

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
SEPTEMBER 8, 2004**

The Wethersfield Planning and Zoning Commission held a public hearing on Wednesday, September 8, 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
Robert P. Jurasin
Scott Murphy
John Hallisey

Members absent:

Peter Leombruni
Earle R. Munroe
David R. Edwards
John Adamian

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 August 17, 2004). Chairman Hammer asked Mr. Gillespie to brief the commission on the status of the revisions.

- Revised Zoning Map

Mr. Gillespie indicated that the principal item to be submitted was the revised zoning map to with a new color scheme and delineation, including a change to the Village Business District. He proceeded to explain the map in detail.

Commissioner Oickle asked if the staff had consulted with the Town Engineer about the flood overlay district and Mr. Gillespie indicated that he had.

Commissioner Roberts suggested that one map with both the overlay and zoning districts be located in one place, so that citizens can quickly decide what zone they are in and also if they are in the flood overly district.

Mr. Gillespie acknowledged that as a good idea and said that he would have the map made available in the office on the wall so that it was visible to the public.

Chairman Hammer asked if the other items of concern would be discussed at the next meeting. Mr. Gillespie answered that he would supply the commissioners with a staff recommendation regarding the remaining outstanding items and the discussion could continue at the next meeting.

- Microwaves in Motel and Hotel Rooms

Mr. Gillespie then asked the commissioners to consider another issue while in public hearing mode. The town council had debated at their meeting the previous night whether or not to allow microwave ovens in hotel and motel rooms. The current town ordinance prohibits microwaves and the zoning regulations specifically prohibit cooking in motels, with no specific reference to hotels. Mr. Gillespie asked the commissioners to discuss the matter, specifically whether or not the definition of motel should be changed in the zoning regulations to allow cooking. Mr. Gillespie further indicated that the bigger issue seems to be long-term occupancy of motels, which is an issue of transience rather than a physical appliance in a motel room.

Commissioner Oickle asked how the long term occupancy issue should be dealt with, especially considering the age of some of the motels and possibly the outdated electrical systems and the potential fire hazards that the microwaves could create.

Mr. Gillespie answered that he has begun discussing this issue with his staff and one solution is to require consent from the town for approval of the installation of microwaves. This would allow the town officials to either investigate the buildings and electrical work, etc. or require the owner to provide the proper paperwork to show adequate electrical systems. He reminded the commission that the town council is looking for their input on this matter. Mr. Gillespie read the definition of motel which states (in part) that "...accommodations [for] cooking are not allowed" The fire marshal has interpreted this to mean kitchenettes and the town council has further restricted this to mean no microwaves.

Commissioner Roberts stated that zoning regulations are not good tools to deal with social policy or building code enforcement and it might be better to deal with the issues through the building and health department instead of through a blanket definition in the zoning regulations.

Commissioner Oickle agreed and stated that many hotels and motels commonly have microwaves in them.

Commissioner Murphy also agreed and presented an example of high-end motels and hotels that typically provide microwaves and even small refrigerators. These hotels cater to a corporate clientele and in that setting with proper regulation and code compliance, many of these properties may even be upgraded.

Commissioner Jurasin further stated that if microwaves are continually not allowed, that some motel owners may even turn their head at long term occupants sneaking them into their rooms. His thought was that not allowing this appliance and therefore not allowing the motel owners to upgrade may actually foster a long-term occupant situation in these rooms. He doesn't think that a zoning definition will prevent a long term, live in situation.

Mr. Gillespie stated that some administrative processes could be put in place to determine how to allow microwaves and be safe at the same time.

- Revised Zoning Map (con't)

Mr. Jurasin stated his concern that the legend of the revised zoning map does not lend itself to easily being read. He said that the boxes are so small that it is difficult to determine the district for a specific property.

Mr. Gillespie answered that he would talk to the GIS staff and revise the legend boxes to make them larger.

Chairman Hammer recommended that cross-hatching and/or dotting a district in addition to the colors might help distinguish the different zones. Mr. Gillespie agreed and pointed out that although the map was difficult to see at a distance, there is some hatching that has been put on the map already.

- Public Comment Portion

Chairman Hammer then opened the hearing to public comment.

Dick Moore, Summit Properties Mr. Moore had three concerns about the revised zoning regulations. They are as follows:

1. The property that Mr. Moore represents is in the Town Center (TC) district. He is concerned that Sect. 5.2 of the revised regulations would not allow an office use in his property without requiring a Special Permit and Public Hearing. He does not understand why this is required as typically an office use is less intense than existing retail.
2. Mr. Moore was also concerned about the amount of signage allowed on the property. Specifically he indicated that Sect. 6.3.f of the revised regulations restrict the allowed signage unless a signage theme is adopted. He is concerned about existing tenants and their signs if a new tenant comes in. Currently his property is above the allowed amount of signage and he does not think that it is conducive to good business activity to require all of the tenants to then change their signs.
3. Finally, Mr. Moore addressed the Design Review requirement in the regulations. He stated that it is an unnecessary, burdensome step for an owner of a small, older property to be required to go before a design review board if they have already hired an architect to assist them with a small renovation. He urged the commission to take a close look at this situation.

Commissioner Oickle said that the design review board exists to help business owners with the process and work with them on an informal basis. Ultimately the purpose is to indicate to business owners what the Town is looking for and help streamline the process before the PZC. He asked Mr. Moore why he felt that older properties do not need to go through this process even though the goal is to improve the appearance of the buildings along the Silas Deane Highway in particular.

Mr. Moore relented that there may be some benefit to the aesthetic of the Highway, but that for a small property owner to retain an architect for multiple revisions and attendance at meetings, it may be burdensome. He thinks that if one hires a good architect and gets a good product, then the owner could go from there. He stated that where he resides in Virginia, he has not encountered this level of scrutiny at planning meetings.

Chairman Hammer asked Mr. Gillespie if in fact a tenant change occurs in this property, would all the tenants have to reduce their sign area.

Mr. Gillespie answered that the owner would not be required to reduce the overall signage in an existing condition, and would be able to use the signage calculation that is presently on the building. He is looking at revising the language to indicate this. He also needs to define the threshold that will require a project to go through the design review process.

Commissioner Oickle reminded the commission that there might be grants available to improve the condition of the facades along the Silas Deane Highway.

Mr. Gillespie said that properties that choose to utilize this money would be required to go through the design review process so that the Town will be able to regulate the money that is being given out.

Commissioner Jurasin indicated that he is in favor of increasing the area of allowed signage even without a sign theme. He also stated that the purpose of the design review board is to shorten the overall process by indicating to an architect what the Town desires for the area and prevent the "back of the napkin" drawing being submitted. Finally, Commissioner Jurasin asked why an office use would require a special permit in that location.

Mr. Gillespie answered that although in this specific instance he does not know what the purpose is, generally if an owner is intensifying a use, then the owner must go before the commission. He will look further at this specific issue.

Commissioner Roberts said that possibly a change from retail to office would appear as a change that is not significant and would be reviewed in that manner.

Mr. Gillespie said that a public hearing would require more cost and time due to advertisement and notifying abutters, so there would be a difference for that application.

Chairman Hammer said that the commission may want the ability to review change in use applications

particularly with respect to parking. He provided an example where an office tenant may have a huge traffic or parking need. He is in favor of making the process more user-friendly, however he suggested that any change be written so that the commission still has review.

Commissioner Roberts indicated his concern that even cases presented as a small office use can create huge traffic and parking problems. He said that it may be tough to decide where to draw the line on some applications.

Chairman Hammer asked if there were any additional speakers, seeing none, he asked for a motion.

Commissioner Roberts made a motion to keep the public hearing open and continue the hearing to September 21, 2004.

Commissioner Oickle seconded the motion. All present members indicated that they were in favor.

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
SEPTEMBER 8, 2004**

The Wethersfield Planning and Zoning Commission held a public meeting immediately following the public hearing on Wednesday, September 8, 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
Robert P. Jurasin
Scott Murphy
John Hallisey

Members absent:

Peter Leombruni
Earle R. Munroe
David R. Edwards
John Adamian

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

Chairman Hammer asked for a roll call.

Clerk Knecht read the roll call. Chairman Hammer indicated that five of the eight present members must vote in the affirmative in order to approve an application.

Clerk Knecht then read a description of the application into the record:

APPLICATION NO. 1435-04-Z 61 Arrow Road LLC seeing approval under Article XXXI for a change that is not significant - renovations to the existing building located on the north side of Arrow Road in an Industrial Park Zone at 61 Arrow Road.

Chairman Hammer asked the Applicant to make a presentation.

James Sheehy 87 Randy Lane, Wethersfield, CT Mr. Sheehy indicated that he was representing Compass Engineers who had drawn up the site plan for the proposed change. He explained that it is a 6.2-acre site located in the Industrial Park zone and indicated that there would be not additions to the footprint of the building. He stated that the Inland Wetlands Commission reviewed and approved the erosion/sedimentation measures and the proposed drainage in July 2004. He further explained that the project would be divided into Phase I (Industrial Use) and Phase II (Office Use). The existing site has gravel parking and the applicant is intending to pave that parking. The existing building has one story industrial section and a three-story office section. The owner would like to occupy the one story section of the building with the proposed parking and drainage installed. The final result would be 92 parking spaces based upon a completely occupied building.

Commissioner Oickle asked if the site meets the parking requirements, specifically in relation to the first and second phases. He also asked about the proposed paving depth and if the paving meets the town requirements.

Mr. Sheehy indicated that the site does meet the requirements and that 55 spaces would be provided in Phase I, with the existing gravel being regraded and paved. Then, Phase II would include more parking to total 92 spaces. Mr. Sheehy showed the commission the infiltration drainage proposed for the site as well as specifically where the parking spaces would be located.

Mr. Gillespie indicated that the town does not require private property owners to meet a specific depth, however the owner is required to meet with the town engineer regarding this issue. Commissioner Jurasin asked why this application was not considered to be a significant change. He said that it should be an application requiring site plan approval.

Mr. Gillespie discussed that when the applicant came in under preliminary plan review, the type of permit required was determined at that time by the commission. Mr. Gillespie asked the applicant to expand on that topic.

Peter Bugryn, AIA, 969 West Main Street Waterbury, CT Mr. Bugryn is the architect representing the applicant. He indicated that the proposed parking areas are currently covered in gravel and were historically used for parking. The applicant is simply asking to upgrade and pave this parking area.

Commissioner Jurasin said if that is the case, then why is the commission even considering the application.

Commissioner Oickle stated that the back area of proposed parking has never been paved and did not recall saying that this application was not significant.

Mr. Gillespie said that the commission was not limited in the scope of their review. In fact, the application states that under Article XXXI, minor additions, additional parking, etc can all be considered under this type of review. He encouraged the commission to look at all of these issues under this type of application.

Commissioner Jurasin then asked the applicant if he in fact had enough parking. Commissioner Roberts concurred. Commissioner Jurasin recalled that when this application came before them in a preliminary manner that they may allow a reduced parking count if the applicant could provide data that this specific use does not need to met all of the required parking.

Commissioner Roberts further expressed his concern that only 55 spaces would be provided through Phase I and what would prevent the applicant from continuing the build-out without providing the remaining parking spaces.

Commissioner Murphy reminded the commission that they had discussed the phases being ok if the C.O. (Certificate of Occupancy) wasn't issued until the required parking spaces were provided.

Commissioner Oickle again said that he agrees with Commissioner Jurasin that this application appears to need a site plan review with a full hearing rather than an insignificant change.

Commissioner Murphy asked the applicant if all of the proposed parking areas were previously used for parking in the past, and defended the staff's decision to introduce the application as an insignificant change. He would not like to see

the applicant start the process over if the conclusion is that the change is insignificant.

Chairman Hammer asked the architect to make a presentation on the application.

Mr. Bugryn showed an elevation of the building with a one-story section and a three-story section. The one story section would contain twelve rental bays to be used by light industrial small contractors. The proposed parking reflects that industrial use. Then Phase II would be the build-out of the office section of the building with its associated office parking. Mr. Bugryn said that there would be 16, 500 sf of office space total and 25, 000 sf of industrial space. He further explained that the entire façade would be refinished in a tan for the main building with a forest green trim.

Commissioner Jurasin asked if the proposed leasing of the building would be the same as the current use of the building. Mr. Bugryn concurred, and added that the building and fire officials also do not see this as a change of use.

Commissioner Jurasin asked if this would be an improvement to the building, he had thought that it would be. Also, whether the number of parking spaces would be enough or would there be spillover onto the street. Based upon Sect. 6.5 for office, he calculated that they are providing less than required by the zoning regulations.

Mr. Bugryn went through his parking calculations and explained that there would be 55 spaces in Phase I and 92 total spaces at the end of Phase II.

Chairman Hammer asked Mr. Gillespie to explain how the parking calculations for the industrial use would be determined. Mr. Gillespie indicated that this is an unusual circumstance where the tenants would have a limited number of employees, not a typical employee number per sf. He said that they would be able to dictate changes in parking as the site is occupied.

Chairman Hammer then asked if it is determined that they need more parking as the site is occupied, would they be able to accommodate that additional parking. Commissioner Jurasin concurred with this concern.

Commissioner Murphy recalled that the industrial tenants would be small contractors with only a few employees and that there would not be a strong parking demand during the day because these tenants would be on the road. He further recalled that the applicant was to provide the commission with specific data showing that they did not need the required parking, and then the commission could determine if the proposed 92 parking spaces were sufficient.

Commissioner Oickle engaged the applicant into a discussion about the proposed parking areas. He asked which areas were going to be paved areas and specifically asked the applicant to distinguish the parking areas for Phase I and Phase II. He also wanted clarification on whether or not the narrow street in the rear of the proposed building would be paved and if traffic would be one way.

Chairman Hammer then asked if there were any further questions on this matter. Seeing none, he asked if anyone would like to make a motion on this matter.

Vice Chairman Theresa Forsdick made a motion to accept the application provided that it is for Phase I only and that it will be revisited by staff and brought back to the commission before Phase II begins.

Commissioner Roberts seconded the motion clarifying that Phase I is the industrial use only not the office use.

Chairman Hammer also made clear that Phase II would be brought back to the commission with a formal application as opposed to simply staff review.

Commissioner Murphy added that a staff recommendation should be submitted to the commission with respect to the effect on parking regarding empirical data versus zoning requirements in this case.

Mr. Gillespie added that the applicant should have some responsibility in documenting that information, but that the staff would be making a recommendation to that effect.

Commissioner Murphy reminded Commissioner Oickle about his previous questions regarding the clean up of brush and overgrowth on the site. Commissioner Oickle told the applicant that he did notice that the brush had been cut, but asked if it would be cleaned up from the site. The applicant said that the brush would be cleaned up.

Chairman Hammer then stated that there had been a motion and a second and asked if there was any further discussion. Seeing none, he asked for a vote on the matter. The commission voted and the motion passed unanimously (8-0).

Clerk Knecht then read the next application into the record:

APPLICATION NO. 1436-04-Z Sprint Spectrum LP d/b/a Sprint PCS seeking approval under Article XXXI for a change that is not significant - revisions to telecommunications compound in order to accommodate equipment, located on the north side of Kelleher Court in an A-1 zone at 23 Kelleher Court.

Chairman Hammer acknowledged Mr. Gillespie who said that he had received a phone call from the applicant who had asked that the matter be tabled until the Commission's next meeting on September 21, 2004. He said that the commission might benefit from the testimony from the applicant who could not be present at this meeting.

Chairman Hammer asked for a motion.

Commissioner Oickle made a motion to table the matter until the meeting on September 21, 2004.

Commissioner Roberts seconded the motion.

All commissioners voted in favor of the motion.

Clerk Knecht then read the next application into the record.

APPLICATION NO. 1437-04-Z HESALLC seeking approval under Article XXXI for a change that is not significant - improvements to the façade, located on the east side of the Silas Deane Highway in an Industrial Zone at 974-990 Silas Deane Highway.

Chairman Hammer asked the applicant to make a presentation.

Kevin West Prescott Construction Management introduced himself as the representative for the applicant. He presented a color rendering of the proposed façade changes. He explained that the proposed new façade for the existing building would be made of synthetic stucco. He explained that the two buildings are currently about three-quarters occupied. The remaining 5,000 sf that is not occupied would be occupied by Mila Fabrics (formerly of the Wethersfield Shopping Center). There is no change in use proposed, no change in the location of the windows or doors.

Commissioner Jurasin indicated that this is the perfect opportunity for a signage theme.

Mr. West indicated that he would be proposing a unified sign theme under a separate application.

Commissioner Oickle asked about the condition of the pavement.

Mr. West replied that the pavement is pretty good back to the right of way for the Hartford Electric Company. There were some fuel tanks removed which has not been repaired yet, but an allowance has been given to the new owner to repair these and this will happen soon as well as ultimately repaving the whole area.

Commissioner Roberts pointed out that the numbering of the buildings on the plans does not seem to be correct because one number is odd and one is even.

Mr. West said that he is aware of the situation and was hoping to correct that problem for the new elevation.

Commissioner Oickle asked if the applicant was planning on using the same windows and doors that were put on the

building. Mr. West said that he would be using the same windows and doors, as they are brand new.

Commissioner Oickle also confirmed that the applicant would be using beige colored stucco and asked why the proposed design of the building was chosen.

The applicant indicated that the proposed design significantly increases the height and therefore the visibility of the building along Silas Deane Highway. There is also an overhang that currently exists on the building and this proposed façade would sit on top. However, the proposed changes would not increase the footprint of the building.

Commissioner Oickle also asked the applicant to confirm that the parking in front of the building would remain intact and he said that it would. He also asked if it met the parking requirements. Mr. Gillespie indicated that it is not a change of use and therefore does not trigger an analysis of the parking requirements to be done. He added that most of the parking is located in the back of the building. Commissioner Roberts added that it is a good thing to have parking in the rear of the building.

Finally Commissioner Oickle commended the applicant on the appearance of the proposed façade.

Chairman Hammer asked if there were any further questions. Seeing none, Commissioner Hammer asked for a motion.

Commissioner Roberts made a motion to accept the application as submitted.

Commissioner Murphy seconded the motion.

The Commission voted unanimously (8-0) to approve the application.

APPLICATION NO. 1433-04-Z. Town of Wethersfield Comprehensive Revisions to the Town of Wethersfield Zoning Regulations (Continued from August 17, 2004). Chairman Hammer asked Mr. Gillespie to brief the commission on the status of the revisions.

Chairman Hammer then stated that the next item on the agenda, discussion of the proposed zoning regulations was moot because of the previous discussion during the public hearing.

MEETING MINUTES

He then moved onto the next item on the agenda, approval of minutes from both the July 29, 2004 and the August 17, 2004 meetings. He asked for a motion.

Commissioner Oickle made a motion to approve [the July 29, 2004 meeting minutes](#).

Commissioner Roberts seconded the motion.

The motion passed unanimously with Chairman Hammer abstaining, as he was not present at that meeting.

(Aye: Forsdick, Knecht, Oickle, Roberts, Murphy, Jurasin, Hallisey)

(Abst: Hammer)

Clerk Knecht then made a motion to approve [the minutes from the August 17, 2004 meeting](#).

Commissioner Oickle seconded the motion.

The motion passed unanimously with the following members abstaining:

Robert Jurasin
Scott Murphy
John Hallisey.

(Aye: Hammer, Forsdick, Knecht, Oickle, Roberts)

(Abst: Murphy, Jurasin, Hallisey)

OTHER MATTERS

Chairman Hammer then called for a discussion on other matters.

- Classification of Applications

Mr. Gillespie asked the Commission to consider how the staff should handle the decision on the type of application. He doesn't agree with certain towns that bring the application itself before the commission to determine the type of application, as it is time-consuming.

Commissioner Oickle stated that he was concerned with sites as large as the site on Arrow Road not having more of a review even if it is just a reuse. He said that a full hearing is probably needed due to the size, circulation, parking, etc.

Chairman Hammer said that he had asked Mr. Gillespie if the last application on the agenda tonight would have been reviewed by the Design Review Committee under the proposed regulations. Mr. Gillespie said that it would be. Chairman Hammer then said that as positive as that application is and how much the Commission wants to improve the appearance of the buildings along the Silas Deane, he was concerned that the one chance that the Commission would have for input on the design, is not being scrutinized further, and he wants to make sure that the Commission gets all of the information that they need.

Commissioner Roberts then said that he agreed that although the Arrow Road application may not merit a public hearing, due to the size of the site he still would like to see a staff memo to the Commission on many different issues including comments from the Fire Department, Health Department, Engineer, etc. to advise the Commission.

Mr. Gillespie indicated that in the past his practice has been to review the application with the Chairman and the other officers on the Commission to determine how it should be classified.

Chairman Oickle announced his agreement with that proposal and added that if Mr. Gillespie can't reach the officers, then he should call other members of the Commission.

Chairman Hammer said that it made sense to streamline applications in that manner and in the rare case that there cannot be a decision made, then the application can come before the Commission for agreement.

Commissioner Murphy added that the informal discussion period when the applicant comes before the Commission before filing their full application, can be utilized to decide which type of application should be used. This should save the applicant time and the burden of coming before the Commission again.

Chairman Hammer indicated that the new zoning regulations should clear up this situation.

- Other Properties

Chairman Jurasin stated that the applicant for the Arrow Road application did not include data that the Commission had asked for previously at the informal discussion.

Mr. Gillespie defended the applicant by saying that the person representing the applicant tonight was asked to do so at the last minute and may not have been given all of the information prior to the presentation tonight.

Commissioner Oickle asked about status of the Hughes Brothers Oil application. Mr. Gillespie indicated that the environmental application took longer than expected. He also said that the site would not include the carwash as had been originally proposed.

- Procedure for the adoption of the zoning regulations

Commissioner Jurasin asked Mr. Gillespie to explain the procedure of the adoption of the proposed zoning regulations. He asked specifically what the time frame was for a vote on the zoning regulations. He also asked how revisions brought up at more recent meetings would be handled. He asked to vote on a complete document.

Mr. Gillespie said that he would provide the Commission with a document that has been revised and edited with the twelve major items being up for discussion either through supplemental memos or at the meeting.

Commissioner Jurasin also said that there were several good comments that were made at the meetings and were summarized in a memo by Glenn Chalder from Planimetrics. He wondered if those comments were voted on, as he had not been present at the last meeting. Mr. Gillespie indicated that these comments had not been voted on and that would be part of the revised document for the next meeting.

Commissioner Forsdick asked what the effective date of the zoning regulations would be. Mr. Gillespie indicated that if it was approved by the end of the month, then by the end of the next month, the regulations could become effective. Chairman Hammer advised that the hearing be closed at the next meeting and a vote taken up at the following meeting.

- Other Properties

Some of the commissioners engaged in a discussion about the Hartford Drive-In property where a proposed residential development may be located. The commissioners were particularly concerned with access from the Berlin Turnpike. Commissioner Oickle asked if Office Depot had received their building permits yet. Mr. Gillespie said that he knew that they were working on it, but hadn't been fully permitted yet. The Mr. Gillespie informed the commission that the entire Stop and Shop site (including the bank and restaurant) was bought by Ocean State Job Lot. No plans have been announced for that yet, but may be additional space available to another tenant, as the Job Lot typically does not occupy that much space. They probably won't have an application until next year.

ADJOURNMENT

Chairman Hammer asked if there was any other correspondence or other business. Seeing none, Chairman Hammer asked if there was motion to adjourn.

Commissioner Forsdick made a motion to adjourn.

Clerk Knecht seconded the motion. The motion passed unanimously (8-0).

The meeting was adjourned at 9 p.m.

Philip Knecht, Clerk