

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
DECEMBER 7, 2004**

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

Members present:

Theresa Forsdick, Acting Chairman
Philip Knecht, Clerk
George Oickle
John Hallisey
Earle R. Munroe
Robert P. Jurasin
David R. Edwards
Richard Roberts

Members absent:

Joseph Hammer
Peter Leombruni
John Adamian

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

Chairman Forsdick asked for a roll call. Clerk Knecht read the roll call.

It was discussed that Scott Murphy has resigned from the Planning and Zoning Commission.

Chairman Forsdick indicated that at least five of the eight members present must vote in the affirmative in order to approve an application.

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

APPLICATION NO. 1441-04-Z Percon Inc. seeking a Special Permit to clear trees and fill lot to contours (§6.10 Earth Removal & Filling), located on the east side of the road in an Open Space Development A Zone at 432 Reservoir Road.

Chairman Forsdick asked the applicant to come forward.

Paul Randazzo, owner of Percon Inc. Mr. Randazzo stated that he is representing Joseph and Kathy Murphy, the current owners of the property. They are seeking to clear lot #68 to build a new home. A site plan with contours was submitted to the commission. The applicant plans to clear to the limits shown on the plan.

Commissioner Oickle said that the proposal relates to the surrounding properties. The Applicant replied that there are about 800 yards of fill to be located on the site and that it has been approved by Inland Wetlands. The owner has not picked a house plan yet, but he could build in the spring when that is done. Commissioner Oickle asked if the swales are in on both sides like they are on the other properties. The Applicant said that the swales would stay. Commissioner Oickle asked if it was a minor fill issue and the Applicant said that it was and that it was not a wetlands issue. They will be building 60 feet away from the wetlands line.

Commissioner Oickle asked if the Applicant had purchased properties on the Silas Deane Highway. The Applicant replied that he owned 330-334, 322, 287, 277, 307 and an empty lot. Commissioner Oickle commended him for

investing in the north end of the Silas Deane Highway and mentioned that the Commission usually liked to see properties in common ownership consolidated. The Applicant mentioned that he hoped to work with the Commission on that matter.

Commissioner Roberts asked why the application was before them. Mr. Gillespie said that under the new regulations (§6.10 Earth Removal & Filling) require that any fill or excavation over 100 cubic yards to come before the Commission.

Commissioner Oickle asked if this proposal met the regulations. Mr. Gillespie answered that with a few minor comments and revisions, the plan did meet the regulations.

Commissioner Munroe asked if there was a 100-year flood line on the plan. The Applicant said that it should be on the plan, but that it is located 20-30 feet behind the house itself. Commissioner Munroe followed up by asking what this will do to the owners of the property with regard to flood insurance. The Applicant answered that the contours are not being changed in that area. Commissioner Munroe asked if the contour lines shown on the plan are those that will be in place after the fill is completed. The Applicant answered that they were and pointed out areas where no change would take place. The fill that will be deposited will be from the driveway to three feet behind the house. Commissioner Munroe pointed out that the plan indicates the lot is lightly wooded and asked if there would be any attempt to save the trees. The Applicant mentioned that he had cleared the lot in 1990 and since then the lot is covered in overgrowth, not many trees except for a few cedar trees. Commissioner Munroe asked if any trees were to be planted. The Applicant said that unless there was a requirement, then there would be no trees planted. He also said that lightly wooded really means lightly weeded, and anything in the center of the lot will be cut down.

Commissioner Jurasin asked Mr. Gillespie if the Applicant did not want to do this process to build a house, what would the process be. Mr. Gillespie said that the staff would review it and make comments. Commissioner Jurasin then presented the scenario where the contours are approved and then they pull permits to build a house and then the town engineer notices that the water is running the wrong way, what is the recourse for the town if the contours have already been approved. Mr. Gillespie said that a building permit couldn't be issued if there was danger to the neighbor. He also said that the change in regulations was for reasons other than drainage specifically. He let the Commission know that the review was intended to look at traffic patterns, impacts etc on larger fill and excavation projects.

The Applicant said that his experience in other towns has been that the presentation of the plan with a finished floor elevation would be checked at the time that the foundation was poured. Then an as-built plan could be drawn and the builder can proceed. Wethersfield doesn't follow that process. Commissioner Jurasin said that he appreciated the Applicant's comments and he was looking for the staff to confirm the process in Wethersfield and he did.

Commissioner Roberts asked if the threshold of 100 cubic yards might be too low if proposals like this were coming before the Commission without really needing review. Mr. Gillespie said that he is maintaining a running list of issues with the new regulations as they experience them and this issue has already been flagged for further review. Commissioner Roberts said that there should be a happy medium between roto-tilling a garden and cutting away a hillside. Commissioner Jurasin stated that he assumed since it was a public hearing and neighbors are notified, that if the neighbors were concerned about drainage onto their property then they would be present to comment. Mr. Gillespie reviewed the notification requirements and mentioned that he talked with a few neighbors on the phone that weren't terribly concerned. Commissioner Oickle mentioned that the neighboring properties on either side were filled and consistent with this property.

Chairman Forsdick thanked the applicant and asked if there were any members of the public who wished to speak in favor of the project. Seeing none, she asked if there were any members of the public who wished to speak against the project. Seeing none, she closed the hearing.

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

APPLICATION NO. 1442-04-Z Connecticut River Community Bank seeking a Special Permit for an exception to the 8' height restriction for a sign of less than 32 sq. ft. on the east side of the road in a Regional Commercial Zone at 1190 Silas Deane Highway.

Chairman Forsdick asked the applicant to come forward.

Bill Attridge, President of the Connecticut River Community Bank presented the application for the exception to the maximum height for a sign that he would like to locate in front of the bank. The rectangular portion of the sign with the lettering is within the 8' height requirement. However he would like to put a decorative element on the top of the sign to make it more aesthetically pleasing that would add 37" above the 8' level. Mr. Attridge presented some unusual factors that create a need for the exception:

- Most of the other signs along the Silas Deane Highway are above the sidewalk level and are 8' or less. However, when the owner of the building built this building however, he was required to build a 3' berm with shrubs between the road and the building. In order for the bank to stay below the 8' requirement, the sign would be 2-21/2' above the ground level.
- There is no other place to put the sign above ground level because the berm is right up to the sidewalk.
- In addition, the property to the north has a 5' high chainlink fence and the sightlines are such that the bank is not visible because of the fence especially when special event signs (like the Cornfest) are posted on top of the fence.

The Applicant has had problems with customers locating the bank even when given the address. He also thinks that it is a safety issue for people making a left hand turn safely into the driveway. If the Applicant must stay within the 8' requirement, they would have to take the decorative element above the sign off leaving a less attractive sign.

Commissioner Munroe asked why a bank that closes at 3:30 in the afternoon needs an internally illuminated sign. The Applicant responded that the drive-up ATM is open later and that people are still in the bank until 5:30 p.m. Also, his understanding was that an internally illuminated sign was preferable to an externally illuminated sign especially because of maintenance.

Commissioner Oickle asked if the bank really needed a three-foot high element on top of the sign. Historically the freestanding sign idea was brought before them about 15 years ago, but that they are not meant to be a substitute for the sign on the building. He mentioned that the sign on the building with gold lettering is very difficult to see. He added that raising the freestanding sign three feet sets a bad precedent for the Commission. Also, he didn't see how the neighboring chainlink fence would hurt the signage. Finally, he said that it bothers him that the Commission has been talking about improving the aesthetics along the Silas Deane Highway and yet taller and bigger signs are being proposed.

The Applicant said that the problem is mostly with customers going south on Silas Deane Highway. He went out in his car and took pictures of the proposal from the Silas Deane Highway. He passed the pictures around to the members. He added that if the Commission decides that the sign cannot be higher than 8', then the sign will not have the decorative top on it, it would just be the lettering.

Commissioner Jurasin echoed Commissioner Oickle's remarks and added that the Applicant has some valid points, however the Commission is trying to accomplish something and that is why the size requirements for signs are what they are.

The Applicant agreed that they are considering the color of the sign on their building. He had hired someone to help them because they have received comments from their customers.

Commissioner Hallisey asked Mr. Gillespie how tall the neighboring Puritan Furniture sign is. Mr. Gillespie said that it is much taller and that he had received a phone call from them concerned that this proposed sign would block their sign.

The Applicant offered that the Puritan sign must be at least 12 feet in height.

Mr. Gillespie added that the proposed bank sign would comply if it were not for the berm in front of the building. Also, the sign would comply if the decorative element were not added, however, it is a more aesthetically pleasing sign

with the decorative element in place. Finally, Mr. Gillespie referred the Commissioners a section of the regulations on p. 81 that describes the exceptions for signage. It includes that the sign would create a more aesthetically pleasing sign and that it is part of a unified sign program. Mr. Gillespie said that after meeting with Mr. Attridge they thought that it was a good effort to meet the requirements of the exception.

Commissioner Hallisey said that he also has had trouble noticing the sign on the bank even when he has been across the street.

The Applicant has tried adding a blue color behind the lettering as well as painting part of the building blue. However, nothing has worked well to this point.

Commissioner Hallisey said that he likes the sign with the additional three-foot decorative top. He thinks that it helps the aesthetic along Silas Deane Highway.

Clerk Knecht said that he was impressed with the magnitude of the Puritan Furniture sign and that he thinks that it is important for retailers to have adequate signage to attract business.

Commissioner Edwards asked if the colors of the gable on the sign would match those on the building. The Applicant said that they would.

Commissioner Oickle asked if the Applicant has considered a shallower peak on the decorative element. He is bothered by the exception being for a full three feet. The Applicant responded that he had done that and that it seemed not possible to reduce the peak any further.

Chairman Forsdick asked for speakers both for and against the application. Seeing none, she closed the discussion on the application. She then called to order the public meeting portion of the meeting.

**WETHERSFIELD PLANNING AND ZONING COMMISSION
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DECEMBER 7, 2004**

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

Members present:

Theresa Forsdick, Acting Chairman
Philip Knecht, Clerk
George Oickle
John Hallisey
Earle R. Munroe
Robert P. Jurasin
David R. Edwards
Richard Roberts

Members absent:

Joseph Hammer
Peter Leombruni
John Adamian

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

APPLICATION NO. 1441-04-Z Percon Inc. seeking a Special Permit to clear trees and fill lot to contours (§6.10

Earth Removal & Filling), located on the east side of the road in an Open Space Development A Zone at 432 Reservoir Road.

Commissioner Roberts made a motion to approve application 1441-04-Z as submitted. Commissioner Jurasin seconded the motion. Chairman Forsdick asked for any discussion on the matter, seeing none, she asked for a vote on the matter. All members present voted in favor of the application (8-0).

(Aye: Forsdick, Knecht, Munroe, Roberts, Oickle, Jurasin, Hallisey, Edwards)

Chairman Forsdick announced that Application 1441-04-Z has passed.

APPLICATION NO. 1442-04-Z Connecticut River Community Bank seeking a Special Permit for an exception to the 8' height restriction for a sign of less than 32 sq. ft. on the east side of the road in a Regional Commercial Zone at 1190 Silas Deane Highway.

Commissioner Hallisey made a motion to approve application 1442-04-Z as submitted.

Commissioner Edwards seconded the motion. Chairman Forsdick asked for any discussion on the matter.

Commissioner Roberts said that he agrees with Commissioner Oickle and added that although the decorative top on the sign is an attractive design element, he is not sure that it is the kind of magnitude of exception that the Commission was contemplating when they set up the regulation.

Commissioner Oickle said that when the regulations were set up, they were strict and did not allow for logos, etc. He added that he thinks that the Commission is setting a bad precedent if they approve it.

Commissioner Jurasin said that they have thought about signage, logos and lighting, and if the success of the Silas Deane is based upon the size of the signage, then the Commission should do away with the regulations. He does not think that the success is related to the sign and that the sign without the peak is almost as attractive and meets the signage requirements. He also agrees with Commissioner Munroe that lighting may not be necessary for a bank that closes at 3:30 p.m.

Commissioner Munroe recalled that when a video store on the north side of the Silas Deane Highway wanted a sign with big purple mountains, an argument was made that the logo was part of the sign. He likes the design of the sign with the triangle on top, however he does not like seeing the logo in it.

Commissioner Oickle said that the Council set up an architectural design review board and the Design Review Committee is important and starts with a lot of little things. His understanding is that the town should be starting to look like Glastonbury or Avon and they are not there yet.

Commissioner Hallisey stated that the proposed sign with the peak helps with the aesthetics, mimics what is on the building and counters the sign which is at Puritan which is large, sticks out and attacks you as you move down the street. He added that the peak makes the sign attractive, it is not garish, there are no flames coming out of it. He thinks that the sign improves the look of the Silas Deane Highway.

Clerk Knecht repeated his earlier comments that as much of this sign being exposed to the public is crucial to the success of the bank. The signage has to play a major role in advertising and can be a very effective tool in enhancing the business and he thinks that the Commission should want to encourage business along the Silas Deane Highway.

Commissioner Edwards thinks that the proposed design of the sign works with the scale of the building. He also said that the buildings in that area are in a rut and that most of the businesses are unnoticeable. He said that the sign would help people to notice the bank and that area.

Chairman Forsdick said that when driving along Main Street Glastonbury or main roads in Avon you see signs everywhere. This is because either the business is set back from the road or too close together to see the business

without the signs. She added that the bank building and the one next to it are very attractive buildings and that the proposed sign is an attractive sign. She feels that the exception is warranted in order to help the business. It is not ugly or purple or have flames coming out of it.

Chairman Forsdick called for a vote. All members present voted on the matter (4-4). (Aye: Forsdick, Knecht, Hallisey, Edwards)

(Nay: Oickle, Roberts, Munroe, Jurasin)

In the event of a tie, the motion does not pass, therefore Application 1442-04-Z does not pass.

Strategic Plan. Town of Wethersfield Comprehensive Revisions to the Town of Wethersfield Zoning Regulations (Continued from October 19, 2004). Mr. Gillespie had asked the Strategic Plan committee to come back to the Commission with information that is more up to date and specific to the PZC. He recommended tabling the discussion until the next meeting.

Commissioner Oickle asked if there was anything to review prior to the next meeting. Mr. Gillespie said that as soon as he gets some information from them, he would make it available to the Commission members for review prior to the discussion.

Chairman Forsdick asked for the information to be redistributed. Mr. Gillespie said that he would comply when he gets updated information.

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

Pre-Application Review Bellsite Development - Folly Brook Commons 14 Units of Age Restricted Housing at the corner of Spruce Street and Folly Brook Boulevard.

Clerk Knecht read the correspondence into the record:

- A letter was received to Mr. Gillespie from Mr. Bellock stating that there was a copy of the plans and that the Applicant would be present tonight to answer questions.

Chairman Forsdick asked the Applicant to come forward to present the application:

Bill Bellock presented the application and his colleague Bob Arsenault, the design engineer for the project. Mr. Bellock said that he had submitted three pieces of information to the commission:

- Conceptual site plan
- Pictures
- Proposed architectural and interior layout

Also Mr. Bellock wanted to make a correction to the agenda that the company is called Bellsite, not Bellside.

The site is on the corner of Folly Brook and Spruce Street and consists of 11 1/2 acres. The site plan shows all of the units on the Folly Brook side of the property. The area is primarily residential except for the D'Esopo Funeral home, the Community Center, Nature Center and Willard Pool Complex. The Noack farm is to the west of the property. Mr. Bellock then directed the Commission to the architectural plan. The units would all be 2 BR/2BA units approximately 1500 s.f. with a one-car garage. There is also associated parking on the site. The units would all be vinyl sided with vinyl trim. The pictures enclosed show a similar development in Vernon called Dobson Commons. The only difference is that the proposed units would all be attached, no detached units.

The proposed colors would all be earth tones.

Commissioner Oickle asked the Applicant to define age-restricted housing. Mr. Bellock said that one of the owners, not both needs to be at least 55 or over. Then individual towns have additional regulations. Commissioner Oickle

asked if it was subsidized housing and Mr. Bellock added that it was not.

Robert J. Arsenault, P.E., Civil Engineering Services 39 Buckland Street Unit 1231-1 Manchester, CT 06040 Mr. Arsenault presented the site plan. He explained that 2 3/4 acres out of the 11 1/2 would be developed. He explained that there would be one six-unit building and one eight-unit building. He showed that each unit would have garage parking, driveway parking and an additional parking space per unit. This is critical because holiday parking is needed in addition to the one or two cars that the residents may have.

Commissioner Oickle asked if the common parking shown in the setback was the extra parking. He asked if these were identified with a particular unit. Mr. Arsenault indicated that they were not assigned spaces that they were primarily for guest parking.

The Applicant continued that some preliminary engineering and because the lot is within the floodplain, there is a balance of cuts and fills that needs to take place. The site would be filled where the units would be and that the area to the west would be cut. This balance is required when working within a floodplain.

Commissioner Oickle asked if this proposal would work for Inland Wetlands.

The Applicant said that the proposed area is outside of regulated wetlands. The Applicant said that drainage from the site would go directly to the Folly Brook Right of Way. Commissioner Oickle asked if they would expand the drainage structures and the Applicant assured him that they were not and that there would be adequate engineering in place when they come in with their application.

Commissioner Roberts asked if the Applicant plans to develop the other acreage on the site. The Applicant addressed this question and another question asked during the presentation. He explained that the project is showing a 25' Right of Way from the Folly Brook Boulevard Right of Way. This is considerably farther than 25' from the paved area because the Right of Way is so wide. The Applicant also said that the site was all part of Noack farm at one point. They are proposing a two lot subdivision and then either sell the rear portion of the lot back to Noack farm, or the condominium will maintain it as open space or it would be sold to the Town for open space. There are no plans to develop on the other side of Folly Brook. He also said that about 75% of the rear lot is wetlands, however there is buildable land back there with a 50-foot access drive from Nott Street or access from Spruce Street by crossing a wetlands area.

Commissioner Oickle said that the last time the Commission contemplated crossing wetlands to access a development, they were shot down in superior court.

Commissioner Roberts said that it seems that this developer does not want to develop the rear portion of the lot and can't develop it.

Commissioner Oickle said that he would like to take it a step further and asked the Applicant if they are using a portion of that land for cuts, would it lower it into a wetlands situation, and if it were to be sold back to Mr. Noack for farming, he doesn't think that farming in Wethersfield would last long.

The Applicant responded that wetlands would not be created, because wetlands are designated based on soil type and other factors, not elevation. He added that as the area would be part of a cut it is not conducive to development.

Commissioner Jurasin asked Mr. Gillespie if the setback is a discretionary dimension for this type of land use. Mr. Gillespie said that the activity proposed is allowed under the new Special Development District. The Applicant will have to go through the Wetlands Commission and ask for a rezoning of the land to the new multi-family zone. The zone has a minimum front yard setback of 50 feet. The section of the regulations (§3.4) leaves the Commission with some discretion under the exceptions. The Commission can review the application for minimum yard, minimum building separation under four conditions. The parking that is proposed is within the front yard, which is not allowed. Mr. Gillespie said that looking at the concept plan, the Right of Way for Folly Brook is probably twice to three times as wide with additional green space.

Commissioner Jurasin said that wasn't explained during the presentation. He added that age restricted housing is simply a developer's reaction to a market, a lifestyle. He said that the Town has recognized this in the regulations. He is not sure that a compromise to setbacks should come along with this type of housing. He suggested that maybe it is the density or the dimensions of the property that cause the compromise to the setbacks. He is also curious why they had to purchase all of the land and then sell it back. He asked the Applicant if it was done because of density requirements.

The Applicant apologized for not being clear on the front yard requirement. The site is a long, linear parcel and the limitations are dictated by Folly Brook. The unit count is a marketing and price consideration. If Folly Brook weren't such a wide right of way, it would jump out at you that the development is squeezed onto the site, however by scale there is probably 75' of grass area from the paved area and then the Applicant's 25' setback so there is close to 100' of buffer from the pavement. So the Applicant is basically double the regulations in practice.

Commissioner Jurasin said that although he appreciates the depth of the Folly Brook Right of Way, if the unit count was reduced by two, they might be able to relocate those parking spaces so that it doesn't encroach onto the Right of Way. He added that he doesn't know what that does economically to the project, he suggested that the Applicant respond to these comments when they come in with their application.

Mr. Gillespie said that the density requirement in the regulation is 12 units per acre. The Applicant said that right now they are at 5 units per acre. Mr. Gillespie added that the site is commercially zoned and the property in the rear is a multi-family zone. Also the zone across Folly Brook Boulevard is residentially zoned (Residence B).

The Applicant said that the residents have the same setback issue across the street. They intend to mirror what is along that corridor. Commissioner Roberts asked if the brook gets further from the road as you move south. The Applicant said that there is a small swale where it comes in toward the street, but it is pretty much the same depth to Nott Street.

Commissioner Oickle said that south of the proposed lot he didn't think much development could take place because it becomes narrower.

Mr. Gillespie asked if it was just the small portion of the parking area that was within the setback. Commissioner Jurasin said that reducing the development by one unit might solve that.

Commissioner Oickle asked if they only were proposing one-story units for this development. The Applicant said that only two age-restricted developments that he knows of have a second floor. He went on to describe them. Then he said that the most marketable units have two bedrooms on the first floor and if there is a second floor it would most likely be a bonus room and then the units get larger (around 200 sf). Commissioner Oickle said that 1200 sf seemed small. The Applicant said that 1500 sf is about right and actually they find that the buyers favor smaller units because of price. They commonly use the second bedroom as a computer room.

Commissioner Oickle also asked where the closest commercial center was located to these units. The Applicant answered that it would either be the Jordan Lane Shopping Center or the Silas Deane Highway. There is bus service to both. There is a nature walking trail across from the Senior Center. Commissioner Oickle asked about the bike trail extension and whether they would be willing to contribute to it, he also asked why their driveway doesn't match up with Greenfield Street.

Mr. Gillespie said that the Heritage Way bike trail is on the street at that portion. Commissioner Oickle asked why the trail would be in the street if the Right of Way is so large. Mr. Gillespie replied that funding the bike trail had been a problem. He added that the members of the Conservation Commission are concerned about having the bike trail on the street. He suggested that as they get additional funds, they should consider using the Right of Way. There also is an issue of needing a crosswalk to get to the other side of the street.

Commissioner Oickle asked about the alignment of the driveway and Greenfield Street. The Applicant responded that traffic from this use is minimal and while ITE recommends 10 trips per unit per day, it has been their experience that only 3 trips per unit per day is typical. Commissioner Jurasin said that it would not necessarily be a concern but rather confusion of whose turn it is at an offset intersection. The Applicant said that the drive probably could be aligned.

Commissioner Roberts offered that if the drive were aligned, maybe the parking spaces would now fit within the setbacks. Commissioner Edwards brought up a point that the split is a design element with the grass area in front of the entry so that no one gets headlights shining into their unit.

Commissioner Munroe noticed windows on the pictures that were submitted and asked if there would be full basements, he is concerned how they were planning on keeping them dry. The Applicant answered that there would not be basements proposed for these units, they would be slab on grade, because there is a concern with the floodplain. All storage would be in the gable of the garage.

Commissioner Oickle asked what the cost of the units would be. The Applicant hesitated to state a price because the cost of construction materials has gone up 22%. Finally, he conceded that they would probably be around \$230,000 to \$260,000. He said that is very reasonable in this market. Commissioner Jurasin reminded the Commission that these units are not for senior citizens on Social Security. Most of the residents would probably still be working. The Applicant said that 75% of the residents of these units are residents of the town.

Chairman Forsdick asked for any further comment. Seeing none, she thanked the applicant for coming before the Commission.

Pre-Application Review Proposed Dunkin'Donuts at 486 Silas Deane Highway (corner of Silas Deane Highway and Church Street).

Chairman Forsdick said that since the Applicant was not present they would not hear the pre-application.

Commissioner Oickle asked if there could be any discussion. Mr. Gillespie said that the Applicant had intended to be present and was not sure why he was not there. He advised the Commission that it was unwise to proceed without the Applicant.

Commission Jurasin offered that he likes the second plan better as long as it is an in-only driveway off of Silas Deane Highway.

MEETING MINUTES

He then moved onto the next item on the agenda, approval of [minutes from the August 24, 2004](#) meeting. He asked for a motion.

Commissioner Oickle said that he had a correction to the minutes on page 2. Low-set should be replaced with LOSIP which is a term used by the DOT. He also asked why the change to the minutes couldn't be approved without the members who were present at the meeting voting only. There could be no consensus for the record because of the five members who were present at that meeting one of them has since resigned. There was a discussion among the members about whether or not a vote could take place.

Commissioner Oickle offered that he would like to hear from the four people who were at the meeting to see if there would be approval of the minutes. Mr. Gillespie suggested that the commissioners make a motion with a footnote that there are only four members available who can vote on it.

Commissioner Oickle made a motion to approve the minutes with the change on p. 2. There is a condition that only four members who were present can vote on the minutes.

Commissioner Roberts seconded the motion. The motion passed unanimously (4-0) (Aye: Knecht, Roberts, Oickle, Edwards)

OTHER MATTERS

Public comments on general matters of planning and zoning

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

Correspondence

Chairman Forsdick asked for any correspondence.

- **Legal Opinion regarding Ex-Parte Communication**

Mr. Gillespie told the Commission that he has included a copy of a legal opinion from attorney Mark Branson regarding Ex-parte communication. Mike Turner is on the Middlefield Planning and Zoning Commission and forwarded this correspondence to Mr. Gillespie as he thought that it might be helpful for the Wethersfield Planning and Zoning Commission's general information.

Chairman Forsdick asked Mr. Gillespie to thank Mr. Turner because it puts everyone on their toes, she mentioned that sometimes members get too comfortable and this type of thing happens. She said that this makes everyone aware of the situation so that it doesn't happen.

- **Appointment of the Design Review Advisory Committee**

Mr. Gillespie told the Commission that at the Council meeting last night, they did appoint the members of the Design Review Advisory Committee as recommended by the Planning and Zoning Commission. Mr. Gillespie suggested that there is time left on the next meeting's agenda to welcome the new members and have a dialogue about what the Commission has in mind so that they can start off the new year with that process.

Commissioner Munroe mentioned that the newspaper article did not mention an alternate. Mr. Gillespie assured him that an alternate was appointed at the meeting. The motion did include the five regular members and the one alternate.

Commissioner Oickle asked if there would be a preliminary orientation for these members prior to the next meeting. Mr. Gillespie said that he would send them the information with a brief summary as to what the Commission had in mind so that they would be prepared a dialogue for the next meeting. He suggested either putting them at the beginning or the end of the meeting. The Commission said that they should be at the beginning of the meeting.

Commissioner Oickle asked if the sign application that were before the Commission tonight would have gone before them and Mr. Gillespie confirmed that they would have reviewed that. Clerk Knecht asked if it would be possible to change the vote on that application. Mr. Gillespie said that they do not have any ability to get involved in that and that nobody does after the fact. He explained that the question was asked in general terms. Commissioner Jurasin said that he would welcome the members of the Committee and suggested that the members be put on the agenda for mid-January as the next meeting is three days before Christmas and there may not be a quorum. He said that he would be willing to listen to a situation where the sign that they reviewed tonight would have been the right thing to approve if it was part of a plan to improve the environment along the Silas Deane Highway. He would like to discuss whether or not there is a plan in place and hopes that they would not be reviewing these cases on an individual basis.

Commissioner Oickle said that he doesn't mean to discourage Mr. Gillespie from holding a meeting three days before Christmas, but if it can be avoided with any applicant, he would recommend canceling that meeting.

Chairman Forsdick concurred and said that there may be a problem with a quorum, which would be a shame for the applicant and the Design Review Committee if there were nobody here. She suggested that the meeting be postponed or cancelled.

Mr. Gillespie said that he would see what he could do.

- Public Forum by the Silas Deane Committee

Mr. Gillespie said that Thursday night the Silas Deane Committee is having a public forum to discuss the work that they have presented to the Council. The meeting is at 6:30 p.m. in the Police Department Community Room.

- Discussion of a proposed change of language in the Regulations

Mr. Gillespie wanted to make sure that every member has a copy of the new regulations and he distributed copies.

He asked for some guidance on p. 32 (§3.4.c - Special Residential District)

1. Provided the requirements of this section are complied with, development may occur:
 - a. with each individual residential unit on a separate lot (such as conventional, zero-lot-line, duplex, patio house, or townhouse development.)
 - b. with multiple individual residential units located on common land in:
 1. multiplex or mid-rise building(s), or
 2. high-rise building(s)

The question has been asked when the regulations were adopted was the intent to have individual units clustered on one large lot. He thinks that was the intent, however if you read the language you can strongly argue that that kind of development may not be allowed.

Commissioner Oickle said that single units are dealt with in (§3.4.c.1.a). Mr. Gillespie said that one could read (§3.4.c.1.a) and interpret it that way, however a proposed amendment may need to be submitted to clarify the language.

Commissioner Jurasin recommended clarifying the language by taking the word "separate" out. Also, (§3.4.c.1.a) and (§3.4.c .1.b) should have an "or" added because the language as it stands implies that you have to have both to meet the conditions. Commissioner Oickle asked if there would be a tendency to subdivide the units into individual lots. Commissioner Roberts said that the ownership of the land under the units is irrelevant as long as the requirements for the development are satisfied. He does not see that this permits individual units on common land. He said that only multiplex, mid-rise and high-rise would be permitted on common land. Commissioner Jurasin said that they would want certain units to fall under here and they wouldn't.

Commissioner Hallisey said that when it was passed he was envisioning the Ridge Road project. Mr. Gillespie said that type of project is one that they almost prefer.

Commissioner Roberts offered that it may be carryover language from the previous regulations and this does not contemplate Collier Farms. Commissioner Oickle said that they might like to see more projects like Collier Farms because it is desirable to a lot of people.

Commissioner Jurasin asked if that was the only mistake found in the regulations. Mr. Gillespie said that it is not the only change. The Commissioners recommended doing a group of changes every 3-6 months as needed.

- EDIC meeting

The EDIC salute to business is tomorrow night at the Keeney Center at 5 p.m.

ADJOURNMENT

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

Commissioner Roberts made a motion to adjourn.

Commissioner Munroe seconded the motion. The motion passed unanimously (8-0).

(Aye: Forsdick, Knecht, Oickle, Roberts, Munroe, Jurasin, Hallisey, Edwards)

The meeting was adjourned at 9:00 p.m.

Philip Knecht, Clerk