

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

June 16, 2009

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, June 16, 2009 at 7:00 p.m. in the Wethersfield Police Department Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

1. CALL TO ORDER

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

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

Clerk Knecht called the roll as follows:

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman	✓		
Richard Roberts, Vice Chairman	✓		
Philip Knecht, Clerk	✓		
Thomas Harley			✓
Robert Jurasin			✓
Frederick Petrelli	✓		
Earle Munroe	✓		
George Oickle	✓		
Anthony Homicki	✓		
James Hughes (alternate)	✓		
David Drake (alternate)			✓
Thomas Dean (alternate)	✓		

Also present: Peter Gillespie, Town Planner
Denise Bradley, Assistant Planner.

Chairman Hammer noted that there were 7 full members and 2 alternates in attendance at the time of roll call. All members present to participate.

2. OLD BUSINESS

There was no old business.

3. NEW BUSINESS

3.1 PUBLIC HEARING APPLICATION NO. 1668-09-Z Makris Midtown Diner Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale and dispensing of beer and wine at 1791 Berlin Turnpike.

The Applicant appeared before the Commission requesting a permit for the sale and dispensing of beer and wine Thursday through Saturday during dinner hours of 5:00 p.m. to 10:00 p.m. or 11:00 p.m. Currently, the Diner is open seven days per week from 6:00 a.m. to 3:00 p.m.

Chairman Hammer asked if there were any additional comments from the Applicant or public. There were no additional comments from the Applicant or the public.

Motion: Commissioner Roberts made a motion to close the public hearing.

Second: Commissioner Homicki seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Homicki, Hughes, Dean

Nay: None

Abs: None

Motion: Commissioner Roberts made a motion to approve APPLICATION NO. 1668-09-Z Makris Midtown Diner – Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale and dispensing of beer and wine at 1791 Berlin Turnpike, as submitted.

Second: Commissioner Homicki seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Homicki, Hughes, Dean

Nay: None

Abs: None

Application approved as submitted.

3.2 PUBLIC HEARING APPLICATION NO. 1669-09-Z Erdogan Yildiz Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale and dispensing of beer and wine at Pietro's Pizza/68-70 Wolcott Hill Road. (Renewal)

The Applicant's daughter appeared before the Commission and requested that the liquor permit of 2002 be renewed. She indicated that the restaurant's hours of operation are: Monday through Thursday 11:00 a.m. to 11:00 p.m., Friday and Saturday 11:00 a.m. to 3:00 a.m., and Sunday 12:00 p.m. to 10:00 p.m.

Chairman Hammer asked if there were any additional comments from the Applicant or public. There were no additional comments from the Applicant or the public.

Motion: Commissioner Roberts made a motion to close the public hearing.

Second: Commissioner Homicki seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Homicki, Hughes, Dean

Nay: None

Abs: None

Motion: Commissioner Roberts made a motion to approve APPLICATION NO. 1669-09-Z Erdogan Yildiz - Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale and dispensing of beer and wine at Pietro's Pizza/68-70 Wolcott Hill Road. (Renewal), as submitted.

Second: Commissioner Oickle seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Homicki, Hughes, Dean
Nay: None
Abs: None

Application approved as submitted.

3.3 PUBLIC HEARING APPLICATION NO. 1670-09-Z Farm Fresh Produce LLC - Seeking a Special Permit in accordance with Section 5.3.12 of the Wethersfield Zoning Regulations for outdoor storage (cooler) at 1267 Silas Deane Highway.

The Applicant appeared before the Commission to seek the Special Permit referred to above. Applicant noted that due to space limitations, the cooler could not be located inside the business.

Commissioner Oickle questioned why the cooler could not be located inside the building. He also inquired whether fire equipment use would be compromised with the proposed location for the cooler.

Commissioner Petrelli referred to the Fire Marshall's May 26, 2009 Memorandum which indicates that Hartford Sprinkler is to install two sprinkler heads for 280 square feet of coverage.

Commissioner Munroe questioned the noise level of the compressor located on the top of the cooler.

Commissioner Dean noted that the noise approval component is critical to this Application.

Chairman Hammer asked if there were any additional comments from the Applicant or public. There were no additional comments from the Applicant or the public.

Motion: Commissioner Oickle made a motion to close the public hearing.

Second: Commissioner Roberts seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Homicki, Hughes, Dean
Nay: None
Abs: None

Motion: Commissioner Hughes made a motion to approve, with three Stipulations, APPLICATION NO. 1670-09-Z Farm Fresh Produce LLC - Seeking a Special Permit in accordance with Section 5.3.12 of the Wethersfield Zoning Regulations for outdoor storage (cooler) at 1267 Silas Deane Highway. The Stipulations are as follows: (1) Placement of the bollards at the northwest and southwest corners of the cooler must be considered, as to prevent damage from vehicles; (2) Noise level information relative to cooler operation must be provided to the Town, as the nearest residence on approximately 150 feet from the business; and (3) Town Staff approval must be sought by the Applicant and made relative to sound requirements.

Second: Commissioner Oickle seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Homicki, Hughes, Dean
Nay: None
Abs: None

Application approved with Three Stipulations.

3.4 APPLICATION NO. 1671-09-Z Town of Wethersfield Seeking Site Plan and Design Review for modifications to the parking area and grounds, west side at 505 Silas Deane Highway (Town Hall).

Mr. Turner appeared before the Commission and provided a detailed explanation of the Site Plan and Design Review Application. Driveway cuts and a reorganization of the parking spaces will occur. The center driveway will be closed off, and two driveways will be created. Entrance into the parking lot will occur by way of a northwest driveway. One will exit at the northeast driveway. A two-way traffic flow will exist between isles. There will be 122 parking spaces for non-handicapped patrons, 7 parking spaces for Town Hall Staff and 8 parking spaces for handicapped patrons. Islands in the parking lot will be landscaped according to code. Fire Lanes will be found on the east and west sides of the lot, per recommendation of the Fire Marshall. Parking spaces and travel lanes meeting Town and Fire Marshall specifications.

Mr. Turner indicated that ornamental fencing and a reconstruction of the sidewalk with some brick paver sections, as well as concrete sections would occur in consideration of the budget. A screened area in the southeast corner of the parking lot will host trash receptacles.

The project will occur in phases and it is anticipated that the entire project can be completed in less than 30 days (barring no unforeseen circumstances). In terms of the phases, for example, half of the parking lot may be closed temporarily for project completion, and overflow parking would be accommodated at the Silas Deane Middle School.

Mr. Turner noted that the capital budget covers the cost of the Application and that the Town Council has endorsed this Plan.

Commissioners Oickle and Dean expressed concern of overflow parking.

Chairman Hammer asked if there were any additional comments from the Applicant or the Commission. There were no additional comments.

Motion: Commissioner Homicki made a motion for the Commission to make a positive referral to the Town Council of APPLICATION NO. 1671-09-Z Town of Wethersfield - Seeking Site Plan and Design Review for modifications to the parking area and grounds to the west side at 505 Silas Deane Highway (Town Hall).

Second: Commissioner Dean seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Homicki, Hughes, Dean
Nay: None
Abs: None

A positive referral of the Application is made to Town Council.

3.5 PUBLIC HEARING APPLICATION NO. 1672-09-Z Renee Realty, LLC Seeking a re-subdivision for the creation of two (2) new lots at 128 Highland Street.

3.6 PUBLIC HEARING APPLICATION NO. 1673-09-Z Renee Realty, LLC Seeking a Special Permit in accordance with Section 3.9 of the Wethersfield Zoning Regulations for the creation of two (2) rear lots at 128 Highland Street.

The Applications were heard simultaneously, and there were comments from the public.

Mrs. Deanna Kelly, 147 Surrey Drive, expressed concerns with drainage and duration of construction. Mrs. Kelly summarized a letter from her father-in-law, Steve Kelly, noting his concerns with drainage, open space and his understanding of the previous owner's (that of 128 Highland Street) intent to keep the property as one lot. He noted an article that appeared in the *Hartford Courant* regarding the Connecticut Town of Portland's liability resulting from not properly addressing a homeowner's drainage issue.

Chairman Hammer noted that the letter and the newspaper article referred to herein are part of the hearing record.

Mr. John O'Hare, 6 Stocking Mill Road, indicated that the subject property is 350 feet from his property. He believes a significant amount of ledge exists at the site and that blasting of same will disturb drainage. He questioned the existence of an abandoned leaching field on the property and recommends that the existing house demolition be completed within a specific time frame. He suggested that perhaps a town owned road rather than a private driveway be made part of the Application for the accommodation of standard requirements such as sewer and standard lighting infrastructure.

Ms. Kris Fiejoo, 143 Highland Street, inquired as to the impact of this new development on existing utilities.

Ms. Marianne Watts, 7 Stonegate Drive, inquired as to the price range of the 3 homes proposed in the Application.

Ms. Pamela Mooney, 137 Surrey Drive, noted that her property is on the southeast border of the 128 Highland Street property. She is very concerned with drainage issues and does not want said issues to be ignored.

Ms. Tammy Johnson, 662 Highland Street, owner of Lot #3 expressed faith in the Builder that the drainage issues will be properly addressed.

Ms. Lindsey CoAngelo, 36 Old Common, and Ms. Marisa Fiejoo, 143 Highland Street, both questioned why the existing residence on the subject property isn't considered salvageable. They inquired as to whether a well exists on the property.

Ms. Nancy Andrews, 21 Stonegate Drive, noted that when houses on Highland Street were built, a

significant decrease in the water pressure occurred. She asked the Commission to listen to the concerns of the residents and to teach the residents the process of dealing with the Application issues.

Ms. Carol CoAngelo, 36 Old Common, stated that the development would considerably change the landscape of the neighborhood.

The Applicant's Engineer, Jim Cassidy, of Hallisey, Pearson & Cassidy, explained the Applications and addressed matters of concern:

Drainage would include a 6-inch curb which is planned for the east side of the driveway. The curb would control the water flow from west to east (bordering Surrey Drive) along the proposed driveway to the road system. Catch basins are planned for the mid portion of the driveway and at end of the driveway. An underground pipe is planned for additional drainage from the mid-driveway catch basin to the catch basin located at the end of the driveway and onto Highland Street. Water drainage from the newly constructed homes would also be tied in to the drainage system. A swale (slight depression in the land) will be created at the last lot, as a barrier, to convey surface water drainage from that end lot into its yard drain, thus preventing water from going to the properties located on the east (Surrey Drive). Should groundwater be encountered during excavation, the developer is required to install appropriated under drainage to pick up any subsurface water.

The length of time in construction of the driveway is approximately 2 months. Driveway construction includes: utilities, water, sewer, storm drainage, grading and paving. The length of time in constructing one home would be approximately 8 months.

A 15 foot buffer is planned for the perimeter of the entire site, as noted in the Application. A landscaping plan for each individual site would be submitted to Town Staff.

In consideration of open space preservation, the Applicant noted that these properties equal 2.178 acres of land in an A-1 zone. The proposal shows the smallest lot at 31,000 square feet, which is 10,000 square feet larger than the 20,500 square foot requirement for lots of this kind. The Applicant asserts that this proposal, a four lot development with three houses, meets Town requirements.

Maintenance of the private driveway proposed will be the responsibility of the 2 homeowners in the rear of the property subject to a maintenance agreement.

The current house on the subject property had a septic and well system. MDC records indicate that the sewers for the house were connected in May 23, 1974, and the water was tied into the system 1986.

A suitable plan with 4 lots with 4 houses and a conventional road was considered by the Developer. However, the Developer chose to pursue the 4 lot with 3 houses and a private driveway plan in order to preserve existing vegetation.

The Developer believes that traffic will not be adversely impacted, as he referred to traffic count studies the Town, pursuant to a grant application, recently completed on Highland Street.

The Applicant noted conformance to the Town Special Permit requirements of preserving significant trees that are 12 inches in diameter and stated that trees in the easterly boundary did not meet that criteria.

The Applicant asserts that the cul-de-sac proposed in this plan supports the operation of emergency vehicle passage, including large fire apparatus. Town regulations require that maneuver, called a SU-30, through a cul-de-sac be completed. This maneuver determined the size of the cul-de-sac. An automated program called AutoTURN (maneuver turning program) was utilized. Information was obtained by the Applicant regarding the newest ladder fire vehicle in Town as to turning radius, wheel bases, etc., and that information was entered into the AutoTURN simulation program.

Commissioner Hammer suggested to keep the matter open and continued to the next meeting. The Town Engineer and Town Staff resources are needed to provide: (1) insight to the Commission on surface water runoff, and (2) a feasibility analysis regarding a town road type of plan that the Applicant had considered (4-house plan). Understanding the issues mentioned herein when visiting the site is relevant to the Commission's decision on whether to approve a special exception for Application Nos. 1672-09-Z and 1673-09-Z.

Chairman Hammer asked if there were any additional comments from the Applicant or public. There were no additional comments from the Applicant or the public at this time.

Motion: Commissioner Petrelli made a motion to continue the public hearing to the Commission's next meeting.

Second: Commissioner Roberts seconded the motion.

Vote: 8 - 0 - 1

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Homicki, Hughes, Dean

Nay: None

Abs: Hughes

This matter is continued for hearing at the next meeting.

3.7 APPLICATION 1674-09-Z Mary Ann Ziewacz Seeking Site Plan and Design Review for modifications to Application No. 1586-07-Z (stone wall) at 233 Highland Street.

The Applicant appeared before the Commission with a proposal for a landscape plan which would include eradicating the stone wall, which is currently in disrepair, in front of the property. This stone wall extends to the driveway of the neighboring property, and an ongoing agreement exists with a neighborhood association of Stonegate Drive that wall is to remain and be maintained. The Applicant indicated that a green box (transformer and silo) was installed in the direct path of the stone wall, thus complicating the existence of the stone wall as it has appeared. According to the Applicant, the green utility box cannot be moved or removed, as directed by CL&P. The green utility box services other residences on Stonegate Drive, and CL&P must be able access the box from all angles. The Applicant stated that she has had many landscape architects review the situation. The Applicant believes that the proposal submitted best addresses the complexity of the green utility box.

Mr. Daniel Andrews, 21 Stonegate Drive, spoke not in favor of the Application. He indicated that for at least 25 years, the neighborhood association has cared for the stone wall.

Ms. Nancy Andrews, 21 Stonegate Drive, spoke not in favor of the Application. She indicated that the stone wall adds an intrinsic value to the name "Stonegate Drive" reasoning that her notion conforms to

the intent of the neighborhood association. She requested that the Commission uphold their previous ruling regarding this stone wall.

Commissioner Oickle noted that he viewed the stone wall and believes this Application is appropriate.

Commissioner Roberts questioned whether the green utility box served other properties.

Commissioner Dean suggested that the Applicant be required (1) to submit a plan with more detail; (2) to submit a plan for wall restoration; and (3) to provide photographs of what the subject property looks like at this time.

Chairman Hammer asked if there were any additional comments from the Applicant or public. There were no additional comments from the Applicant or the public at this time.

Motion: Commissioner Deane made a motion to continue the public hearing to the Commission's next meeting in order for the Applicant to submit 3 examples to the Commission to better understand the issue. These examples are: (1) a detailed site plan for wall restoration; (2) a detailed site plan in lieu of wall restoration; (3) photographs of the wall, in its entirety, as it currently exists.

Second: Commissioner Petrelli seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Homicki, Hughes, Dean

Nay: None

Abs: None

This matter is continued for hearing at a future meeting.

3.8 PUBLIC HEARING APPLICATION NO. 1675-09-Z James Gleason Seeking a Special Permit to conduct a retail business from a roadside vehicle without a principle building at 1881 Berlin Turnpike.

The Applicant appeared before the Commission and described his seasonal business of operating a mobile hotdog cart at the property he has leased on the corner of Arrow Road and the Berlin Turnpike. The Applicant would operate his business five days per week during the hours of 10:00 a.m. to 2:00 p.m. The Applicant has purchased the D.O.T. approved cart, obtained a tax identification number, and is State certified to sell beginning June 24, 2009.

Ms. Michelle Gleason, 20 Saxon Road, appeared before the Commission speaking in favor of the Application. She mentioned that after making at least 30 real estate leasing inquiries, the Owner of the Arrow Road and Berlin Turnpike corner location was the only one who responded.

Mr. Gillespie mentioned that there is a long history of vendors who have utilized the subject property.

Commissioner Petrelli noted that Bob's Fruits and Vegetables successfully operated in the subject location for many years.

Commissioner Dean inquired as to how the Applicant would handle trash for his business operation.

Commissioner Oickle stated that the Owner of the property has to be held accountable for the condition of the property as it now stands.

Chairman Hammer asked if there were any additional comments from the Applicant or public. There were no additional comments from the Applicant or the public.

Motion: Commissioner Hughes made a motion to close the public hearing.

Second: Commissioner Homicki seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Homicki, Hughes, Dean

Nay: None

Abs: None

Motion: Commissioner Homicki made a motion to approve, with Stipulations, APPLICATION NO. 1675-09-Z James Gleason is seeking a Special Permit to conduct a retail business from a roadside vehicle without a principle building at 1881 Berlin Turnpike.

The Stipulations for this approval are:

1. This Application approval is for the 2009 season through December 31, 2009.
2. Applicant is to apply for a renewal in 2010 should he wish to resume business, as stated in this Application, beyond 2009.
3. The grass must be cut.
4. Litter must be properly disposed.
5. Potholes must be filled with gravel to accommodate safe travel passage.

Second: Commissioner Hughes seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Homicki, Hughes, Dean

Nay: None

Abs: None

Application approved with Stipulations.

4. OTHER BUSINESS

4.1 Discussion regarding Commercial Vehicle Regulations. The Commission discussed the issue and referred to Mr. Gillespie's May 27, 2009 Memorandum to the Commission regarding same.

Motion: Commissioner Oickle motioned to authorize approval for the application and advertisement of a modification to Commercial Vehicle Regulation Section 3.5.1.A.2.

Second: Commissioner Munroe seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

Application approved as submitted.

5. MINUTES – Minutes of the May 19, 2009 meeting.

Commissioner Roberts noted that he was not present for the hearing of APPLICATION NO. 1664-09-Z and, as such, did not vote on the Application. The Minutes will be revised accordingly. The final vote on the Application is not adversely affected, as a quorum was present.

Commissioner Oickle noted that in Sections 4.1 and 4.2, the word “Committee” should read “Commission”. The Minutes will be revised accordingly.

Motion: Commissioner Oickle motioned to approve the minutes with the suggested revisions.

Second: Commissioner Roberts seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

Minutes approved as corrected.

6. STAFF REPORTS. There were no reports made by Staff.

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING. There were no public comments.

8. CORRESPONDENCE

8.1 A letter dated May 26, 2009 from Kathy and Phil Colello of Nirvana Salon Academy (326 Silas Deane Highway) regarding Application No. 1651-09-Z. Mr. Gillespie noted the June 15, 2009 deadline for a site plan that would detail the improvements (parking, landscaping, trash receptacles, etc.) to the property has expired. The Colellos are requesting an extension of the deadline, as they are facing some hardship issues. Also, a potential change of building ownership may affect their 3-year-lease.

Commissioner Roberts suggested that the deadline be extended to July 31, 2009.

Motion: Commissioner Oickle motioned to extend the deadline to July 31, 2009 for a detailed Site Plan for the property, as required by Town zoning regulations, to be filed.

Second: Commissioner Roberts seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean
Nay: None
Abs: None

Site Plan deadline is extended to July 31, 2009.

8.2 A letter dated June 3, 2009 from Michael Turner regarding fence encroachments on Randy Lane.

This matter has been tabled.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS

Liquor Application Renewal.

PUBLIC HEARING APPLICATION NO. 1672-09-Z Renee Realty, LLC Seeking a resubdivision for the creation of two (2) new lots at 128 Highland Street. This Hearing is a continuation from the Hearing of Tuesday, June 16, 2009.

PUBLIC HEARING APPLICATION NO. 1673-09-Z Renee Realty, LLC Seeking a Special Permit in accordance with Section 3.9 of the Wethersfield Zoning Regulations for the creation of two (2) rear lots at 128 Highland Street. This Hearing is a continuation from the Hearing of Tuesday, June 16, 2009.

10. ADJOURNMENT

Motion to adjourn at 10:45 PM – by Commissioner Petrelli.

Seconded – by Commissioner Homicki.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean
Nay: None
Abs: None

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary