

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

**October 7, 2008**

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

**1. CALL TO ORDER**

Chairman Joseph Hammer called the meeting to order at 7:04 p.m.

**1.1 ROLL CALL & SEATING OF ALTERNATES**

Clerk Knecht called the roll as follows:

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

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

Chairman Hammer noted that there were 8 full members and 2 alternates in attendance at the time of roll call. Only one alternate was needed for votes, so Chairman Hammer asked Commissioner Drake to participate.

**2. OLD BUSINESS**

**2.1 PUBLIC HEARING APPLICATION NO. 1629-08-Z. Nancy Faucher** Seeking a Special Permit in accordance with Section 3.6.B.2 of the Wethersfield Zoning Regulations to construct a garage larger than permitted in a residential zone at 107 Robeth Lane.---Continued from 9/5/08.

Chairman Hammer said that this application is not going forward at this meeting and will be continued to a later meeting.

**3. NEW BUSINESS**

**3.1 PUBLIC HEARING APPLICATION NO. 1634-08-Z. Rana Automaster** Seeking a

Special Permit in accordance with Section 5.2.E.3 of the Wethersfield Zoning Regulations for a General Repairer's License at 1652 Berlin Turnpike.

Chairman Hammer opened the public hearing. Owner Anees Rana spoke on behalf of the application.

Chairman Hammer asked Peter Gillespie how this application differed from the previous application. Mr. Gillespie said that the application packet has new stipulations and a request to sell autos. He said Mr. Rana has told him in conversation that auto sales would be an important part of the business, and he is willing to put up fencing to screen the autos, parts, tires, etc. Mr. Gillespie said that the application does not have much information in the narrative about the auto sales or the fencing.

Commissioner Roberts said that the auto sales item was not part of the legal notice, so it needs to be dealt with separately – in the same way the auto repair business on Maple Street was required to.

Mr. Gillespie said that the Rana auto repair application contains the information for auto sales, consistent with the way Czako Automotive did it. Mr. Gillespie also said that the Rana application tonight represented the separate application necessary.

Commissioner Oickle said that he believes this would be the first time auto sales would be allowed in an open lot, if approved. He said that he is concerned the property will become unsightly, and that the applicant has not done enough to date to warrant additional privileges on the property. Commissioner Oickle cited large potholes that remain unrepaired, scrap metal out in front that has not yet been removed, and registered and unregistered vehicles already on the property.

Chairman Hammer said that the discussion at this point should be about the specifics of the application.

Commissioner Harley asked where the fence is planned to be located. Mr. Rana said it would be a 6-foot high fence from the side door on the Nott Street side to the retaining wall.

Commissioner Drake asked where would be the dumpster. Mr. Rana said that his insurance requires that it be 20 feet away from the building.

Commissioner Munroe said that he thought the Commission previously decided not to allow auto sales at this property, and that the Commission long ago requested information from the applicant about the business operations, but did not receive it.

Commissioner Oickle commented that the auto repairer LaMore's does a lot of towing, but does not have problems with too many or unregistered vehicles stored on site. Mr. Rana said that LaMore's has a separate location for storage of vehicles.

Commissioner Jurasin asked if the Commission has the ability to vote just on the repair part of the application, and defer the sales issue. He said it would be good to have an opportunity to compare the proposed conditions to the Czako permit. Chairman Hammer said that it would probably be awkward to split the permit, so it probably needs to be approved or denied

as a whole.

Chairman Hammer asked if there were members of the public that wished to comment on the application. There being none, he asked if the applicant had anything to add.

Mr. Rana said that he will be advertising the car sales on-line, so he will not be putting up flags or banners for the cars sales.

Chairman Hammer asked Mr. Gillespie how the conditions in the September 13, 2008 letter in the packet compared to the previous approval. Mr. Gillespie said that they were the same, except the elimination of the condition to park 5 unregistered vehicles, no permission for vehicles to be sold, and no trailer business sales, so two conditions fell out. He also suggested that it be clarified that there be no trailer sales. Mr. Gillespie also pointed out that no term for the permit is requested in the application, so the Commission can decide what the term will be.

Commissioner Knecht asked why the applicant needs to store unregistered vehicles. Mr. Rana said that he would sell autos bought at an auction, and autos from an auction are unregistered.

Commissioner Harley asked if cars will be stored behind the fence. Mr. Rana said no, the fence is not big enough for that.

Commissioner Roberts said it is unclear what exactly would be stored behind the fence. Mr. Rana said he would store drums and tires, but no dismantled parts.

Chairman Hammer asked Mr. Rana if he understands that no ads for sales would mean no signs on the cars. Mr. Rana said yes.

Commissioner Harley asked for a description of the screening material. That is, would it be chain link fence with slats that you can still see through, or something else. Mr. Rana said it would be wooden, and you would not be able to see through it.

Chairman Hammer said that the Czako permit does not allow auto sales greater than 3 per month. Mr. Rana said he expects sales would vary between 2 and 5 per month.

**Motion:** Commissioner Harley motioned to close the hearing.

**Second:** Commissioner Jurasin seconded the motion.

**Vote:** 9-0-0

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Petrelli, Oickle and Drake.

Nay: None

Abs: None

Chairman Hammer pronounced the public hearing closed.

**Motion:** Commissioner Jurasin motioned to deny without prejudice the car dealer license part of the application, and approve the general repair license part of the application with the following conditions:

- the application shall specifically include certain items in a letter from the applicant to the Town, dated September 13, 2008, including items 1, 2, 3 and 4 in the upper section of the letter, and items 1 and 2 in the lower section of the letter;
- the applicant shall not rent or sell vehicles or trailers; and
- the applicant shall use screening materials of type, size and location to be submitted and approved to the satisfaction of Town staff.

**Motion Amended:** Chairman Hammer amended the motion by clarifying that the limit of 10 vehicles parked overnight in item 1 of the upper section of the September 13, 2008 letter, shall include the maximum 5 unregistered vehicles in item 2 of the lower section of the September 13, 2008 letter.

**Seconded:** Commissioner Drake seconded the motion as amended.

Chairman Hammer said that he was troubled by the lack of a limit on the term of the permit, but would go along with relying on the enforcement process.

Commissioner Oickle said that he still believes that the application does not represent an improvement to the property. He feels that the applicant has ignored the Town to this point and the property is terribly unkempt – the worst in Town. He said he probably will vote no.

Commissioner Munroe said that he felt the applicant should be required to complete the changes proposed in the application within a certain timeframe.

**Motion Amended:** Commissioner Munroe amended the motion by stipulating that the applicant shall carry-out, by December 31, 2008, the application and the conditions as approved, or the permit is revoked.

**Seconded:** Commissioner Drake seconded the motion as amended.

**Vote:** 6-3-0

Aye: Hammer, Knecht, Harley, Jurasin, Munroe, and Drake.

Nay: Roberts, Petrelli, Oickle

Abs: None

**The application was partially approved, with conditions.**

**3.2 PUBLIC HEARING APPLICATION NO. 1636-08-Z 291 Ridge Road LLC/John Tartaglia** Seeking a Special Permit in accordance with Section 3.2.1- of the Wethersfield Zoning Regulations to construct an 80 unit Assisted Living Facility at 281 and 295 Ridge Road.

Chairman Hammer opened the public hearing. Attorney John Barry opened on behalf of the applicant, John Tartaglia. He said that the project cost will be approximately \$5 to \$7 million, meets all zoning requirements, and has been reviewed by the Town's engineering, building and fire departments.

Next to speak was Doug Ellis, site engineer, of Buck & Buck LLC. He said that the proposal

for Phase 1 of the property was to renovate the main building along Ridge Road, and this work continues. Phase 2 was planned to be the renovation of 6 existing buildings in the rear of the property. He said that the proposal tonight would replace Phase 2 with a 72-unit assisted living facility. This building will have 3 stories, but the rear of the property is sloped so the building will appear to be 2 stories high from Ridge Road.

Mr. Ellis said that site access would still be from Ridge Road, and the driveway would be designed without parking next to the building to allow easy access by fire trucks in an emergency. He said that one section of the north segment of the driveway entrance off Ridge Road would be widened to 24 feet, to accommodate two-way traffic in that one segment, and allow room for trucks. The remainder of the driveway would be kept one-way. Mr. Ellis said that more planting would be added along the north side of the driveway to provide additional buffer for the neighbors.

Commissioner Oickle asked what the distance to the nearest neighbor is. Mr. Ellis said the new building would be 110 feet from the property line and the nearest house is about 50 feet from that property line. Landscaping coverage is required to be 15% on this project, but their plan includes 18% coverage. Town staff recommended more buffer plantings, so they were increased from 13 to 28 plantings.

Commissioner Drake asked what provisions have been made for storm water management. Mr. Ellis said that an underground piping system has been designed to store the extra run-off and release it slowly. Its capacity is designed for a 10-year storm event. If the capacity should be exceeded for any reason, it will back-up on the property in the parking lot.

Next to speak was the project consulting architect, Peter Bugryn. Mr. Bugryn said that the new building will have some double units, so it will be 80 beds in a 72-unit facility. The building will have: 5,400 square feet of basement area for laundry and storage, outdoor decks, exercise and activity rooms, and private dining rooms for family visits. An animated video view of the facility design has been submitted to the Town, and was shown to the Commission members on a laptop computer that was passed around.

Mr. Bugryn said that the building will be wood-frame construction, 45 feet in height, and would have an architectural style consistent with the building in the front of the property. The first floor would have a brick exterior, and the upper floors would have a vinyl siding exterior. They are also exploring alternative energy features such as solar energy panels for the roof, hydrogen fuel cell, or geothermal ground source heat pump.

Chairman Hammer asked if the rooms would have individual air conditioning units on the outside of the building. John Tartaglia said yes, there would be individual air conditioning units but it would not be like some motel.

Chairman Hammer asked what the status of the building in front/Phase 1 is. Mr. Tartaglia said that he has 6 units sold, and has more sales in progress such that he expects to have only 2 units left to sell by January.

Commissioner Petrelli asked what the relationship between the owner and the operator of the assisted living facility is. Mr. Tartaglia said that the facility would be leased to the operator as a single condominium unit, and the operator would follow the State's rules for operating

an assisted living facility.

Commissioner Petrelli asked whether there would be residents with Alzheimer's disease, which would imply more staff at the facility and a greater need for parking. He also asked if the percentage of Alzheimer's residents would increase over time. Mr. Tartaglia said that there will be some units designed for residents with Alzheimer's, but it would be a fixed number due to the State's operating rules. If a resident contracted Alzheimer's while living there, they could only stay there if there were vacant Alzheimer's units.

Commissioner Jurasin asked how the number of parking spaces was determined. That is, how many would be needed for staff, visitors, residents, etc. Mr. Tartaglia said that assisted living facilities are usually designed with 1 parking space for every 4 residents, so their proposed ratio of about 1 for every 2 should be more than enough.

Commissioner Jurasin asked if the fire marshal had seen the proposal. Mr. Gillespie said that he knows the fire marshal has seen and is comfortable with the concept. Now that more project details are available, Mr. Gillespie recommends that a condition of approval be that the fire marshal review the plans again for things like pavement markings, fire lane signs, etc.

Commissioner Jurasin asked what kinds of vehicles would be using/may be parked temporarily in the driveway. That is, would there be shopping delivery vehicles. Mr. Tartaglia said yes, that delivery vehicles and transportation vehicles for the residents would be expected frequently.

Commissioner Jurasin asked what would be the legal means for sharing occupancy of the site between the condo owners in front and the residents in the assisted living facility in the rear. Mr. Gillespie said that declaration of covenants would be restated between the landowner, developer and the operator.

Commissioner Drake asked if the developer or operator became insolvent, would the Town become responsible for the care of the residents. Mr. Barry said that it is a private facility, so the Town would have no such legal obligation.

Next to speak was Bob Notti, representing the proposed operator, ACM. Mr. Notti said that the facility will not be a nursing home. It will have 60 single units with residents that can well afford to pay the \$2,700 - \$3,200 per month fee, which will include services and amenities such as laundry, housekeeping and dining. All of the residents, including those with Alzheimer's, would be ambulatory, so the State would not allow the facility to run as a nursing home. Any resident that became non-ambulatory would have to move to a nursing home.

Mr. Notti said that the total number of staff is expected to be about 26, with 5 - 6 on weekends, 5 - 6 in food services, and the rest (16 - 17) working on weekdays. He said HUD requires one parking space for every 4 residents. His experience has been that most residents do not drive or own a car. He said there would still be 10 parking spaces left over, even if one added together the 16 - 17 weekday staffing plus 1 car for every 2 residents. Mr. Notti said that each unit has an in-wall heat and air conditioning pump because of the need for individual control. Mr. Notti introduced a dietician that works for ACM, Veronica Marciello, saying that she is an example of the kind of long-tenured staff he has.

Commissioner Jurasin asked if the transportation service would be on-call or on-site. Mr. Notti said that it would be on call initially. After the number of residents grew, such service would likely be on-site.

Commissioner Knecht asked how many Alzheimer's residents there would be, and what security is planned for wanderers. Mr. Notti said that there will be 20 residents, and there will be no external doors in their rooms, controlled access, bracelet-activated alarms and other provisions.

Commissioner Petrelli asked whether there will be cooking in the assisted living units. Mr. Notti said that each unit has a kitchenette with a microwave oven.

Commissioner Petrelli asked if the regulations for assisted living govern when residents must be moved to a higher level of care. Mr. Notti said that those kinds of decisions are made by a doctor, either the resident's own doctor, or the facility's doctor on retainer.

Commissioner Jurasin asked what the business relationship between the Cambridge and ACM companies is. Mr. Notti said that they are separate, and that he represents ACM. He also said that ACM operates 10 other facilities, 2 of which are assisted living facilities.

Commissioner Jurasin asked why operate in Connecticut and whether a market study was done. Mr. Notti said that the project is a good business deal, and that their market study and other factors make them confident that they will rent greater than 90% of the units.

Next to speak was Annette Laraby, Senior Vice President from Connecticut River Bank. Ms. Laraby said that her bank is the primary mortgage holder for Phase 1 at the property, and has been happy with Mr. Tartaglia's work on this and several other projects in Wethersfield. Their feasibility study shows that there is a need for a facility like the one proposed.

Next to speak was [REDACTED], of First Financial. Mr. [REDACTED] said that First Financial is a HUD lender, and his company has worked before with Mr. Tartaglia and Mr. Notti. He said that their market study showed only 300 assisted living units in the area, and 30 Alzheimer's units. He also said that a typical market study is done within a 10 mile radius, but they extended theirs to 20 miles. HUD regulations require strong financial and operational safeguards such as an annual audit, cash reserves, and financing based on 60% of median. The latter meaning there can be project success with well less than the maximum number of units rented.

Commissioner Petrelli said that there has been a succession of nursing home failures in Connecticut, and the State has had to step in. Mr. [REDACTED] said that the market is strong for assistant living in the northeast – no longer in Florida. Studies show that facilities of 60 – 100 beds are most successful, so market analysis is strong.

Commissioner Oickle asked if the lender has HUD commitment already for the project. Mr. [REDACTED] said yes.

John Barry spoke last to sum up the presentation. He said that he just wanted to emphasize that the project is a permitted use in the SRD zone, and it will have little effect on the

surrounding neighborhood.

Chairman Hammer asked if there had been any outreach to the neighbors. Mr. Barry said only to the ones in the building in front.

Chairman Hammer then asked if members of the public wished to comment on the application.

John Reilly, 37 Tollgate Road: Mr. Reilly asked what the project would look like from Tollgate Road, as he does not remember seeing anything in the presentation about that. He also said that he thinks the change in Phase 2 to an assisted living facility is a “bait and switch” by Mr. Tartaglia. He said otherwise thought that the presentation was thorough and it looked like a better-planned project than the previous Phase 2.

Mr. Bugryn suggested, for a view from Tollgate Road, that the members look at a picture in the application package. He said it was a real picture taken from Tollgate Road that had been digitally altered to add the building behind the trees as it would look after construction. Some of the trees in the picture had actually been removed digitally so one could see what the building looked like through the trees. Otherwise, the trees would block the view of the building. He also said that more trees are needed near the top of the driveway, so more plantings are planned.

Commissioner Jurasin said that he felt the presentation was excellent, and he was impressed with the rethinking of the project. He also said that the neighbor on Tollgate Road was right to have concerns about the visual impacts, especially in winter when the leaves are down. Mr. Barry said that even with the leaves down, only a few homes would have a view of the building.

Chairman Hammer said that the hearing probably should be continued until a future meeting. This would allow time for the applicant to address the issues that came up at this meeting and issues previously identified by Town staff. It would also allow time for the Commission members to go to the property to look for themselves.

Commissioner Oickle asked if the stone walls would be retained and if there would be blasting needed. Mr. Bugryn said that the walls will remain, and Mr. Ellis said that no blasting is needed.

John Tartaglia said that he feels it is unfair to characterize new Phase 2 proposal as a “bait and switch”. He said that he never misrepresented the project and the change is necessary.

Commissioner Oickle asked if a soil erosion control plan is needed, and if there are any wetland impacts. Mr. Gillespie said that the area being disturbed is too small to be a regulated erosion control activity. He also said that there is no direct impact to the wetland, so it is not a regulated activity in that regard, either.

Commissioner Oickle also asked for clarification on how the animated video was done to show the view from Ridge Road. Mr. Bugryn said that it was made as though the “camera” was at standing eye level, positioned in the street.

Commissioner Harley asked Mr. Gillespie to review what were the 10 – 20 issues identified by Town staff. Mr. Gillespie said that they were mostly issues that came up at the meeting, such as the additional fire marshal review, pavement markings, and an ADA compliance issue.

**Motion:** Commissioner Petrelli motioned to continue the hearing until the next meeting.

**Second:** Commissioner Knecht seconded the motion.

**Vote:** 9-0-0

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Petrelli, Oickle and Drake.

Nay: None

Abs: None

#### **4. OTHER BUSINESS**

There was no other business.

#### **5. MINUTES - Minutes of the October 7, 2008 meeting.**

Commissioner Hammer noted suggested revisions to the draft minutes.

**Motion:** Commissioner Drake motioned to approve the minutes as amended.

**Second:** Commissioner Oickle seconded the motion.

**Vote:** 9-0-0

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Petrelli, Oickle and Drake.

Nay: None

Abs: None

#### **6. STAFF REPORTS**

Peter Gillespie recommended that there be discussion of which projects to review at the next meeting. He said that an application will be coming in for use of portable lights for a Friday night football game at Cottone Field. The need has come up on short notice due to a schedule conflict. He said that high public interest is likely, which could make for a longer than average public hearing. Mr. Gillespie also said that there is an application to renew a bed and breakfast in Old Wethersfield, the continuation of the public hearing for 107 Robethe Lane, and an application for outdoor dining at 580 Silas Deane Highway. He said there are also 3 applications pending for telecommunication towers, and the continuation of the hearing for Ridge Road Phase 2.

Chairman Hammer asked Denise Bradley if she could check with some of the applicants to see if they would be amenable to being scheduled for a later date. Until the responses gathered by Ms. Bradley are available, it was decided to tentatively schedule the following for the meeting on October 21<sup>st</sup>: temporary portable lights at Cottone Field, 295 Ridge Road and 107 Robeth Lane. The applications put on hold are tentatively: Silas Robbins Bed and Breakfast renewal, 580 Silas Deane Highway, and the telecommunication towers.

#### **7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING**

There was no public comment.

**8. CORRESPONDENCE**

There was no correspondence.

**9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS**

**9.1 PUBLIC HEARING APPLICATION NO. 1630-08-Z. Greg Lichatz** Seeking a Special Permit in accordance with Section 5.2.F.2 to allow outdoor dining at 580 Silas Deane Highway.

**9.2 PUBLIC HEARING APPLICATION NO. 1637-08-Z. Greg Lichatz** Seeking a Special Permit in accordance with Section 3.6.C.2 of the Wethersfield Zoning Regulations for an accessory building (storage tent) larger than permitted in a residential zone at 221 Wolcott Hill Road.

**10. ADJOURNMENT**

Commissioner Oickle made a motion to adjourn the meeting at 9:45 p.m.

Commissioner Petrelli seconded the motion and all voted in favor.

Respectfully submitted,

Kevin T. Sullivan, Recording Secretary