

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
February 7, 2006**

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, February 7, 2006 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

CALL TO ORDER

Chairman Hammer called the meeting to order. He explained that Application #1504-05-Z, The Creamery would not be discussed or voted on tonight. The hearing is closed, but he town staff still needs to do some research, so it will not be discussed tonight.

ROLL CALL & SEATING OF ALTERNATES

Chairman Hammer asked Clerk Knecht to call roll as follows.

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman	X		
Theresa Forsdick, Vice Chairman			X
Philip Knecht, Clerk	X		
Thomas Harley	X		
Robert Jurasin	X		
John Hallisey	X		
Dorcas McHugh			X
Margaret Wagner			X
Anthony Homicki	X		
James Hughes	X		
Frederick Petrelli	X		
David Edwards	X		

Also present:

Peter Gillespie, Economic Development Manager/Town Planner
Denise Bradley, Assistant Planner

PUBLIC HEARINGS

Chairman Hammer explained the procedure for public hearings and asked that the applicants and members of the public come forward to the podium to speak. He said that nine members were present, so all commissioners will participate and vote.

APPLICATION NO. 1509-05-Z. Wayne Urbanski Special Permit for a home occupation at 46 Marmor Court.

Commissioner Knecht read the following correspondence into the record:

- Memo dated February 2, 2006 from Peter Gillespie and Denise Bradley to Planning and Zoning Commission saying that the applicant is requesting special permit approval to operate a floral design business at 46 Marmour Court. The applicant has indicated that the business proposal will comply with the zoning requirements as prescribed by Section 3.5.2. The gross floor area is 1,920 s.f. The business will be located in the basement of the dwelling and occupy an area of 36 s.f. or 1.875% of the total area.
- Memo dated January 30, 2006 from Becky Albert at the Central CT Health District to Peter Gillespie and Denise Bradley offering no comment on the proposal.
- Description of the proposal from the Applicant and a sketch of the floor plan of the proposed business.

Chairman Hammer said that the diagram of the basement shows where the applicant will conduct the activity.

Wayne Urbanski introduced the application and said that no customers would come to the house and if someone calls for an order, he will bring it to their house. A check would either be mailed or he would pick it up at delivery. No deliveries would be made to the house, they don't have the inventory there, and they would just pick up materials as needed from their floral supply place in Cromwell. Mr. Urbanski said that he received a list of 58 properties within 300 feet. He didn't contact everyone on that list, but did talk to all of his neighbors on his cul-de-sac and submitted a petition with all of their signatures indicating that they were not opposed to the proposal. He said that last year the business made a whopping \$283.63, actually they lost money because they had to buy startup materials. They put an ad in the Corpus Christi bulletin, and have done arrangements for no money in order to build their business. They don't have a lot of additional equipment, like a cooler because they run \$3000 and it is not practical for them, they just buy stuff as needed.

Theresa Urbanski also spoke on the matter. She said that the reason that they didn't come to the ZBA for a permit originally was that when she finished design school at Seagrots in Cromwell, she asked the Executive Director if she would be in violation of the town code if she did the work from her home. The director didn't seem to think so, and therefore she thought that she was doing everything right.

Mr. Urbanski said that they are registered with the State and pay taxes. They are also registered with the town as are all of their materials and equipment. They haven't made a sale until they get the outcome of this hearing. Some of the neighbors had questions and issues about the proposal, but once they talked to the neighbors, they were ok with it.

Chairman Hammer asked if there would be any customer pickup at the house. Mr. Urbanski said that there wouldn't and that he would take the product to the customer. He would only be working in the local area including Rocky Hill, Newington and Wethersfield. Chairman Hammer asked if the advertisements have an address or only a phone number. Mr. Urbanski said that they only had the phone number. Chairman Hammer asked if this was a part time business. Mr. Urbanski said that it was only part-time, both he and his wife are retired and they lost money the first year due to start up costs. Mrs. Urbanski said that if they start doing a booming business, then they would move it out of the house.

Mr. Urbanski added that they don't see where anything that they are doing is detrimental. He said that his wife went door to door and explained to everyone what they would be doing. Commissioner Knecht asked if there would be a truck in the driveway. The applicant said that there would be no truck. Commissioner Knecht said that the applicant submitted a list of 22 names from 15-70 Marmour Court for the record. Mr. Urbanski said that the last house on the street is outside of the 300', so he didn't contact them.

Commissioner Jurasin asked who authored the paragraph submitted with the application. Mr. Urbanski said that he did. Commissioner Jurasin said that paragraph says that it meets the specifications and he asked Mr. Gillespie if it did. Mr. Gillespie said that the submitted paragraph attempted to go through the Home Occupation Regulations. Commissioner Jurasin said that one of the regulations is that the business won't use more than 25% of the floor area and that it would only be operated by the residents. He asked how large the basement is. Mr. Gillespie said that the drawing submitted indicates 40' x 22'. Commissioner Jurasin said that he thinks that is ok, but he is not sure that the business is only 32 s.f. as stated in the application. He said that he brings it up because if someone were to challenge it might be worthwhile to mention that the business may take up to 25% of the floor area instead. Chairman Hammer indicated that the narrative description is specific enough.

Commissioner Petrelli made a motion to close the public hearing.

Commissioner Hughes seconded the motion.

All members present voted in favor of the motion.

Aye: Hammer, Knecht, Jurasin, Harley, Edwards, Hallisey, Petrelli, Homicki, Hughes

(9-0-0)

Nay: None

Abst: None

APPLICATION NO. 1510-05-Z. James Lamore Special Permit for a limited repairer's license at 475 Silas Deane Highway. (Z.B.A. Renewal)

Commissioner Knecht read the following correspondence into the record:

- Memo dated February 2, 2006 from Peter Gillespie and Denise Bradley to Planning and Zoning Commission saying that the ZBA has granted a renewal of a variance originally granted in accordance with Section 167-110 of the now superseded Wethersfield Zoning Regulations on October 27, 1958, and has been renewed twenty times. The last approval was granted at the February 23, 2004 meeting for two years with eight conditions.
- Memo dated January 30, 2006 from Becky Albert at the Central CT Health District to Peter Gillespie and Denise Bradley with no comment on the proposal.

Chairman Hammer said that the conditions are as they are in the permit. Mr. Gillespie said that the copy of the most recent approval from February 2004 mimics the contents of the memo and expires in a few days. Chairman Hammer asked if they should put in a term of years. Mr. Gillespie said that it has been the practice of the ZBA but not the PZC, however the PZC has not dealt with a repairer's license yet. This one goes back to 1958, but it is up to the commission.

Todd Lamore represented the owner and said that they are just looking to conduct business as usual. Commissioner Jurasin asked what they repair. Mr. Lamore said that they do limited repair. Commissioner Harley said that another stipulation of the regulations is that all repairs are done inside, and asked if that was a problem. Mr. Gillespie said that is part of the regulations but was not attached as a condition. Commissioner Harley asked if the applicant had a problem with that. Mr. Lamore said that if the commission grants an extension that is great, there is an inside part of the property where most of the work is done, only small stuff is done outside.

Commissioner Hallisey asked if there had been any complaints. Mr. Gillespie said that when they are extremely busy they take care of people and lots of cars are there. They also use the property across the street and only occasionally the zoning officer will have to remind them to comply with their permit. Commissioner Hallisey asked if the zoning officer has to remind them about working outside or other issues. Mr. Gillespie said mostly other issues, especially at night, but the zoning officer doesn't have a problem.

Commissioner Knecht offered that the service is good and that it is not a problem when he has a lot of cars and he is busy he does a lot of work. In an emergency they may do something outside. He is a good businessman and is helpful.

Commissioner Hughes asked when the business was established. Mr. Lamore said 1958. Commissioner Hughes asked if he had been back here twenty times with no problems and a fee of \$200 every time. Mr. Lamore said that there have been no problems and that the fee is paid everytime.

Commissioner Petrelli said that he only recalls outside work being done to change a flat tire or a battery, and asked whether they also change the oil outside. Mr. Lamore said that they seldom use the outdoor lift to do that.

Commissioner Petrelli asked if there was any spill or environmental impact. Mr. Lamore said that there was not.

Commissioner Petrelli said that there is no negative feedback when he has used their services. It is a good business

with satisfied customers, and he has no objection even the use of the outside space on a limited basis.

Commissioner Hallisey said that he is also a customer and agrees with Commissioner Petrelli that it is always busy and is a good business. The permit should be renewed with unlimited time and no added restrictions.

Chairman Hammer asked if any members of the public wished to speak.

Julie Nestruck said that she is in support of the renewal. She has been the beneficiary of their work and was lucky enough to have her car fixed. The applicant is very responsive and gracious and helpful to all and it would be a shame if the customers suffer because they couldn't have what they have now.

Therese Urbanski 46 Marmour Court, said that she has used their services many times and it would be a shame if they couldn't continue.

Commissioner Petrelli made a motion to close the hearing.

Commissioner Hughes seconded the motion.

All members present voted in favor of the motion.

Aye: Hammer, Knecht, Jurasin, Harley, Edwards, Hallisey, Petrelli, Homicki, Hughes

(9-0-0)

Nay: None

Abst: None

APPLICATION NO. 1511-05-Z. Kim Joanis Special Permit for a home occupation at 30 Rutledge Road. (Z.B.A. Renewal)

Commissioner Knecht read the following correspondence into the record:

- Memo dated February 2, 2006 from Peter Gillespie and Denise Bradley to the PZC with a description of the application including background information. The applicant has been running the business part time at 30 Rutledge Road for eight years. Prior to this, it was run from the applicant's home at 16 Westwood Drive for eight years. The original approval was granted by the ZBA on February 26, 1990 with five renewals. The only stipulation was that the hours shall be no more than 8:00 a.m. to 8:00 p.m. Monday through Saturday, no Sundays.
- Memo dated January 30, 2006 from Becky Albert at the Central CT Health District to Peter Gillespie and Denise Bradley with no comment on the proposal.
- Letter dated January 30, 2006 from Kim Joanis, the applicant to Town of Wethersfield with an attached sketch of the floor plan that represents space used for the business in her home.

Chairman Hammer said that an additional letter was submitted for the record from a neighbor, Anita Cox of 47 Rutledge Road. She says in the letter that she is unable to attend but is in opposition to the proposal. She says that she doesn't want to be living next to a nail salon or other business and is wary of drawing strangers to the street. She said that she likes the anonymity of the quiet residential street and businesses should be located on the Silas Deane Highway or Berlin Turnpike.

Kim Joanis introduced herself and said that she is working full time for Newington Electric and taking 2-3 clients every couple of nights, which amounts to 10 clients per week. She has known the clientele that she has for years, with most from Wethersfield, Rocky Hill and Newington. She has been there for 8 1/2 years and run the business for 8 years in her basement. Her house is located at the very bottom of the street and her side yard abuts Wintergreen Woods. Ms. Cox is located up the street from her and she doesn't even think that she knows that she has been running

the business. She said that Ms. Cox has more company than she does. Ms. Joanis said that this is the first time that anyone has voiced opposition during the entire time that she has been doing this. She also said that this is her livelihood.

Commissioner Jurasin asked if there is a time frame, number of days or hours in a day, that could be limited other than 12 hours a day/ 6 days a week. If she is dealing with 5-10 customers a week at 20 minutes a customer, than can it be further restricted. Ms. Joanis said that she is uncomfortable with limitations. She stops work at 5 p.m. then takes clients from 6-7:30 p.m. She doesn't want to be limited in case she loses her job. The income is very important to her.

Commissioner Knecht asked if a client didn't know the number of the house, would they be able to find her business and is there a sign outside. Ms. Joanis said that there is no sign on the property. She runs a very private business.

Commissioner Petrelli made an observation given the nature of the economy and change of business environs things are changing and there is more at home access. He said that she has had the business for eight years and has been in compliance with what was granted. Ms. Cox, from what he has heard is in opposition based on development of the property at all but there is no evidence to support it. He said that 1-2 clients a day is not an imposition, he is familiar with the neighborhood and nothing happens there it is a quiet neighborhood.

Ms. Joanis said that there has been turnover in the neighborhood and younger families are moving in. Those families with teens have more going on in their homes. Her clients either park in the hammerhead at the end of the street or in the driveway.

Chairman Hammer asked if there were any other complaints. Ms. Joanis said that there were non on Rutledge, but when she was on Westwood, one of her neighbors asked her to park on the other side of her driveway, which she did.

Commissioner Hughes asked if she owned her house, and would she have an interest in keeping the value of her home high. Ms. Joanis said that she does own it and she grew up in the neighborhood, with family still in the neighborhood.

Commissioner Jurasin said that one applicant had a condition, and now what worries him is that a precedent could be set. He said that if she unfortunately does lose her job, can there then be employees, etc. Commissioner Hallisey said that there are conditions written into the regulations. Mr. Gillespie said that the things in the letter could be attached as conditions, but there was only one condition on the previous application for hours of the day and days of the week. Commissioner Jurasin said that his statement of concern still stands.

Ms. Joanis said that it was her only source of income for most of the 16 years. Commissioner Jurasin said that they are granting a business in a residential area. Ms. Joanis said that she is not opposed to abiding by what was written, she would not plan to have employees, commercial vehicles or signs.

Commissioner Jurasin said that those written plus a few other easily agreed to conditions might make sense for this and others. Commissioner Harley added that the regulations specify that there should be no employees.

Mr. Gillespie said that there are six standard conditions in the regulations as follows:

1. The home occupation shall not involve any employees stationed on the premises.
2. It shall occupy less than 25% of the gross floor area of the dwelling.
3. The home occupation shall not involve customers or clients arriving at the dwelling.
4. It shall not involve the retail sales of merchandise except for crafts or art created at the premises.
5. It shall not require equipment other than may be typical for a residential household, other than a loom or photographic darkroom or similar craft or art equipment.
6. It shall not require a commercial vehicle.

Mr. Gillespie said that in addition, the home occupation shall conform to the following requirements:

1. It shall be carried on only by the inhabitants of the dwelling.
2. It shall be operated entirely within the confines of the dwelling.

3. It shall be clearly secondary to the use of the dwelling for residential purposes.
4. It shall have adequate off-street parking for the home occupation in addition to the dwelling.
5. It shall not involve the storage or delivery of significant quantities of goods or materials.
6. It shall not require storage of any materials or products on the premises outside of the dwelling unit.
7. The home occupation (and any associated parking or other activity) shall not materially change the residential character of the dwelling or the neighborhood.
8. It shall not create a health or safety hazard or be considered a nuisance due to objectionable illumination, noise, smoke, odor, toxic fumes, vibration, interference with radio or television reception in the vicinity or unsightly conditions that would set the dwelling apart in its surroundings or degrade residential property values in the neighborhood.

Commissioner Jurasin asked other than one customer at a time, isn't the equipment not what one would normally find in a residence and won't she be selling product. The applicant said that there is no abnormal equipment and she doesn't sell product. Chairman Hammer said that she must have some type of special equipment. The applicant said that anyone can buy an electrolysis machine at the store for their own use.

Commissioner Petrelli said that there is equipment that you can buy that may not be typical to a house, like a hairdryer or exercise machine. Commissioner Jurasin agreed that if you can buy it anywhere and have it in your house, then it is not atypical.

Ms. Joanis said that she would agree to one client at a time as written, however sometimes she has one client running late and the next arriving early. Commissioner Edwards said that the plan shows a waiting area. Ms. Joanis said that she doesn't need that for multiple customers, she needs it for one customer while she sets up for them.

Chairman Hammer then asked for any member of the public to comment on the proposal.

Albert Axomitous, 210 Pine Lane spoke and asked what the zoning was in the applicant's area. Mr. Gillespie said that it is A-2 Residence. Chairman Hammer asked how far away he lived, and he said 100' away, where the swale is.

Chairman Hammer asked for anything else on the matter, hearing none, he asked for a motion.

Commissioner Petrelli made a motion to close the hearing.

Commissioner Hughes seconded the motion.

All members present voted in favor of the motion. (9-0-0)

Aye: Hammer, Knecht, Jurasin, Harley, Edwards, Hallisey, Petrelli, Homicki, Hughes

(9-0-0)

Nay: None

Abst: None

Mr. Axomitous then asked if he could speak on the application, he explained that he can't hear very well. Chairman Hammer asked if there was a motion to reopen the hearing. Commissioner Homicki made a motion to reopen the hearing. Commissioner Harley seconded the motion.

Aye: Hammer, Knecht, Jurasin, Harley, Edwards, Hallisey, Homicki, Hughes

Nay: Petrelli

Abst: None

(8-1-0)

Mr. Axomitous spoke again and introduced himself as spending 25 years with the military then working for Pratt and Whitney as a jet engine expert. He said what bothers him is the Residential A zone. He presented a site development plan approved by the town Planning and Zoning Commission on November 4, 1992 and signed by Geraldine Roberts. He asked Chairman Hammer to identify it for the record which he did.

Mr. Axomitous went on to say that the land was divided in 1921 and this subdivision took place years later. He said that this plan which includes Ms. Joanis' property was approved on November 4, 1992 and signed by Geraldine Roberts who was not present at the meeting.

Chairman Hammer indicated that the matter before the commission was whether or not the applicant who has had her petition renewed several times should be renewed again and what the impacts may be.

Mr. Axomitous said that the entire establishment is illegal if she wasn't present at the meeting. Commissioner Hallisey asked if it involved his lot. Mr. Axomitous pointed out his lot as one with a swale.

Chairman Hammer said that this is not an issue to address with this application and he asked him to take it up with the town staff and Mr. Gillespie. Chairman Hammer said that he should ask them whether it was proper or not.

Mr. Axomitous said that he is against having a business on an illegal property. Chairman Hammer said that whether the lot is legal or not is beyond the scope of what they are hearing. They are looking for information on whether to renew a permit for a business that has been there for eight years.

Commissioner Jurasin said that Mr. Axomitous is voicing his objection to the application and he is allowed to voice opposition. Chairman Hammer said that he understood the point but he is not going to solve that one tonight.

Mr. Axomitous said that he is not satisfied with the mass explosion of dishonesty. He asked what they did with the engineering officer who was leading the parade of the discussion. Mr. Gillespie said that he did not understand the question. Mr. Axomitous asked what the name of the town engineer at that time was. Mr. Gillespie said that he wasn't sure. Chairman Hammer said that it is the practice that the Chairman may sign plans after a meeting that is not the purpose which is to have a give and take and listen and consider. Mr. Axomitous said that he disapproved of the operation and that Chairman Hammer was out of order.

Commissioner Homicki made a motion to close. Ms. Joanis indicated that he must have been notified all of the other times during the eight years. Commissioner Hughes seconded the motion. All members present voted in favor of the motion.

Aye: Hammer, Knecht, Jurasin, Harley, Edwards, Hallisey, Petrelli, Homicki, Hughes

(9-0-0)

Nay: None

Abst: None

APPLICATION NO. 1513-06-Z. Eastwood Printing Special Permit to locate an accessory structure at 501 Middletown Avenue.

Commissioner Knecht read the following correspondence into the record:

- Letter to Denise Bradley dated February 3, 2006 from Ellen Eastwood requesting to rent temporarily a trailer for more space. The reason being that they are growing and need the concrete floor for manufacturing equipment. In the future, they would like to put an addition on the building.
- Memo dated February 2, 2006 from Peter Gillespie and Denise Bradley to the PZC saying that the applicant is requesting a special permit approval to locate an accessory structure. The proposed structure is a 720 s.f. mobile

office. The property is located within a Regional Commercial Zone.

- Memo dated January 30, 2006 from Becky Albert at the Central CT Health District to Peter Gillespie with no comment.
- An attachment showing the floor plans of the mobile office units.

Ellen and Lewis Eastwood introduced the application. They said that they want to rent an office trailer to accommodate the offices which are now on the concrete floor of the building. They need the concrete floor space for manufacturing equipment. They are not proposing to add any more people and the trailer is to be used for just offices, they do not plan to hook up the bathrooms.

Chairman Hammer asked if the building was behind Executive Square and will not be seen from the Silas Deane Highway. Ms. Eastwood said that it would not be seen from Middletown Avenue.

Some discussion ensued to determine where the building was located from Middletown Avenue, I-91 and the Silas Deane Highway. Mr. Gillespie said that the applicant's driveway is through a 20 foot right of way from Middletown Avenue.

Commissioner Jurasin asked where the trailer would be parked. Commissioner Hughes asked if the trailer would be on the south side of the building, parallel to I-91 SB. The building looks like it is located west of I-91, west of Middletown Avenue, east of Executive Square and surrounded by railroad tracks and swamp. The applicant agreed and said that the trailer would be lined up with the building two feet away.

Mr. Gillespie explained that the building has no frontage on Middletown Avenue and that their building is only accessible via a 20' ROW. He said that the Singers own Puritan Furniture and he is not sure what the Executive Square reference on the plan is. Mr. Eastwood said that Executive Square does own that land even though it is not where the development is located.

Commissioner Edwards asked what the applicant meant by temporary. The applicant said two to three years. Commissioner Edwards asked if the trailer would be connected to the building and what would be done with the stairs. The applicant said that they will remove the stairs. Commissioner Edwards asked if it will change the egress.

Commissioner Homicki asked how long they have been in business. Ms. Eastwood said since 1987. Commissioner Homicki asked whether the full complement of new equipment will go to the grand list and be added to the tax base. The applicant said yes.

Mr. Gillespie said that they asked for a temporary trailer, he suggested putting an expiration date on the permit and only allow the trailer during construction activity. The applicant said that they need to add on that way and would have to move the trailer.

Commissioner Petrelli made a motion to close the hearing.

Commissioner Hughes seconded the motion.

All members present voted in favor of the motion.

Aye: Hammer, Knecht, Jurasin, Harley, Edwards, Hallisey, Petrelli, Homicki, Hughes

(9-0-0)

Nay: None

Abst: None

WETHERSFIELD PLANNING AND ZONING COMMISSION PUBLIC MEETING

February 7, 2006

The Wethersfield Planning and Zoning Commission held a public meeting immediately following the public hearing on Tuesday, February 7, 2006 at 7:00 p.m. in the Wethersfield Police Department Meeting Room 250 Silas Deane Highway, Wethersfield, Connecticut.

Chairman Hammer then opened the public meeting portion of the meeting.

APPLICATION NO. 1504-05-Z. Paula Rubinow Special Permit to expand menu and utilize rear yard for outdoor seasonal activities at 271 Main Street. (Continued from 1/17/06)

This matter was not discussed or voted upon.

APPLICATION NO. 1509-05-Z. Wayne Urbanski Special Permit for a home occupation at 46 Marmor Court.

Commissioner Jurasin made a motion to approve this application with the conditions listed in the application.

These conditions are as follows:

- The business employs no employees and is carried on only by the inhabitants of the dwelling.
- It occupies less than 25% of the gross floor area in the basement.
- The home occupation does not involve customers arriving at the dwelling and is clearly secondary to the use of the dwelling.
- There is no storage or deliveries of significant quantities of goods and materials.
- There is no major equipment such as a cooler, computer, fax machine or contact with FTD of Teleflora.
- No commercial vehicle is used.
- Delivery is made in private vehicle by owner.
- The business shall not materially change the residential character of the dwelling or the neighborhood.

Commissioner Petrelli seconded the motion.

Commissioner Harley asked if it makes sense to put a duration on the permit and see if the business grows and see if this still makes sense. Commissioner Jurasin said either that or a condition of no customers which is already part of the application. Commissioner Petrelli added that if their business grows then they will come back to expand or move. Commissioner Hallisey added that the applicant testified that if the business grows they will either move or not do it at all.

