

**WETHERSFIELD PLANNING AND ZONING COMMISSION  
PUBLIC HEARING AND MEETING**

**March 15, 2011**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, March 15, 2011 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

1. CALL TO ORDER:

Chairman Roberts called the meeting to order at 7:03 p.m.

1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum):

Vice Chairman Harley called the roll as follows:

Member Name	Present	Absent	Excused
Richard Roberts, Chairman	✓		
Thomas Harley, Vice Chairman	✓		
Joseph Hammer, Clerk			✓
Earle Munroe	✓		
George Oickle	✓		
Anthony Homicki	✓		
James Hughes			✓
Antonio Margiotta	✓		
Vacancy			
Thomas Dean (alternate)	✓		
Dave Edwards (alternate)			✓
Angelo Robert Fazzina (alternate)	✓		

Also present: Peter Gillespie, Town Planner/Economic Development Manager;  
Denise Bradley, Assistant Planner;

Chairman Roberts noted that there were 6 full members and 2 alternate members in attendance at the time of roll call. All members present to participate.

Members of the public were present.

2. OLD BUSINESS:

**2.1 PUBLIC HEARING APPLICATION NO. 1728-11-Z: Phillip Santavenere** Seeking a Special Permit in accordance with Section 6.10 of the Wethersfield Zoning Regulations for earth removal and filling at 336 Jordan Lane. (This matter was continued from the February 15, 2011, PZC Meeting)

Mr. Phillip Santavenere, 336 Jordan Lane, appeared before the Commission. He presented plans for the site to the Commission.

Chairman Roberts noted, and Mr. Gillespie concurred that Town Staff members are satisfied with the plans submitted. Mr. Gillespie also noted that communication received by some of the neighbors, particularly those located to the west of the site, whose backyards border the site. Their concerns are that the fill deposited at the site will impede the flow of surface water off of their properties into Folly

Brook. Mr. Gillespie described the notations on the plan "GTD" which indicate a grade to drain. He noted that a swale will be constructed pursuant to the plenary ruling from the Inland Wetlands & Watercourses Commission in September of 2010. The swale would remove as much water as possible away from the area of fill. Mr. Gillespie indicated that the neighbors want the required grading and installation of the swale as a condition to an approval of this Application, as to prevent water backing up on their properties.

Mr. Santavenere described the frustration with knowing that his neighbors have complained about his desire to maintain the site, as he indicated the erosion of his back yard is due to water runoff from the neighbors bordering his back yard. He also noted that there is land owned by Folly Brook Apartments that is in need of a retaining wall, and that he has shared this information with Mr. Donald Moisa. He indicated that when Folly Brook rises, the lack of a retaining wall in that area, coupled with runoff from his abutting neighbors' yards into his yard, are direct contributors to the erosion problem he is trying to prevent in his own back yard (site).

Chairman Roberts indicated that the grading and swale details imposed from the Inland Wetland & Watercourses Commission are designed to protect both the Applicant's and the abutting neighbors' properties. The issues related to what is happening with Folly Brook are not within the jurisdiction of this Commission at this time.

Commissioner Homicki inquired as to what the timeline is for completing this project. Mr. Santavenere responded by indicating that after a contractor reviews the plans, costs, as well as weather conditions, will determine how long it would take to implement the plan.

Commissioner Homicki inquired and Mr. Gillespie noted that the project will be monitored and enforced by Town Staff, including but not limited to the Engineering Department and the Planning Department. A pre-construction meeting would occur to go over the plan for what is being proposed. The meeting would allow everyone to be on the same page with the process.

Mr. Gillespie noted that the Applicant has mentioned his intention of a future plan to construct a driveway through an additional parcel of land he has acquired. Mr. Gillespie stated that for the record, construction of that driveway is not included in this Application and would need to be made under a separate Application.

Commissioner Homicki inquired if the Goodwin Park Road subdivision properties were within the 100 year flood plain guideline considerations.

Mr. Gillespie noted that the Inland Wetland & Watercourses Commission's plenary ruling for this site includes three (3) conditions (as noted in a letter dated September 16, 2010 to Mr. Phillip Santavenere from Mr. Donald Moisa, Inland Wetland & Watercourses Agent, Town of Wethersfield): (1) a swale will be constructed along the west side of the property and driveway to carry water away to north, from the rear of the properties along Goodwin Park Road; (2) large pieces of debris will be removed from the property; (3) any future improvements not shown on the plan would need to avoid the inland wetlands and require additional applications.

Commissioner Oickle inquired and Mr. Gillespie indicated that the swale would direct water away to the north (back corner) of the site.

Commissioner Oickle inquired and Mr. Santavenere indicated that the brush removed at the site was

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owned by the Applicant. Mr. Santavenere mentioned that a neighbor had expressed their displeasure with his decision to remove said brush. Mr. Santavenere indicated he informed said neighbor of his intention in the future to erect a vinyl fence in place of where the brush was removed.

Commissioner Margiotta inquired if the entire fill has been brought in, and Mr. Santavenere mentioned he will have the fill, which has already been brought in, be properly leveled in his back yard.

Commissioner Margiotta inquired if the swale needs to be constructed a certain distance away from the property line, and Mr. Santavenere indicated that he will conform to what the Inland Wetland & Watercourses Commission has ordered.

Chairman Roberts stated that a letter dated March 14, 2011 from Linda and Joe Portal, 101 Bidwell Street, Glastonbury, CT, be included in the record. They are the owners of 64 Goodwin Park Road who have concerns relative to an area in the rear of the garage of their Goodwin Park Road property which has a pitch toward the stream, and they would like that situation to remain.

There were no comments made by the Public.

Mr. Santavenere again reiterated that abutting neighbors leveled, pitched and placed process stone for water drainage from their yards into his yard (the site). Therefore, he is trying to avoid erosion caused by said water drainage.

Motion: Commissioner Homicki made a motion to close public hearing regarding: **PUBLIC HEARING APPLICATION NO. 1728-11-Z: Phillip Santavenere** Seeking a Special Permit in accordance with Section 6.10 of the Wethersfield Zoning Regulations for earth removal and filling at 336 Jordan Lane.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Homicki, Margiotta, Dean, Fazzina;  
Nay: None;

Vote: 8 – 0;

**This Public Hearing was Closed.**

**DISCUSSION:**

Commissioner Oickle indicated that this Application conforms to the stipulations made by the Inland Wetland & Watercourses Commission for this site.

Commissioner Margiotta suggested that pre-construction meeting and the approval of the swale by the Engineering Department

Chairman Roberts mentioned that having the condition from the plenary ruling of the Inland Wetland & Watercourses Commission [a swale will be constructed along the west side of the property and driveway to carry water away to north, from the rear of the properties along Goodwin Park Road] as a condition of an approval by the Planning & Zoning Commission of this Application. He also mentioned that having a pre-construction meeting makes sense for all parties without the Commission having to state it in an approval.

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Commissioner Homicki indicated that he is satisfied with ongoing monitoring/maintaining/enforcement of this matter by Town Staff without an “as built” consideration.

Mr. Gillespie concurred with the thoughts of Commissioner Homicki mentioned above.

Motion: Commissioner Oickle made a motion to approve **PUBLIC HEARING APPLICATION NO. 1728-11-Z: Phillip Santavenere** Seeking a Special Permit in accordance with Section 6.10 of the Wethersfield Zoning Regulations for earth removal and filling at 336 Jordan Lane, with the following condition: A swale will be constructed along the west side of the property and driveway to carry water away to north, from the rear of the properties along Goodwin Park Road.

Second: Commissioner Homicki seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Homicki, Margiotta, Dean, Fazzina  
Nay: None;

Vote: 8 – 0;

**Application Approved, with one condition.**

**COMMENTS:**

Chairman Roberts suggested that Mr. Gillespie inquire if Town Regulations pertaining to a 100 cubic yard threshold for fill as the trigger to warrant a hearing before the Commission are in sync with the threshold used in other Towns. Obtaining such information would help determine the sufficiency of the current threshold and could assist with determining the necessity of multiple public hearings versus having matters of this kind handled administratively or by the Inland Wetland & Watercourses Commission.

**2.2 PUBLIC HEARING APPLICATION NO. 1731-11-Z:** Salvatore Cianci – 108 Oakdale Street – Renewal of Special Permit to permit the storage of oversized Trailer and Mobile Home.

Mr. Salvatore Cianci, 108 Oakdale Street, appeared before the Commission. He indicated his desire to renew his previous application which allowed him to store oversized car trailer at his 108 Oakdale Street residence. He noted that he has had the oversized trailer at the site for at least twenty (20) years and that the special permit has been renewed several times during the twenty (20) year period. He stated that he no longer has a mobile home, and, therefore, does not wish to renew the mobile home component of the previous Application.

Commissioner Oickle inquired and Mr. Cianci indicated that he would like the permit to be renewed for as long as he resides at the site.

