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

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, December 6, 2005 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph Hammer, Chairman  
Philip Knecht, Clerk  
Thomas Harley  
Dorcas McHugh  
Margaret Wagner  
Fred Petrelli  
David Edwards  
Anthony Homicki  
Jim Hughes

Members absent:

John Hallisey  
Theresa Forsdick  
Robert Jurasin

Also present:

Peter Gillespie, Economic Development Manager/Town Planner  
Denise Bradley, Assistant Planner

**CALL TO ORDER**

Chairman Hammer opened the hearing and made an announcement. He explained that item **2.1 APPLICATION NO. 1500-05-Z. Town of Wethersfield** Zoning Text Amendment to Sections 2.3 and 6.7 regarding outdoor lighting and item **2.3 APPLICATION NO. 1501-05-Z. Old Town Café, LLC** Special Permit to allow outdoor seating at 181-187 Main Street would be continued to the commission's next meeting on December 20, 2005. Chairman Hammer then explained the public hearing and public meeting process.

**ROLL CALL & SEATING OF ALTERNATES**

Commissioner Knecht read the roll, the following commissioners were present: Edwards, Homicki, Knecht, Hammer, Petrelli, McHugh, Wagner, Harley, Hughes.

Chairman Hammer said that there were nine members present so everyone would be voting and that five affirmative votes were needed to pass a motion.

**PUBLIC HEARINGS**

**APPLICATION NO. 1500-05-Z. Town of Wethersfield** Zoning Text Amendment to Sections 2.3 and 6.7 regarding outdoor lighting.---**CONTINUED TO 12/20/05.**

**APPLICATION NO. 1498-05-Z. Giangrave/D'Amato** Special Permit to construct a car wash at 1715 Berlin Turnpike.

Commissioner Knecht identified the correspondence and read it into the record.

- Memo from Peter Gillespie to the Planning and Zoning Commission dated November 18, 2005. The memo gives background information on an approved change of the zoning regulations to permit car wash facilities in the General Business and Regional Commercial zones.
- Memo from Becky Albert at the Central Connecticut Health District to Peter Gillespie and Denise Bradley dated November 30, 2005 offering no comment on the proposal.
- Letter from Peter Gillespie to Paul Giangrave dated November 7, 2005 stating that the Wethersfield Design Review Committee met and approved the application as submitted. Also, that he will be required to submit an application for review to the Design Review Committee prior to installing any signage.
- Letter from Fredrick Clark to Paul Giangrave dated November 17, 2005 stating that the Inland Wetlands and Watercourses Commission certified the application for the Erosion and Sedimentation Plan as submitted.
- Traffic Impact Report from Louis Reynolds at Close, Jensen and Miller to Alan Bongiovanni dated November 18, 2005. The letter says that the land use proposal will have no significant traffic impact to the Berlin Turnpike. The proposed site layout allows for efficient traffic circulation while maintaining anticipated queuing on site.
- Memo from Michael Turner to Peter Gillespie dated December 5, 2005 offering four comments on the proposed project:
  - The applicant will have to obtain an encroachment permit from CT DOT for the proposed driveway cuts, utility connections and traffic control signage at the entrance into Route 5/15.
  - Vacuum stands and vending machines should all be located within building setback lines.
  - The applicant has incorporated all items discussed during our review of preliminary plans.
  - The storm drainage system proposed has been reviewed and approved by the IWWC.
- Memo from Peter Gillespie and Denise Bradley to the Planning and Zoning Commission dated December 5, 2005 which says that:
  - The proposal conforms to the dimensional and area requirements of the Regional Commercial zone (Section 5.4) and complies with the provisions of a Car Wash (Section 5.9).
  - Section 6.1.E.2 requires fifteen trees for this property and the applicant proposes ten trees.
  - Section 6.1.H requires 64 s.f. of landscaping in the area where the detached sign is erected. The applicant proposes no landscaping in this area.
  - Sections 6.1.L.1 and 6.1.L.2 say that the Commission may modify or waive landscaping requirements where site conditions limit the ability of a particular site to conform to the requirements and/or where the applicant has demonstrated excellence in building and site design.

Chairman Hammer called the applicant forward. Jim D'Amato introduced his fellow owners, Paul and Frank Giangrave, Todd Mills - their car wash consultant, and Alan Bongiovanni - who did all of the site work.

Mr. D'Amato said that they got their approval from Design Review and the verbiage change that they requested was approved. They also met with Inland Wetlands and they were receptive to the plan. He then introduced Alan Bongiovanni for an overview of the site work.

Mr. Bongiovanni said that he had prepared the set of plans and that Close, Jensen and Miller did the traffic impact study. He explained that the site is located on the north end of the Berlin Turnpike, just south of the 5th Avenue motel. The site consisted of residences years ago, but has sat vacant for a long time. The site consists of 28,000 s.f. although the minimum requirement is 30,000 s.f. The site plan is basic and consists of a two-bay automatic car wash. He showed the two car wash lanes with the stacking plan and ample room for bypass. The bypass lane would be located at the top to provide free flow of traffic. The parking and vacuums would be located to the rear of the site. Three employee spaces are provided. The car wash is not a full time manned car wash. The owners and employees will do all of the maintenance and the site is serviced by MDC sewer and water. The grading of the site gently slopes to the west and all of the runoff will be captured on site into a storm drainage system. Although the applicant was well aware of the requirement for fifteen deciduous trees, when looking at the site, particularly the five foot offset from the curb line, the owner felt that it was not appropriate to put a large deciduous tree in that area. However, the applicant has located

appropriately spaced trees along the northeast corner and two to the north of the building that meet the intent of the ordinance. If the commission desires more than the proposed ten trees, they would be happy to work with the staff to provide ornamental trees in areas adjacent to the building and in the front island.

He also explained that the landscape plan was completed prior to the location of the sign and therefore they would be happy to provide landscaping around the sign and have the staff approve that. There was a photometric study done for the site and a minimum of three foot-candles. The site would be a well-lit safe facility. The intention is to operate it as a 24 hour facility. The fire chief is in support of it open 24 hours a day, as keeping it open would prevent vandalism, although they do not have anything in writing. He then introduced Todd Mills, the car wash consultant.

Todd Mills explained the process of the automatic car wash and the function of the facility. A person would enter at the auto cashier and select the payment method. Then move through the wash station and dry station.

Commissioner Knecht asked if it would be a self-service operation and how would they control the line backup. Mr. Mills said that there are only 15 days a year when there would be a considerable backup and the most he has ever seen would be about 6 cars in each lane.

Commissioner Edwards asked if the elevation of the building would look like the boards presented. Chairman Hammer asked if glass was the material proposed. Mr. Bongiovanni said that it would and has the aesthetics of a greenhouse. He also said that the Design Review Committee was complementary of the design of the building. Commissioner Edwards asked about the noise level of the facility. Mr. Mills said that the noise level would be less than traffic.

Commissioner McHugh asked about the photometrics of the site and the lighting with respect to the adjacent motel. Mr. Bongiovanni said that they would provide full cutoff down lighting and that any fugitive lighting would be minimal to nonexistent. There would be no openings along their wall.

Commissioner Petrelli asked if the environmental issues had been taken into consideration so that there would be no hazards. Mr. Mills said that the machine is located close to the entrance and the floor is pitched to retain all of the water. Commissioner Petrelli asked what if something goes wrong with the machine. Mr. Mills said that the machine is hard wired to let someone out, it will automatically page the owners to come out to the site. He said that the machine can breakdown and if it does it would send a signal to the pay station that it is out of service.

Commissioner Edwards asked about the proposed water feature. Mr. D'Amato said that they are proposing a 20 x 20 pond. Mr. Giangrave said that there would be alligator statues in the pond to go with the theme.

Chairman Hammer asked Mr. Gillespie if there were any other outstanding issues with the proposal. Mr. Gillespie asked the commissioners to read Mr. Turner's comments and recommended the following conditions:

1. The proposed vacuum and stand alone vending machines should be relocated closer to the entrance.
2. The applicant has requested a waiver from the minimum landscaping. The site is short five trees and he recommends that the waiver be granted as requested.
3. The Design Review Committee has requested that no signage be approved until they can further review the plans.
4. The parking on the rear is located on another property. That property needs to be acquired and combined before granting a building permit.
5. A photometric should be submitted prior to granting a building permit.

Chairman Hammer asked the applicant to point out where the parking would be in the rear. Mr. Bongiovanni showed on the plan the property to be acquired as well as the easement that would be provided for snow storage. Chairman Hammer asked if they were waiting for the approvals before closing on the acquisition. Mr. D'Amato said that they were. Chairman Hammer asked where they would move the vacuums and vending machines. Mr. Bongiovanni said that they could swap the dumpster location with the vending machines, but they don't want people to cross traffic to get to them.

Commissioner Knecht asked about other car washes in that section of the Berlin Turnpike. Mr. Bongiovanni said the

closest ones were at the Citgo, the Mobil and then on Pane Road.

Commissioner McHugh asked if the vending kiosk would have a yellow umbrella like that shown on the picture presented. Mr. Mills said that it would not have a yellow umbrella, probably a different color. Commissioner McHugh suggested that when they go back to the Design Review Committee for landscaping, that they run the kiosks by them also. Mr. Mills said that they had discussed a white/neutral color or a forest green to match the building. Commissioner McHugh asked him to call it to the Design Review Committee's attention.

Commissioner Wagner asked where there would be a fence along the building line adjacent to the hotel. Mr. Giangrave said that they are obligated to construct the fence as written in a contract with the landowner right now. Mr. Bongiovanni said that they would be happy to add the fence to the plan. Commissioner Wagner asked if the bituminous drive behind the buildings is owned by the hotel owner and if it is contiguous. She also asked what is to the west of the drive. Mr. Bongiovanni said that it is contiguous and beyond the drive is a wooded area with no buildings. Mr. D'Amato showed Commissioner Wagner the contract that discusses the proposed fence.

Chairman Hammer then asked if any members of the public wished to speak on the matter. Brad Rana, owner of the 5th Avenue motel said that he is not against the proposal, he only wants the fence behind the building constructed. He said that the road from his motel goes through to the back road and he also wants a fence there so there is no access to the back road and all traffic goes to the Berlin Turnpike.

Commissioner Wagner asked if they knew that Mr. Turner's memo required them to obtain an encroachment permit from the DOT for the driveway cuts. Commissioner Wagner reminded the applicant that even though the meeting with the DOT is informal they need to follow up.

Chairman Hammer then closed the public hearing.

**APPLICATION NO. 1501-05-Z. Old Town Café, LLC** Special Permit to allow outdoor seating at 181-187 Main Street. --- **CONTINUED.**

**APPLICATION NO. 1502-05-Z. Wethersfield Country Club** Special Permit to construct an outbuilding larger than permitted in a residential zone at 76 Country Club Road.

Chairman Hammer recused himself and turned the meeting over to Commissioner Knecht who served as Acting Chairman on this matter. Commissioners Petrelli and McHugh also recused themselves. Acting Chairman Knecht read the following correspondence into the record:

- Memo from Peter Gillespie to the Planning and Zoning Commission dated November 23, 2005 saying that the applicant is requesting approval as prescribed by Section 3.6.C.2 to permit the construction of an outbuilding larger than permitted in a residential zone. The memo also says that the proposed shed complies with all other zoning requirements.
- Memo from Becky Albert at the Central Connecticut Health District to Peter Gillespie and Denise Bradley dated November 30, 2005 offering no comment on the proposal.

Ray Wozaleous, legal counsel to the Board of Governors, presented the application as an off shoot of the long range plan for the club. The golf carts are currently stored at the southern part of the Wethersfield Country Club with a large number packed in tight. Every night they are plugged into a board which should have been upgraded. The objective is to store fewer carts under the building because so much electricity is used in the facility. They would like to err on the side of caution, even though there has never been a fire, they want to be careful. They would like to make a smaller area to store the carts and need another place. The course has 70 cars and storage in the lower level area seems ok in the summer but safety and vandalism is a concern as there was an incident where some young teens did race around the course. They would like to keep the carts under lock and key and move them from storage to the first tee as needed. If they are able to rebuild and restructure they would create a much better system and it would be much safer.

