

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
OCTOBER 5, 2004**

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, October 5, 2004, at 7:00 p.m. in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph L. Hammer, Chairman
Philip Knecht, Clerk
George Oickle
Peter Leombruni
Earle R. Munroe
David R. Edwards
Richard Roberts

Members absent:

John Hallisey
John Adamian
Theresa Forsdick
Robert P. Jurasin
Scott Murphy

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 September 21, 2004). Chairman Hammer asked Mr. Gillespie to brief the Commission on the status of the revisions.

Summary of the proposed changes

Mr. Gillespie summarized the eight areas of the zoning regulations that were modified. They are as follows:

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Mr. Gillespie said that he included the subheadings from the rest of the text to the table in order to make it easier for the public to find things in the regulations.

- Section 3.2.1 - Congregate Residential Development - p.27
- Section 3.4 - Special Residential Development - p.31
- Section 4.2 - Floodplain Regulations- p. 48

The changes made basically eliminated the floodplain overlay district that was originally proposed.

- Section 6.2 - Parking Requirements - p.69
- Section 6.3 - Signage - p.75

Mr. Gillespie said that the most significant changes and revisions took place in this section.

- Section 6.1.2 - Design Review - p.91

This section was modified on advice of the town attorney who said that the Town Council is the legal authority to appoint committees by Town Charter. The original proposal had the Planning and Zoning Commission appointing the members of the Design Review Committee. Mr. Gillespie did submit language and information to the Town Council concerning this issue so that they could consider it.

- Section 9.1 - Towers and Antennas

Mr. Gillespie said that the changes made in this section were insignificant.

Explanation of proposed changes

Mr. Gillespie then began a discussion about the proposed changes.

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Mr. Gillespie said that the changes in this section are self-explanatory.

- Section 3.2.1 - Congregate Residential Development - p.27

The changes in this section were discussed at the last hearing. Mr. Gillespie modified the review criteria and added all of the specific permitted uses. He also modified Section d.1 which is the requirement that there be fifteen (15) feet of clear area between the building and the parking space. Section d.5 was also modified to be consistent with section d.1. Language was added to make the determination of two driveways more flexible. The buildable square requirement was deleted. Finally, the specific density allowed was added to this section.

- Section 3.4 - Special Residential Development - p.31

The criteria section was modified, and Mr. Gillespie described these. Subsection c includes the specific type of housing that is allowed under this section: Active Adult Housing, Elderly Housing and Multi-Family Development. A minimum floor area was added for active adult housing and elderly housing. Several comments were received from developers who said that the remaining properties that could be considered for this type of development have significant limitations. Therefore, Section h was added to allow the PZC some flexibility when considering these lots.

- Section 4.2 - Floodplain Regulations- p. 48

The requirements were not changed in this section, however the floodplain overlay zone and all of its references were deleted.

- Section 6.2 - Parking Requirements - p.68

A parking requirement for medical home occupations was deleted. The threshold criteria for retail and service establishments were modified. The Commission discussed the definition of shopping center and to match the new definition, the parking requirements were modified accordingly.

- Section 6.3 - Signage - p.75

An exemption from permits was made for national and historic flags as well as historic markers.

Commissioner Oickle asked if someone was to put many flags on display on a property, would there be any recourse. He brought up a recent example of a number of Irish flags on display in West Haven. Mr. Gillespie said that it is standard that most municipalities allow flags, and in that specific case, the flags were looked at as a sign and therefore became regulated. He said that he added the language for discussion by the Commission.

Mr. Gillespie continued that these regulations propose a different concept in calculating the area of allowed wall signs dependent on whether or not the applicant has a free standing sign. Mr. Gillespie added regulations

concerning menu boards for businesses with a drive thru facility. Also, the Connecticut civil liberties union suggested that the existing regulations regarding political signs were too onerous and suggested that Mr. Gillespie take a look at the Town of Cromwell's regulations. He revised the language accordingly for review by the Commission. Also added was language regarding temporary signs for sale or lease in a commercial zone. Special event and off-premises event signs had previously not been regulated, so language was added to regulate these. The regulations concerning incentives for unified signage programs were modified in response to public comment. The modifications include flexibility for the Commission provided that the unified sign plan meets the following criteria:

1. The signs are part of a unified signage program.
2. The modification will provide a more creative, aesthetically pleasing sign design.
3. There are unusual site factors which impact the legibility and effectiveness of the sign as viewed from the City street system.

This language allows the applicant to ask for consideration from the PZC in return for a unified signage program for the property.

- Section 6.1.2 - Design Review - p.91

The original proposal called for the Design Review Advisory Committee to be appointed by the PZC. However, the Town Attorney informed Mr. Gillespie that the Town Council is the authority in this matter, therefore the language concerning membership and selection was deleted. Mr. Gillespie did take this deleted language and submit it to the Town Council so that the same committee would be formed, just by the Council instead of the Commission.

- Section 9.1 - Towers and Antennas

Mr. Gillespie moved around some of the language in this section. Some of the towers and antennas did not require approval and now they require a permit from the Zoning Enforcement Officer.

- Zoning Map

Mr. Gillespie said that there were no significant changes made on the zoning map, however the legend was expanded to more clearly identify the zoning districts.

Mr. Gillespie then turned the podium over to Glenn Chalder, from Planimetrics. Mr. Chalder is the outside consultant who has been assisting the town with the revisions.

Glenn Chalder, Planimetrics Mr. Chalder commended Mr. Gillespie on the excellent work that he has done on the revisions. He had three minor comments as follows:

- Congregate Residential Development - There is no language referring to the s.f. size requirement per unit, which the Commission may want to consider.
- Parking Requirements - At the 50,000 s.f. requirement for shopping centers provides for a drop-off in the allowable spaces. He said that if an applicant was proposing 49,999 s.f. then 250 spaces would be required, however if they were providing 50,001 s.f. then 200 spaces would be required. Mr. Chalder said that it is not a serious issue, just something for the Commission to consider.
- Typographical - The criteria for a unified signage system talks about a "City" street system and this should be changed to town.

Commissioner Oickle said that the Commission has been criticized for the length of time that this has been taking. He asked Mr. Chalder whether or not this has been lengthy compared to other communities that he has worked in. Mr. Chalder replied that the decisions being made in this comprehensive set of revisions should not be rushed and therefore it is important for the Commission to take their time and carefully consider all of the issues before adopting them. He said that the changes in the Table of Contents alone make it easier for an applicant or member of the public to find

what they are looking for.

Chairman Hammer then opened up the floor to public comment.

Public Comment

John Miller, Close, Jensen and Miller Mr. Miller said that it has been tough for him to catch up on the changes in the regulations, however he appreciated Mr. Gillespie taking the time to go through the changes with him. He also said that removing the floodplain overlay district was a wise move.

He said that he has been an advocate of allowing rear lots in town for residential development under special permit. He asked if the buildable square requirement was eliminated. Mr. Gillespie said that it was eliminated for Congregate Residential Development and Special Residential Development, not single-family development. Mr. Miller said that if the Commission has thought this through and still won't allow rear lots, then that is fine. However, he would strongly advocate for developing rear lots. He even has a client in mind that is interested in these types of lots. Commissioner Oickle said that Mr. Miller has developed a few rear lots that have worked and asked him to explain why they are beneficial. Mr. Miller said that they are always some of the most desirable lots in other town's developments. He also said that the rear lots that were approved by the Commission in the past have been some of the nicest lots in town. They briefly discussed access to these lots. Mr. Miller further said that the buildable square limitation has prohibited these lots known as flag lots. Mr. Oickle further questioned whether a road would be opened to these lots and Mr. Miller answered that there are regulations for lots off of roads; this would be a private lot. Mr. Miller's objection is to the buildable square limitation and he would like to have people be able to apply for a special permit and have the Commission decide on a case-by-case basis rather than not even be able to apply.

Chairman Hammer asked Mr. Gillespie to address this issue. Mr. Gillespie said that the door is not closed on this issue and he believes that there is a place for this type of development with the right criteria and public hearings. Therefore, he plans to submit this item as well as a list of other items that have come up in the public hearing process as part of a separate hearing process after the zoning changes that are on the table are voted on.

Mr. Miller suggested that the Commission consider parcels of land in Town and decide what type of housing should be on those lots. Mr. Miller said that he wasn't sure that the parcels of land that he wanted to develop met the criteria of the new regulations. He just wanted to be sure that the Commission look at that. He also said again that he would hope that the hearing is not closed tonight so that he and others can look through the final draft of the changes to the regulations before all comment is closed.

Chairman Hammer added that the Commission has always encouraged the public to come to the sessions and there were recent sessions where only a few members of the public have shown up. Mr. Miller said that he understood that, however he finds it difficult to speak about just what the Commission is planning to adopt. He also said that there should be one last shot for the public to address the proposed changes and comment before the final regulations are adopted.

Commissioner Munroe said that the regulations were originally adopted in 1968 with about a dozen changes until the most recent change in 1985. He also said that the current regulations are an attempt to be dynamic at this point and not wait a long period of time to make further changes.

Mr. Miller appreciated this comment. He further addressed the height requirement of lights. He said that he wasn't sure that streetlights would meet the fourteen-foot height requirement. Chairman Hammer said that his understanding is that is what the height requirement has always been, nothing new was being proposed.

Mr. Miller said that the town officials have been discussing putting up light posts at an athletic field in Town. He is of the opinion that there is a problem if the Town's proposal is not allowed under the zoning regulations. He said that the Commission should consider pulling municipal land out of the zoning requirements.

Commissioner Oickle publicly disagreed with Mr. Miller on that issue. He said that the Town should have to meet all of the same standards that the public has to meet. Mr. Miller brought up the example of a school in a residential zone

not being the same as a house in a residential zone. Commissioner Oickle said that the Town should be able to meet the same standards, and if not would have to come before the Commission. Mr. Miller again said that his opinion is that there is something wrong if the governing body of the town is proposing something that is not allowed by another body of the town. He added that Farmington exempted town land from zoning regulations. Chairman Hammer replied that in his experience with Farmington, he did not recall that the town exempted its public facilities.

Mr. Miller again said that this issue was called to his attention and that he is concerned with the ability to put up streetlights. Chairman Hammer reminded the public that the Commission is not proposing a change to the regulations to limit the height of lights that in fact the regulation has always existed and no changes are proposed.

Margaret Rattigan Murphy, Laudati and Kiel 270 Farmington Ave., Farmington, CT Ms. Rattigan represents People for the Preservation of Wethersfield Neighborhoods. The group is concerned about the lighting ordinance and the comments made by Mr. Miller. The proposal for exempting town properties is totally unreasonable. The existing regulations concerning outdoor lighting and height are reasonable and any variances from the regulations should go before the Zoning Board of Appeals. Just because the Town has applied to the Zoning Board of Appeals for a variance in the height of the proposed lights on the football field, to suggest that the zoning regulations be changed now to allow this application is simply ridiculous and without merit. Also to ask that the public hearing be kept open to consider additional substantive changes is unacceptable at this point.

Dan O'Connor 34 Dorchester Road Mr. O'Connor commented that this is a public hearing and every resident in Town has the right to come to and speak at any public hearing whether it is the first hearing or the last hearing. He thanked the Commission for the effort in the long and extensive process to change the regulations. He also asked the Commission to consider amending the zoning regulations -- Section 6.7 regarding Outdoor Lighting and 7.1 regarding Height Exceptions. The Town has expressed interest in allowing outdoor lighting on Cottone Field. In addition, the public support for this effort has been tremendous as shown at a public meeting on September 10. He is asking the Commission to exempt municipal athletic fields from the zoning regulations. He stated that Farmington has in fact exempted athletic fields and quoted Farmington's regulations to support his point. He also believes that Newington has exempted the entire town from zoning regulations, although he was not positive. He would hate to see the Commission pass something when the Council is proposing something contradictory. Even though he is speaking at the final hearing, he is expressing his constitutional right to speak and he appreciates the time given to him by the Commission.

Robert Young 20 Coppermill Road Mr. Young does not believe that the Town should be given exemptions for anything. The Town should live up to the same standard as anyone else. He brought up examples to illustrate his point, the cell tower and the proposed lights on the athletic field. He reiterated that he hoped that the Commission would not give any exemption for the municipality.

George A Ruhe, 956 Cloverdale Circle Mr. Ruhe is representing the Wethersfield Taxpayers Association. The president has addressed the Commission on a variety of occasions and been supportive of the Commission's actions. He is particularly in favor of the concept of Design Review. He would strongly urge that the regulations not be modified to any significant degree with regard to the height of outdoor lighting. A change from 14' to 18' might be acceptable, but to remove the limitation altogether would be a problem. The Town Attorney at a Council meeting spoke about the Taxpayer's attempting to sneak in through the back door. He sees that as a blatant effort at undermining the rights of the citizens. He said that what is being attempted tonight by the proponents of rescinding the height requirement is not in the best interest of the Town. He suggested that by getting rid of the height requirement, the Commission would be remembered for contributing to the detriment of the Town by allowing the lights on Cottone Field.

Judi Emmick 88 Westway Ms. Emmick said that the High School is in a residential zone and therefore she is very happy with the existing regulation of 14'. Right now the field is being used seven days a week well into the night (7:30 p.m.) She fears that with the addition of lights, the amount of usage would dramatically increase. She asked the Commission to look at the quality of life issue. The residents have had four hearings to address this issue, and she has been trying to follow the issue. She feels that passage of the regulations is proper and appropriate.

Commissioner Oickle asked about the location of her property. Ms. Emmick responded that her property line is fifteen

feet from the opposing team's bleachers on Cottone Field. Mr. Oickle asked if she had any shielding or trees in her yard. Ms. Emmick said that she does have some trees and other properties have none. However, she does have full view of the scoreboard from her living room as well as outside, therefore there is not total cover with the trees, and when the leaves fall, the view of the field is clear.

Ron Rodd 88 Westway Mr. Rodd wanted to remind the Commission that the regulations concerning the height of lighting has been on the books since 1968 for a reason and he would hope that the Commission would continue the existing regulation. He talked about the specifics of the proposed outdoor lighting at Cottone Field. Some of the lighting is proposed as close as sixty feet from residential homes. He said that the lighting would compromise the quality of life of the residents. When the homes were built, the High School was not there and therefore this could not have been anticipated. Providing that the light poles do not impact the quality of life, he would hope that the residents could continue to be good neighbors to the High School.

Dan Miceli 62 Westway Mr. Miceli said that his house sits higher on the street and the lights are being proposed at heights between 40' and 60'. Once the leaves fall off of the trees, these lights would shine directly into his home. He also discussed the unbearable noise coming from the field, even when he is in his basement. He said that the noise is unrelenting and has made his and his neighbor's homes just houses and that streetlights belong in neighborhoods but floodlights do not. He further stated that the regulations are in place for a reason and to go and change those, to change a neighborhood is unfair. He asked the Commission to stick to their guns and maintain the current regulations in order to protect their neighborhood. He said that the neighbors are living in accordance with sports and it is unbearable. He is in favor of the changes along the Silas Deane Highway and gave the example of a gas station owner asking for a height variance because the height was allowed in a residential neighborhood.

Marian Osbourne 81 Westway Ms. Osbourne said that there were four games a year played on the field when she bought her house. She said on Saturday the drums started at 9 a.m. and played until 7 p.m. She said that if Wethersfield is going to operate this way, then it is not much of a town. The field should be in Mill Woods, not where it is in a residential neighborhood. She said that the neighbors are going through the wall with the noise on the field. She asked when the neighbors would be able to sleep if the lights are allowed and go until 9 or 10 p.m. She is afraid that fighting will occur at the lot at the end of the street if games are played until that hour. She asked the Commission to do what they could to limit the lighting height.

Chairman Hammer reminded the public that there is no proposal to change the existing regulation. If there were a change proposed to the height of lighting regulation, it would have to be a separate application and a separate process. It would also be discussed extensively and the Commission is not planning to take up any changes to that regulation.

Mildred Osbourne 88 Westway Ms. Osbourne is concerned about the noise already on the field. The mailman told her that he heard the drums all the way up on Ridge Road. The drums already play from 10 a.m. to 7 p.m. and now they want to do this seven days a week and the residents can't take it anymore.

Rocco Orsini 95 Broad Street Mr. Orsini said that he was listening to the speakers at home and thought that a lot of good comments were being made and wanted to speak. His association, the Wethersfield Taxpayer's Association, supports the concept of Design Review. He feels that design review already exists with the Historical Society. It is worthwhile and adds a lot of quality for the town of Wethersfield. The Silas Deane Highway seems to be picking up some steam and if there can be design review there, it will pick up a lot.

With regard to the lights on municipal fields, the Association asks the Commission to look at the bigger picture of what is best for Wethersfield. The Association is not in favor of turning Cottone Field into a sports complex. He looks at the cell tower on Ridge Road, which should never have happened to the residents of Ridge Road. He also said that when he goes to work at Pratt & Whitney he tries to talk about how great Wethersfield is, his coworkers say that Wethersfield is a toilet because of the Cove, which has to be cleaned up. Mr. Orsini also brought up other examples, like Nott Street and Winding Brook Turf Farm.

Commissioner Oickle asked Mr. Orsini to stay on point. Mr. Orsini stated that his point is that the lights on Cottone Field will be another black eye on the Town of Wethersfield. He supports a sports complex in another part of Town with turf, lighting and adequate parking. However, he does not support this use in a residential neighborhood. He

added that he lives on the Broad Street Green and if lights were proposed there, he would be before any board or commission to oppose those lights. He urged the Commission to look at the bigger issue to keep the quality of life in Wethersfield.

Chairman Hammer clarified his earlier statement. He appreciates that members of the public have strong feelings on either side of this issue. However, there are processes and procedures that the Commission must go through. The Commission made it clear which sections were on the table subject to revision. The lighting subject is not one that is being proposed to be changed right now. Although it is an important issue, the Commission would have to carefully consider whether or not it is an issue that needs to be changed. The lighting issue was not identified as an issue that is being considered tonight as it was not one of the original issues presented to the Commission.

Mr. Gillespie said that earlier in this process he agreed to take a list of issues that needed further analysis by staff. Both the rear lot issue and the lighting issue need this type of review, which includes looking at what other towns allow and the staff's analysis on the proposal before the Commission can consider it.

Chairman Hammer agreed to get into this issue at the fifth or sixth hearing is unfair to those that may have wanted to speak on the matter.

Commissioner Oickle is supportive of taking this issue at a later date. The regulations are important and need to be put in place; therefore taking these issues at a later date should be considered at another time.

Commissioner Leombruni agreed that these issues should be considered at a later date. He remembered that the Commission dealt with the rear lot issue during an earlier revision and it did not pass for a reason, and it is not a new issue. On the issue of lights it is too quick to handle it tonight and he thinks it should be considered later.

Commissioner Oickle agreed that the rear lot issue was debated a while back. At the time that there were problems with some of the rear lots, but the Commission wasn't terribly convinced at that time, and in general thought it was not a good idea. However, now it seems that maybe some of the issues have changed and it might be a good idea. Therefore, it should be an issue to be considered later.

Chairman Hammer called again for members of the public to speak. If the hearing closes tonight, there would not be another opportunity to speak on the regulations after tonight. The consensus from the Commission is that the lighting issue would not be one considered at this point. He asked the Commission members whether or not they wanted to close the hearing tonight and whether or not Staff had anything else to add. Mr. Gillespie said that he would not bring back any substantive changes in the next two weeks and he supports closing the hearing at this point. Chairman Hammer reminded the Commission that even if they close the hearing they do not have to vote tonight.

Commissioner Leombruni said that he agreed with one of Mr. Miller's points to summarize all of the changes that are proposed. Chairman Hammer said that there was a highlighted version of proposed changes that was given to each member and asked if there would be a benefit to taking two more weeks to look at these changes and discuss in public hearing then. Mr. Gillespie asked that if there are questions of substance that he would like to be called in order to be able to produce changes and respond to the comments. He reminded that the Commission that the hearing would have to be closed at some point and that the list of other changes can be addressed soon after the new regulations are adopted.

Commissioner Oickle said that he was in favor of closing the hearing tonight and voting on it at another meeting. Commissioner Leombruni agreed. Chairman Hammer asked for a show of hands of those in favor of closing the hearing tonight and not vote. He found that to be the consensus. He asked for the last call for the public to speak. Seeing none, he asked for a motion to close the hearing tonight.

Commissioner Oickle made a motion to close the hearing tonight and vote on it at the next meeting. Commissioner Roberts seconded the motion. All members present voted in favor. (7-0)

(Aye: Hammer, Knecht, Oickle, Roberts, Leombruni, Munroe, Edwards)

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
OCTOBER 5, 2004**

The Wethersfield Planning and Zoning Commission held a public meeting immediately following the public hearing on Tuesday, October 5, 2004, in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph L. Hammer, Chairman
Philip Knecht, Clerk
George Oickle
Peter Leombruni
Earle R. Munroe
David R. Edwards
Richard Roberts

Members absent:

John Hallisey
John Adamian
Theresa Forsdick
Robert P. Jurasin
Scott Murphy

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 at least five of the seven members present must vote in the affirmative in order to approve an application.

Commissioner Oickle asked if Mr. Chalder had to stick around for the end of the meeting. Chairman Hammer asked Mr. Gillespie if he needed him at the next meeting, and Mr. Gillespie said that he did not. The Commission told Mr. Chalder that they appreciated all of his help over the years and thanked him for his persistence. Mr. Chalder said that he was happy to help and would be delighted to be on call for further assistance.

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

APPLICATION NO. 1438-04-Z Town of Wethersfield Recreation and Parks Department seeking approval under Article XXXI for a change that is not significant - installation of a safety fence at Standish Park Baseball Field, located on the west side of Hartford Avenue at Standish Park.

Clerk Knecht read the following correspondence into the record:

- Letter to Bonnie Therrien from Richard Dobmeier dated March 14, 2004
- Letter to Bonnie Therrien from Jeff Grundt dated February 6, 2004
- Fax to Kathy Bagley from Jeff Grundt dated September 14, 2004
- Approval from the Historic District Commission for the proposed fence dated September 21, 2004

Chairman Hammer then asked Kathy Bagley to present the application.

Kathy Bagley, Director of the Parks and Recreation Department for the Town of Wethersfield Ms. Bagley said that the proposal is to install a safety fence between the parking lot at Stillman school and the baseball field at Standish Park.

Commissioner Oickle said that the proposal does make sense, however he wondered why the insurance company is insisting on the fence.

Ms. Bagley responded that the fence is to protect the ballplayers, not the parking lot. This is so that the players do not run into the parking lot and pedestrians do not walk onto the field.

Commissioner Oickle asked what was wrong with the stone dust track typically used in the ball fields. Ms. Bagley said that the warning track is usually before the fence. A warning track without a fence will allow the ball player to run right through it. The players watch the ball not the parking lot. The parking lot had to be moved closer to the field, therefore requiring the safety fence.

Commissioner Oickle made a motion to approve the proposal.

Clerk Knecht seconded the motion.

Commissioner Oickle asked what color the fence would be. Ms. Bagley responded that it would be black as per the suggestion of the Historic District Commission.

Chairman Hammer asked for a vote on the matter. All members voted in favor of the proposal (7-0). (Aye: Hammer, Knecht, Oickle, Roberts, Munroe, Leombruni, Edwards)

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

APPLICATION NO. 1425-04-Z Town of Wethersfield seeking to amend the approved application - modifications to the handicap ramp and rear porch at 156 Prospect Street.

The following correspondence was submitted:

- Memo to the PZC from Kathy Bagley dated April 11, 2004
- Letter from Joyce Dussalt to Kathy Bagley dated April 8, 2004
- Addendum #2 to the Contract Documents dated September 3, 2004
- Sketch # AD2-SK1-A1.1 - Revised Ramp Layout
- Sketch # AD2-SK2-A1.1 - Revised Porch Layout
- Sketch # AD2-SK3-A1.1 - Revised Ramp Elevation
- Sketch # AD2-SK5-A1.1 - Revised Porch Elevation

Chairman Hammer asked for the applicant to make a presentation.

Kathy Bagley, Director of the Parks and Recreation Department for the Town of Wethersfield Ms. Bagley directed the Commission to the drawings provided for their review and explained the proposed changes. The modifications would be made to the ramp. The original approval had the ramp going along the side of the building to the rear. The proposed change would make the ramp a U-shape with the entrance aligned with the main entrance. This was done for two reasons, to have all entrances at the same place and to save two trees. Due to this change, approval is required. The second change is the back porch originally proposed. The Department ran out of money for the porch, therefore a landing would be created instead.

Commissioner Oickle asked about the proposed lattice work. Ms. Bagley confirmed that it was new.

Commissioner Edwards asked if the ramp would be illuminated. Ms. Bagley said that it would be illuminated.

Chairman Hammer asked for any additional discussion and a motion.

Commissioner Oickle made a motion to approve the proposal.

Commissioner Roberts seconded the motion.

Chairman Hammer asked for a vote on the matter. All members voted in favor of the proposal (7-0). (Aye: Hammer, Knecht, Oickle, Roberts, Munroe, Leombruni, Edwards)

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

MANDATORY REFERRAL from the Town Council under §8-24 of the Connecticut General Statutes request for discussion and action regarding the Proposed Nextel Lease Agreement at 250 Silas Deane Highway.

Clerk Knecht read the following correspondence into the record:

- Letter to Joseph Hammer from Dolores Sassano dated September 23, 2004
- Memo to Mayor Russ Morin from Bonnie Therrien dated September 21, 2004
- Sketch # LE-1 - Proposed Site Plan
- Sketch # LE-2 - Monopole Elevation

Chairman Hammer then asked the applicant to make a presentation.

Mark Richard from Northstar Site Development on behalf of Nextel Communications Mr. Richard explained that Nextel proposes to locate twelve (12) antennas on the 105' centerline of the existing pole and a 12'x20' shelter on the south side of the pole.

Chairman Hammer asked if the height of the pole would be increased. Mr. Richard said that it would not.

Chairman Hammer asked if the parking area would be compromised. Mr. Richards replied that the grassy area would be used for location of the cabinets, not the parking area. The other modification would be the slight relocation of the existing fence in order to accommodate the cabinet.

Chairman Hammer indicated that the correspondence from Bonnie Therrien discusses the Police Chief's desire to have the revenue used for the Police Department's Nextel phones and that the monthly rental would just about cover the cost.

Mr. Gillespie said that there is a separate conversation and controversy as to where the funds should be going. He reminded the Commission that the money collected is usually sent to the general fund and not to specific departments, and that this is not under the jurisdiction of the Commission to be reviewing the financial aspects of the matter.

Commissioner Oickle commented that the money should go to the general fund. He is troubled that it is being considered and that the Council should consider that the money should be going to the general fund.

Chairman Hammer has asked for clarification on the issue before the Commission. He understood it to be an issue of whether or not it is an appropriate use of town property.

Mr. Gillespie said that it has been the procedure to require the applicant to come back before the Commission to approve the details of the site at a later date.

Commissioner Oickle asked if the antennas on the tower would be flush to the tower or sticking out. Mr. Richard said that there would be a platform with the antennas sticking out in directions 120 degrees apart. The town has a dish existing on the pole, which would be pushed to the top of the pole. Verizon is also proposing a similar installation at on the pole.

Commissioner Oickle recalled that the siting council recommended specifics about the design of the installation at the tower on Ridge Road and asked if the siting Council would be dictating this to Nextel at this location. Mr. Richard said that he was not privy to Verizon's design, however the siting council will weigh the environmental and the aesthetic aspects of any installation. The FCC regulates the interference aspect, normally the vertical separation required is ten feet.

Chairman Hammer asked if the interference problem was the reason why the Town's dish was going to be moved to the top of the 120' pole. Mr. Richard responded that his understanding was that the dish was originally supposed to be located at the 120' height and he did not know why it was currently at the 100' level.

Commissioner Oickle recalled that the Town had mentioned putting the dish at the highest level in order to minimize the number of towers in town.

Commissioner Leombruni asked if this was the first commercial installation at this site. Mr. Richard said that Verizon was also working on an installation and he did not know which company would locate first. Commissioner Leombruni said that he was concerned about who was making decisions about how many carriers could locate on a pole. Chairman Hammer responded that the decision is up to the Town Council, but that the siting council has the ability to override the decision. Also, he said that the Town encourages collocation on the poles in order to minimize the number of poles in town. Chairman Hammer also said that he was pleased to see the stream of revenue to the town.

Clerk Knecht asked if the Commission was concerned about the lease tonight or the equipment for the installation. Chairman Hammer responded that they are supposed to look at the lease tonight, and that he hopes that the town is striking the most advantageous prices during the lease negotiation.

Commissioner Roberts added that should the lease go forward, he would hope to be able to talk about the specifics of the installation including screening. Mr. Gillespie suggested that the Commission add a recommendation that the applicant bring the specifics of the installation back to the Commission.

Commissioner Oickle and Commissioner Roberts discussed that the police department may not want shrubbery as screening so that they have full view of their property.

Chairman Hammer asked if any fencing was proposed. Mr. Richards said that they were only proposing a minor relocation of the existing fencing, but no new fencing.

Commissioner Roberts said that the Commission was asked to review the lease however, they were not given any of the terms except the rate of \$1800 a month and that it is similar to the other leases. He is concerned about that. Chairman Hammer said that the Commission had seen one of the earlier leases and since the town attorney has said that it is consistent with the earlier leases, did the Commission really need a copy of the lease. In previous cases, the Commission had relied on the opinion of the town attorney.

Commissioner Munroe added that they had received copies of earlier leases. Also, the correspondence indicates that a copy of the lease is attached, however the Commission did not get a copy of this lease.

Commissioner Roberts said that he was not certain that a copy of the lease would change his opinion on the matter, however, he was concerned that the Commission was being asked to review a lease of which they had no information.

Mr. Gillespie added that he is mostly concerned with the specifics and wanted to add that the application should come back before the Commission for review.

Commissioner Leombruni said that he was not sure why the Commission was reviewing the lease. Chairman Hammer added that since there was no substantive discussion on the terms of the lease that they had received, he did not expect that there would be any discussion on this lease.

Chairman Hammer asked for a motion on this matter.

Commissioner Leombruni made a motion to recommend approval of the lease under §8-24 of the Connecticut General Statutes.

Commissioner Munroe seconded the motion.

Chairman Hammer asked if any recommendations would be added to the motion.

Commissioner Oickle asked if his comments would be included in the referral. Commissioner Leombruni asked to have those comments clarified. Commissioner Oickle responded that he wanted to be sure that the town stay with the normal process of having the revenue go to the general fund rather than to the police department.

Chairman Hammer asked for a vote on the matter.

Upon motion by Commissioner Leombruni, seconded by Commissioner Munroe 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 Nextel Lease Agreement at 250 Silas Deane Highway with the following recommendation:

1. The recommendation was that the revenues go to the general fund if that is the normal process.
2. There also was a statement during the discussion that there will be a specific application coming back to the Commission for site plan approval.

Six members voted in favor of the proposal and one did not vote in favor (6-1)

(Aye: Hammer, Knecht, Oickle, Munroe, Leombruni, Edwards Nay: Roberts)

Town of Wethersfield Strategic Plan Update

Mr. Gillespie introduced the next subject, the Strategic Plan Committee is putting together an update to the Strategic Plan. The Committee is staffed by the Town Manager's office and has provided excerpts of the plan to the Commission for review.

Mr. Gillespie has provided the Town Manager's office with some of the documents that the Planning and Zoning Commission uses on a regular basis for them to incorporate into the plan. He also said that there is a public hearing next Wednesday at 7 p.m. Mr. Gillespie advised the Town Manager's office that there was not any turnaround time for the Commission to submit comments by their deadline.

Mr. Gillespie said that the Strategic Plan is a very broad and covers a wide range of public services and is not specific to planning and zoning. Commissioner Oickle had problems with the Plan because it is an additional plan that the Town does and conflicts in some ways with the Plan of Conservation and Development, although he has been told that it doesn't. He also said that there are so many comments about Mr. Gillespie doing activities to carry out the recommendations of the plan and this can't be done without more staffing in the Planning Department. Finally, he said that this is a very early stage for the Commission to receive the plan and a lot of the off-the-wall recommendations have not been screened yet. Commissioner Oickle appreciates the plan update being offered, however he doesn't think that it is necessary for the Commission to review it at this time.

APPLICATION NO. 1433-04-Z. Town of Wethersfield Comprehensive Revisions to the Town of Wethersfield Zoning Regulations (Continued from September 21, 2004).

Chairman Hammer recommended that each Commissioner carefully review the proposed changes and be able to vote on the proposed regulations at the next meeting.

Commissioner Roberts mentioned his concern about the issue of national flags, specifically the size and number of flags that are allowed. He also questioned the off-premise event signs. He said that having no review and allowing five, twenty four-sf signs is quite aggressive. Mr. Gillespie responded that this was added as an attempt to guide and regulate these signs, which do not have restrictions at this time. He said that he could add something to the regulations that would require something from the zoning officer.

Commissioner Roberts also said that he wants to coordinate the Town Council's adoption of the Design Review Committee with the Planning and Zoning Commission's adoption of the zoning regulations. He is also concerned that the Council will adopt the regulations or appoint the Committee without the same intent as the Commission.

Mr. Gillespie said that he added language in his submission to the Town Council which said that appointments to the

Design Review Committee be made with the advice of the Planning and Zoning Commission. The Commission would still act in a review capacity and would be involved in the process. He also recommended that the Commission members be present at the hearing that appoints the Design Review Committee.

Commissioner Munroe reminded the Commission that they have the ability to hire a person with expertise for advice by charter, and why wouldn't the Commission have the ability to appoint a volunteer committee if they can hire experts.

Mr. Gillespie said that the town attorney recommended that the Council appoint the committee and he didn't argue with his decision. In addition, he understands that since it is a committee that is being created, and the Council traditionally appoints committees, they did not want to set a precedent.

Commissioner Roberts asked if the town attorney has reviewed the other changes to the zoning regulations. Mr. Gillespie said that he did not expect comments from the attorney about any other regulations. The town attorney had been asked specifically to address the issue of the Design Review Committee.

Commissioner Oickle expressed his concern that maybe the Commission should not adopt the regulations without the Design Review Committee in place.

Chairman Hammer suggested a footnote that says, "to take place upon the adoption by the Town Council." He further suggested that until the Design Review Committee is appointed, the Planning and Zoning Commission acts in that capacity.

Mr. Gillespie agreed that if there were no Design Review Committee then the Planning and Zoning Commission would have to act in that capacity.

Commissioner Edwards asked who determines what the Design Review Committee sees or reviews. Mr. Gillespie answered that the Planning and Zoning Commission determines what gets referred to the Committee. There are criteria as to what gets sent to the Committee, however there are some things like signs that are discretionary.

Commissioner Oickle assumes that the three comments from Glenn Chalder will get incorporated into the revised regulations. Mr. Gillespie said that they would be looked at.

Commissioner Oickle also asked about the proposed minimum front yard depth (on p. 42) and areas such as Wolcott Hill Road and Ridge Road are those where a greater depth is allowed. Mr. Gillespie said that was a new change in response to a request from the Commission to have him take a look at area where this might be the case, and the research that he had done with the Town Engineer resulted in this change.

Commissioner Oickle also asked about Building Overhangs and Projections on p. 44. He asked why an open porch is allowed to project into the front yard up to ten feet. He thought that this was a lot. Mr. Gillespie agreed that it was a lot of depth, and said that he would look into this matter.

Chairman Hammer reminded all of the Commission members to take a close look at the proposed changes. Mr. Gillespie added that the Commissioners should call him about these issues and changes so that he can be prepared for the final draft at the next meeting.

MEETING MINUTES

He then moved onto the next item on the agenda, approval of [minutes from the September 21, 2004 meeting](#). He asked for a motion.

Commissioner Oickle made a motion to approve the meeting minutes with one change on p. 3 where it says section 3.5.1 where it says "Storage of a boat, building, RV's as well as..." He suggested that building be struck from the minutes in order for that section to make sense.

Commissioner Roberts seconded the motion. The motion passed unanimously (5-0) with Commissioner Edwards and Commissioner Roberts abstaining, as they were not present at that meeting.

(Aye: Hammer, Knecht, Oickle, Leombruni, Munroe)

(Abst: Edwards, Roberts)

OTHER MATTERS

Chairman Hammer then called for a discussion on other matters.

- Silas Deane Highway Committee

Mr. Gillespie informed the Commission that the Silas Deane Highway Committee is planning a public meeting and he expects full representation of the Planning and Zoning Commission at that meeting. He will inform the Commission on the details when he gets them. Commissioner Roberts added that he thought that it might be useful for the Silas Deane Highway Committee to make a presentation to the Commission in order to ensure that their plans are consistent with the Commission's plans. He thinks that the committees and commissions in Town should meet more often. Mr. Gillespie said that the Silas Deane Committee had wanted to do that but first asked for a blessing from the Town Council, which happened last night. He added that Ms. Therrien is planning more meetings with all of the committees and commissions in order to ensure that everyone is on the same page. Commissioner Oickle agrees and said that was brought up at a recent workshop that was held at the Community Center, and he was happy to hear that the Town Manager took that suggestion into consideration. Commissioner Edwards said that as the representative to the Silas Deane Committee he sees things that the Commission allows to pass defy the purpose of their Committee.

- 2005 Meeting Dates

Commissioner Oickle made a motion to approve the proposed meeting dates in 2005. Commissioner Roberts seconded the motion. The motion passed unanimously (7-0)

(Aye: Hammer, Knecht, Oickle, Roberts, Munroe, Leombruni, Edwards)

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 Munroe made a motion to adjourn.

Clerk Knecht seconded the motion. The motion passed unanimously (7-0).

(Aye: Hammer, Knecht, Oickle, Roberts, Munroe, Leombruni, Edwards)

The meeting was adjourned at 9:40 p.m.

Philip Knecht, Clerk