WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
AUGUST 17, 2004

The Wethersfield Planning and Zoning Commission held a public hearing on August 17, 2004, at 7:00 p.m. in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

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

Members absent:
- Robert P. Jurasin
- Scott Murphy
- John Hallisey
- Peter Leombruni

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

Chairman Hammer called the public hearing to order at 7:00 p.m.

APPLICATION NO. 1433-04-Z. Town of Wethersfield Comprehensive Revisions to the Town of Wethersfield Zoning Regulations (Continued from July 29, 2004).

Clerk Knecht read into the record a letter submitted from the Rainbow Center for Children and Families dated August 11, 2004. This letter requested an extension of the proposed Village Business Zone line to the end of the property at 80 Garden Street.

Mr. Gillespie noted that this request was reviewed and that he had prepared an 11x17 map with a revision to the proposed zone line. He suggested that the Commission could look at this map and letter and discuss it specifically at the appropriate time.

Chairman Hammer said that a memo dated August 13, 2004 prepared by Mr. Gillespie and Mr. Glenn Chalder, outside consultant from Planimetrics, had been submitted to the Commission members. Chairman Hammer noted that this memo included a comprehensive list of concerns from many people regarding the proposed zoning. He asked whether Mr. Gillespie or Mr. Chalder would like to present this memo.

Mr. Gillespie stated that the memo included comments from staff as well as from the consultant.

Commissioner Roberts said that he was confused with the procedure as one member of the public had asked to speak at a later time and the Commission still had to consider another application this evening. He was under the impression that the Commission was going to consider the public hearing and then the other application and then go back to the public hearing. Commissioner Oickle agreed that it was confusing.

Chairman Hammer said that he was under the impression that the Commission would discuss the staff and consultant comments while in a public hearing mode so that any interested member of the public could comment.

Commissioner Roberts suggested that the Commission take item #2 out of order and then go back to public hearing mode to discuss the zoning revisions.

Mr. Gillespie said that the applicant for agenda item #2 had addressed a lot of the staff concerns and that if the Commission wished to take this matter up it could be done in a quick and straightforward manner.

Chairman Hammer asked if anyone would like to make a motion to that effect.

Commissioner Munroe made a motion to take the second agenda item out of order.

Commissioner Oickle seconded the motion.

WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
AUGUST 17, 2004

The Wethersfield Planning and Zoning Commission held a public meeting immediately following the public hearing on August 17, 2004, at 7:00 p.m. in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

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

Members absent:
- Robert P. Jurasin
- Scott Murphy
- John Hallisey
- Peter Leombruni

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

Clerk Knecht read a description of the next item on the agenda:

APPLICATION NO. 1432-04-Z SEA Goff Plaza Wethersfield LLC seeking approval under Article XXXI for a change that is not significant - construction of a new front façade and rear loading dock, located on the west side of Silas Deane Highway in a Planned Development Business Zone at 1267-1309 Silas Deane Highway.

The Commission had voted to take this matter up and asked the Applicant to make a presentation.

Susan Hayes, Updike, Kelly and Spellacy, P.C. 1 State Street, Hartford, CT Ms. Hayes presented the application on behalf of SEA Goff Plaza. She said that the applicant would like to modify the façade of the building, as well as add a depressed loading dock and a compactor in the rear of the building. She is also requesting approval of the signage at this time. These modifications are requested in order to accommodate a new tenant, Office Depot. Ms. Hayes then turned the presentation over to Mr. Jeff Curley and Mr. Jeff Pullman, the engineer and architect for the project.

Jeff Curley, R.J. O'Connell Associates, 600 Unicorn Park Drive Woburn, MA. Mr. Curley stated that the changes

proposed include the addition of a depressed loading dock and compactor pad, as well as a revision of the parking lot striping. Mr. Curley described the site plan that had been submitted to the Commission. He said that the existing wetlands in the rear of the property would not be disturbed. He talked about the two utilities that run through the property, water and gas, and said that these would be refurbished to accommodate the tenant.

Mr. Curley referred to a memo that had been submitted dated August 12, 2004 along with revised plans (OS-1, C-1, SK-1, SK-2 and Color Elevations) that addressed the staff's concerns and comments. He specifically discussed the concern about shopping carts, he said that they were right at the required number of parking spaces and that the tenant did not require shopping cart corrals and is not proposing them.

He said that the tenant would be open from 8 a.m. to 9 p.m. with no more than two to three deliveries occurring at midday or in the morning. Mr. Curley then turned the presentation over to the architect, Mr. Pullman.

Jeff Pullman, Pullman Architects, 73 Belmar Street Demarest, NJ 07627 Mr. Pullman talked about the proposed façade changes. He said that the existing small gable peak would be enlarged and faced with white dryvit. This enlarged peak would be used for the signage for the tenant.

Commissioner Oickle asked if they were proposing to bump out the front of the building, or increasing the height of the building. He also asked if the windows would remain the same and if the proposal would create a portion of the building over the sidewalk. Finally Commissioner Oickle wanted to be sure that the pavement meet the curb at this location.

Mr. Pullman addressed Commissioner Oickle's concerns and said that the building would be in the same plane, that no footprint changes were proposed except for the loading dock and compactor in the rear of the building. The building would not bump out or be heightened and would not hang out over the sidewalk. He also indicated that the pavement does meet the curb and that all of the handicapped ramps are already in place. The landlord will take care of the shell elements of the building and then the tenant would come in later and fit -out the interior.

Ms. Hayes reiterated that the tenant, Office Depot, would receive all of the required building permits to fit out the interior of the space. With respect to the remainder of the vacant space, if there are any proposed changes to the site plan, the landlord would come back before the Commission at that time.

Commissioner Oickle asked if they were going to repair the cracks in the pavement at this time.

Kelly Burke, Samuels and Associates, Ms. Burke stated that her company is the landlord for the property. She indicated that she has noticed the cracking in the pavement and will have the property management department address that issue. It is not the tenant's responsibility.

Commissioner Oickle commented that in general the shopping center was in good shape, but that the cracks should be repaired. He then asked what the distance is between the pad and the dumpster and if the proposed 16 feet, one way path of travel would be a problem for emergency equipment.

Mr. Curley addressed this question and stated that the fire marshal had reviewed the proposal and was ok with the 16 feet, one-way path for the fire apparatus.

Commissioner Oickle then asked about the drainage for the property.

Mr. Curley apologized for not addressing that issue during his presentation and said that a trench drain would be tied to existing system.

Commissioner Oickle asked if they were sure that there was enough room in the rear for the fire department.

Mr. Curley was assured by the fire marshal that the allowed distance was enough for the fire apparatus.

Mr. Gillespie indicated that Gary Santoro submitted a memo to the Commission dated August 12, 2004. Mr. Santoro

had asked for the applicant to make some modifications in order to maximize the width of the lane, but that had been done and he had signed off on the matter.

Commissioner Roberts asked if Mr. Gillespie had any other outstanding concerns that had not been addressed by the applicant.

Mr. Gillespie indicated that the biggest issue regarding the distance from the property line vs. from the curb line had been resolved. He also was now comfortable with the proposed drainage plan. He informed the Commission that this shopping center had a uniform signage plan in the past consisting of an approved color scheme and wood lettering which had since expired. The applicant was now proposing channel type letters.

Ms. Hayes stated that her understanding was that with a uniform sign plan, the tenant wouldn't have to come back before the commission for sign approval. However, since the uniform sign plan expired in 2002, the applicant was before the Commission seeking approval of the proposed sign.

Commissioner Oickle stated that his opinion was that the previous signage plan was too limited, but that the Wethersfield Shopping Center has signage that is a little too diverse. He would like to see something in between for this center.

Commissioner Oickle then addressed the applicant, stating that they had come before the Commission to discuss the proposed parking requirements in the new zoning regulations. The applicant had stated in the past that the existing parking regulations are too stringent.

Ms. Hayes said that if the building were being expanded at all, then it would be difficult for them to meet the parking regulations. However since the building is only being re-tenanted and not increased, the parking regulations stay the same. She also suggested that if the parking regulations were more lenient then there would be more room for additional landscaping in the parking lot.

Commissioner Oickle suggested that the applicant might wish to increase and improve the parking lot landscaping as the whole center is tenanted.

Ms. Hayes said that when the whole shopping center is leased up, all of the nice things like repaving and landscaping could be done at that time. However, in this case, most of the space hasn't been leased for almost two years and the landlord is just looking for stability before pursuing a center-wide renovation.

Commissioner Roberts said that he did not realize that uniform sign plans expired.

Ms. Hayes reminded the Commission that there were two separate uniform sign plans for this property, each good for five years and the last one extended for one year and then expiring in 2002.

Commissioner Roberts expressed his frustration at the expiration of the uniform sign plan.

Mr. Gillespie indicated that he was not sure of the logic behind the expiration of the uniform sign plan, but that it did in fact expire in 2002.

Chairman Hammer asked if there were any other questions at this time. Seeing none, he asked if the Commission was ready to act on this matter and then resume the public hearing.

Commissioner Roberts made a motion to approve the application as presented.

Clerk Knecht seconded the motion.

Commissioner Oickle asked if there were any outstanding conditions to be discussed.

Mr. Gillespie stated that the only other item of concern was the sign proposal, specifically the size of the sign, which he could work out with the applicant.

Commissioner Munroe asked if the correspondence submitted by the applicant had to be read into the record.

Chairman Hammer said that he didn't think that they needed to be read as long as they are identified because it is not a public hearing.

Clerk Knecht read the following list of correspondence into the record:

- Memo from Fire Marshal Gary Santoro dated August 12, 2004
- Letter from R.J. O'Connell Associates to Peter Gillespie dated August 12, 2004 regarding Response to Comments for Goff Brook Improvements

Chairman Hammer then said that there was a motion and a second and asked if all were in favor. He first tried to figure out who was voting on the manner and asked for a roll call.

Clerk Knecht read the roll call and Chairman Hammer indicated that both Commissioner Edwards and Commissioner Adamian would be voting on this matter. The Commission voted unanimously (8-0) with no abstentions to approve the matter.

The Commission then resumed the public hearing that had begun earlier in the evening.

The Commission resumed the public hearing after voting on the second application.

Clerk Knecht then read the description of the public hearing into the record.

Chairman Hammer asked Mr. Gillespie and Mr. Chalder to address the highlights of the comments listed in the submitted memo to the Commission dated August 13, 2004.

- APPENDICES - Proposed Index

  Mr. Gillespie asked the commission if they would like to see an index in the regulations. Commissioner Roberts indicated that this was probably not necessary. Mr. Gillespie agreed that most other towns do not have an index.

  Chairman Hammer surveyed the members to see if that issue was ok with the Commission and there were no objections noted.

- 1. INTRODUCTION - Sect 1.3 - Add a listing of proposed districts

  Glenn Chalder, Planimetrics. Mr. Chalder spoke on this matter. He stated that surrounding towns are moving away from this method of listing the zones in the beginning of the regulations and rather, listing them in each section.

  Mr. Gillespie agreed that currently the regulations are set up that way and he would like to see it remain with the zones listed in each section.

  Commissioner Oickle addressed Mr. Gillespie and wanted to be sure that he was speaking for all staff including the Town Engineer and Zoning Official. Mr. Gillespie responded that he would indicate if these officials' opinions differed from his own.

  No objections were raised by the Commission members on that matter.

- Sect. 1.3 - Add language regarding the application of regulations when property is split into two zoning districts.

  Chairman Hammer asked if it was standard practice to have the more stringent zone apply.

  Mr. Chalder responded that some towns require the whole property to abide by the more stringent zone, others

state that the property is subject to the more stringent zone up to a certain boundary.

Chairman Hammer reminded the Commission that it has been their practice to apply the zoning district based upon the zoning line.

Commissioner Roberts indicated that this meant that each piece of property is in the zone that it is in.

Mr. Gillespie indicated that he had revised some of the boundaries in the zoning map and tried to clean up properties that had more than one zoning line.

Commissioner Oickle commended the effort to clean up the zoning map.

Commissioner Roberts stated that residential abutters in particular might be upset if the interpretation was changed at this point.

Commissioner Munroe pointed out that the new regulations indicate that the higher standards shall prevail. He suggested that this be used particularly in residential zones.

Mr. Gillespie indicated that this was at the beginning of the regulations so that it would apply to all zones.

- 2. INTERPRETATION - Sect 2.3 - Add a definition of building frontage.

  Mr. Gillespie indicated that the zoning officer wanted clarification on this definition in order to calculate wall signage. Mr. Gillespie had thought that the measurement was to be taken from wall to wall.

  Commissioner Oickle asked if that was what the staff wanted.

  Mr. Gillespie indicated that he could fine tune the existing definition and work with the zoning officer.

- Sect 2.3 - Modify the definition of commercial vehicle to delete the words "or equal to"

  Mr. Gillespie indicated that the zoning officer had requested this and that he was fine with the recommended change.

  The Commission members did not note an objection.

- Sect 2.3 - Delete the definition of "Covenant"

  Mr. Gillespie said that this was a carryover from the old regulations with regard to the affordable housing. The staff supports deleting this definition, as it no longer applies.

  Commissioner Roberts requested clarification on the definition with regard to the elderly.

  Mr. Gillespie read the definition and said that it does not apply to the affordable housing anymore.

  Chairman Hammer clarified that the definition was too limiting at this time.

- Sect. 2.3 - Modify definition of Family to allow one boarder

  Mr. Gillespie read the definition of Family, which does not allow for a boarder at this time. He said that the staff felt that this was too restrictive and would support the requested change to include one boarder.

  Commissioner Oickle stated that he thought that the definition had allowed up to three boarders, which he thought was too many and he would be willing to compromise with two boarders, but one boarder is even better.

  Commissioner Forsdick agreed that one boarder would be enough.

- Sect 2.3 - Modify definition of Shopping Center

  Mr. Gillespie read the existing definition and stated that the representative of Goff Brook Shops brought this request to his attention. They did not specify proposed language except to make it more flexible so that they could take advantage of more flexible parking regulations. Mr. Gillespie indicated that Goff Brook has approximately 72,000 s.f. He suggested maybe taking the area down to 60,000 s.f., but he was not sure if other shopping centers would then qualify.

  Commissioner Roberts said that he was not sure what the advantage or disadvantage was of being a shopping center but that maybe this required further review.

  Mr. Gillespie informed the Commission members of the existing parking calculations and said that maybe this issue could be dealt with here rather than modifying the definition.

  Mr. Chalder said that he would have to review his calculations but that there were multiple purpose trips in these shopping centers where customers would come to the shopping center and visit more than one of the shops. He thinks that he and Mr. Gillespie can come up with a proposal for shared trips that addresses this issue. He went on to provide an example of how this might work. He said that the standards could be reduced and still provide adequate parking.

- 3. RESIDENTIAL ZONES & USES - Sect 3.1 Delete references to R-20, R-14

  Mr. Gillespie stated that this was a housekeeping item and that the staff thought that deleting these outdated references was fine.

- Sect 3.1 - Require that new residential development be complementary to existing uses in a neighborhood rather than based on a minimum dimensional requirement

  Mr. Chalder stepped forward and said that he disagreed with this suggestion. A member of the public had brought it to his attention. He presented the example of a street with all twenty-foot front yard setbacks, and said that even if this is the case, if the dimensional requirement is actually fifteen feet, then that is what needs to be met, not the twenty feet. The standards should be set and then require people to comply with the standards.

  Mr. Gillespie discussed this issue briefly agreeing that no change is recommended.

  Commissioner Oickle brought up a question about a condominium district and whether this would apply here.

  Mr. Gillespie and Mr. Chalder assured him that this was a different issue.

- Sect 3.3.1.a - Purpose Section - Modify site selection criteria

  Mr. Gillespie addressed Commissioner Oickle and said that this issue had come about by a letter from John Miller and Attorney Harvey regarding the purpose and criteria to determine a zone change.

  Commissioner Roberts said that his impression was not one change but a change on all three criteria.

  Mr. Chalder wanted to add language to clarify that it should be one or more of the following objectives and that should rectify the issue.

  Mr. Gillespie spoke to the fact that everyone agreed.

- Sect 3.3.1.c - Modify section 1 and 4 to allow more flexibility regarding 15 foot setback.

  Mr. Gillespie stated that this was a comment submitted by F.A. Hesketh and Associates, Inc. 6 Creamery Brook East Granby 06026 regarding parking.

Mr. Chalder proposed to delete #1 because it is repeated in #4.a and then add language to say unless required by the commission in order to add flexibility.

Mr. Gillespie agreed.

- Sect 3.3.1.c - Modify section 5 in order to provide flexibility

  Mr. Gillespie described this issue as requiring two driveways for certain parking areas over fifty parking spaces.

  Mr. Chalder suggested changing "shall" to "may be required to" in order to give the Commission flexibility when reviewing these applications.

  The Commission members then discussed specific examples of where this had occurred.

  Commissioner Munroe suggested adding "where possible" to this section.

  Commissioner Roberts asked if there is a definition of "principal street".

  Mr. Gillespie explained that there is a list and a map of principal streets on the Plan of Conservation and Development and that the regulations refer back to this plan and map.

  Mr. Chalder suggested that the Commission revisit replacing "principal" with "collector" or "arterial" in order to make it refer back to the Plan of Conservation and Development.

  Commissioner Roberts stated that the goals are: access of emergency vehicles, no burden of on-street parking and reasonable traffic flow. He does not find it necessary to indicate the kind of street if these goals are met and the Commission has discretion over permitting one or two accesses.

  Commissioner Oickle brought up examples such as AHEPA where there could be problems.

  Mr. Gillespie recommended taking the word "principal" out of the definition.

- Sect 3.3.1.d - Dimensional Requirements

  Commissioner Oickle presented the issue of "buildable square" and wanted the Commission to take a look at that. He said that John Miller had mentioned that it might be a problem for rear lots. Mr. Miller had made a case for the few rear lots that are left in the town.

  Mr. Gillespie stated that he had planned to create a separate proposal to change the zoning regulations with respect to rear lots. He recommended this course of action because rear lots are an issue of such substance that it might generate controversy and he wanted to be sure that it was properly noticed so that the public could speak to the issue if they had concerns.

  Commissioner Oickle gave the example of a huge rear lot with wetlands that is limited by minimum buildable square. He again referred to Mr. John Miller's testimony that rear lots are desirable and Commissioner Oickle suggested that Mr. Miller has shown that through the years.

  Chairman Hammer suggested that there be flexibility for rear lots and maybe that they would only be allowed by special exception or special permit only so that the Commission would have discretion over these applications.

  Commissioner Oickle and Mr. Gillespie agreed that a public hearing should occur concerning this issue so that all of the neighbors are notified and they can speak on the issue.

  Mr. Gillespie stated that Mr. Miller's comments concerning Sect 3.3.1.d would be considered and that the Commission should discuss the minimum lot size and minimum buildable square because they are absolutes - if the requirements not met, then approval could not be granted under congregate residential development

regulations.

Commissioner Oickle asked if Mr. Gillespie could conceive of an issue where Congregate Residential Development would run into a problem with rear lots and buildable square. Commissioner Oickle suggested that buildable square would be more of a problem for single-family lots.

Mr. Gillespie responded that the reality is that the remaining land in town has site constraints although he hasn't analyzed all of the vacant land in town. He wasn't sure that buildable square was typical. He said that typically minimum lot size would be a common constraint.

Mr. Chalder contributed that the builder would need a square of 1.8 acres, which is somewhat of a rigid geometric requirement, although he did not think that it was unreasonable for congregate residential development. He agreed that Mr. Gillespie could take a look at the vacant lots in town before changing anything.

Mr. Gillespie agreed that it should be reviewed before changes are made.

Commissioner Oickle suggested dropping the size of the buildable square.

Commissioner Roberts reminded the commission that congregate development has a lot of building and a lot of parking so he felt more comfortable leaving the dimension, although he would not be opposed to leaving it to the Commission's discretion.

- Sect 3.4 - Identify Heading as OS

  Mr. Gillespie said that this was a housekeeping issue that could be addressed by the staff.

At this point during the public hearing, Mr. Howard Willard stood up and addressed the Chairman. He asked if the few members of the public that were present might speak at this time rather than wait through the discussion of the housekeeping matters that the Commission was reviewing.

Chairman Hammer agreed that this was a good idea and proceeded with opening the public hearing up to the members of the public. He asked Mr. Willard if he would like to speak first.

Howard Willard, 141 Main Street Old Wethersfield, CT Mr. Willard had received a copy of the memo that the Commission was discussing. He wanted to speak about *Sect 5.2 - Believes office uses will detract from Old Wethersfield and that retail uses or restaurant uses should be encouraged.* Mr. Willard reminded the Commission that he had responded to that comment before and referred to a letter sent to the Commission dated December 12, 2003 from fourteen of the non-retail businesses in Old Wethersfield. He also re-submitted this letter for the record. Mr. Willard proceeded with a discussion about two or three retailers in Old Wethersfield who have formed the Old Wethersfield Shopkeepers Association. He has no problem with the organization, however he is opposed to their message of no non-retail in Old Wethersfield. He thinks that there is healthy mix of retail and non-retail right now and would like it to stay that way. He mentioned that if his office tenant moved out, he would not want to have to put a retail tenant. He didn't think that the Commission intended this to happen, however he wanted to stress that he would not like to see a restriction on non-retail in Old Wethersfield.

Mr. Willard then brought *Sect 6.2 - expresses concerns about parking issues in Old Wethersfield and feels it needs to be addressed* He said that it is the same two or three retailers who complain that there is no place to park in Old Wethersfield. He further stated that he does not believe that the office tenants in the area have held this complaint. In fact, he mentioned two studies that the Town had conducted that said there was no parking problem in Old Wethersfield. He reiterated that he agreed with these studies and did not think that there was a parking problem.

Commissioner Oickle asked Mr. Willard if he agreed that when a business is expanded, additional parking should be provided. Mr. Willard said that because Main Street predates zoning, he has converted open space on his property to parking in order to accommodate off-street cars. He also stated that he does not have a problem with extending the Business zone on the other side of the street.

Commissioner Oickle asked specifically if Mr. Willard thought that the parking requirements in Old Wethersfield should be less restrictive than they are now.

Mr. Willard responded that he is comfortable with the existing parking requirements because the proposed businesses come before the Commission. He stressed that he also lives in the neighborhood and he likes the fact that the Commission reviews this issue on a case-by-case basis. He talked about when he moved in there were no businesses on Main Street, and he was the last one on the block to put business in. He doesn't think of it as their or his parking, but rather neighborhood parking, and he doesn't think that there is a problem. He said that there are available properties with open space that could be converted to parking, including Anderson Farms property. In fact, he had asked what Mr. Anderson had planned for the property in the future, and he assumes that the farm will still run. Then he explained a scenario in which Grange Hall could ask Mr. Anderson for an acre in order to provide parking with access from Main Street. Ultimately, he points out that parking is not a problem now, but may be a problem in the future.

Mr. Willard spoke next about *Sect 7.3 - wonders what time frame limitations (if any) exist on a "grandfathered use".* He questioned the time period of grandfathered properties. He is concerned about his own property. If he loses his tenant and cannot find a tenant within two years, will he have to reapply for all of the permits from the Commission, or will he be able to re-tenant.

Chairman Hammer answered that by statute it is non-use and intent to abandon a property that determines whether or not a property loses its grandfathered rights.

Commissioner Roberts concurred.

Mr. Willard's final issue before the Commission was *Sect 5.3.8 - with the approval of the Commission, outdoor merchandise sales or display for up to fourteen days in a calendar year, and Sect 5.3.9 - with the approval of the Commission, outdoor merchandise sales or display for more than fourteen days in a calendar year.* Mr. Willard mentioned that previously the regulations allowed for seven days in a calendar year. He assumed that the proposed change came about due to requests from retailers. Mr. Willard cited the example of one's neighbor a tag sale every day of the year, he thinks that seven days is reasonable considering that you don't have control over what is on display, but that fourteen days is excessive.

Commissioner Oickle confirmed that seven days seems reasonable. He asked Mr. Chalder if fourteen days is that what other towns allowed.

Mr. Chalder could remember having a conversation about the issue but wanted to review his notes on the matter to recall how he arrived at fourteen days.

Commissioner Munroe asked if there was a limit on tag sales in the regulations.

Mr. Gillespie indicated that residential tag sales were different and that this was referring to retailers displaying their goods.

Commissioner Oickle suggested that he would not be in favor of fourteen days, he could see three or four occurrences at the Wethersfield Shopping Center, but fourteen seemed like too many.

Mr. Willard cited Comstock, Ferre who have outdoor display as part of their business, and he is not objecting to that. Commissioner Oickle confirmed that that particular business would not be subject to this.

Mr. Willard is talking about a retailer that has goods that are normally indoors and occasionally displays them outdoors.

Commissioner Forsdick asked what retailers he is talking about. Mr. Willard hesitated to name the retailers, but eventually referred to the framing shop. He is concerned with outdoor display happening every day.

Commissioner Adamian said that fourteen days was brought up with the intent of a week sidewalk sale in the spring

and a week sidewalk sale in the fall. He did not think that this was too much.

Commissioner Forsdick agreed that fourteen days did not seem excessive.

Mr. Willard countered that the regulations also allowed for more than fourteen days.

Mr. Gillespie asked Mr. Willard what changes he was looking for in the existing regulations. Mr. Willard said that he is not looking for changes from the existing regulations, and specifically referred to the proposed change and comments regarding Sect 5.2. He wanted to make sure that the Commission was not considering banning the office uses in Old Wethersfield. Mr. Gillespie indicated that he understood Mr. Willard's concerns.

Chairman Hammer asked if there was anyone else who wished to speak on the matter.

Leo Dayer 133 Main Street Old Wethersfield, CT Mr. Dayer wished to reiterate what Mr. Willard said that he would like to see a favorable mix of office and retail remain on Main Street. He also agreed that there is not a parking problem in Old Wethersfield. Finally he requested that the Commission review the zoning lines and maybe revise those lines, which go through properties, dividing the main house from the outbuildings.

Chairman Hammer asked if anyone else would like to speak on the matter.

Larry Powers 126 Main Street Old Wethersfield, CT Mr. Powers disagreed with Mr. Willard's opinion that there is no parking problem in Old Wethersfield. He has seen all of the business parking move to the residential side of the street and does not feel that is a solution to the parking problem. He further indicated that it has become a safety issue for children. He does not have a problem with office locating in Old Wethersfield, and cited D'espo's property is a prime example of good development and Mr. Willard's property as an example of what should not be done. He does not think that Mr. Anderson would sell his property for parking lot use and hoped that he wouldn't, as many residential properties look out upon that lot. He stated that he thought that Mr. Anderson would sell his property for residential use only.

Finally, Mr. Powers asked if he was in a special residential zone. The Commission stated that he was located in a residential zone. Mr. Powers argued that it would be more beneficial for the business zone to be continued to Garden Street. He thinks that his property value would improve if it were in a business zone because he is located next to non-conforming business uses.

Commissioner Forsdick asked what the non-conforming uses were.

Mr. Powers responded that the Grange Hall and the synagogue were located next to him and that his property would be more beneficial to him if it the business zone were extended.

Commissioner Forsdick asked if there was a concern about extending the business zone, because she did not see a problem with that.

Mr. Gillespie said that there was not, and in fact he would support a change to extend the business zone to include those properties on Main Street. He had discussed it with the neighbors during a neighborhood meeting and wanted to speak to the commission about this issue and present them with a proposed map at a later time.

Chairman Hammer then asked if anyone else wished to speak.

Paula Larsen 271 Main Street Old Wethersfield, CT Ms. Larsen asked if the proposed regulations and new map would create zoning uniformity in her property which is currently split into residential and commercial.

Mr. Gillespie indicated that they had discussed moving the zoning line, but that he wasn't sure if her property was specifically targeted.

Ms. Larsen questioned whether or not this was the last meeting and if there would be more discussion on this matter.

Chairman Hammer indicated that there were a lot of outstanding issues and he did not think that the public hearing would be closed tonight.

Ms. Larsen suggested that extending the business district was a good thing. She stated that she would love to see more business open, especially on the weekends when no other business is open. She recommends that the Commission limit the amount of on street parking that employers take up. She would like to see each employer take care of this issue. She is concerned that no other retailers are open on Sundays and one of the reasons is the lack of parking. She thinks that by having employers provide off street parking just for their employees that would free up other spaces for customers.

Ms. Larsen addressed the issue of outdoor display of goods. She thinks that it is both charming and attractive to display retail goods and stated that when she put t-shirts for sale outside of her ice cream shop, she sold more in two months than in four years. She doesn't think that if it is hurting anyone or obstructing a view, that they should be allowed. She hoped that the Commission would not discourage that. She also asked if there would be other opportunities for the public to come and review any additional changes to the regulations.

Chairman Hammer indicated that there would be at least one more meeting.

Ms. Larsen then asked when the regulations would take effect.

Chairman Hammer confirmed with Mr. Gillespie that the next meeting was September 8, 2004 and that the regulations would take effect approximately one month after they are approved.

Ms. Larsen concluded with encouraging the Commission to allow for more business and retail in the Old Wethersfield area.

Chairman Hammer asked for any more speakers.

Larry Powers 126 Main Street Mr. Powers asked for clarification on business uses and what would happen if the residential properties were converted to business. Mr. Gillespie answered that if the property were converted to business use, it would have to meet all of the parking regulations and may still have to come before the Commission. Mr. Powers said that it was not carte blanche that a property could convert and Mr. Gillespie confirmed that it was not.

Chairman Hammer asked if anyone else wished to speak. Seeing no one, he resumed the discussion of the comments in the memo from Mr. Gillespie and Mr. Chalder.

- Sect 3.4 - Keep the 20% lot coverage as exists in today's SR Zone

  Mr. Gillespie said that 20% is less than what is allowed in the underlying zone. He disagreed with this comment and suggested that the lot coverage actually go to 30% in order to be consistent with the current regulations.

- Sect 3.4 - How did we arrive at the max density

  Mr. Gillespie suggested that the Commission disregard this comment.

- Sect 3.4 - Language should be added that he approval process should also involve a resubdivision/subdivision

  Mr. Gillespie suggested that language be added in 3.4.a - "and a special permit and potentially resubdivision/subdivision of that property."

  Commissioner Roberts asked if it was actually the other way around where you have to have a zone change and then a subdivision under the requirements of the new zone. Mr. Gillespie said that he wasn't sure how it had been done in the past with approving all at once or separating the applications for advertising purposes. Commissioner Roberts said that they had treated the zone change and resubdivision/subdivision all at one time in order to have a say over that process. Mr. Gillespie was fine with this procedure. Commissioner Oickle said that it was easier in presentation and decision if they were considered at the same time.

- Sect 3.5.a.2 - Special Residential Development District

  Mr. Gillespie indicated that this had already been discussed and that he would modify accordingly.

- Sect 3.5.c.2 - Proposes adding "inclusive of residential units where occupancy is restricted to persons aged fifty-five and over where there are no shared or common services"

  Mr. Gillespie said that Atty. Harvey proposed this language. He has no problem with the proposal.

- Sect 3.5.e.2 - In Special Residential Development, request PZC review 15-foot landscaped are requirements between buildings and pavement and parking areas
- Sect 3.5.e.8 - Duplication of requirement of 15-foot setback
- Sect 3.5.e.9 - Requests flexibility in requirement for two driveways to street for parking area of 50+ spaces

  Mr. Gillespie stated that each of these three sections had been discussed and that he would address these issues.

- Sect 3.5.e.11 - Requests that #11.a be deleted

  Mr. Gillespie had discussed this earlier also. Mr. Chalder chimed in that he had a concern that if the Commission gave density bonus then it would have to be deed restricted in order for it to remain that way and recommended not deleting this text.

- Sect 3.5.f.3 - Requests requirement of 125 square feet per elderly housing unit bedroom

  Mr. Chalder said that he was not sure what the history was to determine if this request is reasonable or not. Commissioner Oickle opined that the size of the unit was more important than the size of a bedroom, however if the apartment were small, than a larger bedroom would be more reasonable. He also asked why a bedroom size is mandated at all. Mr. Gillespie agreed that usually unit size is restricted, but not bedroom size. Commissioner Forsdick also asked why a bedroom size restriction would be necessary. Chairman Hammer replied that it may be to prevent boarding houses.

  Mr. Chalder stated that he thought that it was not an unreasonable requirement and would like to see it remain, particularly for high-rise buildings, which are more than four stories in height.

- Sect 3.5.g - Requests allowance for more than 25 units per acre for elderly housing

  Chairman Hammer addressed the next issue and Mr. Chalder suggested that 25 units per acre was already a high density. He would recommend not increasing the density.

- Sect 3.6.1 - Add a new heading 3.6 Accessory Uses

  Mr. Gillespie suggested adding a heading was a housekeeping matter.

- Sect 3.6.1 -A.1.3 and B.1.3 should be permitted as of right without ZEO approval

  Mr. Gillespie said that these items should not need ZEO approval. Chairman Hammer asked if ZEO approval was as of right anyway. Mr. Gillespie suggested that monitoring building permit activity took enough administrative time that this incidental activity should not be added.

- Sect 3.6.1 - Modify B.3 to delete "one boat on" and replace with "and".
- Sect 3.6.1 - c.1 and g.1 should be permitted as of right.

  Mr. Gillespie stated that these changes should be made

- Sect 3.6.3.h - Modify language as follows "to review the accessory apartment applications for"

Mr. Gillespie told the Commission that right now, the members could review these applications after the fact. Modifying the language may make more sense.

Commissioner Roberts said that the ZEO could refer applications to the Commission. However, it is currently that complaints are referred to the Commission. Mr. Gillespie read the current regulations on the matter and interpreted it that the ZEO can grant an application and a substantial time period can go by before the Commission can review and reverse the ZEO decision. Mr. Gillespie felt that it warranted discussion and that it was problematic.

Commissioner Roberts said that if you take away that right then the Commission has no recourse on complaints.

Commissioner Forsdick interpreted this section that the Commission would review the applications and see if the complaints were against things that the ZEO had agreed upon.

Commissioner Oickle questioned why they wouldn't have that right anyway.

Mr. Gillespie said that he is not opposed in concept and confirmed Commissioner Oickle's interpretation that the public could appeal the ZEO decision at the ZBA.

Mr. Gillespie said that the proposal is for the Commission to get involved further in this matter.

Commissioner Oickle and Commissioner Roberts discussed that accessory apartments are controversial and that up until now, the ZBA has handled these cases.

Mr. Chalder was concerned that a person could invest money into an apartment after getting an approval and then some time later, the Commission could revoke the permit. That didn't seem fair to him and warranted further discussion. He thought that maybe the Commission could review the list of applications and choose to take them off of the list and review further.

Commissioner Roberts agreed except that complaints occur after the approval is given.

Mr. Gillespie reminded the Commission that the ZEO could issue citations if the applicant is violating what was approved.

Chairman Hammer suggested that it was a black and white issue. Mr. Chalder again suggested that the Commission review a list of applications and work on a referral basis back and forth with the ZEO. Mr. Chalder and Mr. Gillespie suggested that the ZEO indicate that he will grant an approval within a certain time frame and if the Commission objects, then they should indicate that. Mr. Gillespie suggested that it warranted further discussion.

Mr. Chalder suggested that he and Mr. Gillespie go back and make a lot of the changes and figure out the key policy issues to discuss with the Commission, rather than taking up so much time on housekeeping issues. Mr. Chalder did not think that there were too many other issues to discuss.

Chairman Hammer concurred that was a good idea. Commissioner Roberts suggested a five-minute break. The hearing resumed after a five-minute break.

Mr. Gillespie announced that he and Mr. Chalder had discussed five areas of policy issues for the Commission to consider. These issues are as follows:

- Livestock regulations

  Mr. Gillespie reminded the Commission that Karen Zuder had recommended these changes. Mr. Chalder suggested that they compare these proposals to the existing regulations and present the Commission with some additional information at the next hearing. The members concurred with this suggestion.

Commissioner Edwards questioned 3.6.4.7.b - "removed at least once a week during the period..." Commissioner Edwards wasn't sure where the manure would be removed from and asked for clarification. Mr. Gillespie assumes that the removal would take place from the site and said that he would add language to that effect.

- Proposed restrictions in the Agricultural District

  Mr. Gillespie reminded the Commission that a well crafted memo from the Conservation Trust regarding splitting agricultural district into A and B with additional proposed changes in the regulations. Staff felt more comfortable leaving the regulations as they are with the Commission reviewing each application on a case-by-case basis rather than imposing further restrictions. Mr. Gillespie commended the Conservation Trust and stated that their suggestions were well though out.

  Chairman Hammer asked for discussion by the members.

  Commissioner Roberts agreed that the scrutiny by the Commissioners on a case-by-case basis made more sense for that area.

- Signage

  Mr. Gillespie recalled a memo analyzing the impacts of changes in this regulation. He tried to provide incentives for a consistent sign theme for multi sign buildings. However, he is not sure that they have not overly restricted those that do not come in with a uniform sign plan. He suggested that the 0.5 s.f. per linear feet of wall space allowed was too restrictive and would like to look at this further and discuss with Mr. Chalder. Although he supports incentives for a uniform sign plan, he doesn't think that it is fair to overly restrict the small retailer.

- 6.1.2 Design Review

  Mr. Gillespie explained that the way it is written, the Commission would appoint the members of the Design Review Committee. Typically, however, the town council or town manager would appoint members of a committee. The design review process is not statutorily authorized, so it may not matter how it is technically done, however, he would like to see it supported by the town. Mr. Chalder recalled meeting about this issue and trying to create a body of people to provide assistance to the commission, rather than party appointments.

  Chairman Hammer suggested that the Town Attorney review this matter and make a recommendation.

  Mr. Chalder suggested why couldn't they do this. Commissioner Oickle agreed that if it was an advisory body, then he would like the Commission to be able to decide who is part of the Committee. Mr. Chalder recommended that the question for the Attorney be why can't we do this rather than how do we do this. He said that this is new for Wethersfield and that it may be a process to go through.

  Chairman Hammer suggested that the Commission request an opinion from the attorney to avoid having a disgruntled applicant question the manner in which the commission was appointed.

  Commissioner Munroe explained that there is a provision in the town charter that the Commission can hire outside experts to assist with the review of an application. He wondered why the Commission could not appoint the members of the Design Review Committee if they are essentially serving the same function.

  Commissioner Forsdick agreed that asking why can't we do this would be a good way to go.

  Commissioner Roberts agreed with Commissioner Munroe that if we can pay people to assist the Commission than why couldn't they appoint a volunteer committee.

  Mr. Chalder indicated that there is text that the Manager can remove the committee members, which may have caused some confusion.

There was some discussion among the members about which applications the committee would review. Mr. Chalder attempted to clear this issue up by pointing out the appendix in the back of the regulations.

- Boundaries of the Village Business District

Mr. Gillespie handed out an 11" x 17" copy of a revised zoning map. He tried to establish a common sense line for the expansion of the Village Business District.

Commissioner Roberts said that the map was realistic. Commissioner Forsdick said that it was a good map.

Mr. Gillespie explained that the boundary did extend all the way to Garden Street, but did not include the properties that did not front onto Main Street. He also indicated that Mr. Power's property was included as part of the business district.

Chairman Hammer asked if a person wanted to put an addition on their residential property would they run into a problem if it were in a business district? He asked the members to consider the potential impact.

Mr. Gillespie indicated that single-family use was allowed in the business district, so a variance probably wouldn't be required in that case.

Chairman Hammer then asked if these changes could take place without notice to the property owners. He asked how it was handled to date. He asked if individual notice had been issued or just newspaper notice.

Mr. Gillespie said that he sent notice to the property owners last fall and held a neighborhood meeting where he specifically discussed this issue with the property owners. He said that the issue of adjusting the zoning lines to include properties within one zone is a housekeeping measure, which could occur, however the issue of including residences in the business zone might be another issue.

Chairman Hammer asked again if it was sufficient to say that the proposed map and regulations are on file was enough to satisfy the noticing the requirement. Mr. Gillespie said that he would research this issue.

Chairman Hammer stated that certain properties were not originally included in the proposal.

Commissioner Oickle asked if there was a need to expand the business district in Old Wethersfield and if this proposal made sense. Chairman Hammer suggested that in some ways it is internally inconsistent with property owners suggesting to make their property a business but yet there is not enough parking.

Commissioner Oickle then asked if the properties would become more desirable or would the congestion be increased. He also asked if increasing the business district in Old Wethersfield made sense with all of the vacancy along the Silas Deane Highway.

Mr. Gillespie suggested that these are two different animals and that the Old Wethersfield district also is under the jurisdiction of the Historic District Commission.

Chairman Hammer and Commissioner Roberts discussed the conversion of the Grange Building and decided that there was a variance needed in that case.

There was a discussion about whether or not a property would be improved or not if the business district was expanded. Commissioner Forsdick indicated that she thought that a property would be improved. Commissioner Oickle brought up the example of the D'espo property and suggested that that property might not be restored if business was not allowed. Mr. Gillespie agreed.

Commissioner Adamian recounted Mr. Willard's concern about grandfathering and tenanting a building if more than two years had gone by. He then provided an anecdote about his experience with properties that had lost their grandfathered rights.

Chairman Hammer suggested to Commissioner Adamian that the underlying zoning may not have allowed business uses in his case, however here they are looking at changing the underlying zoning to allow business with some additional review on a case-by-case basis.

Commissioner Roberts concurred that stopping a business use does not prevent business use from occurring again even though the property owner would have to come before the commission for specifics, like parking etc.

Commissioner Adamian asked if all of the business uses were permitted. The Commission decided that they would be under the proposal, however Chairman Hammer reminded the members that even a change from office to office may require review by the Commission.

Commissioner Oickle asked Mr. Chalder if he thought that Internet Retail had any impact on traditional retail use. Mr. Chalder has not seen any impact and cited a book that discussed a human tactile need to touch, see and feel the items that they buy even if the ultimately buy them on the internet. Mr. Chalder indicated that people are looking for a walkable environment and that is why they want to be in Old Wethersfield.

Commissioner Oickle asked if they expand retail, is this where they want it to be.

Mr. Chalder said that the Commission should consider allowing and encouraging commercial uses along the Silas Deane Highway and controlling commercial development along Main Street.

Chairman Hammer asked if Mr. Gillespie and Mr. Chalder had enough information to proceed for the next meeting. He also said that it could be the second meeting in September. He asked to make a motion to continue the hearing. Commissioner Roberts made a motion to continue the public hearing to the September 8, 2004 meeting. Commissioner Oickle seconded the motion. The Commission approved the motion unanimously.

Chairman Hammer then resumed the public meeting.

After a unanimous vote to continue the public hearing to the September 8, 2004 meeting, the Commission resumed the public meeting.

JUNE 15, 2004 MEETING MINUTES

Chairman Hammer then asked the Commission for a motion on the minutes for the June 15, 2004 meeting.

Commissioner Roberts made the motion to approve the minutes.

Clerk Knecht seconded the motion. The motion passed unanimously.

Commissioner Oickle commented that the minutes were good but brief.

Chairman Hammer announced that the Town Council would be meeting tomorrow night about bonding resolutions, which requires a recommendation from the Commission. He asked who would be available to attend a meeting next week. Chairman Hammer suggested meeting next Tuesday at 7:00. Commissioners Munroe, Roberts, Oickle, Knecht and Edwards committed to attending the meeting.

The Commission members asked for some information on the issue prior to the meeting.

Chairman Hammer asked if there was motion to adjourn.

Commissioner Oickle made a motion to adjourn.

Clerk Knecht seconded the motion. The motion passed unanimously.

The meeting was adjourned at 10 p.m.