He has put together a proposal for a building about 30' x 50' and 10' high. Joe Stefano is a member of the club and is under contract to put up the building for 24 cart storage. There would be sufficient electric service and no plumbing

required. It would be on a flat slab. There are two additional outbuildings that are 40' x 80'. These would not be seen from the road and can't be seen from Prospect or Highcrest. It would be adjacent to the pond on the 16th hole and is accessed from the maintenance road off of Highland Road, down about 600-700 feet and then a right turn into the existing buildings. It would be buffered by the topography and the existing trees. Also, there are no houses on Gristmill that would be able to see it. The intent is to carry over the colors of the existing building and reface some other structures so that they are compatible and look better. They will have a lot of expensive equipment in the other buildings. They are seeking a permit for a 1500 s.f. building to be used in a residential zone and this is within the bounds of the commission to approve. The applicant has not heard from anyone who may have a problem with the proposal. The applicant anticipates that the concrete contractor would have no problem with the slab structure and then they would have the building made of metal put up before Christmas.

Commissioner Knecht asked if they had a sketch of what the building would look like. The applicant said that there was and showed the approximately 50' between the new and old structures. This was needed so a fire truck can turn and get out. The storage in the other buildings belongs to the Wethersfield Country Club.

Commissioner Wagner asked if the driveway was wide enough for the fire vehicles because it has been there for twenty years. She wondered if the turning radius on the curves was enough. She also asked if there had ever been a fire in the existing buildings. The applicant said that there had not been a fire. Commissioner Wagner said that she is not quite sure why the plan is not up to Town standards. She didn't see any dimensions or even a North arrow. Mr. Gillespie asked if Commissioner Wagner had a copy of the large foldout plan that was part of the application. This plan was created by Close, Jensen and Miller and showed dimensions, etc. Commissioner Wagner did not have this plan, but then reviewed it. Commissioner Wagner asked about the existing trees and whether any new ones would be added. She also asked about the lighting on site.

Mr. Wozales replied that there are poles within the confines of the course with lights on them but no more lighting would be utilized. The carts are stored prior to dark and locked up. Commissioner Wagner asked if there was a sign put up to notify citizens about the public hearing. She also asked about the neighbor most impacted on Gristmill and where copies of the notice were sent out. Mr. Gillespie said that he had copies of the receipts of certified mail and that he had not received any phone calls or correspondence. Commissioner Wagner asked about the individual that lives closest. Mr. Wozales said that is Mr. Trevino's house and it is only used by him a few months of the year and the rest of the time is occupied by his brother in law. He spoke to him and he is ok with the proposal. Commissioner Wagner asked how close the side of the building shown in the submitted picture was to Mr. Trevino's house. The applicant said it was an area designated for storage and was about 75' away. Commissioner Wagner asked if the Wethersfield Country Club owned it. Mr. Wozales said that they did.

Commissioner Homicki asked what the other two buildings were used for. Mr. Wozales said that the greens and fairway mowers were there. They also stored chemicals there in the Spring. They do not have a large inventory and buy as needed and store it. Commissioner Homicki asked of the proposed amount of storage would be sufficient. Mr. Wozales said that it was not jammed, also that any damage to the carts was structural, so they would not like to have these packed in. They would like to leave a 6' - 8' access.

Commissioner Hughes asked about the access to the proposed building. He said that he assumed that the contractor had no problem with site access when he used the heavy excavators and/or the trailer. Mr. Stefano said that he had no problems when a tractor trailer delivers fertilizer to the existing buildings. Commissioner Hughes pointed out that there is an available water resource because it would be located right next to the pond. Mr. Wozales said that there is an existing fire standpipe with well water from the golf course. Commissioner Hughes asked if the area around the abutting homes was wooded. The applicant said that it was wooded.

Commissioner Knecht asked what chemicals were used. Mr. Wozales replied that they use nitrogen and a grub control as well as something to control the lawn and turf disease. All of the chemicals are approved by a national association.

Commissioner Knecht asked if there were any other questions or comments. Seeing none, he closed the public hearing and asked for a vote. All members present voted in favor. With that, he turned the public hearing over to Chairman Hammer.

**APPLICATION NO. 1503-05-Z. Lynn Decker** Special Permit to operate a salon at 277 Main Street.

Commissioner Knecht read the following correspondence into the record as follows:

- Memo from Peter Gillespie to the Planning and Zoning Commission dated November 23, 2005 which says that the proposed use will occupy 590 s.f. and in order to comply with the provisions, three spaces are required. In accordance with Section 6.2.D.1 and Section 6.2.D.5, the commission may either waive the requirement or reduce the number of parking spaces under special circumstances.
- Memo from Becky Albert at the Central Connecticut Health District to Peter Gillespie and Denise Bradley dated November 30, 2005 saying that a plan to indicate the location of hand wash facilities, utility sink, mops sink and disposal are a are required.
- Letter to Peter Gillespie from Lynn Decker dated November 21, 2005 that describes the application.

The applicant introduced herself and Rose Brodeur to explain the proposal. They are looking for a special use permit to change from an office to a salon. Their hours of operation would be Tuesday through Friday 10 a.m. to 6 p.m. and Saturday 9 a.m. to 5 p.m. There would be two full time and one part time employee with 7-8 clients at a time. There would be signage and lighting proposed and they have gotten approval from Bob Cook. The owner has renovated the office space but they are required to do the plumbing and electrical needed for the salon. There would be 3 manicure and 2 pedicure stations. Ms. Decker said that they weren't aware of the comments from the health department and thought that they were in compliance. Ms. Brodeur said that the plumber looked at the facility.

Chairman Hammer asked if there would be parking in the rear. Ms. Decker said that she had talked to the neighbors and there is no problem with parking. The parking in the rear of the building however, is for the residential tenants only. Chairman Hammer noted that the peak demand from the ice cream store is not during salon hours. He asked for a formal vote to waive or modify parking. Mr. Gillespie asked the commissioners to refer to Sections mentioned in the memo, Section 6.2.D.1 and Section 6.2.D.5. These sections were designed for the applicant where there is an increased parking demand so minimal consideration is warranted without a variance. Chairman Hammer said that as a practical matter, the original office space had no parking either.

Commissioner Wagner confirmed that the business would have two pedicure station and three manicure stations and how many clients would be in the skin care room. The applicant said one client. Commissioner Wagner said that at the most ten cars would be there and she thought that they would not park at the Keeney Center. Ms. Decker agreed that her customers would not park at the Keeney Center.

Ms. Brodeur said that she lives on Hartford Avenue, so she can walk and that Ms. Decker can park at her house and walk. Chairman Hammer asked on a busy day how many people total and would each client be there for an hour. Ms. Brodeur said that each client would be 1/2 hour to 1 hour.

Commissioner McHugh asked if the neighbors were notified. Mr. Gillespie said that a sign was put up and notices were sent out.

Commissioner Wagner said that she was not sure why it would not conflict with the ice cream shop hours. Chairman Hammer explained that the ice cream shop is busy in the summer, so it would not conflict. The ice cream shop is busy in the evenings after dinner, so there is no direct overlap. Commissioner Wagner said that she thinks that the use is great and she has an issue with anything developed in Old Wethersfield without parking. She said that a lot of people in Old Wethersfield are in favor but are concerned about the parking. It could be 7-8 people every 1/2 hour.

Commissioner Petrelli suggested that there is parking behind the Keeney building. He said that his one objection to restaurants is that there is not enough parking.

Mr. Gillespie said that his memo only summarizes the proposal and the only issue is the parking.

Chairman Hammer asked who the last prior applicant was and how much space they occupied. The applicant said that it was a plumbing business and he moved next door. Chairman Hammer asked how many employees he had and recollected that there was not much customer traffic to that business. The applicant suggested the other side of Hartford

Avenue for parking where there are open spaces.

Chairman Hammer closed the public hearing.

**WETHERSFIELD PLANNING AND ZONING COMMISSION  
PUBLIC MEETING  
December 6, 2005**

The Wethersfield Planning and Zoning Commission held a public meeting immediately following the public hearing on Tuesday, December 6, 2005 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph Hammer, Chairman  
Philip Knecht, Clerk  
Thomas Harley  
Dorcas McHugh  
Margaret Wagner  
Fred Petrelli  
David Edwards  
Anthony Homicki  
Jim Hughes

Members absent:

John Hallisey  
Theresa Forsdick  
Robert Jurasin

Also present:

Peter Gillespie, Economic Development Manager/Town Planner  
Denise Bradley, Assistant Planner

**APPLICATION NO. 1500-05-Z. Town of Wethersfield Zoning Text Amendment to Sections 2.3 and 6.7 regarding outdoor lighting.---CONTINUED TO 12/20/05.**

**APPLICATION NO. 1498-05-Z. Giangrave/D'Amato Special Permit to construct a car wash at 1715 Berlin Turnpike.**

Commissioner Knecht asked if the applicant is willing to meet the conditions, are there any problems. Mr. Gillespie summarized the proposed conditions:

1. The vacuum machine in the front and the vending machines on the side be relocated to the satisfaction of Planning Staff.
2. The landscape waiver be granted as requested.
3. No sign details are approved and signage will be subject to further review by the Design Review Committee. In addition, the landscaping around the sign will be subject to review and approval of the Planning Staff.
4. The final acquisition of the property owned by Rana will be secured and combined with the property. This is particularly important for the rear section that is to be used for parking. The applicant shall submit some evidence that they have acquired the rear property and merged it into the lot prior to the issuance of a building permit.
5. A photometric plan for the site shall be submitted and is subject to review and approval by the Planning Staff.
6. A six foot high fence shall be shown on the plan along the north and west property lines. The material shall be reviewed and approved by the Planning Staff and the owner of the fifth avenue motel.
7. The details of the materials and color scheme of the vending machines will be submitted to the Planning Staff

for review and approval. The applicant shall be sensitive to the concerns expressed by the commission regarding color.

Commissioner Homicki made a motion to approve the application with conditions.

Commissioner Petrelli seconded the motion.

Commissioner Knecht asked if there was a time limit to complete the conditions. Chairman Hammer said that it would be prior to issuance of a building permit.

Aye: Hammer, Knecht, Homicki, Petrelli, Harley, Edwards, Hughes, McHugh, Wagner

Nay: None

Abst: None

**APPLICATION NO. 1501-05-Z. Old Town Café, LLC** Special Permit to allow outdoor seating at 181-187 Main Street.---**CONTINUED to 12/20/05**

**APPLICATION NO. 1502-05-Z. Wethersfield Country Club** Special Permit to construct an outbuilding larger than permitted in a residential zone at 76 Country Club Road.

Acting Chairman Knecht asked if there were any conditions, and Mr. Gillespie said that none were proposed.

Commissioner Homicki made a motion to approve the application as submitted.

Commissioner Hughes seconded the motion.

Aye: Knecht, Homicki, Hughes, Harley, Edwards, Wagner

Nay: None

Abst: Hammer, McHugh, Petrelli

**APPLICATION NO. 1503-05-Z. Lynn Decker** Special Permit to operate a salon at 277 Main Street.

Commissioner Knecht said that based upon his daughter's experience in the business, it is difficult to take a lot of people at one time. Therefore he doesn't think that the customers will create a lot of traffic and it will be minimized. He is in favor of the proposal.

Commissioner Knecht made a motion to approve the application.

Commissioner Petrelli seconded the motion.

Chairman Hammer said that the motion should include something about the parking. Mr. Gillespie suggested that they should recognize Section 6.2.D.5 of the regulations. Chairman Hammer asked if there was a requirement for on site parking. He added that the motion was made on the basis of what is presented, including the hours of operation, etc. Commissioner McHugh commented that they have to be careful in Old Wethersfield to attract competent businesses and consider the parking concerns. She sees it as very positive that no one showed up against the proposal. She takes their absence as an affirmation to welcome the business to town. She also welcomes them.

Commissioner Homicki asked why they wouldn't include a reference to

- Section 6.2.D.1 - the Commission may waive the requirement for the installation of additional spaces when a change in use of the premises results in a n increase in the number of required parking spaces in an amount of 15 percent or less than the number of existing parking spaces.

- Section 6.2.D.5 - the Commission by Special Permit to reduce the number of required on-site parking spaces due to shared use of the parking facilities and the availability of parking off-site in the vicinity.

as stated in Mr. Gillespie's memo dated November 23, 2005.

Mr. Gillespie said that it couldn't hurt to include both and that parking is an issue that must be reviewed on a case by case basis. Chairman Hammer said that they have to strike a balance between approving businesses and being aware of the parking. They must deal with the building being zoned commercial and judge whether or not the change is appropriate.

With a motion and a second all members present voted in favor of the motion.

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Petrelli, Edwards, Hughes

Nay: None

Abst: None

**REFERRAL FROM THE ZONING BOARD OF APPEALS - Douglas Buck** Use Variance under Section 10.4.F.4 to convert barns into a private arts academy at 411 Hartford Avenue.

Chairman Hammer asked Mr. Gillespie to explain the referral. Mr. Gillespie said that any use variance has to be referred to the commission for action. This man owns the house at the corner of Jordan Lane and Hartford Avenue. There are some large barns on the property. He would like to renovate the pars and establish an arts academy. He would provide parking on site adjacent to the barns and further down the street. The property is in a residential zone and the applicant is looking for a use variance not a zone change.

Chairman Hammer asked if they were supposed to give advice on a use variance. Mr. Gillespie said that their comments have no impact on the ZBA proceedings. Chairman Hammer said that it sounds like they are using the barns for storage. Mr. Gillespie said that the owner has been renting them out for bulk storage. Chairman Hammer asked what type of applicant would be sent to the commission on this matter. Mr. Gillespie said a site plan or maybe the special permit process. It is a very preliminary plan and he reminded them that they only consider the use. Mr. Gillespie said that his indications were that the vote was split was 50/50.

Chairman Hammer indicated that it was difficult to vote. Commissioner McHugh said that there was a lack of detail, but if the commission refers it to the ZBA with no comment how can they speak on it.

Chairman Hammer asked if the applicant attended the PZC. Mr. Gillespie said no. He added that if there was an application that wasn't gong to come back, then it would be very important to comment, but in this case he would be more concerned about the precedent set as they will be reviewing it anyway and it is not that critical if they comment. Chairman Hammer asked if the commission would then feel comfortable saying no or would they be given something where no is not an option. Mr. Gillespie said that no is always an option, even if another board approves something. In this case there are so many issues that they would probably at least need a special permit to allow parking.

Commissioner McHugh asked if it was fair to drag this applicant through an early preliminary discussion and should they make a recommendation to zoning. Chairman Hammer asked if anyone feels strongly that no variance approved, then maybe they should comment.

Commissioner McHugh said that the application is lacking in information and detail and maybe that should be communicated to the ZBA. Commissioner Wagner said that maybe they should direct the applicant and let him know the level of detail that they are looking for. The commission would like to know how many barns would be used, what is the attendance, is there a lighting plan. If there would be parking in the historic district around existing homes. The plans need to show a North arrow and scale, etc.

Commissioner McHugh made a motion to forward the following comments to the ZBA.

The Planning and Zoning commission expressed the following significant concerns:

- The variety of uses proposed for the site,
- The intensity of use proposed for the site,
- The parking configuration in a residential zone.
- The proximity to numerous historic residences in a historic district.
- Whether or not the property would receive tax exempt status as an academy.

The commission suggests that the ZBA obtain the necessary details from the applicant to be able to carefully evaluate the potential impacts and appropriateness of the proposal before rendering a decision.

Commissioner Wagner seconded the motion. All members present voted in favor of the motion.

Aye: Hammer, Knecht, McHugh, Wagner, Harley, Edwards, Hughes, Petrelli, Homicki

Nay: None

Abst: None

### **2006 Meeting Dates -**

The commissioners discussed taking this up at their next meeting.

**REFERRAL FROM THE TOWN COUNCIL** - Proposed ordinance that would ban parking on snow shelf and front lawns.

Mr. Gillespie said that he forwarded examples of the ordinances from Newington and West Hartford to the town attorney. The problem is that in some areas there is parking on the street and the town ordinance doesn't deal with the problem. They want to be sure that there are proposals to address this, particularly the Nott Street issue. It is a timely problem due to the season. Commissioner McHugh asked Mr. Gillespie to develop an ordinance from the best features of the three ordinances. Mr. Gillespie said that he would identify some preferred language. He pointed out that the question is whether it is a town or police department issue and whether the zoning officer might handle this. He said that this is the discussion to have.

Commissioner Wagner said that the town ordinance says that you can't park overnight on the street and since the snow shelf is part of the street. Since this is already in the town ordinance, then parking in the snow shelf should also be in the town ordinance not the zoning. Mr. Gillespie then asked what about parking in the front lawn. Commissioner Harley said that he thinks the parking issue needs to be subject to some kind of relief or variance. Mr. Gillespie said that there is a building code board of appeals as an entity to allow some kind of relief.

Chairman Hammer asked what the town attorney advised. Mr. Gillespie said that the town ordinance as a practical issue may be the answer. Most of the illegal parking happens at night when the zoning officer is not around, therefore it may be more effective in the town ordinance. Chairman Hammer said that they will develop an ordinance good or bad to prohibit this type of parking. This is the chance to claim that the zoning regulations prohibit. Commissioner McHugh said that they should discuss. The ordinance covers the truck parking situation, however the police can handle the complaints. She said that the commission should recommend to the council to develop ordinance language with the town attorney. Commissioner Harley said that if the changes are to the zoning regulations, even if they are approved they do not have to be on a paved surface. Chairman Hammer asked if they should take this up at the next meeting. The commission decided to take this up at their next meeting.

### **MINUTES**

[Minutes of the November 15, 2005 Meeting](#)

Commissioner Harley made a motion to approve the minutes as submitted.

Commissioner McHugh seconded the motion.

Aye: Knecht, Harley, McHugh, Wagner, Homicki

Nay: None

Abst: Hammer, Petrelli, Edwards, Hughes

Commissioner Wagner reminded the commission that the November 2 minutes have not yet been approved. She asked that it be on the next agenda.

## **STAFF REPORTS**

Mr. Gillespie said that there is a memo that he drafted to the commission dated December 5, 2005 regarding Special residential development district regulations. He has received an inquiry by a developer regarding a high rise of more than stories. The memo summarizes examples of what occurred in the last couple of decades regarding specific high rise 55+ market rate units. There is no specific density for other than 55+ projects and it is an incentive to provide housing. Commissioner McHugh asked about the project opposite Goff Brook. Mr. Gillespie said that it was built for the elderly with 29 units an acre. Mr. Gillespie said that there is not enough information.

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

## **CORRESPONDENCE**

- Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter.
- A letter from Theresa Forsdick to Bonnie Therrien dated November 18, 2005.

Mr. Gillespie explained that this letter was submitted by Commissioner Forsdick asking the town manager to excuse an upcoming absence from the commission. Chairman Hammer reminded the commissioners that in general if you know you are not going to attend, let Mr. Gillespie know and it will not be an unexcused absence. Commissioner McHugh gave some background prior to the revisions, the council had no way of removing someone from the Council, they could only ask a person to resign. Therefore they asked the charter revision commission to correct this. It was not meant to be punitive, just gave a way of removing those not interested. Commissioner Wagner asked if they needed a new vice chair in Commissioner Forsdick's absence. Chairman Hammer wasn't sure that was necessary.

## **OTHER BUSINESS**

## **ADJOURNMENT**

Commissioner Petrelli made a motion to adjourn.

Chairman Hammer seconded the motion.

Aye: Hammer, Knecht, Harley, McHugh, Wagner, Homicki, Petrelli, Edwards, Hughes

Nay: None

Abst: None

Meeting was adjourned at 8:59 p.m.

Philip Knecht, Clerk