

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

July 7, 2009

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, July 7, 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 3 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. 1672-09-Z Renee Realty, LLC Seeking a re-subdivision for the creation of two (2) new lots at 128 Highland Street. This matter is continued from the hearing of 06/16/09.

3.2 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 matter is continued from the hearing of 06/16/09.

The above matters are being heard simultaneously, as decided at the 06/16/09 PZC Meeting.

Commissioner Harley and Commissioner Drake were not present for the 06/16/09 hearing. However, they have familiarized themselves with the issues.

Commissioner Hughes from has recused himself from this matter.

The continued hearing of the Applications occurred, and there were comments from the public.

Ms. Pamela Mooney, 137 Surrey Drive, again noted that her property is on the southeast border of the 128 Highland Street property. She provided examples of swales that exist in Town and questioned who would be responsible for the continued maintenance of the swale proposed by the Applicant, as she reasoned that swales could cause drainage overflow issues. She reiterated her concern with drainage issues and does not want said issues to be ignored. She is not in favor of houses as much as 4200 sq. feet being erected in the proposed development and suggested that a new development with four smaller homes may be a better solution.

Mrs. Deanna Kelly, 147 Surrey Drive, again expressed concerns with drainage and questioned who would be responsible for maintaining a swale. She questioned whether a swale could be hazardous to small children and to animals. She prefers a 4-house construction plan with a Town-owned road so that a remedy can be made with the Town should water issues not be properly handled. She believes that fire apparatus cannot pass through the cul-de-sac proposed in the Applicant's plan.

Mr. John O'Hare, 6 Stocking Mill Road appeared before the Commission for a second time regarding the above Applications. He authored for submission to the Commission a Memo dated 07/06/09. In the Memo, he suggested that the well system of the existing home on the Applicant's property be properly capped and deactivated from service. The adoption of a conservation easement regarding these Applications was also suggested in his Memo. Mr. O'Hare asserts that the PZC adopted an easement in 1984 regarding lots in a Griswoldville Farms subdivision plan. This easement was recorded in the Wethersfield Land Records on 12/26/84, Book 351, Pages 621-625. The easement provisions include title to the abutting land owners for property maintenance, preservation of land, restriction of land modification and building construction, prohibition of dumping and excavation. His Memo also suggests a clarification to "flag lot" classifications made for residential properties. Mr. O'Hare believes that other than a new "flag lot" located at 140 Highland Street, there are no examples of abutting "flag lots", according to current zoning regulations, in existence in Wethersfield. Mr. O'Hare asserts that the Highcrest Acres 4-home, private road development was built before "flag lot" configurations were classified as such in Wethersfield zoning regulations. He mentioned that the well system on the Applicant's property be properly capped and deactivated from service if the residence currently on the property is to be demolished. He also mentioned that one, 4" PVC drain per house is not adequate. He believes that maintenance issues of the proposed private surface and sewer system will be the responsibility of future homeowners as opposed to the MDC and Town Staff. He maintains that a conventional road with proper drainage is optimal for the community.

Chairman Hammer noted that the 07/06/09 Memo from Mr. O'Hare, a copy of the Conservation Easement and Restriction recorded in Book 351, Pages 621-625 of the Wethersfield Land Records and a copy of the example of Conservation Easement and Restriction currently in effect in the Town of Glastonbury, as referred to herein, become part of the hearing record.

The Applicant's Engineer, Jim Cassidy, of Hallisey, Pearson & Cassidy, appeared before the Committee

to recap and explain the Applications in response to issues raised at the 06/16/09 Hearing. He noted that he will review the 3 documents Chairman Hammer added to the record.

Mr. Cassidy stated that the original house built in 1939, which is currently on the property, will be removed.

The drainage system would permit water flow direction to the lower edge of the new development's drainage system that would direct the water flow to Highland Street. The drainage system would yield a 92% reduction in water flow to Surrey Drive. Additional perforated drainage system would be installed. Mr. Cassidy indicated that the Town Engineer has reviewed the drainage system, as presented, and concurs. Mr. Cassidy noted that at Town Engineer, Mike Turner's request, a manhole be incorporated into the plan for lot #2.

Trees bordering the Easterly, Northerly & Westerly property lines would be preserved, according to Town regulations, if non-diseased.

In terms of house construction, it would take approximately 8 to 10 months per house barring unforeseen circumstances.

This planned development exceeds Town requirements regarding open space by approximately 10%.

Alternatives were reviewed regarding the development of this property. The conclusion made was that the 3 house plan was approximately 6,000 square feet less impervious

Little or no impact would result on existing intersections from this new development.

Mr. Gillespie suggested that any maintenance agreements that are reinforced with conditions be shown on the plot plans for clarity to the property owners.

Commissioner Roberts confirmed that the trees marked with an orange dot indicate the location of trees by the Applicant.

Commissioner Drake inquired incorporating the original driveway with a more recently constructed neighboring driveway.

Commission Dean inquired as to the type of houses that would be constructed on the property. The Applicant plans to construct houses that can be of as much as 3500 square feet with 2 or 3 car garages.

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 Roberts made a motion to continue the public hearing to the Commission's next meeting in order for the Town professional staff to further review the issues raised and prepare possible conditions for the Applications.

Second: Commissioner Oickle seconded the motion.

Vote: 9 - 0 - 1

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

Nay: None

Abs: Homicki

Commissioner Hughes from has recused himself from this matter.

Commissioner Harley and Commissioner Drake were not present for the 06/16/09 hearing. However, they have familiarized themselves with the issues.

This matter is continued for hearing at the next meeting.

3.3 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. This matter is continued from the hearing of 06/16/09.

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.

Ms. Nancy Andrews, 21 Stonegate Drive, appeared before the Commission and asserted that she is not in favor of the Application. She indicated that she spoke with Mr. Don Holmes of CL&P and learned that the transformer needs a retaining wall for safety issues. Ms. Andrews stated that a 10' easement exists with some Stonegate Drive residents to facilitate CLP transformer placement behind their homes.

Mr. Gillespie noted that the subject wall is on private property. He stated that on the recent subdivision of this property, it is noted on the Plan that the wall is to be constructed.....

Commissioner Hammer stated that it is critical to the Commission for the adjacent property owner to assert his position on the subject wall, as said wall continues along the Stonegate Drive frontage of his property.

Commissioner Hughes noted that measurements are needed from an expert who has dealt with landscaping issues concerning a utility box location on sloped land and the considerations needed for the maintenance and access to said utility box.

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 Oickle made a motion to continue the public hearing to the Commission's next meeting in order for Town Staff, the Applicant and the neighbor next door to the Applicant on Stonegate Drive (to which the subject wall continues), to coordinate with each other 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 Munroe seconded the motion.

Vote: 10 - 0 - 1

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

Nay: None

Abs: Homicki

This matter is continued for hearing at a future meeting.

3.4 PUBLIC HEARING APPLICATION NO. 1676-09-Z Sapporo, Inc. Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale and dispensing of alcohol at 1295 Silas Deane Highway. (Renewal)

Edward Morelli, Esq. appeared before the Commission on behalf of the Applicant and requested that the full alcohol permit be renewed.

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 Munroe seconded the motion.

Vote: 10 - 0 - 1

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

Nay: None

Abs: Homicki

Motion: Commissioner Oickle made a motion to approve APPLICATION NO. 1676-09-Z Sapporo, Inc. Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale and dispensing of alcohol at 1295 Silas Deane Highway. (Renewal)

Second: Commissioner Hughes seconded the motion.

Vote: 10 - 0 - 1

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

Application approved.

3.5 PUBLIC HEARING APPLICATION NO. 1677-09-Z Rocky's Ace Hardware Seeking a Special Permit for outdoor product display at 192 Silas Deane Highway.

Mr. Ernie Santanella, Manager, appeared before the Commission and requested that an outdoor merchandise display containing a few seasonal items be allowed. The display of said items would not block accessibility to the store or sidewalk for general and handicapped pedestrian traffic.

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

Second: Commissioner Roberts seconded the motion.

Vote: 10 - 0 - 1

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

Motion: Commissioner Roberts made a motion to approve, with Stipulations, APPLICATION NO. 1677-09-Z Rocky's Ace Hardware Seeking a Special Permit for outdoor product display at 192 Silas Deane Highway.

The Stipulations for this approval are:

1. No more than 3 different types of products shall be placed on display at any one time.
2. Products shall be placed in a manner that ensures adequate sidewalk access.
3. All outdoor storage shall not block egress from the building.

Second: Commissioner Harley seconded the motion.

Vote: 10 - 0 - 1

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

Application approved with Stipulations.

3.6 PUBLIC HEARING APPLICATION NO. 1678-09-Z Soma Wines, LLC. Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale of alcoholic beverages at 1267-1309 Silas Deane Highway. Mr. Suyash Awasthi, owner, appeared before the Commission. He indicated that his inventory, initially, would be 30%-35% wine, 40% hard liquor and 20% Beer/coolers. Ultimately, he wishes his business to evolve into a boutique, thus having the reputation of carrying fine wines. He indicated he has experience in fine wine selection. He noted that the State of Connecticut informed him that the Town currently does not exceed the maximum amount of liquor store retailers. He also noted that he would be required by State statute not to undercut

competitors.

Mr. Sanjay, owner of Buy-Rite Liquors, 808 Silas Deane Highway, who appeared before the Commission, is not in favor of the Application. He stated that there are a sufficient number of liquor stores in Town and that he can offer the same types of boutique wines the Applicant intends to provide.

Mr. Dhruven Gandhi, 1101 Silas Deane Highway, who appeared before the Commission, is not in favor of the Application.

Mr. Mike Smith, 111 Garden Street, who appeared before the Commission, is not in favor of the Application because a sufficient number of liquor stores exist in Town and other businesses would suffer a negative impact.

Mr. Parash Darji of Steve's Price Cutter Liquors, 154 Silas Deane Highway, who appeared before the Commission, is not in favor of the Application.

A Co-owner of Manousos Wines & Liquors, 398 Silas Deane Highway appeared before the Commission and noted that he is not in favor of the Application. He questioned how many liquor stores are allowed in Town.

Mr. Vipul Patel of Rocky Hill Liquors, 38 Town Line Road, Rocky Hill, CT, who appeared before the Commission, is not in favor of the Application.

Discussion:

Mr. Gillespie noted that the number of liquor stores that can operate in one Town/City is established by the State of Connecticut.

Commissioner Harley noted that many liquor stores exist in Town noting that State regulations set the standards.

Commissioner Oickle noted that 2 liquor stores are in proximity to the Applicant, however, competition cannot be restricted.

Commissioner Roberts stated that a free market economy and State regulation are guiding principles in considering this Application.

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

Second: Commissioner Roberts seconded the motion.

Vote: 10 - 0 - 1

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

Nay: None

Abs: Homicki

Motion: Commissioner Roberts made a motion to approve, with Stipulations, APPLICATION NO. 1678-09-Z Soma Wines, LLC, 456 Flanders Street, Southington, CT - Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale of alcoholic beverages

at 1267-1309 Silas Deane Highway.

The Stipulations for this approval are:

1. Applicant should consider relocating at least one handicap parking stall to southeast corner of the building near new entrance, as there are none closer than 200 feet.
2. Applicant should provide a handicap accessible ramp with ADA tactile detector panel near entrance and a painted crosswalk to the parking space.
3. Applicant should discuss need for additional dumpsters, especially cardboard.
4. Applicant is to confirm condition and re-placement of “No Parking – Fire Lane” signs, if needed, along the front of the building with the Fire Marshall. The Fire Marshall may wish to place additional signage along the south face of the building.

Second: Commissioner Oickle seconded the motion.

Vote: 10 - 0 – 1

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

Nay: None

Abs: Homicki

Application approved with Stipulations.

4. OTHER BUSINESS

4.1 Mandatory Referral C.G.S. § 8-24 Review No. 17-09-MR – Proposed docks and boat ramp at Cove Park. Commissioner Munroe recused himself from this matter.

Ms. Kathy Bagley provided an overview of the proposed upgrades to the boat launch at Cove Park. The Plan was completed by the firm of Ocean & Coastal Consultants, Inc., 35 Corporate Drive, Trumbull, CT 06611-6319. She described the proposed dock having a shape of the letter “T” with boat slips for fire and police boats. The dock would remain in the Cove water year round. The dock would be designed with an elastic-road system which would allow the dock to rise and contract in respond to tidal conditions. A floating dock would be placed next to the “T” shaped dock. The floating dock would provide access to the main dock (“T”) should flooding in the Cove occur. A new launching area would exist near Hammer Road. Ms. Bagley indicated that grant opportunities and money from the Cove Preservation Fund would pay for the costs associated with the proposed upgrades.

Commissioner Hughes questioned if hoists and security locks for the police and fire boats were part of this Plan. Ms. Bagley indicated that she was not aware of a discussion of those issues.

Motion: Commissioner Roberts motioned to make a positive referral to the Town Council, pursuant to C.G.S. § 8-24, of APPLICATION NO. 17-09-MR – Proposed docks and boat ramp at Cove Park.

Second: Commissioner Harley seconded the motion.

Vote: 9 - 0 – 1

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

Nay: None

Abs: Homicki

Positive Referral of Application is made to Town Council.

4.2 Mandatory Referral C.G.S. § 8-24 Review No. 18-09-MR – Proposed purchase of 3 + acres of

Town owned land, located in the Meadows, known as “Fearful Swamp” by the Wethersfield Game Club, Inc. Mr. William Knapp, 171 Collier Road, appeared before the Commission.

Motion: Commissioner Harley motioned to make a positive referral to the Town Council, pursuant to C.G.S. § 8-24 of APPLICATION No. 18-09-MR – Proposed purchase of 3+ acres of Town owned land, located in the Meadows, known as “Fearful Swamp” by the Wethersfield Game Club, Inc.

Second: Commissioner Knecht seconded the motion.

Vote: 10 - 0 - 1

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

Nay: None

Abs: Homicki

Positive Referral of Application is made to Town Council.

5. MINUTES – Minutes of the June 16, 2009 meeting.

Commissioner Oickle noted corrections to the Minutes. 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: 8 - 0 - 1

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

Nay: None

Abs: Homicki

Commissioner Harley and Commissioner Drake abstained from the vote, as they were not present for the June 16, 2009 meeting.

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 An invitation to attend the Wethersfield Chamber of Commerce Ribbon Cutting Ceremony.

8.2 A letter dated June 19, 2009 from the Capitol Region Council of Governments regarding a referral from the Town of Rocky Hill.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS

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, July 7, 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, July 7, 2009.

PUBLIC HEARING 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. This Hearing is a continuation from the Hearing of Tuesday, July 7, 2009.

10. ADJOURNMENT

Motion to adjourn at 10:55 PM – by Commissioner Oickle.

Seconded – by Commissioner Dean.

Vote: 10 - 0 - 1

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

Nay: None

Abs: Homicki

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary