

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

November 4, 2009

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, October 20, 2009 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

Vice Chairman Roberts called the meeting to order at 7:13 p.m.

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

Commissioner Hammer 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 5 full members and 2 alternates in attendance at the time of roll call.

*One full member (Philip Knecht) arrived at 8:32 p.m. as the Public Hearing Application noted in Section 3.2 was in process. All members present to participate.

Members of the public were present.

2. OLD BUSINESS

There was no old business.

3. NEW BUSINESS

3.1 PUBLIC HEARING APPLICATION NO. 1688-09-Z Frank Nicotera Seeking a Special Permit, in accordance with Section 3.5.3 of the Wethersfield Zoning Regulations, for an accessory apartment that exceeds the maximum square footage permitted at 179 Griswold Road. This hearing was continued from 10/20/09.

Mr. Nicotera, 246 Two Rod Highway, and his son-in-law, Mr. Todd Whitaker, 678 Highland Street, appeared before the Commission. Mr. Whitaker spoke to the Application. Mr. Whitaker noted that a modification to regulation 3.5.3 is being sought to allow for an accessory apartment exceeding 850 square feet that will include an attached two-car garage. He reasoned that a mix of commercial, single-family and multi-family buildings exists on Griswold Road. He noted that the subject property is located in proximity to a couple of two-family houses and across the street from mixed use type properties described as a church, firehouse (6,000 sq. ft. consisting of buildings), and a turf farm (11,000 sq. ft. consisting of buildings). He noted another example of a large building with a large accessory building on a property located at 247 Griswold Road. The main building at said address exceeds 3,000 square feet and has an accessory building of 3,500 square feet.

Mr. Whitaker spoke to the policy for accessory buildings in the neighboring Towns of Rocky Hill and Newington, Connecticut. In Rocky Hill, Connecticut, the accessory building requirement is that it not exceed 25% of the gross floor area of the main dwelling (in this scenario, the Applicant could build an accessory building of 1,356 square feet). In Newington, Connecticut, the accessory building requirement is that it not exceed 30% of the gross livable floor area (in this scenario, the Applicant could build an accessory building of 1,627 square feet).

Mr. Whitaker noted that during a recent meeting with Peter Gillespie regarding what options were available for this property, it was learned that Mr. and Mrs. Whitaker may: (1) have rights to rebuild a 3-family residence (as Town tax records indicate a 3-family residence existed on the property), (2) subdivide and build two separate homes, or (3) build a single family home with an accessory building. Option #3 is how the property owners wish to proceed. It was also learned at the meeting that there is no limit to the size of the structure that can be built other than it not exceed the limits established to the property's buildable square. Within the buildable square of the property subject to this Application, a structure of approximately 25,000 square feet could be constructed. A second drive is permissible with any of the above scenarios. The third scenario, as being pursued, requires a modification and does not require the seeking of a variance.

Mr. Whitaker noted that a screening plan was discussed and photographs were provided to the Commission. The Town Planner will be consulted with regard to buffering the property of the neighbor located at the rear of the property. Existing trees will be saved to the extent they can be. Any buffering on the property of trees/shrubbery/fencing will be determined during and post construction and with the Town Planner consultation.

Mr. Whitaker noted that the main portion of the home will be occupied by his family and the accessory building will be occupied by Mr. Whitaker's in-laws. The accessory building is one unit with one bedroom designed to accommodate one-floor living as his in-laws age. As such, the accessory building will have little or no impact to the traffic in the area (Griswold Road and Farmstead Road). The increased square footage of the accessory building has no increased impact due to the fact that the number of occupants remains the same regardless of the square footage. The first priority in this project was to design a home with the appearance of a single-family dwelling, and an additional land purchase on Farmstead Road was made to achieve the desired effect. He noted that preservation of the existing old trees will be done to full extent possible and that screening from the neighbors bordering the property will be completed to provide privacy for the neighbors. He stated that an eyesore has been removed and that the home created will add to the charm of the neighborhood.

Discussion:

Commissioner Oickle inquired regarding the room noted in the plan that appears above the accessory building as depicted in the Application. He also inquired as to the overall size of the main dwelling.

Mr. Whitaker described that room above the accessory building as a bonus room for the main dwelling. The main dwelling of the home will consist of approximately 5,100 square feet.

In reference to the accessory building requested in this Application, Commissioner Oickle noted, and Mr. Whitaker confirmed, that Mr. and Mrs. Nicotera would be downsizing considerably. Commissioner Oickle inquired as to why the Applicant did not include a landscaping plan in this Application, and Mr. Whitaker noted that the process of land preparation and construction would have to occur before a determination could be made regarding how the property will be landscaped.

Mr. Gillespie noted that a typical condition in this Application could include language stating that adequate screening (mixture of landscaping/fencing) from the bordering neighbors is subject to Town Staff approval at the time of building permit issuance.

Commissioner Dean made an inquiry to Mr. Gillespie regarding whether the Applicant would subsequently be required to return to the Commission for a site plan approval if the special permit Application was granted.

Mr. Gillespie noted that the Applicant would not be required to return to this Commission for a site plan approval, as an administrative review would occur in this regard with Town Staff. Mr. Gillespie noted that perhaps a condition to the Application could include language noting that the Applicant must provide a landscaping plan at the time of building permit issuance.

The Applicant and Mr. Whitaker noted that they do not object to a condition of this kind.

Commissioner Hughes inquired of Mr. Gillespie what the maximum square footage of a structure on the existing land could be.

Mr. Gillespie noted that a maximum square footage calculation of a structure would be based on setbacks, lot coverage (which is 25%). He noted that a rather substantial structure could be built that would be quite larger than the entire building noted in the Application.

Commissioner Munroe questioned the necessity of the driveway onto Farmstead Road. He requested some clarification regarding the driveway cuts to the curb lines. Mr. Whitaker and Mr. Nicotera noted that the driveway will be 12 feet and that they have 25 feet to their property lines.

Commissioner Munroe made an inquiry regarding the use of a room in the main dwelling as an office and whether said office was for operation of a business. Mr. Whitaker noted that his wife is a teacher and that the office in the main dwelling will be utilized for his family's personal use.

Commissioner Munroe stated that the Application was for a duplex and not an accessory building as applied for. The Applicant noted that the accessory building will share a common basement with the main dwelling and that there will be access between the main dwelling and the accessory building. The

Applicant reiterated that the entire dwelling is not a two-family dwelling, as the dwelling is a single-family residence with an accessory building.

Commissioner Roberts noted that perhaps the 850 square foot requirement was obtained according to past HUD guideline in the mid 1990s.

Mr. Gillespie noted that the determination of square footage requirements preceded his arrival as an employee to the Town.

Commissioner Oickle noted that perhaps the square footage requirement was based on smaller zoning in other parts of Town. He described the lot in the subject Application as larger.

Commissioner Roberts made an inquiry to Mr. Gillespie as to what were typical conditions/stipulations included, historically, in the granting of special permits for accessory buildings.

Mr. Gillespie noted that typically, the Commission does not review accessory building applications because the review is usually an administrative function and is approved by the zoning officer. He noted that the only reason why this Application is before the Commission is due to the size (over 850 square feet) of the accessory building and the extra garage on the property. Mr. Gillespie mentioned that some other typical conditions/stipulations include: (1) a sworn, notarized statement that the owner reside on the property, that they maintain the accessory building according to Town regulations and that the accessory building be operated as such; (2) an established time frame for renewal. Mr. Gillespie noted that it would not be unusual to include a condition requiring a family member to reside in the accessory building.

Commissioner Hammer reiterated the two reasons (desire for larger accessory building and the construction of a second garage) as to why this Application is before the Commission.

Mr. Whitaker stated that a second garage is requested for the safety and convenience of his in-laws as they age.

The following comments were made by the public regarding this Application.

Mr. Thomas Pentalow, 66 Boulter Road, appeared before the Commission in support of the Application. He noted that he was a police officer in Town for 20 years. He completed an informal traffic study on Farmstead Road at approximately 9:00 a.m. on October 23, 2009 and 2:00 p.m. on October 28, 2009, and viewed no cars present. On November 2, 2009, around 2:00 p.m., he viewed two cars with persons whom he recognized. On November 4, 2009, 1:30 p.m., he saw a UPS delivery truck and one familiar resident. He concluded that no traffic impact exists on Farmstead Road. He noted it is commendable that the owners of the property want to bring in their elderly parents to reside with them.

Mrs. Sandy Whitaker, 11 Perkins Row, appeared before the Commission in support of the Application. She indicated that she is Mr. Whitaker's mother and has been in a Real Estate Agent in Wethersfield for 30 years. She noted that young couples need to stay in Town and that the Commission should welcome Applications of this kind and the energy from young families and economic growth is needed in Wethersfield. She presented a document stating Wethersfield home sale statistics for years 2003-2008. Wethersfield has gone from \$585,000 in 2003 to \$595,000 in 2008. Rocky Hill has gone from \$682,000

in 2003 to 850,000 in 2008 with their values, and Cromwell has gone from \$637,000 in 2003 to \$860,000 in 2008 respectively. She believes people are discouraged from coming to and remaining in Wethersfield as residents. She believes the attitude of the Commission should be positive when considering this Application.

Commissioner Hughes noted that when considering the merits of this Application, the size of the rambling, multi-family residence and its lot, and the proposed driveway on Farmstead Road need to be considered. He mentioned that a serious accident occurred on Griswold Road last New Year's eve near this property and noted the grade from the property onto Griswold Road. He reasoned that in consideration of these elements, the driveway proposed on Farmstead Road is reasonable due to the safety it presents.

Commissioners Oickle and Dean noted to Mr. Gillespie that the 850 square footage requirement for accessory buildings should be revisited, reviewed and/or modified, to prepare for changing demographics.

Commissioner Harley noted that a time limit should be applied to the special permit, as the Commission has done in previous applications.

Commissioner Dean noted that the family/relative designation in the special permit could pose redundancy, and possibly a challengeable requirement, constitutionally, as the dwelling is considered a single-family dwelling.

Commissioner Hughes noted that the special permit would be recorded on the deed; therefore, hypothetically, a bank would finance the residence as a single-family.

Commissioner Roberts noted that the regulations do not require that a relative reside in the accessory building. He also noted that the Commission adopted time limits so that familial relationship classification issues did not run with the land.

Mr. Gillespie noted that the regulations state that the owner reside either in the main or accessory building.

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

Second: Commissioner Hughes seconded the motion.

Aye: Hammer, Roberts, Harley, Munroe, Oickle, Hughes, Dean

Nay: None

Abs: Knecht

Vote: 7 – 0 – 1

Motion: Commissioner Oickle made a motion to approve APPLICATION NO. 1688-09-Z: Frank Nicotera Seeking a Special Permit, in accordance with Section 3.5.3 of the Wethersfield Zoning Regulations, for an accessory apartment that exceeds the maximum square footage permitted at 179 Griswold Road, with the following conditions: (1) at the time the building permit is issued, a sworn, notarized statement is to be provided from the owner indicating that the owner will reside at the subject

premises; (2) family or relative, as intended, is required to reside in the accessory unit; (3) screening from abutting neighbors, particularly at the back and southern property boundaries, is required and is subject to review by Town Staff; (4) this special permit is for ten (10) years.

Second: Commissioner Roberts seconded the motion.

Aye: Hammer, Roberts, Harley, Munroe, Oickle, Hughes
Nay: Dean
Abs: Knecht

Note: Commissioner Knecht was not present for a significant portion of this Application's hearing. As such, he did not participate in tonight's vote of this issue.

Vote: 6 – 1 – 1

Application Approved with conditions.

3.2 PUBLIC HEARING APPLICATION NO. 1691-09-Z: John & Shireen Aforismo Seeking a Special Permit to host special events at 185 Broad Street (Renewal & modification to Application No. 1635-08-Z). This hearing was continued from 10/20/09.

Mr. John Aforismo, 185 Broad Street, appeared before the Commission in reference to the above application. He indicated he has resided in Town 40 years and his wife, Shireen, has resided in Town for 56 years. The Applicants have 2 residences in Town that they pay taxes on, and they have a 26-year-old business with 15 employees that currently exists in Putnam Park. Mr. Aforismo noted Commissioner Hammer's suggestion of a compromise solution at the last meeting and that such a compromise cannot be reached with regard to the Application. He noted that this conclusion was made based upon the last two letters submitted by neighbors to the Commission regarding events held at the property. As such, the Applicants believe that the matter has become more of an issue as the Applicants versus the rest of the community.

Mr. Aforismo noted that neighbors who reside across from the subject property seem not to have been bothered by amplified music coming from a residence on their side of the street, as no complaints have been filed. However those same neighbors, Mr. Aforismo asserted, are bothered with headaches by amplified music heard on the opposite side of the street (Applicants' side).

Mr. Aforismo stated that on June 7, 2008, the Applicant's niece's wedding was held. Residents in the 300' radius were notified by the Applicants, and as directed by the Town, of the event. Despite the fact that proper notice was provided and, in addition, notice of upcoming events was provided as a courtesy to the residents, many of those residents purposefully mowed their lawns, as many as three times, and operated other power equipment during the June 7, 2008 event. He noted that other neighbors were asked to participate in the lawn mowing event but refused to do so.

Mr. Aforismo stated that on July 25, 2009, a wedding was held for a friend. Two complaints were registered to 185 Broad Street. One complaint was for the amplified music, the other complaint was for parking on the Green. At the same time 3 other private parties at different residences around the Broad Street Green were taking place, and again, parking on the Green occurred. Mr. Aforismo noted that no

complaints were filed.

Mr. Aforismo inquired as to the subjectivity of the complaints and their implied prejudice as to what the Applicants are doing on their own property. He noted that the parking on the Green complaints seem to apply to events held at his residence, yet the parking on the Green issue does not seem to apply to other residents surrounding the Broad Street Green.

Based on discussions with the Town Police Chief and the Town Manager, Mr. Aforismo stated that the following proposed changes to the current permit: (1) 2 weddings and large parties are permitted to be held within one (1) calendar month; (2) The term of the Special Permit shall be for five (5) years, expiring on January 20, 2015; (3) Town Police Department assistance is to be obtained by the Applicants concerning parking for events and according to the parking policies of the Town of Wethersfield; (4) Amplified music or other sound requirement is not to exceed 8PM during commercial events.

Commissioner Hammer noted for the record the following correspondence: (1) Memo dated October 30, 2009, from Peter Gillespie to James Cetran, Wethersfield Police Chief and copied to Officer Andrew Power. Mr. Gillespie asked the gentlemen to comment on the special permit requests, in particular the issues of amplified music and the ability to park on Robbinswood Drive; (2) October 30, 2009, Memo from James Cetran, Wethersfield Police Chief, in response to Memo (1) above. The Police Chief noted that parking on all the streets during any special event has to be regulated in order that emergency vehicles, especially fire trucks, can get through. He also noted that amplified music generates police calls regardless of whether events are special, family or friend events, and valuable resources/manpower are utilized to respond. He noted that the Aforismos have always been very cooperative with the police in keeping the noise down, but he prefers not having to respond at all; (3) October 30, 2009, Memo from Officer Andrew Power in response to Memo (1) above. Officer Power noted a preference of not modifying parking on Robbinswood Drive, as allowing parking on that street may make it impassable for emergency vehicles. He noted that amplified music will create more calls to the police, thus becoming a nuisance for the police department to handle (responding each time a noise complaint is made to measure the level of music with the meter). (4) A copy of an article posted November 3, 2009 on the Channel 3 Eyewitness News website entitled "Westbrook Bed and Breakfast Fight Over", wherein the Westbrook Zoning Board of Appeals Overturned the zoning officer's Cease and Desist Order on having outdoor events; (5) A Letter dated October 29, 2009, from Tom and Holly Landers, 205 Broad Street, addressing the commercial business or residence issue. He noted that they are asking for no commercial events to be held at the property, as well as no parking allowed on the streets regarding events held at the property.

Public Comments:

Mr. Joe Bordleri, 150 Broad Street, appeared before the Commission in support of the Application. He noted that the Applicants are very astute as to what is going on in the neighborhood. He stated that sporting event viewers, athletes, as well as pedestrians, park on the Green regularly. He also stated that residents around the Broad Street Green have parties and that they are not an issue for him and his wife. He enjoys the vitality the subject property has brought to the community.

Mrs. Sandy Whitaker, 11 Perkins Row, appeared before the Commission in support of the Application. She noted the good publicity the Town received as a result of the dwelling on the subject property. She

noted that the lack of progress needs to be stopped in Wethersfield. She indicated that home values in Town remained stagnate from the years 2003-2008. She believes this Town will fade away if enjoyable establishments such as the Applicants cannot be embraced by the Town.

Mr. Peter Lumbruni, 200 Broad Street, appeared before the Commission. He believes that modification is a solution to the complications of this Application. He noted that a 5 year permit is optimal and nuptials held at the property are acceptable. He wonders how much overuse of a commercial-like activity is permissible in a residential area. He believes that quality use of the property with controls will achieve an ideal balance with the desired quiet ambiance for the residents.

Commissioner Oickle noted that Mr. Lumbruni was once part of the intervening plaintiff group. He asked Mr. Lumbruni why his position on this matter has changed.

Mr. Lumbruni noted that he could compromise in his opinion of the matter. He noted that his biggest issue at the time prior to reaching his position of compromise was that of commercial event parking on the Broad Street Green. He still maintains that parking on the Green for commercial events, other than personal use (i.e. sporting events, recreation), is not appropriate and should not be allowed.

Commissioner Oickle inquired and Mr. Lumbruni confirmed that signage regarding parking around the Green might be a solution to parking issues on the Green.

Commissioner Oickle inquired and Mr. Gillespie confirmed that snow shelf parking for the Silas Robbins House (185 Broad Street) exists in the front on Broad Street.

Commissioner Hammer noted that a review of parking on the Green is not being requested by the Commission at this time. The parking on the Green issue is normally addressed by Town regulations. However, the parking on the Green issue was reviewed in previous Applications.

Commissioner Hammer noted that the permit renewal is seeking to keep two (2) non-ceremony events and six (6) ceremony-only events. He also noted that the Applicants are seeking a removal of the "no amplified music or sound" requirement.

Commissioner Oickle requested that the Applicant explain the request for removal of the "no amplified music or sound" requirement.

Mrs. Janet Lumbruni, 200 Broad Street, appeared before the Commission and inquired as to whether the special permit decision would follow the land.

Commissioner Hammer noted that most approvals run with the property.

Mr. David Quirk, 149 Broad Street (11 year resident residing 4 houses away from the Applicant, on the same side of the street as the Applicants), spoke in favor of the Application. He noted that the Applicant's property was previously an eyesore and welcomed the restoration by the Applicants into what he described as a "gem". He noted that the Town is changing and growing, and that this property has contributed to its growth. He believes that the Applicants have compromised by taking away some of their initial requests to the current special permit renewal. He believes the special events are well suited for their property and for the area. He noted reasoned that the Broad Street Green is not a quite

place, as events of various sizes occur regularly, and residents have parties.

Ms. Susan Fennelly, 57 Country Club Road, appeared before the Commission in support of the Application (and noted that her daughter who resides on Garden Street is in support as well). She believes this is a resource to be celebrated, not fought against, by the Town and its residents.

Mr. Dick Hass, 179 Broad Street (lives next door to the Applicant), managing partner of Hass, L.L.C. He is concerned with what will happen with other residences along the Broad Street Green, as a precedent would continue to be set in connection with approving commercial businesses at residences. He believes a determination needs to be made as to whether the property is commercial.

Commissioner Oickle noted that other commercial interests occur on Broad Street and that could be a reason why the Applicants believe they are being singled out, and Mr. Hass responded by stating his belief that farms have different privileges than other commercial businesses.

Keith R. Ainsworth, Esq. of Evans, Feldman & Ainsworth, L.L.C., 261 Bradley Street, New Haven, CT 06507, appeared before the Commission representing some neighbors who are opposed to commercial events being held at the property. He noted that many of the issues raised this evening can be addressed by a zone change or a legislative hearing on new regulations. He stated that any decision the Commission makes regarding the special permit has to meet the law, as required. Counsel noted that if the Commission desired to change the regulations to allow everyone to have commercial events on their properties, they could do so. However, he noted that the Commission cannot legislate by special permit and allow commercial events in a zone that is residential. Counsel stated that commercial businesses classified as farms meet their zoning requirements by way of their "as of right" status when operating the commercial farm.

He stated that the Applicants have created their own predicament, as the neighborhood is residential. Counsel reasoned that the neighbors asked to be treated like a business when they asked for a variance for a commercial use as a bed and breakfast, but they didn't want to be regulated like a business. He noted that the reasoning of the property not being regulated like a business, as it is a home, is a double standard. He stated that the bed and breakfast is a compatible use if it remains contained at the property. He noted that Town regulations require that parking must be on site and contained on site.

Commissioners Oickle and Hughes requested Counsel to name the intervening parties. They are as follows:

Tom and Holly Landers, Mark Bryant, Wayne and Dorothy Burwell, Bob and Jean Clark, Jack McConnell, Paula McNamara, Alice Norsigion, Mary Clare and Bill Quirk, Aaron Rutherford.

Attorney Ainsworth indicated that the Town has created the clash with the residential character. He recommended that the Commission, in the spirit of creating a harmony of uses, allow for a bed and breakfast only. He noted that otherwise, interference with the residential expectations of enjoying a peaceful and quiet neighborhood are negated. He stated that the Commission should not grant permits for commercial events, and on street parking should not be allowed. He noted that commercial permits would be allowed in a mixed zone, and the zone of the subject Application is residential.

Commissioner Hammer inquired if there was a mutual understanding between the Commission and

Counsel as to the applicability of the environmental statute regarding parking on the Green, since the issue of parking is no longer a consideration for this Commission due to the Applicants decision not to pursue additional parking requests.

Counsel noted that if the special permit were granted, the issue of parking would not disappear, as commercial events would create parking scenarios that would involve the Broad Street Green.

Commissioner Munroe addressed the issue of private use parking on the Green. He noted that at least three (3) times per year, the police direct people to park on the Green. He also noted that large trucks park there accordingly. He stated that the tree warden indicated damage does occur to trees from parking as noted above. Therefore, Commissioner Munroe reasons, if harm is caused by parking on the Green, then it should not be allowed.

Mrs. Shireen Aforismo, 185 Broad Street, appeared before the Commission. She expressed a desire to be able to have non-invasive weddings, pursuant to the Application request, as she would like to use her beautiful home to help offset some of the mortgage and tax expenses. She spoke of the dilemma of having to tell someone in the community that their small wedding planned for June 2008 had to be held elsewhere because of the no amplified music issue. The couple had planned to have an amplified string quartet present. Mrs. Aforismo noted that another wedding is scheduled in June 2010 from 2:00 p.m. to 6:00 p.m. The wedding is for a granddaughter of a neighbor. The neighbor needs to use an electric scooter for mobility, and the location of the Silas Robbins House is ideal for her ability to attend the wedding.

Commissioner Oickle requested that Mrs. Aforismo describe her distinction between friend and family.

Mrs. Aforismo noted, using the example of a wedding she planned for 3 years with Gary Griswold, Bonnie, and Kris Casey. She indicated that they shared secrets with each other and spent some happy and sad moments with these individuals over the years. She noted that she saw Kris Casey grow as a man. She also noted that she had attended a baby shower of the infant Casey, as well as birthday and other celebrations with the Caseys. She noted that they grew into a family.

Commissioner Hammer noted that the permit now in effect (02/04/09) has classifications as “non-family” events.

Mr. Aforismo noted that privileges of having commercial, family or friend events have not been abused.

Commissioner Hammer noted that one commercial event this past summer had no issues and no complaints.

Mrs. Aforsimo noted that she would employ a disc jockey who would be able to control the decibel level.

Commissioner Oickle made an inquiry regarding self policing.

Mr. Aforismo noted that on two (2) occasions, an off-duty police officer was hired to help with safety. Mrs. Aforismo noted that she does self police.

Mrs. Aforismo noted that she attempted to figure out how many automobiles could fit on the apron of her property and told her friends to park as such. She indicated that her friends received unwelcomed responses from a neighbor when they attempted to park on the apron.

Commissioner Oickle made an inquiry regarding liquor and the screening of port-a-potties at events. Mrs. Aforismo noted that two or three caterers are used by the family and that the caterers take care of liquor dispensing, as they are licensed to do so. She also noted that port-a-potties brought onto the property are screened to the extent possible by established arborvitae shrubbery that has been planted for screening purposes.

Commissioner Hammer made an inquiry regarding music duration at an event.

Mrs. Aforismo noted that usually light music starts at dinnertime and dancing music begins thereafter for around 2 hours.

Commissioner Knecht made an inquiry regarding regular contracted police presence for events.

Mrs. Aforismo noted that the expense is not necessary since nothing wrong is being done.

Mr. Gillespie noted that there are no further comments from Staff at this time.

Commissioner Hughes noted that he is satisfied with the amount of information he has learned about this Application and suggested more time be provided to the Commission to sort the information out.

Commissioner Dean inquired events/uses in the neighborhood and on the Green (i.e. profit/non profit organization use).

Mr. Gillespie noted that the police department issues permits for events held on the Green. He noted that perhaps as much as a half dozen events occur per year.

Commissioner Dean inquired and Mr. Gillespie confirmed that many of the events hosted on the Green promote the Town from a tourism/culture perspective, attracting residents in and out of Town.

Commissioner Harley noted that Town Attorney input is necessary at this time.

Commissioner Dean asked that the permit process historically for this property.

Mr. Gillespie noted that Zoning Board of Appeals provided a zoning variance for the bed and breakfast operation because there were no regulations at the time for a bed and breakfast operation. He noted that post 2004, the matter came before the Planning and Zoning Commission for a Special Permit because regulations were in place for a bed and breakfast operation.

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

Second: Commissioner Dean seconded the motion.

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

Vote: 7- 1 - 0

Discussion:

Commissioner Hammer noted he'd like to see a compromise, middle ground end result.

Commissioner Munroe noted that the life of the permit is an issue.

Commissioner Hammer noted issues to consider: life of the permit, amplified music and the number of events.

Commissioner Oickle noted that a five (5) year term limit is too long. Two (2) years might be a better option for reviewing the self policing issue.

Commissioner Hughes noted that a five (5) year term is optimal because the complaint process can be used in the policing issue.

Commissioner Hammer noted that a two (2) year term may accommodate some control of the amplified music issue. He also noted that the conditions that have worked and what exactly is subject to the permit must be understood.

Commissioner Roberts noted that keeping the existing conditions from the 02/04/09 permit may be a good way to set precedent.

Commissioner Harley noted that he'd like some solid legal ground before being inclined to approve.

Commissioner Dean noted that a host of complex issues exist. He noted that by granting the initial variance in concert with what goes on at the Green, this area has already evolved into an area outside of the single-family dwelling classification existence. As such, it has been utilized in a mixed use and historically critical fashion. He mentioned that zoning regulations and Town infrastructure planning are needed for the appropriate direction to ensure the long term and beneficial use for citizens all over Town. He stated that several potential issues such as defining "commercial" and whether nuisance has emerged, need insight from counsel.

Commissioner Hughes noted that he needs to review and reflect on what has been presented and discussed in order to craft a response.

Commissioner Munroe believes the principle use of the bed and breakfast is not of issue at this time.

Motion: Commissioner Hughes made a motion to continue the table the Commission's discussion of APPLICATION NO. 1691-09-Z: John & Shireen Aforismo Seeking a Special Permit to host special events at 185 Broad Street (Renewal & modification to Application No. 1635-08-Z) to the Planning and Zoning Commission meeting on Tuesday, November 17, 2009.

Second: Commissioner Oickle seconded the motion.

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

Vote: 8 – 0 – 0

Application tabled to next meeting.

3.3 PUBLIC HEARING APPLICATION NO. 1693-09-Z: Peter Gural Seeking to modify Application No. 1681-09-Z to include towing cookers. The hearing of this matter is postponed.

4. OTHER BUSINESS – There was no other business discussed at the meeting.

5. MINUTES – Minutes from the October 20, 2009 Meeting.

Commissioner Roberts 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.

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

Vote: 8 – 0 – 0

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 made on general matters of planning and zoning.

8. CORRESPONDENCE

8.1 A letter from the Inland Wetlands and Watercourses Commission regarding Application No. 595-09 to amend and update the IWWA Regulations.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS

9.1 PUBLIC HEARING APPLICATION NO. 1692-09-Z Lorraine Ficara Seeking a Special Permit in accordance with Section 3.5.2 of the Wethersfield Zoning Regulations to operate a home occupation

(salon) at 81 Dudley Road.

10. ADJOURNMENT

Motion to adjourn at 10:05 PM – by Commissioner Roberts.

Seconded – by Commissioner Hughes.

Vote: 8 – 0 – 0

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

Nay: None

Abs: None

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary