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**Wethersfield Planning and Zoning Commission**  
**Public Hearing**  
**September 18, 2003**

The Wethersfield Planning and Zoning Commission held a public hearing on September 18, 2003, at 7:30 p.m. in the Council Chambers of the Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

Members present:

Earle Munroe, Chairman  
Theresa Forsdick, Clerk  
Richard Roberts  
George Oickle  
John Hallisey  
Scott Murphy  
John Adamian  
Philip Knecht

Members absent:

Joseph L. Hammer, Vice Chairman  
Robert Jurasin  
Matthew Cholewa  
Richard Sitnik  
Frank Chuang

Also present:

Peter Gillespie, Economic Development Manager/Town Planner

Chairman Munroe called the public hearing to order at 7:30 p.m.

Clerk Forsdick read a description of the application and reminded the Commissioners that a memorandum from Michael Turner (dated August 28, 2003-on file) concerning the application had been read at the previous meeting.

**APPLICATION NO. 1408- 03 -Z.** Colvest Wethersfield, LLC seeking Site Plan and Design Review approval under Article XXXI, 167 - 137 of the Wethersfield Zoning Regulations for the construction of two buildings having a total of approximately 22,960 sq. ft. located on the east side of Silas Deane Highway in an Industrial Zone at 1080 Silas Deane Highway.

Mr. Daniel Kleinman, attorney with Levy & Dronney representing the applicant introduced the development team who would be making the presentation tonight, Peter LaPointe, Director of Construction and Real Estate, John Heagle, Civil Engineer with Megson & Heagle, Bruce Hillson, Traffic engineer Traffic Engineering Solutions and Frank Colaccino the managing member of the applicant. Mr. Kleinman told the Commission that last night the applicant had received approvals from the Inland Wetlands and Watercourses Commission for the erosion and sedimentation control plan as well demolition of the existing building and construction of 2 new commercial buildings and site work at 1080 Silas Deane Highway with storm water discharge to regulated areas. He then went on to describe the location of the site. He said that the 4.67 acres were located on the eastern side of the Silas Deane Highway and is currently occupied by a 30,000 sq. ft. single story steel frame masonry structure the southern end of the building occupied by the Dal Tile building, the northern vacant portion by the former Town Fair Tire. Tonight they would discuss their proposal to remove the existing building and replace them with a 13,000 sq. ft. CVS and an approximately 9,800 sq. ft. multi retail structure.

He added that regarding the memorandum from Mr. Turner, #5 regarding the sidewalk construction detail, had been done. #7 regarding the light standards and poles would be discussed.

Mr. John Heagle Civil engineer stepped forward and explained that they would be demolishing the existing building currently located in the center of the 4.67 acre parcel and replacing it with a 13,000 sq. ft. pharmacy which would contain a drive thru window and an approximately 9,000 sq. ft. retail space. Geometrically the main access to the site would be located opposite the traffic signal at the shopping center on the west side of the Silas Deane Highway, with secondary access to the south, circulation around both buildings and the drive thru to the back. There would be dumpsters for both properties in the rear corners. He noted that there was wetland soil to the rear. The majority of the storm drainage would be picked up and directed to retention basins in the rear with discharge to the wetlands. This proposed plan with the diversion of runoff on the site and the detention into basins would decrease the amount of runoff to the Silas Deane Highway, south and the rear adjacent properties. The site would be serviced by MDC water, underground utilities and telephone and sanitary sewer.

Mr. Bruce Hillson stepped forward to discuss traffic impact studies done for the proposed pharmacy and retail construction which would include a 1,800 sq. ft. Starbucks coffee. They included their traffic counts of existing conditions with ADTs and accident information obtained from the DOT along with the number of trips from the proposed development and also capacity analysis for the current and future conditions. He said that presently there are 2 driveways servicing the site, with the northerly driveway which formerly served the Town Fair Tire site directly opposite the driveway for the shopping center on the west side of the Silas Deane Highway. 3 of the approaches to the intersection are signalized; 2 to the Silas Deane approaches and 1 for the shopping center. The site drive is currently not signalized. They proposed to modify the southerly driveway which serves the Dal Tile site to create a right in and right out only situation with a center island so that left turns will be difficult if not impossible. The northerly drive would be widened to allow 2 lanes leaving the site. He said that the traffic counts were taken on Friday morning, midday and afternoon and Saturday morning and midday peak periods with capacity analysis assuming for existing conditions that all the traffic left and entered that intersection. For the future conditions we assumed that all the traffic would use the northerly driveway even though some northbound traffic would turn into the site at the southerly entrance and some might choose to leave at this location. To be on the conservative side they anticipated that all traffic would leave and enter at this driveway. The analysis found that traffic operated at level of service B, and would continue to operate at the same level of service for the No Build conditions in 2005. With the addition of the site generated trips, determined for the pharmacy and retail space ITE trip generation rate for Starbucks coffee facilities at 3 similar locations they found that the driveway would continue to operate at the same level of service at all times, except the Friday afternoon when the average delay would increase about a second for each vehicle and just cross over the threshold into level of service C. Which he felt was still acceptable. He said that they were proposing no off site road way improvements. They had submitted information to the DOT through the encroachment permit process but the district office in Rocky Hill does not review or issue comment on applications until the Town has acted and approved the development.

At the preliminary meeting they indicated that they did not see any problems with the proposal. He said that they will submit information for DOT to review formally once approval is received here.

Commissioner Adamian asked about the northerly exit. He said that he noticed that the exit lanes did not line up directly with the driveway across the Silas Deane Highway. Mr. Hillson said that although it would seem preferable to shift the driveway to the north in order to line up directly, they were too close to the property line and had no further property on which to move. He added that this driveway has been in use for years by Town Fair Tire without signalization however they felt that with signalization it would create a safer situation.

Commissioner Adamian asked what sort of traffic signalization existed for vehicles exiting from Town Fair Tire. He was told that there was none. But the traffic signal would be modified to include signals for the driveway.

Commissioner Adamian asked if the vehicles exiting the site would no longer have the option of traveling straight across Silas Deane into the shopping center. He was told that the center lane would be an exclusive left turn; the northerly lane would be a combination thru and right turn.

Chairman Munroe pointed out that the plans showed that only a right turn and a left turn were possible, no thru turn was shown. The other comment referred to the outlets of the driveways being offset and he added that the volume of traffic generated by Town Fair Tire wouldn't compare with the volume of traffic generated by the CVS and the retail space combined and at certain times there would more traffic coming out of the shopping center. He didn't see a traffic phasing plan and didn't know if they were proposing that the traffic for the shopping phase and the new development plan move at the same time. Mr. Hillson said that at this time they were proposing it for the same phase, but that they were still discussing and working it out with DOT and hopefully they would determine how best to handle this.

Commissioner Adamian asked if that meant that cars would be able to leave the shopping center and cross into the site and go from one to the other and would the misalignment be a concern. Mr. Hillson answered that although it is offset somewhat it is the best that can be established at the moment and they did not think it would be problematic nor did DOT find it be problematic at their preliminary review.

Commissioner Adamian asked if the level of service projections had been done based upon operation on the same phase. Mr. Hillson said that this was correct, and if DOT recommended that they split phase it might drop the level from B to C at certain periods during the day.

Commissioner Oickle said that the dogleg bothered him and he could foresee vehicles using the exit of the shopping center to enter. He asked if they had submitted the plan to the State Traffic Commission. He was told that it was not considered a major traffic generator, and it would go through the encroachment permit process and the office in Newington would review it particularly as it relates to any modifications to any traffic signal but not the STC.

Commissioner Oickle asked why it would not go to STC. Mr. Hillson again answered that it was not considered a major traffic generator and not required to because it was not 100,000 sq. ft. or 200 parking spaces. This site contained just under that amount of parking spaces. Commissioner Oickle said that he would feel a lot better if the STC reviewed it because the CVS and the Starbucks were big traffic generators to his mind.

Commissioner Knecht arrived at this time.

Commissioner Oickle asked if the southern driveway were being kept simply because it currently existed. Mr. Hillson said that they felt that its existence would possibly siphon off some of the traffic before the signal, and would allow them to make a right turn off the site .

Commissioner Oickle said he didn't feel that the right turn only status of the exit lane was going to be a deterrent to left hand turns. Mr. Hillson said that the center island would act as a deterrent.

Commissioner Oickle said that it bothered him that the driveway coming out of Walgreen's and other large traffic generators were so close to the kind of traffic volumes that would be coming out of this site. He pointed out that the Commission has been trying to cut down on the number of driveways and he wondered what would happen if they did not allow this one. Mr. Hillson said that while the desire to lessen the number of driveways is well taken he would have to defer that question to Mr. LaPointe. However he pointed out that DOT favors that traffic be siphoned off of the roadway onto site prior to signalized intersections if possible therefore a right turn entrance would serve that desired goal.

Commissioner Oickle asked what would prevent south going Silas Deane vehicles from turning into the southern driveway. Mr. Hillson said that it could be angled as to make that turn impossible.

Commissioner Oickle asked if they had done studies on the back ups from Maple Street and Mill Street. Mr. Hillson said that they had not because the existing CVS is directly across the street so all traffic associated with that would no longer be on the road way system when it moves. Commissioner Oickle was concerned that the other intersections had not been studied and added that this proposal would add additional traffic and he didn't know what would be going in across the street when CVS moves.

Commissioner Oickle asked if Starbucks would have a drive thru also and wanted to know about the kiosk.

Mr. Peter LaPointe, Director of Development and Real Estate for the Colvest Group the owner developer for the site stepped forward and said that the kiosk was to be a walk up ATM and has yet to be leased so all that would be done presently would be to locate the underground utilities for it near a pad until the tenant indicated whether they wanted a stand alone walk up unit or something more. At that time they would have come back for a building permit and electrical permits in order to construct. He said that their primary tenant is CVS and the secondary driveway for entrance and egress is very important to them. Right now this is full movement intersection with in and out in all directions.

But they intend to limit the movement to right turn in and right turn out, and additionally limiting by shaving the curb cut and adding a raised island. He said that it really did work as a deterrent and gave the CVS in Glastonbury as an example where this had been employed. He also pointed out that there would be a screened in dumpster and cardboard compactor. The site plan does not indicate a drive thru for Starbucks although that is a condition to their leasing. In the preliminary plan shown to Town staff there was a drive thru which was essentially this plan with the addition of a canopy and window on the outside wall which would require a variance or a zone change. We opted to move forward with the site plan approval because of our scheduling and time constraints in leasing with our principal tenant CVS. Assuming we are approved we would go ahead in procuring whatever was necessary to hopefully get a drive thru window for the Starbucks. He wanted to point out that there was a big difference between the cue that would form in the early morning hours for coffee and donuts at a Dunkin Donuts and what would be generated at a Starbucks. He went on to address the buildings themselves. He said that CVS building would be a 13,000 sq. ft. single story steel and masonry building, which at its tallest point would be 30' above grade. A front canopy would be supported by substantial brick columns and cover a 7' sidewalk which runs the length of the front and north side. The rear elevation shows an overhead door for receiving and a main door to access the trash compactor and/or dumpster areas. He did not have a color rendering of the project but showed a variety of color samples of the products and explained where each color would be located. The door and window trims would be painted a brick red. The window muntins frames and door frames would be white anodized aluminum. They were not requesting sign approval at this time but he did submit a rendering of what the tenant and their contractor envision for their sign package. He said that the signs would all conform to the zoning ordinance for signage and pointed out that the plans also included an elevation which showed the proposed monument sign in front of the store. The elevations also show the brick soldiering courses around each of the panels in relief with accent light fixtures which would cast down light over each of the panels. There would wall pack fixtures at the rear of the site. The main lighting for the site would come from shoe box-type metal halide 400 watt pole lights, and he submitted manufacturers cut sheets for the fixtures. A minimal amount of light would be cast off site. He wanted to point out that there was an industrial use just to the north, the Walgreens-Marshall site to the south, the shopping center to the west and to the east a dense wetlands, railroad right-of-way and HELCO right-of-way. The second building they proposed to construct would be a 9,800 sq. ft. multi tenant retail structure with the lower part, side and rear walls constructed of quick-brick. Which he described as being the same size and shape as concrete blocks with bearing capacity but it would be a brick color. These walls would be masonry bearing walls with a steel frame for the front wall. The wall adjacent to CVS would be solid masonry and no openings which would satisfy fire rating requirements. The hip roofs and canopy would be a green raised roof material, with the highest point being about 23'. The canopy would cover the sidewalk and run the entire length of the building. There would be flat roofs for both buildings and all HVAC and AC units would be contained there but screened by the raised canopy areas. Although the CVS units would be shielded in front, they would be visible from the Silas Deane Highway.

Commissioner Munroe asked if they would resemble the CVS in Glastonbury. He was told that they would not.

Commissioner Oickle asked if the design was complementary to the neighborhood in style and color.

Mr. LaPointe said that they would be colonial like in design and subtle in color and would not clash with anything in the neighborhood.

Commissioner Oickle asked why the raised roof corner areas resembled prison turrets. Mr. LaPointe did not feel that they did and said that they were the same as used in the North Haven design.

Commissioner Oickle was disappointed and said that he would have thought that they would have been more prepared with colorized renderings and that they had no answers to many of his questions. He said that while they had provided

color samples he did not know where they went.

Commissioner Adamian asked why they were not using the same brick for both buildings. He was told that they were intentionally not trying to make the buildings look the same and said that at a similar development there had been problems with identification during the construction when they had used the same materials and some people thought they had built 2 CVS' right next to each other. He explained that the CVS building has steel beams while the 2nd building is framing and load bearing bricks with the front wall being steel framed with smaller bricks as a veneer to give them the flexibility to change windows or doors to suit future tenants. The brick on the CVS and the load bearing quick bricks on the retail space were meant to be complementary and not identical. They had done the same type of construction in North Haven and it came out very well.

Commissioner Adamian asked why they couldn't have supplied the Commission with samples and photographs of how it would look when constructed if they had done this type of set up before.

Commissioner Oickle said that the Commission had been highly criticized for not doing their job in regard to design review and this application was not giving them enough information as to what it would look like. Perspectives and color renderings would answer a lot of questions. He asked if they were proposing this ATM like the one at Jordan Lane which had never been fully developed and was left a rough asphalt parking area. Mr. LaPointe said that they had yet to sign a lease for that space although they still hope to but what they had done in the mean time was to dig out the skim coat of bituminous so that they did not have holes or puddles.

Commissioner Oickle asked if they were at final coat. Mr. LaPointe answered that they had a firm stable layer that was good to drive on. It's not a designated parking area in the site plan and they would still like to develop that parcel it and then stripe it but he thought that they had done a nice job there.

Commissioner Oickle said that he hoped that they would be able to follow through with this project better than they had with the Jordan lane project. Mr. LaPointe thought that they had done a really nice job if they compared it with where they were 2 years ago. Commissioner Oickle did not agree.

Mr. LaPointe said that Starbucks is the only tenant for which they have a commitment and so it is the only sign shown at this time. They are showing it without the drive thru but would not affect the traffic flow or increase the footprint or paved service. It was also their understanding that because it is a food use we would need to seek a variance or zone change. He said that they believed that this was a very significant improvement for this property and the proposal is consistent with what they have believed to be the desire to increase the retail development.

Commissioner Roberts asked if they had had any discussions with the Silas Deane Revitalization Committee about this proposal and had they considered bringing the property closer to the road as had been done at the development down the road. Mr. LaPointe said that they had not been approached at any time, but the location of the buildings was the one that seemed to make the most sense for the traffic and was most desirable for CVS and Starbucks.

Commissioner Murphy said that the one attractive thing about the current site was the amount of green space out front. He wondered if they were driven to have more than the required number of parking spaces to satisfy potential future tenants. Mr. LaPointe said that the plan did reflect more than the required number of parking spaces. They had run into that problem at other locations where they had satisfied the local zoning but the tenants required more parking. They had hoped to satisfy future tenants with the current proposal.

Commercial Roberts asked if the parking spaces were based on retail and did they reflect the possibility of restaurant use. Mr. LaPointe said the number would support a number of uses, and there was considerable interest so far.

Commissioner Roberts asked if the Fire Marshal had looked at the plan.

Mr. Gillespie said that while most of the review was done before he arrived; he had not received any written list of comments from Town staff.

Mr. LaPointe said that the Fire Marshal had reviewed each step of the developed plan. They had laid out a template for

a large fire truck and a tractor trailer truck and there was space.

Commissioner Oickle asked if that would hold true even with a Starbucks drive thru. Mr. LaPointe answered that there would be more problems with parked cars than with cueing.

Commissioner Murphy said that there didn't seem to be much of a landscaping plan.

Mr. LaPointe said that they did not have a specific landscape plan the focus had always been on controlling of drainage. He showed that to that end along the side they have an area of stone that runoff will percolate thru, and on the other side topography that climbs slightly to the neighbors, in either case not a lot of opportunity for planting. In the front they continued the tree line. In the rear is grass out to the wetlands, and will remain undisturbed.

Commissioner Munroe asked where the detention basin was. Mr. LaPointe said that all the detention would be under the paved parking lot. 500 linear feet connected to a sedimentation tank, connected to catch basins with deep sumps and hoods, the sands and oils removed, stored in measured capacity and discharged at a level which never exceeds that of collection.

Commissioner Munroe pointed out that just before the CL & P property on their plan it showed an outflow, the pipes he referred to are shown out flowing from a different place. On the contour plan everywhere to the east all of the sites are lower which would mean that the water would flow that way. There is currently an easement for the current property; they would need to get another easement. Mr. LaPointe said that he thought that the easement traveled with the property and gives them the right to drain. Commissioner Munroe said that he wasn't sure of that.

Mr. John Heagle with Megson & Heagle civil engineer stepped forward to explain that with the present situation there were approximately 2 acres that sheet off to the south property line. The proposed design would re-grade to lessen the sheeting area and decrease the runoff to that south property. The drainage goes back into the sedimentation structure, into a retention system of 5 110' long 24" pipes and detains the increase in flow due to development, before it outlets into the storm drain system adjacent to the wetland. The peak flow as it leaves the property is less than the pre-development flow.

Commissioner Munroe said that there is still water flowing out of the pipes. Everything to the southeast is lower than that outlet and still heading off toward Marshalls. He said that even though the pipe system shown in the plan will slow the flow down you will still get some water draining into the ground. Mr. Heagle agreed, but argued that there would still be detention and it would not continue into the Marshalls site but would continue into the HALCO right-of-way and into the wetland which drains down to Mill Street.

Commissioner Oickle asked if they had discussed the easement with the property owner.

Mr. Kleinman said that it was his understanding that the easement came with the land. He said that at the Inland Wetlands Commission meeting last night this was the subject of a very lengthy discussion and the Chairman had commented that this system of retention was the finest that they had ever seen in the 14 years he had been on the Commission. Their proposal does not increase the runoff leaving the property, but detains it. The Inland Wetlands and Watercourses Commission had no issues with the plan. The runoff to the CL & P property from our understanding is an easement that runs with the land.

Commissioner Munroe said that they wanted to know if there had been discussions with the property owner about the easement. Mr. Kleinman started to answer that he had not been the attorney who handled the transaction. However the Commissioners pointed out that the answer was no, that there had been no discussion with the utility company who owns the property with regard to water flow, or the property owner to the south.

Commissioner Oickle asked if they had indication on their plans or statement to the effect of rights drainage. Mr. Kleinman said that the drainage to the south was a sluiceway and had been created by the adjoining property owner and that they were not increasing any runoff to the southerly property. They had made efforts to contact the property owner to the south, they had been given notice of the public hearing last night, and there has been no contact and no objection. All they could do was rely on their engineering staff to tell them if there is increased runoff.

Commissioner Oickle said that as a tax payer and a Commissioner he knew that the Town would be responsible if the owner complained about drainage onto his property if they approved a plan that collected water and dumped more than the existing water onto the property with no rights to drainage. He said that he was concerned about the fact that all the vegetation that would help absorb the water, would be paved over with no additional pipes out to the front.

Mr. Heagle stated that he did not design things that would put him into a position of being vulnerable for his clients and added that if they got sued, he got sued. He has been doing this since 1968 and he did not get sued. He showed a map of pre-development area which showed the 2 acre area and the direction of runoff flowing overland to the pipe on the south, toward the Silas Deane Highway, and the rear. The post-development situation showed that they had reduced the amount flowing to the south to 1.13 acres because of the storm drainage system as stated and roof drains. There was still some flow to the Silas Deane Highway they would need a State permit for, but they have decreased it by a small amount. The State will have to approve their drainage calculations. They are detaining the collected runoff and discharging at a lower rate than pre-development. He said that they have submitted these calculations to the Town engineer and his memorandum stated that the calculations were acceptable to him. But for the record Mr. Heagle stated that they are not negatively impacting the neighbors to the south, west or east as far as drainage goes.

Commissioner Munroe asked if the pavement would be completely reconstructed, and was told that it would be. He noted that the traffic signals that only require a change in the timing would not need to be reviewed by the State Traffic Commission however there would be additional signal heads added to the signal on the offset driveway. He asked the traffic engineer if he felt that he would be able to get the signal heads up so that the people could see them from both driveways. Mr. Hillson said that he believed they could establish signalization either by realigning or reconfiguring the entire thing. Commissioner Munroe said that it would then require going back to the STC. Mr. Hillson agreed that any revisions or modifications to the traffic signal would need to go to the STC. But as far as the development or the impact itself it would not.

Mr. Hillson said that they had initial sit down meeting with the people in the district. But they would be more than happy to sit down with the people with Newington. Commissioner Munroe suggested that they do that before they get too far along. In his opinion he thought that they would need to have an additional phase on that signal and revise the controller on it in order to accommodate the change being made here. Mr. Hillson said that if that is what the State determines then that is what they will do.

Commissioner Munroe said that the driveway to the north of Walgreens is supposed to be a No Left turn, as they are proposing their driveway to be. However he noted that the sign no longer exists and while he was watching, 2 vehicles made left hand turns there during rush hour. He wondered what would prevent cars from doing the same at their driveway and how would they know. He agreed that the shopping center could be handled with 1 driveway.

Commissioner Adamian asked if the ATM was a drive up kiosk. He was told that it would be a situation where cars would park and then the occupant would walk up to the kiosk.

Commissioner Adamian asked if they were familiar with this sort of set up at the front of the parking lot where the building is set back. Mr. LaPointe said that they owned a similar site in Massachusetts. He said that they would hope that the ATM would be used by people other than those using the shopping center.

Commissioner Adamian said that he was worried that people would park their car right in front of the ATM, which would obstruct the traffic in front of the southerly driveway, rather than use a parking space and walk over. Mr. LaPointe said that this was not a problem that they had experienced in other locations.

Commissioner Murphy asked if the other location had a similar alignment of center traffic lane and kiosk. He was concerned about the safety of pedestrians waking up the center vehicular isle to reach the kiosk due to the proximity of the southerly driveway. Although he said that rather than do away with the southerly driveway, he was in favor of making it a right turn entrance only drive.

Commissioner Oickle asked what the Inland Wetlands and Watercourses Commission vote was. Mr. LaPointe said that there were 2 votes. The first was 5-4. There were a number of questions about the drainage calculations, as a result of

it 4 of the votes were against the resolution that they were the affecting the wetlands, because they are not in fact in the wetlands. The other vote was for the sedimentations and erosion plan which was unanimous.

Commissioner Oickle asked which direction the drive thru would go in. He was told that the single drive thru would be on the drivers side and that the offered it as a convenience because they did not offer home delivery. Commissioner Oickle said that he often used one of the 2 the drive thrus at Walgreen's and they were never busy. He thought that this CVS would get more business and he was surprised that they had only requested the one.

Commissioner Oickle asked for more information on landscaping. He was concerned that there was not more green space and wondered if there was a requirement. Mr. Gillespie commented that the zoning requirements regarding landscaping are relatively silent. He had discussed with the applicant the suggestion that they use the center island areas as planting areas. There would be some shrubs around the front monument sign the rest is lawn and the vegetation in back.

Commissioner Oickle asked if he felt that this was enough. Mr. Gillespie did not feel it was enough and agreed with the former planner's comments that the green space was minimal.

Chairman Munroe explained to the public that this portion of the meeting was the public hearing where applicants were allowed to make their presentations. After which the public would be invited to make comments for and against and about the application. Then they would move on to the public meeting and the Commission would vote. He then introduced the members of the Commission and asked if there was anyone present who wished to speak.

Mr. Kleinman stepped up to explain that the applicant had spent considerable time trying to come up with an application which they felt was good for the site.

It was clear that the Commission has some concerns and questions and he would ask that they keep the hearing open and allow them to address the concerns about, landscaping, access to the site, signalization and the issue of the alignment in terms of the signalization, the widening of the driveway, and the location of the ATM. He felt that these were not fatal flaws for the application but were genuine concerns the Commission has and it would appear to him to be in the best interest of the community, the applicant and the Commission to allow the public hearing to stay open in order to allow them to present some answers to these questions, to see full color renderings, photographs of other sites we have developed and work with the Town Planner to come up with some alternatives. He felt that this site currently was an eye- sore that needed to be developed and they would like to improve it in a way that would acceptable to everyone.

Chairman Munroe wanted to say that the Commission was not saying that they did not want a project here because they are looking for economic development. However they do need to comply with the Commissions regulations and also with the responsibility of design and review of a proper design when they go into the undertaking of a new economic development. They try to encourage their questions to be resolved, and he would like to see the application Tabled.

Commissioner Adamian asked if there was any reason they could not incorporate the Starbucks drive thru design since they would be redoing the plans. Mr. Kleinman answered that they would need a variance for the drive thru. Tonight's meeting allowed them to get a lot of feed back and they would come back with answers to as many questions as they could probably not all but they would give it their best shot.

Upon motion by Commissioner Oickle, seconded by Commissioner Forsdick and a poll of the Commission it was unanimously voted to KEEP THE PUBLIC HEARING OPEN on Application No. 1408-03-Z Colvest Wethersfield, LLC seeking site Plan and Design review approval under Article XXXI, 167 -137 of the Wethersfield Zoning Regulations for the construction of two buildings having a total of approximately 22,960 sq. ft. located on the east side of Silas Deane Highway in an Industrial Zone at 1080 Silas Deane Highway.

There being no one else who wished to speak in favor or in opposition to this application, this portion of the hearing was declared closed.

APPLICATION NO. 1410-03-Z. Steven Frechette seeking Site Plan and Design Review approval under Article XXXI, 167-137 of the Wethersfield Zoning Regulations for the construction of a 3,316 sq. ft. barn, located on the east side of Elm Street in a Floodplain Zone at parcel 280-002, Lot # 42A Elm Street.

Clerk Forsdick read a description of the application and a letter to the Commission from Steven Frechette (September 11, 2003- on file) which outlined his intention to construct a horse barn for his business Meadowgate Farms. The business had been operating a riding, hay wagon, wedding carriage and pony party business for 12 years. He said that they had already received approvals from the Inland Wetlands and Watercourses Commission and ZBA and have conformed to all state requirements for flood control panels to handle possible flood waters. Evacuation measures were all approved.

The barn would be a combination of cultured stone on the lower 6 feet and barn board siding on the upper section, the loft area would be used to store hay. He stated that his intention was to keep the tradition of Historic Old Wethersfield and beautify their area with the addition of a barn. He additionally included the signatures of 17 neighbors who support the proposal.

Mr. Steven Frechette 326 Prospect Street stepped forward and handed out revised plans for the 2596 sq. ft. 66' X 36' barn he proposed to build on property at Elm Street to house horses. Their intention had been to build a larger barn but when they learned that there was not the 100% support from the neighbors they had believed, some changes were made including reducing the size of the barn. The revised plans reflected their suggestions as well as changes requested with different approvals. He explained that the parking area was originally proposed to be surfaced with processed gravel, but since they learned that the Commission might favor asphalt, they had changed the material to asphalt. They had also been asked to place 1 sq. inch per sq. ft. flood control opening between the doors and they could not locate the bathroom facilities below the 12' flood line but to make them handicap accessible were now located inside the barn as a removable unit in the case of flood situation.

Commissioner Oickle asked the reason for the variance and why the barn is set so far out. Mr. Frechette said that the regulations require buildings to be placed 40' back from the street, even though other houses on the street were less than 1/2 of that distance. They needed a variance in order to set the barn closer to the street. They wanted room behind the barn for a turn out and more room for a riding area. In addition they did not want the horses to be sitting out close to the street because they already have people stopping their cars to see the horses and feed them carrots or other snacks. They also want to landscape maybe put in a pond in front the barn in order to make it look nicer so they did not want the barn farther back. Their intention is to make it look like an old barn with stone and barn board.

Commissioner Roberts asked what color the roof would be. He was told that it would be depend on the color of the barn board.

Commissioner Oickle asked if Creative Solutions construction would be leaving. Mr. Frechette answered that it was his business and it would stay.

Commissioner Oickle said that he was glad to see that the big tree was remaining. Mr. Frechette answered that he was keeping that tree and the row of trees trying to keep a buffer. He didn't feel that the neighbors should have to look at the barn or the horses.

Commissioner Knecht asked who owned the houses on either side. He was told they were owned by Mr. Frechette's brother on one side and Mrs. Carew on the other.

Commissioner Oickle asked if there was any problem in the regulations with a barn in a floodplain. Mr. Gillespie read the description of the allowable uses for a floodplain which included agricultural use and horse barn. Although the 40' setback spoke specifically to residences, the regulations were silent about barns although they did get a variance even though the neighboring houses were setback at 20'.

Commissioner Murphy asked if the current revisions had now satisfied all the neighbors. Mr. Frechette said that he wasn't sure but they would find out tonight.

Commissioner Knecht asked if the barn would negatively impact any of the neighbors. Mr. Frechette answered that the horses are already turned out on the property with simple shelters; they just wanted to get them under cover.

Commissioner Oickle asked if they intended to board horses. Mr. Frechette answered that they had originally intended to board but their concern for their neighbors caused them to cut the size of the barn in half. With the current proposal they would own every one of the horses in the barn.

Chairman Munroe mentioned that some 25 years ago there had been a proposal to build a racing track on the other side of I-91. The proposal had been voted down because of pollution from urine draining into the ground. Commissioner Roberts quipped that he wondered if it was from the horses or the spectators.

Mr. Keith Frechette, Elm Street, brother of the applicant and co-owner of Meadowgate Farm said he had lived on the street since 1988. He had owned more horses than they currently own since 1990 and had waited a long time to have a house for these horses that have been doing hay rides in Old Wethersfield for years. He explained that on winter nights they are coming back in the cold and dark and un-harnessing by flash light. They are looking to bring the hay wagon inside at night. Since they don't do trailer rides through the meadows anymore, what they do is lease the horses out to boarders. The horse is ours, it stays on our property but they ride the horse and take care of it. As far as sanitation goes, their manure is hauled out in a dumpster. The bedding under all the horses is sand. They have no issue with flies or the neighbors. Their parents live across the street and no one else can see them. We need permission to move the barn up so that horses are not on the street all day where people can stop and possibly hurt them. For them it's a matter of privacy.

Mr. Leo Frechette, 213 Elm Street, across the street from the property and directly opposite from the proposed location for the barn thought that it would enhance the neighborhood to have the barn there rather than a vacant lot. He said that his son Keith is great at landscaping and one could just look at his house and see what he was talking about. He commented that the traffic fly's by at the end of the street but the cars driven by the horse owners did not and they never come at the same time. He thought it would be better to look at a barn than at I-91.

Ms. Beverly Slezinski, 234 Onley Road, said that when she was at the Town Council meeting she had mentioned that last year she bought a travel guide for the State of Connecticut and checked Wethersfield to see what she might have been missing and saw that Meadowgate Farms was listed there as an unsolicited entry into the book. She said that she had been part of the Farm family for the past 10 years; her daughter boards a pony there. These are very wonderful people. She said that although the boarders had very enthusiastically represented the proposal at the Town Council, they all had other activities tonight and she was representing them here tonight. She said that even school buses wiz by that area but that the boarders are more careful and that there were only a couple of cars there at a time.

She also wanted to say that Keith did a lovely job with the landscaping and she knew that he would do a terrific job landscaping the barn. The work that they want to do will enhance the spirit of Old Wethersfield and that this would be another point of interest for the Town and Old Wethersfield.

Mr. Edward Murphy 215 Elm Street and said that he was not one of the supportive neighbors. He said that a variance had been granted because the size of the first proposal was so large it encroached over the building line. At the Town Council meeting they had heard from a number of people who had spoken saying that they boarded horses there, but Mr. Frechette says that no one is boarding. He felt that the Commission was not being given the information needed to make a decision. He felt that this location was perhaps the worst location on the street for the barn because of its location within 5 single family residences all within 150', a very intensive use for the property. 10 horses would be kept within 1 acre. The new regulations under review call for it being called residential, but right now we are a no mans lands 10 houses and a church, a floodplain, but we are a residential area. The new regulations would also allow maybe 2 horses but they are talking 10. He said that while Steve may talk "we", the 9/10 of an acre being discussed is owned by an LLC, the farm is owned by Keith and Tom. There is no guarantee of the ownership in the future and they could find themselves with no where to turn out 10 horses next to single family houses. We are talking a lot of manure, urine, and flies and probably rats. Keith is a conscientious neighbor and he may try all he wants but he can't stop Mother Nature and he would not be there every second. A smaller barn and fewer horses would make more sense and be more agreeable to him. He felt that this was just too intense a use for this property and it brought up health issues

being right next to residences. He didn't think it would be allowed anywhere else in Town. He also pointed out that the plan keeps changing and he has yet to see a final plan.

Commissioner Oickle asked him where he lived in relation to the proposed barn and did he see evidence now of flies, or rodents. Mr. Murphy said that he lived across and just up the street and had lived on the street longer than anyone else. Did he notice a difference since the horses were there? Yes he did, he had noticed some odor, some flies, and he kept Decon around. If woodchucks showed up he couldn't say they were caused by the horses, but any biology class rules that manure will bring flies and they will lay eggs. Fodder will attract rats. There are a couple of horses up behind the property, and a few by Steve's property, but this proposal would intensify them in one place.

Mrs. Sharon Carew, 224 Elm Street, right next door said that while she wasn't against the proposal she had some concerns. She told the Commission that she runs a state owned day care and has 3 children of her own and worries about the horses getting closer to her house in terms of smell and flies and their ability to go outside and stay outside with small children. She likes animals and the horses and would often walk the kids down and see the horses but she thought she would be happier if they came to an agreement with a smaller barn. As it is they couldn't open some of their windows because of the dust from the farm.

Commissioner Forsdick asked how many horses are there now. Ms. Carew said that there were sometimes 5 or 6 in the corral and across the street there were some too.

Mr. Keith Frechette explained that they got use of 4 of the 5 acres across the street owned by their father and that they leased additional land from Doug Morgan and have gotten permission to lease more across the street. He explained that the horses are not going to be in the barn all the time. This was just for night, sick bay use or the winter time. They have a lot of land for turn out.

Commissioner Adamian asked Mr. K. Frechette to explain where his property was in relation to the other properties being mentioned, which he did. He showed that a line of trees separates the property from the neighbors. Only his parents across the street and another neighbor could actually see the barn, the Murphy's and the Carew's could not see them. The horses are on the side of his house, in his back yard, and across the street behind his father's house.

Commissioner Roberts asked who the LLC owner is. Mr. Frechette answered that when the former owner had died Steve had bought the land.

Commissioner Roberts asked why they had to build the barn here, when they had some 15 other acres to build on or perhaps their parents land. Mr. Frechette answered that they leased out land but did not own all the land they had for turn out. Even if they did build the barn across the street they would still use that lot for turn out and they were trying to keep the horses away from Mrs. Carew's house. The proposed lot was owned by Keith and his brother Steve. He also mentioned that they live by the river and have river rats which were there before the horses came.

Commissioner Adamian asked what he meant by turn out. Mr. Frechette answered that turn out refers to grazing. He said that his horses live under a huge lean to. They won't be permanent residents of the barn it's just a shelter.

Mr. Murphy again stated that his problem is not the usage but the intensity of usage with the maximum number of animals to justify the costs, not just a few personal animals. If the number of animals could be limited he would be satisfied and thought that Mrs. Carew would be also.

Commissioner Murphy asked for clarification on the boarding issue. Mr. S. Frechette said that initially they had looked to board to offset their costs. But now with the smaller barn they would own every horse. He explained that people lease horses like people lease cars. They take care of the horse, but we own it. We were told we would have to come before you because we were planning to rent out stalls. Now that are plan has changed we don't need to, however we were on the agenda and they suggested we come talk to you anyway. The area behind the barn is really for people talking a horse out to walk around a bit on their way to different turn outs. There would be 2 or 3 horses at most being ridden at a time.

Commissioner Adamian asked him to address the neighbor's comments about rodents. Mr. Frechette answered that he

couldn't honestly say if the flies or rodents they mentioned were caused by the cats or the neighbor's dogs that roam around the area. He said the manure is cleaned out about 3 or 4 times a day and that the dumpster is emptied 2 or 3 times weekly.

Keith Frechette said that he didn't have a problem with flies at his house, but did have a problem with the duct from some of the farms. He added that they are currently experimenting with larvae placed in the dumpster that eat fly larvae but didn't know how it worked yet because it had not been a bad fly year.

Ms. Slezinski said that they lease a horse and take care of it. She said that it's a very clean operation there and every effort is made to control flies by putting up these little boxes and keeping clean. She said that they must have a super cat because she has never seen a rat or mouse.

Mr. Murphy said that there are reasons why there are restrictions regarding animals and are based on good reasons based on peoples experiences. Even the best farmers will have some problems, and it impacts the neighbors.

Mr. Gillespie checked the regulations regarding livestock which did not seem to contradict the proposal. He added that they had shipped plans to the Health Department but they had not received final plans for this application until late last week and no response had been received yet.

The Commissioners discussed the possibility of Tabling the application until a response had been received from the Health Department.

Commissioner Forsdick said the horses were currently there and had been there. Instead of lean-tos they were looking to build a proper barn. They already have the horses and the land; they just want to put up a barn. She said that it seemed to her that some of the people speaking just want to get rid of some horses, but she felt that putting up a barn was very reasonable request. She also felt that since they had already received the other approvals, it must have also seemed a reasonable request to the other commissions.

Commissioner Murphy said that it was his understanding that they just wanted to bring the horses in closer.

Commissioner Adamian said that while the horses are in the neighborhood they are moving them significantly closer to these people's homes. He thought that they owed it to the neighbors to hear what the health department has to say.

Commissioner Oickle asked what the area was zoned. Mr. Gillespie said that it was zoned Floodplain which included in its uses agricultural, horse stables corrals and trails excluding dwellings.

Commissioner Oickle noted that he is the only Commissioner who was on the Commission when that zone was written. They wanted to curtail residential development on Elm Street because of the flood level. Its supposed to be open space and horses are part of that. He agreed that the horses are there and that the health officer had been given their chance and he would not vote to Table.

Commissioner Munroe said that he was willing to defer to someone who knows a little bit more about it to concur that this many horses can be contained on that size of lot.

Commissioner Oickle said that while the lot may not be large, they had a lot of other land to use and the horses would not be contained on just that lot. More importantly he said that they would not be building nay more houses there.

Commissioner Murphy said that in any other application they would wait until the Fire Marshal had signed off, and there might be some stipulation or alteration requested which might affect the application and he felt they should wait until the health official had signed off.

Commissioner Hallisey said that the horses are currently there on that location.

Commissioner Munroe said that if they accepted this application and then changes were requested by the health department, those changes would have to be dealt with. Although he had rarely seen any changes requested.

Upon motion by Commissioner Murphy, seconded by Commissioner Munroe and a poll of the Commission it was voted not to TABLE Application No. 1410-03-Z until a confirmation is received from the Public Health Director.

Aye: Murphy, Adamian, Knecht, Roberts

Nay: Munroe, Forsdick, Oickle, Hallisey

There being no one else who wished to speak, the public hearing was closed.

Theresa Forsdick, Clerk

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**Wethersfield Planning And Zoning Commission**  
**Public Meeting**  
**September 18, 2003**

**APPLICATION NO. 1408- 03 -Z.** Colvest Wethersfield, LLC seeking Site Plan and Design Review approval under Article XXXI, 167 - 137 of the Wethersfield Zoning Regulations for the construction of two buildings having a total of approximately 22,960 sq. ft. located on the east side of Silas Deane Highway in an Industrial Zone at 1080 Silas Deane Highway.

Upon motion by Commissioner Oickle and seconded by Commissioner Hallisey and a poll of the Commission it was unanimously voted to TABLE Application 1408-03-Z until the following meeting.

**APPLICATION NO. 1410-03-Z.** Steven Frechette seeking Site Plan and Design Review approval under Article XXXI, 167-137 of the Wethersfield Zoning Regulations for the construction of a 3,316 sq. ft. barn, located on the east side of Elm Street in a Floodplain Zone at parcel 280-002, Lot # 42A Elm Street.

Upon motion by Commission Oickle, seconded by Commissioner Forsdick and a poll of the Commission it was voted to APPROVE Application No. 1410-03-Z. Steven Frechette seeking Site Plan and Design Review approval under Article XXXI, 167-137 of the Wethersfield Zoning Regulations for the construction of a 2596 sq. ft. barn, located on the east side of Elm Street in a Floodplain Zone at parcel 280-002, Lot # 42A Elm Street.

Aye: Oickle, Forsdick, Hallisey, Munroe, Murphy

Aye: Nay: Knecht, Roberts

**APPLICATION NO. 1409-03-Z.** Red Lobster seeking approval under Article XXXI for a change that is not insignificant - installation of metal awnings, located in a Planned Development Business Zone at 1324 Silas Deane Highway.

Mr. Gillespie said that a representative for the applicant from their headquarters in Florida had intended to be at tonight's meeting but the hurricane had kept them grounded. A local representative was substituted to take their place, but had not shown up. There was some general discussion on the disapproval of the way the lights were used to light up the sky around the site rather than to light the site itself.

**APPROVAL OF MINUTES OF: September 8, 2003**

Upon motion by Commissioner Oickle and seconded by Commissioner Forsdick and a poll of the Commission it was unanimously voted to approve the minutes as submitted.

**OTHER BUSINESS**

Upon motion by Commissioner Oickle, seconded by Commissioner Forsdick and a poll of the Commission it was

unanimously voted to APPROVE the Authorization of Peter D. Gillespie to sign notices of the Commission.

Upon motion by Commissioner Roberts, seconded by Commissioner Oickle and a poll of the Commission it was unanimously voted to APPROVE Peter D. Gillespie as an Ex Officio member of the Commission.

The Commissioners discussed the possibility of requiring a notice of some sort whether medical or personal if meetings were to be missed with the result of possible loss of Commissionship if too many meetings were missed.

Commissioner Roberts mentioned that the resignation of Commissioner Chuang had been accepted at the September 3, 2003 Town Council meeting. The Chairman had not been notified.

The meeting was adjourned at 10:30 p.m.

Theresa Forsdick, Clerk