

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

May 17, 2011

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, May 17, 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):

Clerk Hammer 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			
Dave Edwards	✓		
Thomas Dean (alternate)	✓		
Angelo Robert Fazzina (alternate)	✓		

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

Chairman Roberts noted that there were 7 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.

*Vice Chairman Harley arrived shortly after the call of the roll.

2. OLD BUSINESS:

There was no old business discussed at this meeting.

3. NEW BUSINESS:

3.1 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).

Daniel M. Logan, Esq. of Logan Grady, LLC, 1233 Silas Deane Highway, appeared before the Commission on behalf of Applicant, 100 Great Meadow Road Associates, LLC. This Application pertains to some designated counter-style restaurant space that exists in the office building known as Putnam Park, which is located at the site (100 Great Meadow Road). Attorney Logan provided some background information and indicated that a zone change is requested, as the owner is contemplating an eventual site plan application for a restaurant with outdoor patio dining at the site. Attorney Logan mentioned that there have been some discussions with and input from Town Staff in this regard. He also mentioned a review of the Regulations found that uses set forth in Town Regulation 5.2.f. were omitted with respect to properties located within business park districts and communicated a desire to obtain an amendment to the section rather than having to obtain a special permit for the requested use. Counsel noted that it is not uncommon to have complexes, similar to Putnam Park, with restaurants. He mentioned that allowing said use would keep Wethersfield business park properties competitive with the marketing of similar properties in other Towns and in the City of Hartford. He mentioned that the original site plan for Putnam Park in the 1980s contemplated restaurant usage on the first floor and was permitted under prior zoning designation. He noted that there is an existing food service area in the building on the main level which is not a full service restaurant.

Commissioner Oickle made an inquiry as to how many other office parks in Town would be impacted by this Application.

Mr. Gillespie noted the following eight (8) other areas/properties in Town which are zoned as business park that would be impacted by this Application:

1. Russell Road (owned by Balf and The State of Connecticut);
2. Arrow Road by Russell Road (near industrial building owned by Mr. Tartaglia);
3. Goff Road (garage owned by State of Connecticut);
4. Progress Drive (4 lots);
5. Main Street (property owned by Wethersfield Construction Company);
6. Maple Street-Rte. 3 (property owned by New Britain Candy Co.);
7. oil terminals located near the Connecticut River;
8. 100 Great Meadow Road (Putnam Park).

Clerk Hammer indicated that he liked the idea of allowing the flexibility of having a restaurant in the Applicant's type of building, but is more comfortable with having a conditional use with a site plan (not an as of right site plan) because of the seven (7) other sites zoned business park and their proximity to traffic, neighborhoods, and the Village Business District. He reasoned that having a conditional use with site plan requirement would better protect everyone and is receptive to future Applications for similar matters in business park zones.

Commissioner Fazzina inquired and Counsel concurred the owner contemplates that in lieu of the food service area which currently exists at the site, a restaurant would be created in said renovated space. The restaurant would include an outdoor patio in the rear of the building facing the Connecticut River. Parking at the site would not be impacted.

Chairman Roberts concurs with Clerk Hammer in that a special permit with a site plan would provide

subjectivity and may create some meaningful development at the seven (7) other business park zones in Town.

Chairman Roberts inquired and Counsel indicated that there is no problem if the site plan jurisdiction under 5.2.f. 1. "sit-down or take-out restaurants" would change to a conditional use.

Commissioner Dean concurs with Chairman Roberts and Clerk Hammer. Commissioner Dean inquired if Counsel is aware of any short or long-term plans to convert any part of Putnam Park into a hotel or guest facility. Counsel indicated that there was nothing immediate or on the horizon that he was aware of.

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

Motion: Clerk Hammer made a motion to close **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).

Second: Commissioner Hughes seconded the motion.

Aye: Roberts, Harley, Hammer, Munroe, Oickle, Hughes, Margiotta, Edwards, Dean, Fazzina;

Nay: None;

Vote: 10 – 0;

Public Hearing was Closed.

Motion: Clerk Hammer made a motion to approve **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), with the following modification to Section 5.2.f.1.: sit-down or take-out restaurants require conditional use permit with a site plan.

Second: Commissioner Hughes seconded the motion.

Aye: Roberts, Harley, Hammer, Munroe, Oickle, Hughes, Margiotta, Edwards, Dean, Fazzina;

Nay: None;

Vote: 10 – 0;

Application approved with a modification.

3.2 PUBLIC HEARING APPLICATION NO. 1736-11-Z: Sandra Meier Seeking a Special Permit to conduct a retail business from a roadside vehicle (hot dog cart) without a principle building at 1884 Berlin Turnpike.

Ms. Sandra Meier, 1884 Berlin Turnpike, Wethersfield, appeared before the Commission to describe her Application. She noted her desire to operate a slightly used hot dog cart she recently purchased near her pawn shop located at 1884 Berlin Turnpike. The cart has hot and cold running water and she would

provide condiments (mustard, ketchup, relish) for the hot dogs.

Chairman Roberts inquired and Ms. Meier indicated that the hot dog cart would be located near the corner of the free standing building (1884 Berlin Turnpike).

Commissioner Oickle inquired and Ms. Meier indicated that the Central Health District has been notified. She indicated that the Central Health District advised her to contact them for further instructions regarding cart inspection, etc., after this Application has been acted on by the Commission.

Commissioner Oickle inquired of the Applicant's months, days and hours of operation. The Applicant noted that she plans to operate from April through October, Monday through Saturday, 11:00 a.m. to 2:00 p.m.

Commissioner Oickle inquired if another hot dog vendor operation has been approved next door to this Applicant's.

Mr. Gillespie indicated that an approval exists for a vendor to operate a hot dog cart at the Atlas Tile property, which is directly next door to this Applicant's site. Another permit of this kind exists for a hot dog vendor located near Dunkin Donuts on the Silas Deane Highway (just beyond Church Street and heading north).

Commissioner Oickle inquired and Ms. Meier indicated that she will maintain the site daily and regularly.

Vice Chairman Harley inquired of the status of the permit issued for a cart vendor at the location of Arrow Road and the Berlin Turnpike. Mr. Gillespie indicated that said permit was not renewed.

Commissioner Munroe made an inquiry regarding the Central Health District's position regarding this Application.

Mr. Gillespie indicated that health code and licensing requirements are reviewed with the Central Health District if a Planning and Zoning approval is obtained.

Mr. Gillespie referred to an aerial photo of the site versus the site plan and noted that there is a lack of definition with where hot dog cart patrons would pull into and park. He suggested that perhaps the spaces be re-designated to identify which spaces are for hot dog patrons versus pawn shop patrons.

Commissioner Oickle inquired and Ms. Meier indicated that there would be a small amount signage would be present at the site.

Mr. Gillespie noted that there are provisions for temporary signage that exist which would allow review and acceptance of same by Town Staff.

Commissioner Edwards inquired and Mr. Leonard Shaw (friend of Applicant) indicated that the cart is six (6) feet by forty-eight (48) inches (6'x48") and can be towed. Mr. Shaw also indicated that there will be a sign on the umbrella for the cart as well as a sign on the cart. He also noted there is access to a dumpster at the site.

Chairman Roberts inquired and the Applicant indicated the hours of operation are 11:00 a.m. to 3:00 p.m., as stated in the Application, to provide for set-up, service and break-down of the operation.

Chairman Roberts made an inquiry to Mr. Gillespie regarding the conditions utilized in previous vendor cart applications.

Mr. Gillespie noted that the conditions were specific to hours of operation, days of week, waste receptacle requirement, and that the permit duration did not exceed one (1) year.

Commissioner Oickle made a request of the Applicant to point out on said site plan where exactly the hot dog cart would be located. The Applicant marked on the plan where exactly the cart would be located.

Commissioner Hughes inquired of the Applicant as to where on the site her pawn shop merchandise is displayed if said merchandise is displayed outdoors. The Applicant indicated that the pawn shop merchandise would be displayed on the opposite side of the front of the building which would be opposite the location designated for the hot dog cart.

No Comments were made by the Public.

Motion: Vice Chairman Harley made to close **PUBLIC HEARING APPLICATION NO. 1736-11-Z: Sandra Meier** Seeking a Special Permit to conduct a retail business from a roadside vehicle (hot dog cart) without a principle building at 1884 Berlin Turnpike.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Hammer, Munroe, Oickle, Hughes, Margiotta, Edwards, Dean, Fazzina;
Nay: None;

Vote: 10 – 0;

Public Hearing was Closed.

DISCUSSION:

Commissioner Oickle indicated that he is concerned with a presence of too many cart vendors in Town and would prefer if operations of this kind were housed in a free standing building that would add to the tax base. He also prefers continual aesthetic improvement of the Berlin Turnpike and believes cart vendors are not the way to accomplish such improvement.

Clerk Hammer concurs with Commissioner Oickle. He is not in favor of granting the application for more than one (1) season if he was to support this Application.

Commissioner Hughes believes that having the small stand alone business along side of a business that has a large turnover of merchandise would generate a great deal of activity at the site. He mentioned that existing businesses have to obtain zoning approvals for outdoor merchandise displays. He noted the test time period of this Application can be critical.

Motion: Vice Chairman Harley made a motion to approve **PUBLIC HEARING APPLICATION NO. 1736-11-Z: Sandra Meier** Seeking a Special Permit to conduct a retail business from a roadside vehicle (hot dog cart) without a principle building at 1884 Berlin Turnpike, with the following stipulations:

1. This permit duration is from April 1, 2011 through October 31, 2011;
2. The Applicant is required to clean up the site on a daily basis;
3. The Applicant is required to provide a trash receptacle for use at the site other than that of the dumpster currently located at the site;
4. Pavement markings or other signage is to be provided by the Applicant (and acceptable to the Town Engineer) to assure safe circulation within the site and to separate traffic flow at the site;
5. Signage at the site is to be in conformance with Town Regulations.

Second: Chairman Roberts seconded the motion.

Aye: Roberts, Harley, Hammer, Munroe, Hughes, Margiotta, Edwards, Dean, Fazzina;

Nay: Oickle;

Vote: 9 – 1;

Application approved as stipulated.

1. OTHER BUSINESS:

4.1 Notice of Petitions Affecting Property Within 500 feet of Wethersfield-Russell Road and East Cedar Street, Toll Brothers Proposed Subdivision Development and Zone Map Amendment.

Mr. Gillespie and the Commissioners had a discussion regarding this project. Mr. Gillespie indicated that he and Town Staff had to actively seek information regarding this proposal. Mr. Gillespie described the project and mentioned that a portion of the site borders Arrow Road and Tinsmith Crossing, which are located in Wethersfield. Russell Road and Route 175 are state-owned roads that will be dramatically affected by this project. A portion of the project will require a zone change from “CD” which is a commercial zone to “RD”, which is a residential zone. Significant grading would be involved at the site, and Town Staff is concerned with traffic and drainage. Apparently, no traffic study regarding this commercial and town house project has been conducted. Mr. Gillespie noted that in 2001, the Regional Planning Agency completed a traffic study of the Berlin Turnpike and Route 175 interchange and recommended changes to that area. There is no mention or inclusion of this study in the Applicant’s proposal. The Commissioners agree that there issues that the Applicant and the Town of Newington need to address that directly affect the Town of Wethersfield such as traffic adequacy, drainage, public safety, and the impact on public safety resources for this extremely intense development. The Commissioners believe the Town must have a voice in the matter. Councilwoman Gerri Roberts was present at this meeting and expressed that Town Council is concerned with the proposal as well.

5. MINUTES - Minutes from the April 19, 2011 Meeting.

Commissioner Munroe and Commissioner Oickle indicated the existence of a typographical error on Page 4 of the Minutes from the April 19, 2011 meeting of the Planning & Zoning Commission.

Motion: Commissioner Oickle made a motion to approve the minutes, as corrected.

Second: Commissioner Fazzina seconded the motion.

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

Vote: 7 – 0;

Vice Chairman Harley, Clerk Hammer and Commissioner Hughes did not participate in the vote, as they were not present for the Planning & Zoning Commission Meeting of April 19, 2011.

Minutes approved as corrected.

6. STAFF REPORTS:

Mr. Gillespie indicated that a draft redevelopment plan for the Weight Watchers property on Silas Deane Highway may be forthcoming. He noted that construction work will soon commence in the Wethersfield Shopping Center for the Panera Bread restaurant which was approved for the site. He indicated that representatives of CREC appeared at the Monday, May 16, 2011, meeting of the Town Council to express their interest in the Northeast Utilities property at 176 Cumberland Avenue for a Pre-K through 5 Elementary Magnet School.

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 An article that appeared in the May 2011 edition of Governing Magazine entitled “*Thinking Small*” by Zach Patton.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:

9.1 PUBLIC HEARING APPLICATION NO. 1737-11-Z: Don Hammerberg Associates Seeking a Special Permit in accordance with Section 5.7 of the Wethersfield Zoning Regulations for a General Repairer’s License and in accordance with Section 5.6 of the Wethersfield Zoning Regulations to construct an addition at 450 Silas Deane Highway.

10. ADJOURNMENT:

Motion to adjourn at 8:10 PM – by Clerk Hammer.

Seconded – by Commissioner Oickle.

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Aye: Roberts, Harley, Hammer, Munroe, Oickle, Hughes, Margiotta, Edwards, Dean, Fazzina;
Nay: None;

Vote: 10 – 0;

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary