

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

June 17, 2008

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Wednesday, June 17, 2008 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

CALL TO ORDER

As Chairman Joseph Hammer was not in attendance; Commissioner Rich Roberts called the meeting to order at 7:05 p.m.

ROLL CALL & SEATING OF ALTERNATES

Clerk Knecht called the roll as follows:

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman		X	
Richard Roberts	X		
Philip Knecht	X		
Thomas Harley	X		
Robert Jurasin			X
Earle Munroe	X		
Dorcas McHugh	X		
Frederick Petrelli			X
James Hughes		X	
Anthony Homicki	X		
George Oickle	X		
David Drake		X	

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

Commissioner Roberts noted that there were 6 full members and 1 alternate in attendance at the time of roll call. All members present to participate.

Commissioner Roberts then asked for a motion to take the approval of minutes out of order. Commissioner McHugh made a motion to take the minutes out of order. Commissioner Homicki seconded the motion.

The members voted as follows (7-0-0)

Aye: Roberts, Knecht, Harley, Munroe, McHugh, Homicki and Oickle.
Nay: None
Abs: None

Commissioner Roberts noted suggested revisions to the minutes of the June 3, 2008 meeting. Commissioner Munroe made a motion to approve the minutes with changes. Commissioner Harley seconded the motion.

The members voted as follows (6-0-1)

Aye: Roberts, Knecht, Harley, Munroe, McHugh and Oickle.
Nay: None
Abs: Homicki.

OLD BUSINESS

There was no old business.

NEW BUSINESS

PUBLIC HEARING APPLICATION NO. 1615-08-Z. Patel Ramesh Seeking a Special Permit in accordance with Section 6.10 (Earth Removal & Filling) of the Wethersfield Zoning Regulations for the receipt of fill at 35 Arrow Road (Almar Motel).---TABLED FROM 6/3/08.

As no one representing the application was present, the agenda item was temporarily passed.

PUBLIC HEARING APPLICATION NO. 1623-08-Z. Kimberly Perrotta Seeking a Special Permit to operate a home occupation in accordance with Section 3.5.2. of the Wethersfield Zoning Regulations at 48 Woodside Drive (Renewal).

Correspondence for this application is as follows:

- A memo dated June 16, 2008 from Peter Gillespie and Denise Bradley
- A memo dated June 16, 2008 from Rebecca Drew
- A narrative from Kimberly Perrotta outlining the application request
- A letter date April 11, 2008 from Mark Burks
- A letter from Lynn Bishel
- A letter from Marianne Cavalieri

Commissioner Roberts opened the public hearing. Kimberly Perrotta, of Woodside Therapeutic Massage – 48 Woodside Drive, outlined her request to renew her home occupation approval from June 2006. Ms. Perrotta noted that she was seeking permanent approval to run with the land and a modification of operating hours. She commented that she has operated her business responsibly and professionally without altered the residential character of the neighborhood. Ms. Perrotta explained that she only sees 1 client at a time and that no more than 2 cars are parked in the driveway at any time. She noted that she averages seeing only 6 clients per week. Her original approval limited her to a maximum of 20 clients per week and she is still willing to stay within that limit. Ms. Perrotta also noted that since she has been operating no complaints have been filed and letters of support were submitted with her application. Ms. Perrotta added that in today's economy she feels small local businesses are important and offer quality services at reasonable prices that are convenient to area residents.

Commissioner Roberts asked if any of the Commissioners had any questions. Commissioner Harley asked the applicant what changes in hours were proposed. Kimberly Perrotta noted that she would like to add Tuesday and Thursdays 4 – 8 p.m., reduce the hours on Mondays, Wednesdays and Fridays from 11 a.m. – 8 p.m. to 4 – 8 p.m. and also change the hours on Saturdays from 8 a.m. – 12 p.m. to 8 a.m. – 2 p.m. She explained that this would reduce the business hours per week down from 31 to 26 total but would offer her clients greater flexibility with appointment scheduling. Commissioner Roberts asked if this would also reduce the number of clients she could see in a day. Ms. Perrotta said it would reduce the number of clients she could see in a day from 5 to 4.

Commissioner Homicki asked Peter Gillespie if he was aware of any complaints. Mr. Gillespie responded that there were no reports in the file and no phone calls to the office had been received in opposition to the application. Mr. Gillespie added that legal notice was run in the Hartford Courant, a sign was posted on the property and the application notified abutting property owners.

Commissioner Roberts then asked if anyone from the public wished to speak.

Kenneth Milano, 195 Woodside Drive commented that he didn't receive notice of the hearing and noted that he had a petition signed by over 20 addresses opposing to the renewal of the application. He complained that by allowing this home occupation it would open the door for other businesses to operate. He added that businesses should be allowed in only commercially zoned areas and noted his concern over losing the residential character of the neighborhood.

Commissioner Munroe noted that the additional traffic on the street from having 4 clients per day is minimal and should not decrease property values. Mr. Milano suggested that he is still concerned with traffic issues and stated that the business should be located in an empty office space on the Silas Deane Highway or Berlin Turnpike. Commissioner Homicki asked if there was any latitude in his opposition.

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Mr. Milano stated that he doesn't want to see this business in a residential zone. Commissioner Roberts asked Mr. Milano to describe the experience of having the home occupation in the neighborhood for the last 2 years. Mr. Milano stated that the business is devaluing Woodside Drive and the community as a whole. He added that it would be hard for a neighbor to determine if she had adhered to all the conditions of approval. Commissioner Roberts noted that there were no new reasons to deny the application. Mr. Milano responded that while there was no new argument against the application, there were additional children residing in the neighborhood and that increases his concern for safety.

Commissioner Knecht asked how Mr. Milano could differentiate between cars speeding down the street trying to reach the home occupation as opposed to any other residence. Mr. Milano stated that the additional 4 cars do impact the traffic.

Commissioner Harley asked Peter Gillespie to explain the process of an approval running with the land. Mr. Gillespie responded that the next property owner would be entitled to run exactly the same business. Any change to the specific type or nature of the business would require Commission approval.

Karen Clark, 73 Woodside Drive stated that while she doesn't have a problem with the proposal she is concerned for traffic safety after having been personally hit by a car on the street. She also asked if this approval would mean automatic approval for a home occupation for another in the neighborhood.

Commissioner McHugh noted that each application is judged on its own merit. Commissioner Roberts added that any proposal would also have to comply with the zoning regulations.

Nicole Corcoran, 59 Woodside Drive asked if already having an approved home occupation on a street would weigh in the determination of another home occupation request. Commissioner Roberts responded that he couldn't see why not. Ms. Corcoran then asked if it were likely to weigh more positively. She stated that although she doesn't have a problem with how this business has affected the neighborhood, her fear was that this would open the door for many other neighborhood businesses. She also noted that she doesn't want to see a sign posted.

Commissioner Roberts noted that in his opinion the presence of an existing home occupation would be a negative in terms of someone coming in seeking approval for another. He added that the intent of these regulations is not to create the Silas Deane Highway by special permit approval in a residential neighborhood and that the regulations were designed for small-scale uses.

Commissioner Roberts asked if there were any other members of the public or Commission seeking to comment on this item. There being none, he asked the applicant if she had anything to say in closing.

Kimberly Perrotta stated that although some of her neighbors have signed a petition in opposition to the renewal of her business permit, there are no complaints specific to her business which has been in operation for 2 years. Ms. Perrotta commented that if she hadn't taken the proper steps to have the business, she could be operational and no one in the neighborhood would notice. She said there are very few cars coming in and out of the neighborhood and there is no sign. Ms. Perrotta noted that she has 2 small children and that is why she sought the approval in the first place so she could remain home with her family. She added that her business is so small scale she feels that it wouldn't support commercial rental rates.

Commissioner Roberts asked if there were any additional questions or remarks. There being none, Commissioner McHugh made a motion to close the public hearing. Commissioner Munroe seconded the motion.

The members voted as follows (7-0-0)

Aye: Roberts, Knecht, Harley, Munroe, McHugh, Homicki and Oickle.

Nay: None

Abs: None

Commissioner Oickle noted that he would abstain from voting because he didn't hear the first part of the hearing. He commented that he doesn't like the permanency request and added that if issues come up in the future there wouldn't be much recourse.

Commissioner Harley wanted to see a new timeframe attached to an approval. He noted that this would allow for neighbors to formalize complaints if necessary. Commissioner Harley then made a motion to approve the application with the following conditions:

- 1) The approval is valid for two years at which time the applicant shall come back to the Planning and Zoning Commission to renew the special permit.
- 2) The applicant shall have no more than 4 customers a day.
- 3) The hours of operations shall be limited to Monday - Friday from 4 p.m. to 8 p.m. and Saturday from 8 a.m. to 2 p.m.

Commissioner McHugh seconded the motion.

The members voted as follows (5-1-1)

Aye: Roberts, Knecht, Harley, Munroe and McHugh.

Nay: Homicki

Abs: Oickle

The application was approved.

PUBLIC HEARING APPLICATION NO. 1622-08-Z. Cutting Edge Pizza, LLC Seeking a Special Permit for a change of use at 1380-1430 Berlin Turnpike (Jordan Lane Shopping Center).

Correspondence for this application is as follows:

- A letter dated May 29, 2008 from Cutting Edge Pizza outlining the business proposal
- A memo dated June 11, 2008, from Gary Santoro
- A memo dated June 16, 2008, from Rebecca Drew

Jim Bannister, of Cutting Edge Pizza noted that the franchise of Little Caesar's, which based in Detroit Michigan, operates 38 restaurants in North Carolina, Virginia and Maryland. The corporate office is located in Hartford.

Mr. Bannister described the proposal to locate a Little Caesar's restaurant in the Jordan Lane Shopping Center in a space previously occupied by a clothing retailer. Mr. Bannister stated that the menu would consist of traditional pizza for carry out only with no delivery or dine-in services available. The restaurant will employ 25-30 people in a week and will be operational from 11 a.m. – 10 p.m. Tuesdays thru Thursdays, 11 a.m. – 11 p.m. Friday and Saturdays and 12 p.m. – 10 p.m. on Sundays.

Commissioner Oickle asked if there may be issues related to signage. Peter Gillespie noted that the applicant is aware of restrictions and noted that the Design Review Advisory Committee had not yet reviewed a signage proposal.

Commissioner Roberts asked if there was any one from the public who wished to speak on this item.

Judy Libby, 165 Ridge Road noted that she views the proposal as a welcomed addition to the shopping center but requested that the applicant make sure the ventilation system is maintained properly to ensure proper ventilation.

Commissioner Roberts then asked if there were any additional questions or comments. There being none, Commissioner Homicki made a motion to close the public hearing. Commissioner Oickle seconded the motion.

The members voted as follows (7-0-0)

Aye: Roberts, Knecht, Harley, Munroe, McHugh, Homicki and Oickle.

Nay: None

Abs: None

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Commissioner Harley made a motion to approve the application as submitted. Commissioner Oickle seconded the motion.

The members voted as follows (7-0-0)

Aye: Roberts, Knecht, Harley, Munroe, McHugh, Homicki and Oickle.

Nay: None

Abs: None

The application was approved.

PUBLIC HEARING APPLICATION NO. 1615-08-Z. Patel Ramesh Seeking a Special Permit in accordance with Section 6.10 (Earth Removal & Filling) of the Wethersfield Zoning Regulations for the receipt of fill at 35 Arrow Road (Almar Motel).---TABLED FROM 6/3/08.

No one was present to represent the applicant. A discussion ensued regarding timeframes and the public hearing was opened.

Commissioner Oickle made a motion to continue the public hearing to the next meeting. Commissioner Homicki seconded the motion.

The members voted as follows (7-0-0)

Aye: Roberts, Knecht, Harley, Munroe, McHugh, Homicki and Oickle.

Nay: None

Abs: None

OTHER BUSINESS

There was no other business.

STAFF REPORTS

There were no staff reports.

PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING

There was no public comment.

CORRESPONDENCE

There was no correspondence.

ADJOURNMENT

Commissioner Oickle made a motion to adjourn the meeting at 8:25 p.m. Commissioner Munroe seconded the motion and all voted in favor.

Respectfully submitted,

Denise Bradley, Assistant Planner