

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

April 19, 2011

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, April 19, 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 7:02 p.m.

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

Commissioner Homicki 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 (arrived @ 7:10 p.m.);
Denise Bradley, Assistant Planner

Chairman Roberts noted that there were 5 full members and 3 alternate members in attendance at the time of roll call. All members present to participate.

There were no Members of the Public present.

2. OLD BUSINESS:

There was no old business discussed at this meeting.

3. NEW BUSINESS:

3.1 APPLICATION NO. 1734-11-Z: Michael Orsini Seeking Site Plan and Design Review in accordance with Section 3.5.5 of the Wethersfield Zoning Regulations to park a commercial vehicle at 54 Beaver Road.

Mr. Michael Orsini, co-owner of the property located at 54 Beaver Road, appeared before the

Commission to request that two (2) oil trucks (classified as commercial vehicles), which are owned by another contractor (J.S. McCarthy Oil Company) be allowed to park in the rear lot at 54 Beaver Road. Mr. Orsini noted that he first contacted the Town Building Department regarding J.S. McCarthy Oil Company's request. The Town Building Department directed Mr. Orsini to Mr. Gillespie. Mr. Orsini submitted photos to the Commission of the two trucks that would be parking at the site, and he made note to the Commission that another oil company currently exists on Beaver Road. Mr. Orsini also noted that the parking area of the site has recently been fenced in.

Mr. Fred Guidobono, 268 Prospect Street, appeared before the Commission in support of the Application. Mr. Guidobono is a co-owner of the property located at 54 Beaver Road, and his HVAC business, Santabono, Inc., is also located at the site.

Chairman Roberts inquired and Mr. Orsini indicated that there is no intention, at this time, to park any additional vehicles at the site that would be considered not related to the business.

Commissioner Homicki inquired and Mr. Orsini noted that the fence for the site was approved by the Commission in 2009.

Commissioner Homicki indicated and Chairman Roberts concurred that the permit for the site issued a couple of years back pertained to the existing business and its utility vehicles for the site.

Chairman Roberts mentioned that this Application pertains to vehicles for a business that is not located at the site.

Commissioner Dean inquired and Mr. Fred Guidobono indicated that from the back of the building to the property line is two hundred, twenty-five (225) feet. Mr. Guidobono indicated that there is no frontage exposure, as the building blocks the street.

Commissioner Dean inquired and Mr. Orsini noted that parking of said oil trucks would occur at the rear of the site. The rear of the site is enclosed by a fence of seven (7) feet in height.

Commissioner Dean inquired how large the vehicles, commercial or otherwise, that are located and utilized at the site are in relation to the two (2) oil trucks proposed. Mr. Orsini indicated that utility vans are currently located and utilized at the site. Commissioner Dean indicated and Mr. Orsini concurred that the vehicles currently located and utilized at the site are considerably smaller than the two (2) oil trucks proposed.

Commissioner Dean inquired if any alternative solution existed (such as the granting of a license) for this activity other than a permit, since permits run with the land. Ms. Bradley indicated that placing a time limit on the permit would be the mechanism, as there is no mechanism for the granting of a license. Ms. Bradley also concurred with Commissioner Dean that a permit with a time limit would require the Applicant to periodically renew their request.

Commissioner Edwards inquired and Mr. Orsini and Mr. Guidobono both concurred that the two (2) oil trucks proposed will be stored at the site and then used by J.S. McCarthy Oil when said oil trucks are not parked at the site.

Commissioner Fazzina inquired and Mr. Orsini noted that the fence is not classified as a privacy fence.

Chairman Roberts noted that a funeral home, a veterinary clinic border the site from the north and south and that a brook, railroad tracks and some residential neighbors are to the rear of the site in the vicinity of Garden Street.

Mr. Orsini noted that at approximately four hundred (400) feet from the rear boundary of the site, neighbors at Lincoln Street. He noted there are residential properties on Garden Court which border the pond/brook located in proximity to the site.

Commissioner Fazzina made an inquiry as to whether stipulations exist between the parties regarding environmental impact of fuel leakage.

Mr. Orsini clarified the types of fuel leakage pertaining to the oil trucks proposed. He noted that fuel leakage from a truck's engine cannot be mistaken from leakage from the storage component of a tanker truck. He explained that the storage tank portion of an oil truck is concealed twice, and that a leak would occur in the outer portion with obvious appearance. He noted that the oil company would be responsible in addressing any issues.

Commissioner Margiotta inquired and Mr. Orsini and Mr. Guidobono both indicated that the trucks would park on gravel and not on a concrete slab.

Commissioner Dean inquired and Mr. Guidobono indicated approximately five thousand (5,000) gallons of oil are stored in each of the two (2) trucks.

Commissioner Dean made an inquiry regarding the environmental impact should vandalism (opening the valves of the trucks) occur at the site.

Mr. Orsini indicated that the valves cannot be tampered with, as the truck valves are secured with interacting, dremmel locks.

Commissioner Margiotta inquired if the site is affected by the one hundred (100) year flood zone.

Mr. Guidobono indicated that proper staking and fence placement were completed in consideration of the one hundred (100) year flood zone.

Commissioner Dean inquired and Mr. Orsini indicated that the oil trucks are considered Class II vehicles and are approximately thirty feet by fifteen feet (30'x15').

Chairman Roberts inquired and Mr. Gillespie indicated that Town Staff did not submit any commentary regarding this Application.

Chairman Roberts indicated that this Application was not a public hearing application. However, he invited public commentary if so desired.

There were no comments made by the Public regarding this Application.

Motion: Commissioner Homicki made a motion to approve **APPLICATION NO. 1734-11-Z: Michael Orsini** Seeking Site Plan and Design Review in accordance with Section 3.5.5 of the Wethersfield Zoning Regulations to park a commercial vehicle at 54 Beaver Road, with the following stipulation:

Two (2) Commercial, Class II Oil Trucks are allowed to park at the site in addition to the commercial vehicle allotment as permitted for MAO Electric, LLC and Santabono, Inc., which are the two businesses at the site.

Second: Commissioner Margiotta seconded the motion.

Aye: Roberts, Munroe, Homicki, Margiotta, Dean, Edwards, Fazzina;

Nay: Munroe;

Vote: 7 – 0;

Commissioner Oickle recused himself from participating in the discussion of this matter and, as such, abstained from the vote.

Application Approved.

4. OTHER BUSINESS:

4.1 Pre-Application Review – JPG Partners/2180 Berlin Turnpike. Mr. Gillespie and the Commissioners had a discussion with Rich Rochlin, Esq. of Sigman & Rochlin, LLC, Counsel for JPG Partners, Richard E. Couch, P.E. of Martinez, Couch & Associates, LLC, the Engineering Consultant for JPG Partners, and Patrick T. Snow, a principal of JPG Partners. Counsel indicated that the Applicants are proposing a mixed-used development consisting of a free-standing office building and as many as eight (8) smaller buildings of three (3) or four (4) stories which would have one (1) and two (2) bedroom apartments. There would be approximately sixty-six (66) apartment units with as many as ninety-nine (99) bedrooms at the site. The apartment units would be from 700 to 1,100 square feet. At least three (3) ingress/egress locations are desired at the site. Picnic tables and plantings would be proposed for the site, and wetlands would not be impacted.

Commissioner Oickle inquired and Mr. Snow indicated that there are eleven (11) acres of land at the site. Mr. Snow noted that a State of Connecticut DOT Garage borders the site.

Commissioner Oickle inquired and Mr. Snow indicated that the calculations for building densities utilized wetlands area footage.

Commissioner Oickle inquired and Mr. Snow concurred that there would be an elevation of twenty (20) feet from the first floor of a building/unit to the Berlin Turnpike.

Commissioner Oickle inquired and Mr. Snow indicated that the ten (10%) percent driveway slope cannot be reduced.

Commissioner Homicki inquired if any other options were mentioned for the site. He noted that the Applicants originally spoke of having at least one hundred fifty (150) units and having walking trails at the site. He mentioned previous suggestions made by the Commissioners regarding additional feasibility studies. He also questioned how road frontage located in Newington would be handled. He mentioned that the State of Connecticut DOT assistance would be needed regarding impact on that road from the development of this site.

Commissioner Oickle made an inquiry regarding sidewalks at the site.

Commissioner Oickle asked for more information regarding the apartments. Mr. Snow indicated that the proposed units are market-rate apartments that are not going into the subsidy market.

Commissioner Oickle would like to see an additional traffic lane on the Berlin Turnpike (northbound side) should the site be developed.

Commissioner Edwards suggested and Commissioner Margiotta concurred that proper turning radius be achieved for school bus and emergency vehicle use, as well as parking at the site.

Commissioner Dean inquired and Mr. Snow indicated that natural gas heat will be utilized for units at the site.

Commissioner Margiotta suggested that angled parking may provide more travel lane width at the site. He inquired and Mr. Snow indicated that gravity fed sewer lines will be utilized at the site (easement from Newington). He noted, and Mr. Snow concurred, that there are drainage issues at the site.

Chairman Roberts inquired and Mr. Snow indicated that the project would be completed in phases.

Chairman Roberts inquired, in consideration of the SRD and the property split by the Town line, if there are any outstanding issues with Town Regulations that need to be addressed. Mr. Snow inquired if parking spaces could be aggregated in Newington, for example. He reasoned that parking is tied to density, number of units, etc. Counsel's understanding is that a special permit would be sought.

Chairman Roberts inquired if the Applicants would need State Traffic Commissioner input. Mr. Snow indicated that input is not mandatory but believes State Traffic Commissioner commentary will probably occur.

Chairman Roberts noted that the right hand lane on the Berlin Turnpike in front of the site is often utilized as a quick way to get to the Rte. 175 off ramp and suggested that the Applicants take that information into consideration.

Chairman Roberts suggested the Applicants take into account the potential for school bus and a CT Transit bus to be able to travel down the hill, or a stop/pull off, to service the site despite whether the State DOT requires an Applicant to do so.

Chairman Roberts suggested that the Applicants review the requirements of Regulation 5.10, indicate which sections comply with a plan while indicating how they intend to proceed with rest of regulations. He believes that mixed use regulations promote the philosophy of urbanism with plans for a walk able neighborhood with retail on lower level and people living above it.

Commissioner Oickle indicated that he has never considered this site best for living quarters. He noted that the site borders wetlands. He also noted that he has considered this site for more commercial or office building space.

Mr. Snow indicated that the site is not a big box location and that there is no need for office space in that area.

Commissioner Fazzina believes that the turning ratios for fire apparatus/delivery services are not achieved.

Commissioner Margiotta noted that Town buses and emergency service vehicles would actually have to leave the Town of Wethersfield to gain access to persons at the site.

Commissioner Homicki inquired if the Applicants have had discussions with the five (5) commercial property owners who abut the site regarding access and topography.

Mr. Gillespie indicated that one of the following choices has to be made regarding an Application for this site. One way to move forward would be to amend the regulations and submit an Application under mixed use regulations. Another way to move forward would be to submit an Application under the SRD

Regulations and request a zoning change.

Mr. Snow indicated that he and his partner would like to proceed in a manner least regulatory and having less opposition from neighbors.

Chairman Roberts indicated and Commissioner Oickle concurred that the preference from Applicants coming in with a zoning change was to have the plans (development plans) included with the submission.

Mr. Snow indicated that providing a full site plan with the zone change submission, and then seeing the matter denied would waste time and money.

Counsel for JPG asked if the notion now is that there is nothing that seems objectionable with this concept falling under the current RC zone.

Commissioner Oickle believes that the Applicants need to go back and review the commentary of the Commission and decide what course they wish to take with an application.

Based on information learned in the discussion, JPG is to decide how they wish to proceed with any Application submission for the site.

Mr. Richard Couch, P.E, Engineer for this matter, indicated that matters such as turning radius, circulation, access, storm water issues, are all matters that can be addressed. He noted that the beginning point for JPG and the consultants involved in this matter was to look at the mixed use regulation and create a floor of commercial with a floor of residential above it.

Mr. Gillespie indicated that the argument in a technical sense meets the regulation. He noted that the bigger question is whether the intent of the regulation is satisfied. Mr. Gillespie indicated that the Applicants need to determine if they prefer this type of development with the commercial element supplementary to the mix or if a multi-level development optimal for their site.

Chairman Roberts noted that Town regulations do not define what constitutes mixed use with enough specificity to say the regulation is not met.

Commissioner Homicki believes this site is challenging. He indicated there are many financial concerns in the economics of negotiating with the neighbors, figuring out emergency/general access, as well as the financial risk of taking on a multi-phase project in a tough economy.

Chairman Roberts suggested that if the Applicants are not pursuing the SRD route for an application that JPG and their consultants have another conversation and review the regulations carefully in light of the customized provisions that were made to the Regulations.

Commissioner Dean indicated that this pre-application review submission does not comport to what the ideal is behind the philosophy of mixed use developments, which is having people reside and be connected to the community. He suggested looking at ways to connect a proposed community to the larger offerings on the Berlin Turnpike. He noted that perhaps the connection can be done by means of vehicle and/or pedestrian.

Mr. Gillespie noted there are technical comments from Staff relating to turning radius, etc. He believes Town Staff can be consulted off line and that information can be provided to the Commission when appropriate.

In summation, Chairman Roberts noted that none of the Commissioners are saying no to a concept at this time. He indicated that JPG and its consultants can weigh if section 5.10 of the Regulations can be complied with in terms of special permit criteria for mixed use approval; or proceed with an application by way of the SRD.

Commissioner Munroe indicated the ninety (90) degree parking in the travel portion of the lot will prove

difficult for those backing out of parking spaces. He also noted that the handicapped parking spaces need to be larger in width than other parking spaces.

PUBLIC COMMENTS:

Mr. Dan Turgeon of Glastonbury, owner of the site, appeared before the Commission in support of the proposal. He noted that the property has been in his family for sixty-eight (68) years. He provided a brief history of the topography of the site and noted that the wetlands on the site came from Berlin Turnpike and Prospect Street runoff. He believes the proposal is good for the Town.

5. MINUTES - Minutes from the April 5, 2011 Meeting.

There were no corrections made to the Minutes from the April 5, 2011 meeting.

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

Second: Commissioner Dean seconded the motion.

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

Vote: 6 – 0;

Commissioner Margiotta and Commissioner Edwards did not participate in the vote, as they were not present for the Planning & Zoning Commission Meeting of April 5, 2011.

Minutes approved as submitted.

6. STAFF REPORTS:

Mr. Gillespie and the Commissioners had a discussion regarding an E-Mail dated 04/18/11 from Kathy Bagley regarding the donation of a picnic pavilion for Mill Woods Park and whether the donation would trigger any Town requirements.

Mr. Gillespie and the Commissioners discussed **PUBLIC HEARING APPLICATION NO. 1723-10-Z: Lucas Kyriakos** Seeking a Special Permit in accordance with Section 5.2.F.2 of the Wethersfield Zoning Regulations for an amendment to Application No. 1700-10-Z for outdoor dining at 222 Main Street (Lucky Lou's). The owner would like to reduce the size of the patio, have said patio constructed further away from the multi-family residence (26-28 Marsh Street), and place it closer to Main Street. The Historic District Commission will be reviewing the matter.

Mr. Gillespie indicated that the Commissioners are invited to attend a Land Use Academy Basic Training seminar on Saturday, May 14, 2011, from 8:30 a.m. to 3:00 p.m. by the University Of Connecticut Center for Land Use Education and Research.

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:

There were no items of correspondence discussed at this meeting.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:

9.1 PUBLIC HEARING APPLICATION NO. 1735-11-Z: 100 Great Meadow Road Associates LLC, Seeking a Zoning Text Amendment to Section 5.2 of the Wethersfield Zoning Regulations (Permitted Principal Uses).

10. ADJOURNMENT:

Motion to adjourn at 8:40 PM – by Commissioner Homicki.

Seconded – by Commissioner Oickle.

Aye: Roberts, Munroe, Oickle, Homicki, Margiotta, Dean, Edwards, Fazzina;

Nay: None;

Vote: 8 – 0;

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary