

**WETHERSFIELD PLANNING AND ZONING COMMISSION
SPECIAL MEETING
NOVEMBER 30, 2004**

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, November 30, 2004, at 7:00 p.m. in the Town Hall Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Joseph Hammer, Chairman
Philip Knecht, Clerk
George Oickle
Earle R. Munroe
Robert P. Jurasin
David R. Edwards
Peter Leombruni

Members absent:

John Hallisey
John Adamian
Theresa Forsdick
Richard Roberts

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

Chairman Hammer called the first order of business to review an application. The chairman read the description.

APPLICATION NO. 1440-04-Z Double A Veterinary Hospital seeking approval under Article XXXI for a change that is not significant. - addition to the east side of the building, approximately 8' x 26' to expand the reception area, located on the north side of Nott Street in an Industrial Zone at 106 Nott Street.

Chairman Hammer addressed Mr. Gillespie to confirm that this is not a public hearing, it is a regular meeting item. Mr. Gillespie stated 'That is correct'.

Chairman Hammer asked the applicant to come forward and stated that there were two pieces of correspondence in the file. The chair asked Clerk Knecht to read the two pieces of correspondence, which he did as follows:

1. Memo to the Planning and Zoning Committee from Peter Gillespie, Town Planner (on file) in reference to application no. 1440-04-Z AA Veterinary Hospital 106 Nott Street which reviews the various phases of this application.
2. Memo to Peter Gillespie from Don Moisa, Wetlands Agent, copied to Mike Turner, dated November 16, 2004 (on file). Reference to Veterinary Hospital based on the elevation line as shown on the survey plan entitled Zoning Location Plan - showing proposed addition prepared for AA Veterinary Hospital 106 Nott Street Wethersfield, CT; scale 1"=20' December 8, 2000 by Peter Perizo surveying and engineering. Their proposed addition would not fall within any regulated area.

Chairman Hammer then asked the applicant to state his name and address and give an overview of the proposal.

The applicant stated his name and address: Dan Pagni, 91 Robeth Lane. Mr. Pagni stated that he is seeking to add the 8'x26'addition to the side of the veterinary hospital for more files and expanded reception area.

Chairman Hammer asked the applicant if the addition will be used for the housing or treatment of animals.

Applicant responded: "No sir".

Commissioner Oickle asked what the basis of the hardship was when the ZBA granted allowing the building to go right up to the property line. Mr. Gillespie stated that he was not at the meeting, so can not tell what the argument was. But the variance was in fact granted by the ZBA. Commissioner Oickle followed up by asking: They just said 'Yes'? There is no side yard here, the only side yard is the right of way of the electric utility, right? The Applicant responded: Right, the land we are butting next to is owned by Wethersfield - not sure how many feet. The rest of it is owned by the railroad. So, not much space of it is owned by Wethersfield. We cut the grass and take care of the grass where the fence is, but it is Wethersfield grass. Mr. Gillespie mentioned that the property, for the record, is circled by property owned by the town on both sides. Commissioner Oickle followed up by asking: So, it is not the electric right of way that adjoins it? Mr. Gillespie replies: No. It is town property and then it is the right of way for CL&P with the overhead. So, there is a significant distance between the property line and any other structures. The property on that side is actually vacant for a significant area. So, that might have been what factored into the ZBA decision. Chairman Hammer asked the applicant how close to the actual property line the new addition will be - a foot away? The Applicant replied: No inches. Chairman Hammer asked if Commissioner Oickle had any more questions. Commissioner Oickle said: "Yes, following up on this, what kind of property, and how wide is the property the town owns? Would they be apt to sell it some day as a building lot?" Mr. Gillespie said that it is all in the flood area, and he believes it was acquired many years ago when they had the plan for the Beaver Brook Linear Park that ran through that entire corridor. He added that the town acquired a couple of properties at that point in time. Commissioner Oickle asked if the property is on the Old Wethersfield side. Mr. Gillespie answered that it is on the Old Wethersfield side and to the Silas Deane Highway side. Commissioner Oickle asked if in other words, it goes beyond the parking lot and therefore is almost like an island on the north side of Nott Street? Mr. Gillespie answered affirmatively and mentioned that all sides are wetlands. Commissioner Oickle thanked Mr. Gillespie for that information.

Chairman Hammer asked if anyone else had any questions.

Commissioner Oickle addressed the chairman and said his only statement on this situation was that even though this particular situation may be an exception, he feels that ZBA should apply the hardship standards of the state statutes and case law on these kinds of matters and not allow building structures to go right up to the property line, because there may be a reason someday that there would be a use of the adjoining property. However, in this case maybe not, because it is wetland. In other instances it is not a good policy to allow that. Commissioner Oickle continued by stating that he had been irritated one night when he sat with the town planner and other land use officials in town at a ZBA meeting. He said he was not impressed with the chairman of the ZBA and how the commission seemed to grant variances on the basis of whether there were any complaints by neighbors, or not. He explained that if there are no complaints, he would grant them, and if there are complaints from neighbors, I hear they don't grant them. Commissioner Oickle believes this is not the basis that the ZBA should be functioning. He hopes Matt Cholewa will work with ZBA.

Chairman Hammer asked if anyone else had any questions.

Commissioner Edwards mentioned that he thought the 106 Nott Street property was originally a dog-grooming facility for 25-30 years or more. He mentioned that he thought it was originally built for a trucking company, and that that is why it was built so close to the railroad track.

Commissioner Hammer asked the Applicant if he is going to match the existing exterior. He also asked the Applicant if he is adding any employees as a result of the addition. Mr. Pagni responded he hoped not.

Chairman Hammer asked if anybody else had any questions. Then he stated that before a motion is taken on this, a roll call should be taken since it was not done in the beginning of the meeting. He mentioned that he believed there would be a total of seven voting.

Phil Knecht took the roll call: Those present included: Dave Edwards, Joe Hammer, George Oickle, Robert P. Jurasin, Earl Munroe, Peter Leombruni, Philip Knecht.

Chairman Hammer commented that all seven of commissioners present will be voting. Then he asked if anyone would

like to make a motion on this application.

Commissioner Knecht made the motion to approve the application and Commissioner Munroe seconded the motion. The Chairman asked for any discussion. There was none. All members voted in favor of the application (7-0).

(Aye: Knecht, Munroe, Edwards, Chairman Hammer, Jurasin, Oickle, Leombruni)

Chairman Hammer announced that the Application 1440-04-Z was approved and thanked those present.

Appointments to Design Review Advisory Committee Chairman Hammer asks Mr. Gillespie to explain what he wants the commission to do on this subject tonight.

Mr. Gillespie stated that as part of the approval of the town ordinance creating the new Design Review Advisory Committee there was language in the ordinance that the appointments would be made after consultation with the Planning and Zoning Commission. The intent was this Design Review entity will be working very closely with Planning and Zoning so they wanted to make sure they were qualified individuals with a background in design review, architecture and other related fields. So they felt it was appropriate for the Planning and Zoning Commission to review the qualifications of the individuals and pass on whatever appropriate recommendations they had. We are trying to place this on next Monday's Council agenda and that is why we tried to schedule this special meeting, so they could at least make the appointments and we could try and get the Design Review Committee up and running as soon as possible. Because we are getting applications in now, and we need to get going so we can start the process. Mr. Gillespie mentioned he made copies for all the commissioners of the eight resumes of individuals who have expressed interest in being appointed to the Design Review Advisory Committee. There will be five regular members and one alternate that have to be appointed to the DRAC. However, there is a wrinkle in this, as in all boards and commissions; we can not have more than 3 of any party appointed.

The candidates are affiliated as follows:

Joseph Hickey	Democrat
Bruce Bockstael	unaffiliated
Jay Hallinan	unaffiliated
Mike Bisi	unaffiliated
Andrea Lobo Boyle	Republican
Stephen Hine	Republican
Tom Harley	Democrat
Antonio Margiotta	Republican

Following the explanation by Mr. Gillespie, there was a lengthy discussion by the commission about the applicants' qualifications. The following are highlights from the discussion;

- Commissioner Knecht asked how the names for applicants were solicited. Mr. Gillespie stated that he put an article in the Hartford Courant and the Wethersfield Life, sent out a flyer to the Chamber of Commerce which went to all members, it went on the website, and the town put it in the article when it was talking about the new changes to the zoning regulations. Mr. Gillespie added that some of the applicants had expressed interest in this committee almost a year ago, and has kept their names on record.
- A question arose about the applicant Bruce Bockstael and whether he is currently serving on the ZBA commission and if it would be a conflict of interest for him to serve on the Design Review Advisory Committee concurrently. Mr. Gillespie said he would get the answer and his inquiry revealed that this would not be a conflict of interest.
- The commission members discussed how it would have been preferable to meet the applicants in person. It was mentioned that sometimes the use of a resume alone can be limited in making hiring decisions. Mr. Gillespie mentioned that the regulations requiring a Design Review Advisory Committee are already in place, but he wants to ensure that the P&Z Commission is comfortable with their recommendations. Therefore he said he thinks it would certainly be legitimate to hold off on making recommendations until the commission had an

opportunity to talk to the applicants about their approach to things and elaborate on their experience. Finally, it was decided that since no more than three have to be of any party, there was no problem there, and one applicant has expertise limited to waste water treatment; then the selection would be limited to picking 6 out of seven and so the process should not be that difficult.

- Commission members agreed it would be ideal to have a landscape architect on the Design Review Advisory Committee, but none applied at this time.
- Chairman Hammer asked Mr. Gillespie if there is a requirement for a certain number of engineers versus architects. Mr. Gillespie stated that the ordinance defined it as: engineering, architecture, planning and design related fields. When the chairman asked if any combination would satisfy the requirements, Mr. Gillespie answered: Correct.
- Commissioner Leombruni suggested that a criteria be established for the decision making process. After much discussion it was agreed that experience is critical. If the commission wants to try someone out with less experience, they could be started out as an alternate, and if successful, they could be moved up to a full commission member.
- After further discussion the names chosen were Mr. Hickey, Mr. Bockstael, Mr. Hallinan, Mr. Harley, Mr. Hine and the alternate to be Ms. Boyle. Commissioner Leombruni made the motion and Commissioner Oickle seconded it. All commissioners voted in favor of this selection.
- Chairman Hammer asked Mr. Gillespie about the logistics and timing of when the Planning and Zoning Committee and the Design Review Advisory Committee will be receiving copies of design proposals to review. Mr. Gillespie said he thinks it will be a parallel track. He mentioned that the regulation encourages them to come in at the pre-application stage - similar to what you are doing. He thinks as soon as something comes in it will be shipped to design review. Of course it will be dependant upon meeting schedules, and the like. Mr. Gillespie said he will continue to go through the process of having them come in to P&Z at the pre-application level, so P&Z can see what design review is doing as it evolves. Commissioner Oickle asked if the applicant will be required to be at the Design Review Committee meetings. Mr. Gillespie said they have to be there to have the give and take and back and forth that we need to get answers to questions, and convince them to change the plans and that kind of thing, if that is necessary.
- Final result of party affiliation for DRAC Applicant recommendations: two Republicans, two Democrats, and two unaffiliated.
- Commissioner Munroe noted that the DRAC does not have a site engineer.
- Commissioner Oickle reiterated that the DRAC did not have a landscape architect or someone with a strong background in horticulture, and he would feel better if somebody had that background to ensure a good site design.

MEETING MINUTES

Chairman Hammer then moved onto the next item on the agenda, approval of minutes from the August 24, 2004 and October 19, 2004 meetings. The chair noted that of the five members that were at the August 24th meeting, only three of them were at this meeting. Therefore he passed on asking for approval for the August 24, 2004 minutes.

Next, the chair noted that there were five present from the October 19, 2004 meeting which would be enough to approve the minutes. Commissioner Oickle said that he had a correction to the minutes on page three. He wanted to make clear his comment about the northern access. He explained that he should have said "northern side access". Commissioner Hammer asked if there were any more comments and then if there was a motion to approve the minutes. Commissioner Jurasin so moved, and Commissioner Oickle seconded the motion. All commissioners voted in favor of the approval for [the October 19, 2004 meeting minutes](#).

OTHER MATTERS

Public comments on general matters of planning and zoning

Chairman Hammer asked for any members of the public present to come forward with any comments. Seeing none, he closed this portion of the public meeting.

Correspondence

Chairman Hammer asked for any correspondence.

Bob's Fruitstand - Berlin Turnpike

Mr. Gillespie requested feedback on this issue in regards to the building that was the former fruit stand on the Berlin Turnpike. He said we approved the new building and the architect was specific, in that the new building would be a sort of natural cream, grayish cream color with white trim. The applicant's intent was to have the building have a farm red barn color with white trim and since the architect specified the color on the record, I wanted to discuss this among the commission members. Whether you need to approve the change of color, or whether there is any direction you would like me to give me is what I am looking for. The chair asked what type of application we approved, and if it was the highest level of review. Mr. Gillespie stated that it was a full site design but he did not think it was a public hearing because the neighbors were not notified.

The commission had a lengthy discussion about this issue and highlights follow:

- It was agreed that this commission should address the design topic, buildings in certain areas should be compatible with each other, and the Town should not buckle under pressure from national companies if want more subdued forms, etc.
- It was suggested that the color/materials/shape issues might be more important on a commercial building than a residential building.
- Commissioner Jurasin questioned whether color etc. could be changed once a building is built. Mr. Gillespie responded that stated specific conditions on building permits technically do not expire. Therefore if this commission wants specific recommendations from the Design Review Advisory Committee, motions need to be very specific in terms of those conditions; so that if you are approving it with those modifications and they want to change them, they have to come back for your approval.
- Mr. Gillespie commented that lawyers work with permits to look up required original conditions that are attached to the permit and are filed on the land records. Then he reviewed the process of establishing specific requirements:
 - o Get it in the condition
 - o Get in the motion
 - o Get it in the minutes
 - o Get it in the file
 - o Needs to be agreed to by the applicant
- Mr. Gillespie mentioned that the new regulations have a lot more flexibility, so that now P&Z will have to make a lot of calls and if you say 'No' they will have to go back to the ZBA. Whereas before, they would go the ZBA first without input from P&Z. We will have to see how this all plays out.
- Mr. Gillespie also noted that now that we have the Design Review Advisory Committee we will have a double layer of ability to influence since more people will be saying the same thing.
- No action was taken on this specific application and Mr. Gillespie was given the go ahead to allow the applicant to use the color he would like.

ADJOURNMENT

The chair asked if there was any other correspondence or other business. Seeing none, Chairman Hammer asked if there was a motion to adjourn. Commissioner made a motion to adjourn, seconded by Commissioner . The motion passed unanimously.

The meeting was adjourned at _____

Philip Knecht, Clerk