WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
MAY 18, 2004

The Wethersfield Planning and Zoning Commission held a public meeting on May 18, 2004, 2004, at 7:00 p.m. in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

Members present:
Earle Munroe, Chairman
Joseph L. Hammer, Vice Chairman
Theresa Forsdick, Clerk
Richard Roberts
George Oickle
David R. Edwards
Philip Knecht
Matthew Cholewa

Members absent:
John Hallisey
John Adamian
Robert Jurasin
Scott Murphy

Also present:
Peter Gillespie, Economic Development Manager/Town Planner

Clerk Forsdick called roll call, and then read a description of the application and a letter (dated April 15, 2004 - on file) from Diane Lombardo which sought to notify all parties that an agreement had been executed between the owner of 798 Silas Deane Highway and the applicant, concerning the property at 810 Silas Deane Highway.

APPLICATION NO. 1426- 04- Z. Vimal, LLC seeking approval under Article XXXI for a change that is not significant - change of use from coffee shop to liquor store for the expansion of 808 Silas Deane Highway into 810 Silas Deane Highway.

INFORMAL DISCUSSION

Mr. Sangaw Shah, Vimal LLC appeared before the Commission and explained that the intent of the application was to expand the existing liquor store into the coffee shop property next door.

Commissioner Oickle said that he had several questions but thought that the owner of the property would probably be more equipped to answer them. He asked about the storage containers alongside of the building, the striping in the parking lot which he pointed out was pretty well faded, and the landscaping at the north end of the building which he had noticed was being worked on. Mr. Shah said that during the remodeling the owner was using the containers for storage, and thought that they would be moved next week. The owner would also be repairing and restriping the parking lot next week. Grass was being replanted and shrubs planted.

Commissioner Oickle said that he was concerned about the trash compactor right up on the Silas Deane Highway. He thought that the Commission had asked that it be out back and said that they normally require it to be screened with a fence.

He thought if they looked it up the records would show that they had requested it be placed in the north east corner in an earlier application and said that he would like it to be placed there. He also said that although the sign for the liquor store looked reasonable, the signage out front was discombobulated and he would like to see some coordination to it.

Commissioner Roberts asked if there were any other issues, such as parking or comments from the Health Department concerning this application that might require nine (9) stipulations. Mr. Gillespie said that the parking area was actually a 2 level lot and there were 40 spaces in the upper level in various states, which exceeds the required number. This use he said would generate less demand than the coffee shop. He added that the Health Department might need some other details, and the Building Department may need an electrical plan and some other details that the applicant will need to provide to code officials. There was one other question that Staff had concerning ZBA's authority over liquor permits but since this site already has a liquor license they won't need another one. It's simply an expansion project, the existing space will remain, but they will be expanding into the coffee shop space. Later on they will come back with a signage plan. He added that the Zoning Enforcement Official has been working with the owner on some other issues like cleaning up the site, the area in back, fixing up the fencing and other things.

Commissioner Oickle asked who owned the area in back. Mr. Gillespie said that it is all the same owner but there are several tenants. He mentioned that there is some question as to whether they all went through the appropriate permit processes, and that is part of the variety of issues Staff has, but that they primarily focus on the back area, and not the upper level. He said that it would take a little time to research the historical record for it.

Commissioner Hammer asked the applicant if they had applied to the State Department for Liquor Control yet for their license. Mr. Shah said that they already had their license, but once they were approved by the Town they would get their permits.

Commissioner Oickle said that complaints they get about design along the Silas Deane Highway often come down to, where do they start? He said that the signage out front should be more coordinated and he wondered what they could do about the facade. He pointed out that at the Stop & Shop there had been some progress at a more unifying signage program. He thought that if Staff could work with the owner on the signage that would be great. Mr. Gillespie said that one thing that was happening was that Town Council had approved setting aside approximately $40,000 as seed money to talk to local banks and see if they would match that in order to provide low or no-interest loans for beautification projects which could include signage and facade work once that was up and running.

Upon motion by Commissioner Roberts, seconded by Commissioner Forsdick and a poll of the Commission it was voted unanimously to APPROVE Application No. 1426- 04- Z. Vimal, LLC seeking approval under Article XXXI for a change that is not significant - change of use from coffee shop to liquor store for the expansion of 808 Silas Deane Highway into 810 Silas Deane Highway.

MANDATORY REFERRAL under §8-24 of the Connecticut General Statutes referred by the Wethersfield Town Council for recommendations or comments regarding the Sprint Spectrum, L. P. Lease Agreement at 23 Kelleher Court.

Clerk Forsdick read a description of the Mandatory referral as well as a letter to Earle Munroe (dated on file - April 23, 2004) from Town Clerk, Dolores Sassano recommending that the Commission place this item on the evening's agenda in order to submit their comments and recommendations to the Town Council. A letter from Paul Flannery (dated on file - April 19, 2004) to Earle Munroe was read which said that he had put together a packet of information concerning the leasing of space on the tower. He was concerned that all the Commissioners should have all the information available before being asked to render a judgment pointing out that in reading the minutes of the July 16th, 2003 meeting some of the Commissioners had been reluctant to vote due to lack of information, and he had hoped to remedy that situation by distributing his packet of information. A letter from Bonnie Thierrien, Town Manager to Mayor Russ Morin (dated April 15, 2004) was read which said that this is the site where the CT. Siting Council granted Sprint's request for an order approving tower sharing, her suggested resolution was to recommend the referral to the Town Council. A copy of the leasing agreement was also included.

Mr. Michael Camilleri representing Sprint appeared before the Commission and explained that the CT. Siting Council had jurisdiction over tower sharing proposals and they had approved Sprint's request to share the existing facility at Kelleher Court, the Town and Sprint had negotiated a lease which was now submitted for Commission review and comment.

Commissioner Cholewa was unsure what jurisdiction the Commission had since the CT. Siting Council had already approved their request to share space on the tower. He wondered if the Town could refuse to lease space on the ground or if that was CT. Siting Council jurisdiction, and if they couldn't refuse it he wondered why they were even involved. Mr. Camilleri said that The CT. Siting Council has already ordered that they be allowed to share space on the Tower but that what was before them was the actual lease itself and the contents of that lease for review and comment to send back to the Town Council. There may be particular provisions in the lease that they would like to suggest to the Town that they continue to negotiate.

Mr. Matt Archer Pyramid Network Services stepped forward and explained that Sprint is proposing to place antennas on the tower at 165' height and equipment on the ground.

Commissioner Forsdick thought that the lease said 180'. Mr. Gillespie said that the elevation of the equipment would between 158.5' and 168.5'. The height of the tower was 180'.

Commissioner Oickle said that he thought it boiled down to, what role we play, and he saw two roles. He wondered if the parking would still be adequate to meet the needs at the fire house, or if they were planning to expand beyond the fenced area and be take parking away. He would like to see the equipment remain within the fence area approved. He pointed out that this is one of 3 town firehouses and it was very sloped site. On one side it abuts two residences with a state highway on the other side. He was concerned that any tower equipment expansion might not only negatively affect the function of the fire house and the residences but any future expansion of the fire house itself and development along that section of town beyond the Berlin Turnpike. It bothered him that they were setting up an antenna farm rather than maintaining a fire station.

Mr. Archer said that they had been informed of these concerns prior to this evening, and their engineers had gone back to see if they could fit into the existing fenced in 29' X 29' area where AT& T is located.

They had originally thought the site would be tight in case there was additional expansion for Sprint's network, but today they were able to rearrange it and they think that they can exist within the fenced area. The renderings submitted do not show this plan, because this change was made today.

Commissioner Oickle said that he had counted 38 parking spaces, several of which were taken up by an emergency trailer, which he realized went along with the Fire Marshall's vehicle. Commissioner Oickle was glad to hear that none of the spaces would be affected by the proposal.

Commissioner Cholewa asked if Mr. Gillespie could confirm that the application would have no affect on the existing parking. Mr. Gillespie said that the revised Site Plan would be the determining factor. He believed that there were words in section #5 of the lease agreement that the lessees would agree to provide detailed plans and specifications to the Town as the details got worked out. The previous cabinet space on the ground had returned to the Commission for site plan approval, and he believed that was the intent here also. There was a concern by Michael Turner that the lease include provisions to cover the costs of the town's own telecommunications consultant to review the application, look at some of the specifics and make sure there is no interference. With those 2 provisos in the agreement they have the ability to continue to review this agreement to make sure some of those concerns are addressed.

Commissioner Munroe said that it bothered him that no facts, figures or studies were submitted to support the statement that Sprint's proposal was technically, legally, environmentally and economically feasible. He did not have a copy of this study and he wondered if there was anywhere it existed. Mr. Camilleri said that was the exact language required by the CT. Siting Council. He said that their records would include the information referred to which is what led to the lease being before the Commission tonight.

Commissioner Munroe said that there was another item which defined the area being in need of additional cell tower antennas, and once again pointed out that this claim is unsupported. Mr. Camilleri said that just as in the previous information, the facts were presented to the CT. Siting Council and they would have spoken to witnesses, taken statements and cross examined them in determining that there was a need.

Commissioner Munroe asked if that meant that they should believe what they were being told because the CT. Siting

Council had said so. Mr. Camilleri said that was essentially true because that the way the State Statutes were set up.

Commissioner Munroe was dissatisfied by this answer because he felt that that this did not provide them much information to justify to the public that something was deemed necessary. Mr. Camilleri explained that the CT. Siting Council would bear the burden rather than the Commission. He said that the order given by the CT. Siting Council was evidence that Sprint had proved to the body that had jurisdiction over that issue, sufficient for their needs for them to grant that approval.

Commissioner Munroe said that he was concerned because there was still room on the tower for additional antenna, which meant that the other cellular companies could state they need additional coverage and it would have to be approved by the Commission.

Mr. Camilleri said that any other companies would have to go through the same application and review process before receiving an approval for any additional tower sharing.

Commissioner Monroe said that he wouldn't mind if this tower were out in a field somewhere. But this particular land was obtained by the Town for use by the Fire Department and they were watching it be eaten up by cabinet's which are actually small houses, and this was actually a change in the neighborhood. He said that this Commission was in place to set up zoning and yet the zoning use was not in conformity. They are saying this is a residential area but now this particular site is becoming more and more commercial.

Commissioner Oickle said that he remembered the Commission recommending that the tower shall be tree-like. He wondered if that didn't happen because the Council had not insisted on it. He also wondered if the Town's priority at the top of the Tower was always going to be taken care of, but he noted that the town had done a good job with the screening and landscaping although there were a couple of dead trees under the deciduous trees.

Mr. Gillespie said that the Town's antennae are at the top but the issue they are concerned about is that the additional coverage shouldn't create interference issues.

Commissioner Cholewa said that as far as the tree-like issue the bottom line was that Town Council doesn't have to listen to a word they say.

Commissioner Hammer was curious as to whether the Town had objected or opposed the request to share tower space at the hearings. Mr. Camilleri said that the Town had participated very actively. Commissioner Hammer asked if they had appealed at all. No appeals were taken.

Commissioner Hammer asked if Town Attorney Bradley had approved the leasing agreement. Mr. Gillespie said that while he wasn't sure if he had approved, he had spoken with Attorney Bradley and he was fully cognizant and was involved in the review.

Commissioner Hammer said that it seemed to him that their hands were tied in terms of whether the antenna ought to go up, and in terms of the lease itself he felt that as long as the Town Attorney approved the form of it. He just hoped that the Town was getting the most favorable terms that it can possibly get in terms of the $26,000 a year in rent among other things.

Commissioner Oickle asked since they were able to reconfigure their ground equipment, if they saw any possibility for additional ground equipment by other companies. Mr. Archer said that if they were concerned about losing parking spaces they should take it up with the CT. Siting Council. He only knew that space would be tight for Sprint.

Commissioner Forsdick asked if they went ahead with this proposal whether all gaps would be covered for Sprint in Wethersfield.

Mr. Curtis Ground said that in terms of coverage, there would probably always be one or 2 small areas where coverage would not be the best, such as in the basement of a brick building, or a dense forest. But for the most part it would cover the current gaps of the Wilbur Parkway and the Northwest corner of the Town.

Commissioner Oickle asked if they would be leasing tower space on other towers along the Berlin Turnpike. Mr. Ground answered that this site would be working in conjunction with a site to the south at Prospect Street and another to the north at the Department of Labor.

Commissioner Edwards asked what the height of the equipment shed would be. Mr. Archer answered that they were using outdoor cabinets.

Commissioner Munroe asked why each vendor needed their own shed and own generator. Mr. Ground said that some vendors want generators as a back up source of power and some use batteries packs. He believed that they would be using battery back up which would provide about 6- 8 hours of power in the event of power outage. Typically the cabinet would go on a concrete pad contained within a 12' X 16' fenced area, but since it will be located within the 29' X 29' fenced area it would be condensed. The concrete pad is about 10' X 8' and the refrigerator size cabinet is located on that. It would be about 5' tall.

Commissioner Cholewa said that it sounded like they were getting into some of the issues that would be discussed during the site plan review which he was happy that the applicant had agreed to submit. However he wanted to say that at a previous meeting they had discussed the possibility of designing a more unified solution instead of a compound full of a hodgepodge of little boxes. He hoped that the applicant would be flexible and open to working with what is there and what might be proposed. The applicant agreed.

Mr. Paul Flannery 382 Ridge Road stepped forward and said that he was definitely concerned about the parking spaces at the Fire house. He said that he had been watching this from the beginning and he had a packet of information which he submitted with information and drawings. He said that they had mentioned that they would be able to contain their equipment on the existing 29' X 29' pad which was put in when they put the tower up. AT&T already has their equipment on that pad, the Town equipment is in there. The existing Verizon shed is infringing on the 29' X 29' already. The drawing he submitted shows all this but the on the drawing submitted by the applicant the Town shed is listed as a Future Town Shed, although it has been there for a year and a half. Also not shown is the Town generator which has also been there a year in front of the shed. The Verizon shelter is listed as a 30" X12" shelter, but it says Shelter Not in Place. In other words he said that their drawing does not show everything. He wrote to the CT. Siting Council with some of his objections, one of them being that on the drawing it shows the proposed ice bridge going to the Sprint equipment, but there is already an existing Verizon ice bridge occupying the same location. These are questions that he respectfully brought before the Commission. He did not know the answer to these questions but he did not want to get to the point where they have a fire house but no parking or it. He said that he hadn't seen any drawings yet which indicated that Sprint had enough room to put their equipment within the 29' X 29'.

Commissioner Munroe said that he remembered that they are not issuing an approval or denial but issuing a recommendation to the Town Council.

Commissioner Roberts said that seeing that there was room for 3 more vendors he thought that consideration should be given to a consistent use of equipment shelters.

Commissioner Cholewa said that the information Mr. Flannery provided should be checked out to make sure the Town wasn't renting out the same space to more than one vendor.

Commissioner Oickle agreed that Town Council should be aware that the Commissioners are concerned about any new leases in regard to the ability to have ground equipment in the same limited area, because of the possible loss of parking spaces.

Upon motion by Commissioner Cholewa, seconded by Commissioner Oickle and a poll of the Commission it was voted to issue a POSITIVE REFERRAL to the Wethersfield Town Council under §8-24 of the Connecticut General Statutes regarding the Sprint Spectrum, L. P. Lease Agreement at 23 Kelleher Court with the following recommendation:

1. That the lease area fit within the previously approved fenced shelter area without infringement or loss of parking

spaces to the Fire House parking lot.
2. The potential site conflicts between the various town users should be resolved before the lease agreement is signed.

Aye: Cholewa, Oickle, Edwards, Forsdick, Knecht, Roberts, Hammer

Nay: Munroe

Report on Sign Regulations

Mr. Gillespie said that he had put together a memorandum on how some of the surrounding towns dealt with wall and free standing signage regulation. He had also compiled a table in the back which showed examples of recently approved signs. He listed the name of the business, the square footage of the sign approved, and the length and height of the facade. Also listed was the sq. footage of the building face, because that was how they calculated the allowable size. He listed the 2 ways that they permit signs. Wall signs may be up to 5% if there is a free standing sign, and up to 10% if there is no free standing sign. He said that most communities calculate the size permitted for wall signs based upon the linear frontage of the business rather than the length and height. So he calculated it 3 different ways for comparison. 1 sq. ft per 1 linear foot, 1 1/2 sq. ft. per linear foot, and then 2 sq. ft. per linear foot. He came up with the conclusion that the way they had been doing it based upon the sq. footage of the face of the building was the fair way of doing it because it considered the face of the building rather than just the linear length. He suggested that they should come up with a maximum size for wall signs and also some flexibility for conditions they may not fully consider at this time. He thought that a lot of problems also result from the fact that they do not require property owners who have multiple tenants to have a uniform and consistent sign program. He thought that there should be some language in the sign regulations as well as in the Design Review section.

Commissioner Cholewa said that they had a fairly strong recommendation from Glen Chalder that they go with a simpler signage regulation. Mr. Gillespie said that he went into it thinking that the way the Town had been doing it wasn't the best way because that was not the way he had done it before. But after going through this process he changed his mind. He thought that the sign was then proportional to the size of the building. A higher building or a shorter building is factored into it. He thought that this method was fairer, than the one to one rule that would only allow for smaller signs.

Commissioner Cholewa asked if Mr. Chalder's suggestion had taken into account wall signs. Mr. Gillespie said that Mr. Chalder had proposed the one per one rule for wall signage where they had a free standing sign and a two per one rule where there was no free standing sign, which is the typical way of doing it in many communities. But he pointed out that the two per one rule would significantly increase sign sizes in many instances.

The Commissioners discussed the proposition of using a 1-1/2 sq. ft. per one linear foot without a free standing sign or a one sq. ft. per one linear foot rule with a free standing sign, and a maximum sq. footage of 100. Also factored in was the idea that the maximum 1-1/2 might be allowable if the applicant showed excellence in certain design elements as a reward for cooperation. Some Commissioners felt that this would provide incentive to applications while others thought it could be viewed as some sort of coercion on the part of the Commission to get what they want from the applicant.

Commissioner Oickle was curious to see how the Design Review committee would affect future applications he did not want to create any other restrictions that might discourage development.

Mr. Gillespie thought it was important to have clear guidelines in the regulation so that the property owners be involved in keeping consistent signage so that 10 years down the road when another tenant comes before the Commission for the same property the Commission had already seen for another application they would be able to point back to the original agreement.

Commissioner Knecht asked if a property owner would have to change their sign to comply. Mr. Gillespie said that they would only have to comply if they were putting up a new sign.

Commissioner Hammer noted that the maximum permitted took into account the building face for a single business and if so how that would affect businesses like Blockbuster video. Mr. Gillespie said that he wasn't sure how Blockbuster had been calculated, but he thought they would certainly be negatively impacted by the revision. However he pointed out that their sign was so much larger than anyone else is on the building he wasn't exactly sympathetic.

Commissioner Hammer said that there weren't many towns that went over one per one so 1-1/2 was more generous. He liked the idea of having the maximum on there too.

Mr. Gillespie said that right now the zoning official is the only person who reviews wall signs, but if they meet the calculations he doesn't get into the details. In addition there will be the Design Review committee and when they start that process some of these issues will come up and be dealt with, suggestions will be made and compromises made hopefully.

Commissioner Roberts thought that they should keep what they have already in the regulations, but add the 100 ft. limit. He said that although he could see instances where they might want to change he thought that the changes could be unpredictable and arbitrary. In some cases as long as they were replacing the existing sign they didn't have to come in, they might see situations where rather than put up a smaller sign we might be giving them an incentive to never fix their sign. It could come back to bite them.

Commissioner Knecht asked what would happen to a franchise coming to town with designated signage. Mr. Gillespie said that it was his experience that they tend to have a range of size and variety of signs and they could always go to ZBA.

Commissioner Oickle said that he was inclined to keep what they had, because change for changes sake could cause problems.

Most Commissioners agreed to the 1.5 sq. ft. per one linear foot, across the board with a 100 sq. ft. maximum.

DISCUSSION OF ZONING REGULATIONS

Mr. Gillespie noted that there had been some discussion concerning Congregate Residential Development at the previous meeting and wondered if the feeling was that they should stay with what they have now in the regulations which was basically an elderly housing zone separate from the special residential development zone. He said that most towns have a separate zone for these sorts of purposes. He pointed out that Wethersfield has one, so sticking with it wouldn't upset the apple cart.

Commissioner Oickle said that a floating type zone made sense to him. He thought the reason these zones tend to be piecemeal is because they have been accreted over time. He thought if they could get all into one regulation with some flexibility it would make a lot of sense.

Mr. Gillespie asked if he meant that they could keep it under Multi-family zone, and then have established specific regulations within that. Commissioner Oickle agreed, as long as it was a floating zone. He didn't think it could be mapped.

Mr. Gillespie said that what exists could be mapped and they could map a multi-family zone, and the elderly-housing zone. Commissioner Oickle pointed out that those areas were originally spot zoned.

Mr. Gillespie said that the new ones would also have to come in for a zone change and then a site plan and review, as the others had.

Commissioner Knecht asked if that meant that any senior housing would be under multi-family housing. Mr. Gillespie said that was true, with different density criterion depending on the type of dwelling planned, such as single family dwellings, or high rises. It was just based upon density.

Mr. James Woodworth, President of the Great Meadows Trust stepped forward to speak to the Commission. He

explained that a committee had looked at the proposed agricultural zone as it applies to the Great Meadows and they had suggested some revisions to those proposed regulations which were outlined in a letter he submitted the Commissioners. It said that the old Flood Plain Zone uses had been carried over into the new Agricultural Zone with few substantive changes, but that they think that this would be a good time to update the schedule of permitted uses and conditional/special permit uses.

They proposed that the Agricultural Zone be divided along the I-91 pathway into Agricultural Zone A and Agricultural Zone B. Zone A would eliminate most of the conditional/special permit uses except those which could exist without structures. Zone B would be adjusted to reflect the reality of existing uses and limited space keeping in mind the highest and best use of the area for agriculture and open space.

Mr. Woodworth explained that the east and west of I-91 are different. On the east side of I-91 flooding occurs annually or in the case of this year 3 or 4 times. There are almost no existing special conditional permits or uses. Whereas on the west side there are a number of them the yacht club and the Town garage for example. It was their thought to divide this area into 2 zones. Any uses for the east side except for the existing game club would be inappropriate. It wouldn't be feasible to allow anything that would need a structure or facility on the ground. Zone A is either wonderful habitat for wildlife or excellent agricultural land, but really not appropriate for much of anything else. Some things that were appropriate in the old flood plain zone regulations are still appropriate for Zone B on the west but some don't rally make a lot of sense. For example there is not enough room for a country club or a golf course, there just isn't enough acreage. Swimming pools and beaches would be nice, but he didn't see it happening in the Cove or the river. Even a nature center or day camp would not be appropriate without any structures. Fish hatcheries need a lot of fresh water, but flood waters are not good for that, so that should be scratched off the list.

Commissioner Cholewa said that he had not been aware that the Yacht Club was in the agricultural zone. Mr. Gillespie explained that the zone boundary does come up along the back side of the Cove. The Channel encroachment line comes up along the back side of the Motor Vehicle Department, runs along the back sides of the properties on Hartford Avenue and then the park down at Wethersfield Cove.

Commissioner Forsdick said that the proposal had been very well thought out and executed and appreciated the input.

Commissioner Knecht said that he understood that conservation groups had been making a concerted effort to salvage the agricultural properties that were remaining. He said that while the value of agriculture has diminished quite a bit he wondered if there was any opportunity to restore the agricultural properties as a profitable operation. Mr. Woodworth said that he believed that the turf farming was still a profitable business. He also thought that it was a battle to keep these areas in business today, but they are. He didn't know if they would be in business tomorrow but thought every effort to encourage them to stay in business should be made.

Commissioner Cholewa said that he was glad that someone had taken the time to put this all together. He didn't have any issues with what was proposed it all seemed to make sense to him.

Commissioner Roberts said that the only issue he might have would be that they might be prohibiting someone from doing something they are already doing. But east of 91 there probably isn't much going on anyway. He said that in the past they had heard an application from a property owner who wasn't farming on their agricultural land to do something other than farming. He said that he commends the concepts behind this proposition he didn't want to end up on the reverse end of a condemnation suite where the Town ends up having to buy property.

APPROVAL OF MINUTES OF: May 4, 2004

Upon motion by Commissioner Munroe and seconded by Commissioner Forsdick and a poll of the Commission it was voted to approve the minutes as submitted.

Aye: Munroe, Forsdick, Roberts, Oickle, Knecht, Edwards, Cholewa

Abst: Oickle, Hammer

OTHER BUSINESS

Ms. Janet Lombruni 78 Broad Street stepped forward and read a letter she had written to Commission Chairman Earle Munroe. She said that she was writing about a lot which was recently subdivided and labeled as an approved building lot using the side yard as frontage on property at 226 Broad Street. The original historic home on the property retains the original frontage facing west on Broad Street, while the new lot takes part of the side yard facing south as frontage. Previous attempts to subdivide this lot have failed due to lack of frontage. She explained that there is a driveway which has served her property adjacent to 226 Broad Street for 75 years that runs alongside the entire side yard passing alongside of the approved frontage. Installation of a new driveway to this approved lot would, cut off her driveway and access to her property. She said that she and her husband had received approvals a few years ago for a building lot adjacent to 226 Broad Street with specific access for the driveway to remain in this location. The subdivision negates access to their property here as well. She added that the FEMA line runs through her front yard and the area of the proposed home on this approved lot. She was concerned that the appropriate Commissions were not notified and given the opportunity for input. It was her feeling that newly subdivided lot was actually a rear lot. In the case of this subdivision it was decided solely by Town staff and she thought that this should have been decided by the Planning and Zoning Commission. She said that she was aware that the Commission has had considerable discussion regarding rear lots and flag lots especially in this Old Wethersfield area. She respectfully requested that the Planning and Zoning Commission investigate and reconsider the decision to allow a flag lot or rear lot subdivision at 226 Broad Street.

Commissioner Oickle asked if they had approved this subdivision. Ms. Lombruni answered that the Planning and Zoning Commission had not even been notified.

Mr. Gillespie said that there were some inaccuracies, the property does in fact have frontage on Broad Street, and added that free cuts don't even have to come before staff. This one did and they had been provided a set of plans to make sure it met bureau requirements, and free cuts don't to come to the Planning and Zoning Commission. It would have to comply with zoning regulations. The applicant still has to get Historic District Commission approval, and was referred to the Wetlands Commission but it was determined that it was beyond their scope.

Commissioner Oickle said that he had heard that there was a driveway issue. Mr. Gillespie said that part of the property had been owned by Frank Morris and there had been a farm driveway on it. The red house on the green is the home on the front of the property, with frontage on Broad Street but also facing the Green. The Green is very wide there, its all right of way. There is a legitimate driveway issue that the applicants will have to work out with Town Engineers.

Commissioner Hammer asked if the second lot creates any nonconformity for the red house. Mr. Gillespie said that it met all requirements.

Commissioner Hammer asked if the new driveway would have to cross any area owned by the Town that is not actually the Town ROW. Mr. Gillespie said that he was not aware of anything but ROW over there.

Commissioner Hammer asked if anyone knew how wide the Right of Way actually was there, because he had seen some interesting situations where there are strips of land that are town owned but not part of the ROW. Mr. Gillespie said he couldn't say without looking at a map but that nothing unusual like that had been presented to him. He added that since the issues had been raised by the Lombruni's the matter had been referred to the Town Attorney.

Commissioner Cholewa asked at what point a lot does becomes a corner lot. Mr. Gillespie said that that they had looked at that property as a corner lot when it was first shown them, but it still has the frontage.

Ms. Lombruni said that you have to look at the deeds to the properties and historically at what was the intention of the time. Originally in colonial times the road actually went behind the houses but it was continually washed out and was moved from the back in the 1700's and her property and the others it went behind were granted access to the street. She said that it was very difficult to read the old hand righting, but the property the old house is on was bought by the Town as a piece of the Green. She didn't view it as a road she viewed it as parkland.

Commissioner Cholewa suggested that said that in addition to the Town Attorney that maybe this is also a title issue.

Mr. Gillespie said that he would look at deeds and what ever information that is available. But he wanted to say that once they receive a stamped certified survey done by a professional and an affidavit from an attorney they rely on that and don't question the information and that was the information that was provided to us. This will certainly take some time. He added that the terms flag lot and rear lot have been thrown around and they are not as you know allowed in town.

Commissioner Hammer wondered what that small piece on the other side of the tip of the Green on the other side of Broad Street was, what was its status. Was it truly ROW that anyone is entitled to use or cross or does it have some other status or use.

Ms. Lombruni read a letter from her neighbor Aaron Rutherford. The letter said that his mother Emily Rutherford moved to 192 Broad Street in 1952 and resided in her house until her death at age 93 in 2001. She lived there because of the historic nature and environment of Old Wethersfield and the green. Mr. Rutherford and his wife Carmen Cid now live there. He thought that if John Willard were alive today he would be appalled that the Town would consider the request to build a house on the back of the property at 226 Broad Street in the Towns Historic District. Not only does it appear to violate zoning regulations but it will permanently damage the historic appeal and nature of the Broad Street Green. Both he and his wife strongly oppose the approval of the building of a house there for the following reasons:

1. Any house built at this address would have no street access since there is already an existing house facing the street at this address, one that has historic value.
2. We were aware that an exemption to the Town zoning regulations would have to be granted to build a house in this type of back lot.
3. We believe that the building of a single family home at this location will have an inappropriate impact on the Wethersfield Green- one of the States most historic common areas and beautiful locations.

In conclusion the letter said that he would retain legal council if necessary to seek redress in court for any action by the Town that would violate existing zoning ordinances or be in opposition to the mandate of the Town Historic Commission.

Clerk Forsdick read a letter from Brian O'Connor Chief Building and Zoning official (dated on file - May 6, 2004) to Richard Johnston President of the Connecticut Humane Society concerning the dirt sifting operation across the street from the Humane Society at 1943 Berlin Turnpike/Russell Road. Mr. O'Connor said that he had been in contact with the new property owners of the nursery business and had informed him that the dirt sifting was not part of the usage approved for this site and business and if they wished to continue then they would need to come before the Planning and Zoning Commission.

Mr. Gillespie said that they had been order to stop operations and remove the material in question. There were a number of issues at the site but the mound of dirt had been most egregious to the Humane Society across the street.

Commissioner Forsdick asked what was happening with Jamie's Jungle. Mr. Gillespie said that Mr. O'Connor was down there on nearly a daily basis with numerous violations, with banners and blocking site lines and clutter. He reminded the Commissioners that they reserved the option to revoke the approval.

Commissioner Forsdick said that she felt badly because she has spoken in favor of the application when it had come in, but she was ready to revoke the approval right now. She had been down there before Mother's Day and did not see any didn't see any ambition on the part of the owner drum up enthusiasm or create business on what should be the busiest day of the year for a florist. The site looked terrible and there was what looked like an abandoned car there.

Commissioner Oickle said that was why they had to require a little more than the sketch Jamie had submitted that he couldn't even read. Commissioner Forsdick accepted the rebuke but wanted to do something immediately to avoid the situation getting any worse.

Commissioner Roberts said that these things wouldn't happen if they had some way to impose monetary penalties instead of just huffing and puffing to blow her house down if she doesn't comply.

Commissioners asked if there was anything in the regulations to prohibit pornography in Town. Mr. Gillespie said that these are prohibited by Town ordinances, and so the regulations are silent on this issue because the town ordinances deal with it more effectively.

Commissioner Cholewa asked if the storage containers in the back of Brooks's drugstore were permitted. Mr. Gillespie said that it was her understanding that it was part of the construction equipment.

The meeting was adjourned at 9:45 p.m.

Theresa Forsdick, Clerk