Commissioner Oickle indicated that the Applicant’s property is well kept. He indicated that the residence and the structure for which the oversized trailer is housed are both well maintained.

Vice Chairman Harley noted that the trailer exceeds ten (10) feet from which is allowed by permit.

Chairman Roberts indicated that the permit from which the Applicant has been operating expired four

(4) years ago.

There were no comments made by the Public.

Motion: Vice Chairman Harley made a motion to close the Public Hearing regarding **PUBLIC HEARING APPLICATION NO. 1731-11-Z**: Salvatore Cianci – 108 Oakdale Street – Renewal of Special Permit to permit the storage of oversized Trailer.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Homicki, Margiotta, Dean, Fazzina

Nay: None;

Vote: 8 – 0;

**This Public Hearing was Closed.**

Motion: Vice Chairman Harley made a motion to approve **PUBLIC HEARING APPLICATION NO. 1731-11-Z: Salvatore Cianci** – 108 Oakdale Street – Renewal of Special Permit to permit the storage of oversized Trailer. This permit is for a term of five (5) years and is renewed for the oversized trailer only.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Homicki, Margiotta, Dean, Fazzina

Nay: None;

Vote: 8 – 0;

**Application Approved as noted.**

**2.3 PUBLIC HEARING APPLICATION NO. 1732-11-Z**: Paula Rubinow – 271 Main Street – Amendment to previous approval to permit the commercial use of proposed addition.

The Applicant (Ms. Rubinow) and her contractor, Paul Randazzo of Percon, Inc., appeared before the Commission.

Mr. Randazzo indicated that Ms. Rubinow is seeking to amend her permit to allow her to use the 24' x 24' single-story residential addition for commercial use. The addition, which he described as the size of a small gathering room, would be used for hosting small meetings/functions, craft exhibitions with no music and/or loud entertainment. He noted that the addition would have a stairway into the basement and would contain a handicapped accessible entrance and an 8'x10' bathroom. He believes that the total concept proposed adds a nice feature to the Town.

Mr. Randazzo indicated that a pencil-sketched site plan was provided to the Town with respect to parking at the site. He believes that a great deal of traffic is generated from the business conducted at the neighboring Legion Hall.

Mr. Randazzo noted that the floor load for the addition would change and that he would work with the Town Building Department to accommodate that change.

Commissioner Oickle made an inquiry regarding turning radius for vehicles parked in the driveway.

Mr. Randazzo indicated that there is plenty of room in the back of the driveway (by the garage area) for vehicles to complete a K style turn. There would also be ample room for cars to back out of the driveway.

Commissioner Oickle inquired of the fence proposed for the site. Mr. Randazzo noted that there is a section of fence damaged by the tornado that will be replaced once the final grading of the site is completed. He also noted that the two maple trees at the site will remain, as they were not adversely affected by the new construction. He mentioned that the two (2) maple trees are located by the proposed patio, and additional screening may be necessary in that portion of the site.

Commissioner Homicki indicated that the purpose of this hearing is to discuss the use of the 24'x24' addition as a compliment to the outside venue with the artist concept initially proposed. He therefore concluded that 800-900 square feet of residential property would be used for non-residential purposes of to displaying artwork.

Commissioner Homicki inquired and Mr. Randazzo indicated that the Town Building Department specified that there is to be no access from the residence into the addition if said addition was to be utilized and fit for commercial purposes. Mr. Randazzo indicated that the addition will be in compliance with handicapped codes and commercial use.

Commissioner Fazzina inquired and Mr. Gillespie indicated that the addition does not meet any fire code requirements for sprinkler installation.

Chairman Roberts indicated that a letter dated March 14, 2011 from Kathleen Williams, 15 Hartford Avenue be made part of the record. Ms. Williams is requesting that the Application be denied because of parking concerns and safety concerns with traffic occurring in the driveway while children are patronizing the Creamery. She believes that artist displays will be clustered in the property. She also believes that additional fencing at the site would create a "walled look" at the site, thus defying the overall characteristics found in the neighborhood.

**PUBLIC COMMENTS:**

Mr. William Dest, a resident of 53 McMullen Avenue for over fifty (50) years, appeared before the Commission in support of this Application. He is a regular customer of Main Street Creamery. He considers the Applicant to be a good ambassador to Old Wethersfield. He believes the Applicant's plan for artists to display their goods will help promote tourism to the area. He also believes that the Applicant has continually provided top-shelf improvements to her property.

Ms. Dolores Sullivan, a resident of 36 Knight Street for forty-nine (49) years, appeared before the

Commission in support of this Application. She indicated that the Applicant is smart and brings culture, charm and friendliness to the community in the operation of her business. She expressed her desire for the Applicant to be allowed to continue with her endeavors.

Ms. Tracy Anderson, a 1976 graduate of Wethersfield High School, currently of South Windsor appeared before the Commission in support of this Application. She is a professional artist and friend of the Applicant. She believes the Applicant's business is representative of a simpler time, where people connected and where creativity is inspired. She indicated that the Applicant's generosity, as well as her general care and concern for the community have touched many people. Ms. Anderson indicated that artists are always looking for a fun, clean and community-oriented location to hold quiet gatherings and partake in networking.

Commissioner Oickle made an inquiry to Mr. Gillespie as to whether parking would become more congested at the site in consideration of the plan proposed.

Mr. Gillespie believes that there would be little to no parking ramifications for the plan proposed because the activities at Comstock Ferre & Company have brought down the parking demand. He also indicated that there have been no complaints relative to parking and traffic generated by customers of the Creamery. He mentioned that any parking issues brought to his attention have been in the area of the Museums on Main Street. He reminded the Commissioners that back in 2004, the Applicant obtained a variance pertaining to parking requirements.

Vice Chairman Harley indicated that a stacking of vehicles would be the likely scenario for guest/invitee parking.

Commissioner Homicki inquired and Mr. Gillespie indicated that the proposed use for art displays at the site is the subject of this Application and that should the Applicant sell her property, the new owner would have to seek a special permit if their proposal was other than the displaying of art.

Mr. Gillespie indicated that the Commission consider the Applicant's request for use of the addition to include a meeting place for civic groups and clubs, as well as a space for use by artisans, and that the applicable fire and building codes to operate as such would have to be complied with.

Commissioner Homicki reiterated the subject of use in light of Ms. Williams' letter of March 14, 2011 and noted that the Applicant's proposal is in balance within the community and that the Applicant's property is zoned for business. He noted that he would have liked Ms. Williams to be present at this meeting so that she could further expand on the comments in her letter.

Chairman Roberts questioned the accessory use of the addition to ice cream parlor. He noted that special events were added to the permit for the ice cream parlor. Then the outdoor sale and display of art merchandise during limited months, days and hours. The proposal now is to take out the residential addition allowed in the September 2010 permit and make it a commercial space. He stated that in the parameters provided, the proposal appears to be an ill-defined art show sale and place of public assembly space with no real indication as to when the hours of operation would be at the proposed addition. He noted that the concept appears to be okay, but suggested that the Commission discuss whether they are comfortable with stretching what is acceptable as an accessory to an ice cream parlor. Parameters need to be established in terms of parking, hours of operation and what types of activity would be held in the space.

Mr. Randazzo indicated that the establishment, Burger King, offers a space to civic groups. He noted that Main Street Creamery would offer a more charming venue for those seeking that type of venue. He deferred to Ms. Rubinow for times of operation and a definition as to what types of organizations would utilize the addition space.

Commissioner Homicki inquired if Item #4 mentioned in the December 6, 2010 letter to Paula Rubinow is proposed for this Application [The Merchandise Sale/Display permit is for one (1) season (may through October 2011) and is permitted to occur, weather permitting, during the hours of 12:00 noon to 5:00 p.m. and on one (1) weekday (Monday through Friday) and on both days during the weekend (Saturday and Sunday)/ Set up and existence of no more than four (4) tables is permitted at the site for the purposes of merchandise sale and display. Music and/or loud entertainment are not permitted].

Ms. Rubinow indicated that artisans would utilize her driveway, not customers. She noted that additional parking could be sought at the church parking lot located directly across the street from the Creamery. She proposed the hours of operation in the addition to be 10:00 a.m. to 8:00 p.m. (Note: the Creamery is open until 10:00 p.m. She indicated commercial use of her addition by a small group would generate clientele to the other businesses in Town.

Commissioner Oickle inquired if there are any difficulties with customers crossing the street at her site.

Mr. Randazzo suggested that the Town install a crosswalk in front of the Legion Hall, as there is a great deal of pedestrian traffic resulting from activities at the Legion Hall.

Vice Chairman Harley indicated that it is reasonable for the hours of operation in the addition to be concurrent with those of the Creamery (and not the outdoor display hours).

Chairman Roberts indicated that he did not have any preconceived notion of what the appropriate hours are for the addition.

Chairman Roberts indicated that what is in front of the Commission is an Application for using the 24'x24' space for art displays and as a limited place of public assembly. Matters that need to be determined would be: (1) what days of the week can the space be utilized and during what hours? (2) who would be using the driveway; (3) how will traffic and parking for the additional use be handled? and (4) is the use an acceptable accessory use for an ice cream parlor?

Commissioner Dean agrees that the hours of operation for the addition be contiguous with those of the ice cream parlor.

Commissioner Dean inquired and Mr. Gillespie indicated that is legally permissible to limit parking in the driveway to the owner, guests and business invitees. Ms. Rubinow indicated that she would agree to this limitation.

Commissioner Munroe indicated that many patrons will park further away if necessary to patronize the Creamery, and therefore parking would not become a matter of concern.

Commissioner Dean indicated that he is not too concerned with finite precise details with what the permit should be for this addition. He encouraged providing latitude within reasonable safety limits in the consideration of this matter.

Motion: Vice Chairman Harley made a motion to close the Public Hearing regarding **PUBLIC HEARING APPLICATION NO. 1732-11-Z**: Paula Rubinow – 271 Main Street – Amendment to previous approval to permit the commercial use of proposed addition.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Homicki, Margiotta, Dean, Fazzina  
Nay: None;

Vote: 8 – 0;

**This Public Hearing was Closed.**

Motion: Commissioner Oickle made a motion to approve, as presented, **PUBLIC HEARING APPLICATION NO. 1732-11-Z**: Paula Rubinow – 271 Main Street – Amendment to previous approval to permit the commercial use of proposed addition, with the following stipulations:

- (1) The term of this permit is March 15, 2011 through March 1, 2012;
- (2) There are no changes to the September 2010 permit terms for outdoor display and its activities (see Item #4 in the December 6, 2010 letter to Paula Rubinow from Town of Wethersfield Planning & Zoning Commission (Peter G. Gillespie, Duly Authorized), which is a condition to the September 2010 permit);
- (3) Activities in the proposed addition are to occur during the general hours of business for the Main Street Creamery;
- (4) Limited additional lighting in the patio area is to be approved by Town Staff;
- (5) The number of guest and business invitee vehicles allowed to park in the driveway is limited to five (5). No other vehicles, other than those owned by the Applicant, are to park in the driveway.

Second: Vice Chairman Harley seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Homicki, Margiotta, Dean, Fazzina  
Nay: None;

Vote: 8 – 0;

**Application Approved, as presented and with Stipulations.**

**COMMENTS:**

Commissioner Oickle suggested that Town Staff evaluate whether a crosswalk is needed in the vicinity of the Legion Hall on Main Street in Old Wethersfield.

**3. NEW BUSINESS:**

There was no new business discussed at this meeting.

4. OTHER BUSINESS:

**4.1** Discussion of Zoning Regulation Amendments – Public Notice Requirements.

5. MINUTES - Minutes from the February 15, 2011 Meeting.

There were no corrections made to the Minutes from the February 15, 2011 meeting.

**Motion:** Commissioner Oickle motioned to approve the minutes, as submitted.

**Second:** Vice Chairman Harley seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Margiotta, Dean,  
Nay: None;

Vote: 6 – 0;

Commissioner Homicki and Commissioner Fazzina did not participate in the vote, as they were not present for the Planning & Zoning Commission Meeting of February 15, 2011.

**Minutes approved as submitted.**

6. STAFF REPORTS:

Mr. Gillespie mentioned that Town Information Technology personnel are conducting a review of computer software recently purchased that would be utilized by Town Staff, as well as the Public, when zoning permits are requested. He will continue to keep the Commission apprised of this issue.

Mr. Gillespie indicated that the SDC (Systems Development Charge) permit for **APPLICATION NO. 1720-10-Z** [LRC Group Seeking a Special Permit in accordance with Sections 5.2.F.2 and 5.2.F.3 of the Wethersfield Zoning Regulations to construct a restaurant with outdoor dining and a drive-thru window at 1129 Silas Deane Highway] has been submitted, and he anticipates more permits pertaining to this Application to be submitted in the near future.

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING:

There were no public comments made at this meeting relative to general matters of planning and zoning.

8. CORRESPONDENCE:

**8.1** Monthly Economic Development Report.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:

There are no pending applications to be heard at future meetings.

10. ADJOURNMENT:

Motion to adjourn at 9:10 PM – by Commissioner Oickle.

Seconded – by Commissioner Homicki.

Aye: Roberts, Harley, Munroe, Oickle, Homicki, Margiotta, Dean, Fazzina

Nay: None;

Vote: 8 – 0;

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary