

**WETHERSFIELD PLANNING AND ZONING COMMISSION  
PUBLIC HEARING AND MEETING  
October 16, 2007**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday October 16, 2007 at 7:00 p.m. in the Silas Deane Middle School Auditorium, 551 Silas Deane Highway, Wethersfield, Connecticut.

**CALL TO ORDER**

Chairman Joseph Hammer called the meeting to order at 7:12 p.m.

**ROLL CALL & SEATING OF ALTERNATES**

Town Planner, Peter Gillespie called roll as follows:

<b>Member Name</b>	<b>Present</b>	<b>Absent</b>	<b>Excused</b>
Joseph Hammer, Chairman	X		
Margaret Wagner, Vice Chair			X
Philip Knecht, Clerk			X
Thomas Harley	X		
Robert Jurasin			X
Earle Munroe	X		
Dorcas McHugh			X
Richard Roberts	X		
Frederick Petrelli	X		
James Hughes	X		
Anthony Homicki	X		
George Oickle	X		

Also present:

- Peter Gillespie, Town Planner
- Denise Bradley, Assistant Planner

Chairman Hammer stated that the all the alternates would be seated on all the applications.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

**3.1 PUBLIC HEARING APPLICATION NO. 1586-07-Z. Robert Dillon** Seeking a resubdivision for the creation of one (1) new lot at 233 Highland Street.--- **CONTINUED FROM 10/2/07**

Paul Hallisey, Civil Engineer from Hallisey, Pearson, and Cassidy 35 Cold Spring Road, Rocky Hill, CT. Mr. Hallisey has stated they have revised the plans from last meeting. They have moved the proposed house next to the neighbor by 15 feet as asked. Mr. Hallisey stated that they were able to do that because the lot is 96 feet across and the standard for a subdivision has to be 90 feet.

Chairman Hammer referenced memo dated September 12, 2007 from the Town's attorney Jack Bradley to Brian O'Connor which mentioned that the Covenant does not prohibit the Dunn's from altering the portion of the stone wall.

Commissioner Oickle asked if they have met all the requirements from memo dated September 24, 2007. Mr. Hallisey stated yes they have addressed all of them. Commissioner Oickle questioned the movement of the house. Mr. Hallisey stated they moved the house to give a side yard of 15 feet, they added a yard drain. They have slimmed the driveway to 9.6% sloped and they are putting a swale between the two house to protect the lower houses. Commissioner Oickle asked about the wall. Mr. Hallisey stated they will be reconstructing the wall and it will be up to the homeowners to maintain it.

Chairman Hammer called upon audience members.

Daniel Andrews, 21 Stonegate Drive, stated that the Dunn's had bought the property in 1946. In 1976 they sold 9.3 acres to Stonegate (Brett Association). In 1991 they quick claimed it to Karen Dunn. He stated they the land was already subdivided once and that the Dunn's owe \$105,000 in back taxes since 1994. Mr. Andrews also mentioned the Covenant and deeds and read a portion of it to the commissioner. He also gave the commission a copy. Mr. Andrews stated that he is opposed.

Nancy Andrews, 21 Stonegate Drive, stated that she has learned that the Dunn's have not paid their taxes in 13 years and they owe \$105,000 to the Town of Wethersfield. She stated that she is a tax paying citizen and she trusted the town to protect its citizens but the town has let her down. Mrs. Andrews stated that the ZBA made a mistake when they granted the buildable square. She is asking that the commission review the situation and step in make a decision that is right for the neighborhood. Mrs. Andrews showed the commission a board of pictures of the homes on Stonegate Drive stating that no two homes are alike and the lot sizes are much bigger than the proposed two lots. She stated that Mr. Hallisey mentioned that they were meeting the regulations on the proposed lots as being 96 feet. All the lots on that side of the street are 100 and the other side is 90 so she stated that it is not conforming to the rest of the homes. Mrs. Andrews also talked about Stonegate Drive being part of the covenant and that the part of the land in question and the stone wall is listed in the homeowner deeds and covenant as part of the association. Mr. Andrews stated that according to town records the slope on both sides of the street is also part of the association so is the Stonegate wall. She also talked about the covenant and is still being in effect. Mrs. Andrews stated that she is not opposed to building a home on the property. They are opposed to having two homes built on the property. She wants to see the town preserve open space. She is asking the town to do what is right for the law abiding tax paying citizens of Stonegate Drive. Mrs. Andrews pointed out a couple of things regarding drainage. Her house sits lower than the proposed property and she is afraid that she will end up with standing water in her yard and basement. She also requested that if a home does go up that she does not want any windows facing her home.

Richard Chamberland 18 Highcrest Road, stated that he agrees with the residents of Stonegate and that he is concerned that his neighbor may want to subdivide his land if this application is approved. He is asking that the commission look at the future.

Carol Friedman, 45 Stonegate Drive stated that she has lived on Stonegate for 31 years. When she built her home 31 years ago they had to conform to the rules and regulations right down to the color and size.

Mrs. Friedman mentioned that there has been a water pressure issue on the street since she has lived there.

She thinks that putting two houses there are going to make it worse. Mrs. Friedman disagrees with putting two houses on the lot but would like to see one.

Maryann Lindquist, 53 Stonegate Drive stated she is opposed to two homes being built and also mentioned that she also does not have good water pressure in her home.

Filomena Marinelli, 16 Stonegate Drive stated she is opposed to the homes being built and she was opposed with the variances as well. Mrs. Marinelli also stated that she doesn't understand how the town can let 13 years of not paying their taxes go by.

Phil Barnett, 32 Stonegate Drive stated he is opposed to the homes being built.

Chairman Hammer questioned Mr. Hallisey on where they are planning on connecting in for water and have they looked at the pressure.

Mr. Hallisey stated they are connecting on Stonegate. The main is on their side of the street and he is not aware of anything problem with the pressure.

Commissioner Harley asked what the existing home was serviced on. Mr. Hallisey answered it is on well. Commissioner Harley also questioned the water main on Highland. Commissioner Oickle mentioned that there was a water issue on Jacob Drive 5 years ago and that street sits higher. Mr. Hallisey indicated that there is a 16 inch water main on Highland that runs on their side of the street and a hydrant right in front of 233 Highland. Mr. Hallisey stated that if they can make a condition to the approval that they put on house on Highland and the other on Stonegate.

Commissioner Homicki questioned if they can tap into the main on Highland for both houses. Mr. Hallisey stated that it is something he will have to review and see if they will allow it. Commissioner Homicki also asked about the type of home and its conformity to the rest of the neighborhood. Mr. Hallisey stated that the developer has an architect.

Commissioner Munroe asked if all the details from Mike Turners memo have been met. Mr. Hallisey stated yes. Commissioner Munroe also mentioned the water pressure and that he recalled them having to put pumps in the homes on Jacob Drive and he wanted to know if there are any problems on their side of the street with the pressure. Mr. Hallisey is not aware of any.

Commissioner Roberts asked Mr. Gillespie if the plan meets subdivision regulations. Mr. Gillespie replied yes.

Chairman Hammer asked the applicant if he was willing to make any modifications on a voluntary basis in response to the concerns mentioned one being about the windows facing north.

Bob Dillon, 10 Autumn Circle stated that he can limit the windows, 2 up and 2 down. He also wanted to comment that there are colonials on Stonegate Drive.

Commissioner Petrelli made a motion to continue the public hearing until next meeting.

- Applicant to explore water pressure issues along Highland Street and Stonegate Drive.

Commissioner Roberts seconded the motion.

The members voted as follows (8-0-0)

Aye: Hammer, Harley, Munroe, Oickle, Roberts, Hughes, Petrelli, Homicki

Nay: None

Abst: None

### **3.2 PUBLIC HEARING APPLICATION NO. 1587-07-Z. Silas Robbins Bed & Breakfast/John & Shireen Aforismo Seeking a Special Permit to host special events at 185 Broad Street.**

Chairman Hammer read memos for the record.

1. Dated 10/16/07 from John Lepper, Tree Warden in regards to parking on the green.

2. Dated 10/15/07 from Bob and Judy Tatters stating their approval.
3. Dated 10/15/07 from Mary Clare and Bill Quirk are opposed.
4. From Ruth Ann Schumaker, 15 Raynor Lane supports the application.
5. From Gene and Caryl Goldman, 78 Oldham Road they are in favor.
6. Dated 10/11/07 from Robert Osgood, 39 Foote Path Lane, in opposition.
7. Dated 10/11/07 from Carl and Irene Braren stating their opposition.
8. Dated 10/6/07 (received on 10/11/07) From Lorin Hardy and Mark Bryant are in opposition.
9. Dated 10/8/07 from Wayne and Dorothy Burwell stating they are opposed.
10. Dated 10/9/07 from Amy Redfield 36 Elm Street in opposition.
11. Dated 10/11/07 from Tom and Holly Landers in opposition.

Chairman Hammer referenced proposed conditions that the applicant provided as well as potential conditions from Mr. Gillespie, Town Planner.

Chairman Hammer also referenced a petition signed by several residents in opposition to the application.

Attorney Alec Kerner with the firm Gersten referenced the memo of conditions submitted by John and Shireen Aforismo.

John Aforismo, 49 & 185 Broad Street, stated that they are here requesting this because people from the town came to them asking for it.

Chairman summarized the proposal from the Aforismo's dated October 16, 2007 to the audience

Commissioner Petrelli questioned the packet from Pullman and Comley, LLC Attorneys at Law.

Attorney Diane Whitney from Pullman and Comley Hartford, CT represents 15 neighboring residents discussed the high points of her memorandum dated October 16, 2007 submitted to the Planning and Zoning Commission. Some of the issues that were raised are one being in regards to the form filled out for the application may not have been the correct one and that she has stated in her first paragraph of the memorandum that the commission does not have the authority to grant this application. Attorney Whitney also indicated that residents within 300 feet did not receive notice.

Commissioner Homicki questioned if there was anything more recent than the correspondence submitted by Attorney Whitney from a 1969 court case. Attorney Whitney said no. Commissioner Homicki also questioned Attorney Whitney on the comment of the commission not having the authority to grant the application and that she stated also that the application is not complete. He wanted to know if it was in her opinion that they not accept the application at all. Attorney Whitney stated that she would never tell the commission to not take the application she was stating that they may find it incomplete.

Mr. Aforismo stated he had filled out the form that was given to him and he also stated he provided to Planning and Zoning receipts from the Post Office on the notices sent.

Chairman Hammer called upon the public.

Judy Keane, 126 Broad Street, President of the Richard Keane foundation stated she had a 10 day event at the Bed and Breakfast and she is in support. The event brought in 4800 people from all over. Mrs. Keane stated that she knows it is in the best interest of Old Wethersfield that they bring in people from other areas. She believes that it should be shared with others so they understand the history of Wethersfield. Mrs. Keane commented on what has been said about safety along the green. She stated that the green has always had a lot traffic with cars parked there on a regular basis. She wants to see this given a chance and that a one year probation is appropriate.

Ellen Spratlin, 115 Broad Street, co chairman of house tour stated that with the amount of people that came to the event there were no problems reported. She believes that they need to give John and Shireen a chance that they too are residents of the green and will do the right thing.

Lori Serven 188 Maple Street stated she had witnessed on many occasions people asking John and Shireen to host special events at their Bed and Breakfast. She believes that holding such events will make Old Wethersfield visible.

Kathy Dolan 145 Broad Street stated she is in favor of it and would like to see how it goes. She thinks what they are asking is reasonable.

Ruth Ann Schumaker, 15 Raynor Lane stated that she is in favor.

Dan O'Connor 34 Dorchester Road questioned the authority on granting a special permit and also about if anywhere in the regulations state that you cannot have a banquet facility in a residential A zone. Chairman Hammer answered that at the time the applicant went to the ZBA the regulations did not allow for a Bed and Breakfast in a residential zone so they had to get a variance for it. Since then they have amended the regulations and now they can put a Bed and Breakfast in a residential zone if you get a special permit. Mr. O'Connor talked about the farm selling produce, dentist office, and daycare all are close by and are commercial and you don't hear objections for those. He also talked about the Cornfest, Wethersfield Weekend which have just as many cars parked on the green but again not objections. Mr. O'Connor stated he is in support of it.

Peter Lambruni 200 Broad Street, stated his opposition. He had no issues on how the event was held but he does have issue with the intensity. Mr. Lambruni thinks that it is appropriate to hold events but would like restriction to parking on the green and is opposed to intense use. Would like to see events spaced out.

Mark Bryant 55 Robbinswood Drive provided a map of residents opposed. He had talked about profit vs. non profit (Keane vs. Bed & Breakfast). Mr. Bryant also believes that 6 events will turn into more with family and friends.

Mary Clare Quirk 44 Robbinswood Drive is the immediate next door neighbor to the B&B. She stated that her living room windows and her porch are 30 feet away from the parking lot and the porta potties. Mrs. Quirk stated her opposition.

John Jezowski 15 Robbinswood Drive, referenced letter submitted last meeting and he does not support.

Dr. Braren 463 Wolcott Hill Road, speaking for daughter 205 Broad Street. He believes that this will lower the value of his daughter's property and he is strongly opposed.

Holly Landers 205 Broad Street stated she cannot support, reference the memo from the tree warden. She believes that adding a wedding facility will decrease the value of her home.

Luis Ocasio 220 Broad Street, stated that he is concerned about the parking and that he would be open to some event depending on restrictions.

Aaron Rutherford 192 Broad Street is a long time resident of Wethersfield. He stated that the green used to be a lot nicer when cars weren't parking on the green.

Janet Lambruni 200 Broad Street stated her opposition.

Carla Adams 235 Broad Street stated her opposition. She is uncomfortable with large events but would be in favor of smaller events within the structure.

Michelle Kriticos 85 Center Street stated that she is in favor and that there are thousands of cars that park on the green and it doesn't look any different from before.

Frank Morris, 188 Broad Street strongly opposed with cars parking on the green.

Heather Andersen 72 Broad Street is a concerned parent for the safety around the green. She also had questioned non family and friend's portion of the memo from the Aforismo's.

Commissioner Roberts questioned the non-family events.

Mr. Aforismo stated that their family is pretty big and where they reside currently on 49 Broad Street they have 3 or 4 summer parties a year. He stated they may want to have parties for their children and grandchildren.

Commissioner Munroe referenced memo dated October 2, 2007 on the control they will have on the events on the property. He asked how they will control the number of people invited.

Mr. Aforismo stated that his attorney did come up with a contract with a limit of 125 people.

Commissioner Hughes asked with the 10 day event and 4800 people were there any police complaints.

Mr. Aforismo stated none.

Commissioner Oickle stated he thinks that 6 events are too many and would like to see 4. Also, he would like to see 100 instead of 125 people, no parking on the green and to take tent down within a certain number of days.

Attorney Kerner stated they are willing to reduce to 4 weddings one a month.

Commissioner Roberts made a motion to close the public hearing.

Commissioner Homicki seconded the motion.

Aye: Hammer, Harley, Munroe, Oickle, Roberts, Hughes, Petrelli, Homicki

Nay: None

Abst: None

Commissioner Munroe made a motion to approve application with stipulations

- Applicant to abide by end time of events
- Applicant to work with the town and police on temporary no parking signs on the green
- That the P & Z Commission revisit in 1 year
- The limit of guest be 125
- No more than 4 events in 1 year

Commissioner Roberts seconded the motion with an amendment to the motion. Applicant to abide by Peter Gillespie's memo dated October 16, 2007 adding in

- Applicant to not exceed 4 events with 1 per calendar month
- No Parking on the green
- That there be a residents only sign for Robbinswood Drive
- The tents should be removed within 48 hours after an event
- Applicant to comply with all noise ordinances

The members voted as follows (8-0-0)

Aye: Hammer, Harley, Munroe, Oickle, Roberts, Hughes, Petrelli, Homicki

Nay: None

Abst: None

## **APPLICATION APPROVED**

**3.3 PUBLIC HEARING APPLICATION NO. 1581-07-Z. 61 Arrow Road LLC.** Seeking a Special Permit in accordance with Section 5.2.H.4 of the Wethersfield Zoning Regulations to construct a storage facility with exterior access to storage bays at 61 Arrow Road. --- **CONTINUED FROM 9/18/07**

Applicant has requested an extension until next meeting

**3.4 PUBLIC HEARING APPLICATION NO. 1588-07-Z. Hines Sudden Service** Seeking a Special Permit in accordance with Section 5.2.F.4., of the Wethersfield Zoning Regulations to construct a 2,900 s. f. restaurant with a drive-up window and in accordance with Section 5.6.D., of the Wethersfield Zoning Regulations for an exception to the minimum front yard setback requirement at 31 Town Line Road.

Commissioner Hughes made a motion to ask applicant to come back at next meeting as time had run out.

Commissioner Munroe seconded the motion.

The members voted as follows (8-0-0)

Aye: Hammer, Harley, Munroe, Oickle, Roberts, Hughes, Petrelli, Homicki

Nay: None

Abst: None

**3.5 APPLICATION NO. 1590-07-Z. Wethersfield Public Schools** Seeking Site Plan and Design Review to create nineteen (19) new parking spaces at 50 Francis Street (Hanmer School).

They will be adding 19 more parking spaces and they will be re-striping the lot. They need to do this because there is 20 new staff at the school for the Pre-School. They mentioned that on the south west corner of the building there is a play yard. The students will be using the play yard at Standish Park to make way for a new addition to the school.

Commissioner Oickle made a motion to approve the application.

Commissioner Hughes seconded the motion.

No conditions

The members voted as follows (8-0-0)

Aye: Hammer, Harley, Munroe, Oickle, Roberts, Hughes, Petrelli, Homicki

Nay: None

Abst: None

## **OTHER BUSINESS**

## **MINUTES**

Commissioner Petrelli stated he called Chairman Hammer to let him know he was not going to be at the meeting. He

was marked absent. He should have been excused.

Commissioner Oickle made a motion to approve [the minutes from October 2, 2007](#)

Commissioner Hughes seconded the motion.

The members voted as follows (8-0-0)

Aye: Hammer, Harley, Munroe, Oickle, Roberts, Hughes, Petrelli, Homicki

Nay: None

Abst: None

## **STAFF REPORTS**

No staff reports.

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

There was no one in the public that wished to speak.

## **CORRESPONDENCE**

**8.1** A memo dated October 10, 207, from Jonathan Chapell to Jack Bradley regarding alternate PZC member participation.

**8.2** A copy of *Ostranger v. Hebron PZC*.

## **PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS**

## **ADJOURNMENT**

Commissioner Petrelli made a motion to adjourn the meeting.

Commissioner Homicki seconded the motion.

The members voted as follows (8-0-0)

Aye: Hammer, Harley, Munroe, Oickle, Roberts, Hughes, Petrelli, Homicki

Nay: None

Abst: None

**The meeting was adjourned at 11:12 p.m.**

Respectfully submitted,

Amy Chodorowski  
Planning and Zoning Recording Secretary