the application, the clock is still ticking. Commissioner Jurasin asked if it was denied when they would be able to resubmit. Mr. Gillespie said that if it was denied without prejudice, then they could resubmit right away.

REFERRAL FROM THE ZONING BOARD OF APPEALS - Carol Kober-Narciss Use Variance under Section 10.4.F.4 to operate a coffee bar at 7 Railroad Place.

Mr. Gillespie explained that as part of the new zoning, whenever there is a use variance before the ZBA, the application has to be referred to the PZC. The commission can choose to take it for information or send a report back to the ZBA. This particular application will have to come back before the commission anyway. There is no report required. He advised the commission to say thank you since they will have to act on it in the future. It is best practice to receive it for the record so that the commission doesn't prejudice any future decision.

Commissioner Harley asked if it will come before them for the same reason. Mr. Gillespie said that all change of use applications come by the PZC anyway. This application would also have to go to the Historic District Commission.

Acting Chairman Forsdick suggested that they just say thank you. The commissioners agreed.

MINUTES

Minutes of the November 2, 2005 Meeting

Commissioner Wagner indicated that on p.2, her comments should read that the backyards were not bright or overlit and not any different than any other palce. The light was not shed into the yards. She also noted a correction on that page regarding the accessory shed. It should say that she was disappointed that the size wasn't caught as the building was built.

Commissioner Jurasin made a motion to approve the minutes with the stipulations noted by Commissioner Wagner.

Commissioner Knecht seconded the motion.

Acting Chairman Forsdick noted that they did not have enough commissioners that attended that meeting to vote on the minutes.

Commissioner Jurasin asked that the changes be made so that the minutes can be approved at the next meeting.

STAFF REPORTS

Mr. Gillespie said AHEPA on the Berlin Turnpike started clearing the site and it is interesting to see how close they are to the Village Apartments.

Tim Horton's filed for their building permit last week.

Dunkin' Donuts just submitted a revised set of plans based on the conditions of the Planning and Zoning Commission.

In Rocky Hill, a former sandwich place will soon be another Dunkin' Donuts.

Acting Chairman Forsdick mentioned that she was out of town and when she returned she went by the Ocean State Job Lot. She said that it looked good on the outside and they had a full parking lot. She has no objection to it because she thinks it brings people to town.

PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING.

CORRESPONDENCE

- A memo dated November 7, 2005 from Don Moisa, Wetlands Agent to Peter Gillespie, Town Planner regarding Section 6.6.D.2 of the Wethersfield Zoning Regulations.

There is a correspondence from Don Moisa dated November 7. Mr. Gillespie was hoping that the commissioners would discuss it and see if they wanted to do anything. They used to require that all erosion and sediment control plans were approved by Inland Wetlands. The regulations were changed to regulate simply by PZC.

Acting Chairman Forsdick asked Mr. Gillespie to comment on this matter. Mr. Gillespie said that he thinks that the additional review is an unnecessary process when PZC can perform the function. Commissioner Jurasin commented that it is unuser friendly to have the same review.

Acting Chairman Forsdick said thanks but no thank you. Commissioner Wagner said that hopefully the engineer has designed the erosion and sediment control plan, there are a couple of engineers on the PZC and the town engineer is staff to the commission. They don't need two layers of approval. She asked if they want to take it from the PZC. Mr. Gillespie answered that they do. Acting Chairman Forsdick said that she would like to see it on their plate.

Commissioner Jurasin said that there is a delay in the process if Inland Wetlands is using the same staff.

Commissioner Harley made a motion to leave it the way it is. Commissioner Knecht seconded the motion.

The motion passed (7-1-0). Aye: Forsdick, Knecht, Harley, Jurasin, McHugh, Homicki) Nay: (Wagner)

Abst: None

OTHER BUSINESS

ADJOURNMENT

Commissioner McHugh made a motion to adjourn the meeting.

Commissioner Harley seconded the motion.

The meeting was adjourned at 9:25 p.m.

Philip Knecht, Clerk