Chairman Hammer said that as a practical matter the application shows a workbench and the pretty narrowly defines the proposal. Commissioner Jurasin said that he would not include the duration.

All members present voted in favor of the motion.

Aye: Hammer, Knecht, Jurasin, Harley, Edwards, Hallisey, Petrelli, Homicki, Hughes

(9-0-0)

Nay: None

Abst: None

APPLICATION NO. 1510-05-Z. James Lamore Special Permit for a limited repairer's license at 475 Silas Deane Highway. (Z.B.A. Renewal)

Commissioner Petrelli said that he would like to move to approve as applied for. However, there were other issues brought up such as whether or not he can change a battery outside, which he has had no complaints since 1958.

Occasionally he might need to change the oil outside without spillage. His motion is to approve and include occasional outside minor repairs.

Commissioner Hughes said that the applicant has come back every 2 years at \$200 every time. He suggested that there be no time limit on the approval. Commissioner Petrelli said that he agreed and would add to his motion that the application be approved for an unlimited amount of time.

Commissioner Hallisey seconded the motion.

Commissioner Harley said that there is an issue because the regulations say that there are no outside repairs, how do they keep the next person to the regulations.

Mr. Gillespie said that he is unsure what was allowed in the old regulations and his guess is that this business has been doing some outside repairs for years and years and therefore given the history and the use at this location the applicant may have rights anyway.

Commissioner Harley said that he doesn't know the magnitude of the work and what is not a major repair. Mr. Gillespie said that they have used the term minor repairs. Commissioner Harley said that someone else must give him a license for minor repairs and that is where it is defined. Mr. Gillespie said that the license is from the DMV.

Commissioner Hughes said that there is both a limited and general repairer's license granted by the DMV. Also, the DMV maintains these specs which say what the limitations are. The general repairer's license allows more intense repair work. However, the economics of the facility bars them from anything but the minor repair work.

Chairman Hammer said that the proposal was for limited work including an oil change, however we do not want it done outside.

Commissioner Jurasin said that he did not understand the condition as part of a motion, that a tire or battery change would be 20 minutes done occasionally. He said that they would not be doing the regulations justice if they did not include the article. He added that this applicant is a nice guy, but what if the next one isn't.

Chairman Hammer said that the applicant may have a vested right to use the outside if the regulations didn't have this restriction before, he asked whether they could change the rules on them. Commissioner Jurasin said that they are just applying the rules that exist. Chairman Hammer said that it would be better to either impose the regulations or say nothing, because defining minor repairs is difficult.

Commissioner Jurasin said that they do not have to define minor repairs if they apply the condition and asked whether they should waive the condition. Commissioner Hughes said that a limited repairer's license has a specific set of rules from the DMV that the owner has to abide by. He added that removal of an engine is a major component and is therefore for a general repairer. He said that even doesn't matter because there are some repairs that a repairer is required to do. If a hazardous vehicle comes onto his property, and he doesn't repair it, he may be part of the claim if something happens. There is some latitude to do repair work, also anyone can do roadside repair work without a license. Mr. Gillespie said that the commission cannot waive the regulation, he said that it is worthy of discussion because the new and previous permits didn't have that as part of it.

Commissioner Harley said that he would like to approve the application. Chairman Hammer said that the motion now is inconsistent with the regulations and Commissioner Petrelli would have to delete the part about what can be done outside.

Commissioner Petrelli said that the applicant has been able to do it without objection. Chairman Hammer said that he can't do it anymore if they apply today's regulations. Commissioner Petrelli said that the applicant can't fix a flat tire outside, he has to drag it inside. Commissioner Harley said that may be an emergency, someone has to be there to regulate it and the commission can't waive the regulations.

Commissioner Petrelli amended his motion to include conditions 1-8 and added that the permit is good in perpetuity.

The conditions are as follows:

- Strict compliance with the terms of Limited Repairer's permit issued by the State Department of Motor Vehicles;
- No unregistered vehicles on premises;
- No overnight parking on the premises, except those registered vehicles either left for limited repair under the terms of the permit or owned by the applicant and used in the conduct of the limited repairer's business;
- Motor vehicles on the premises not to exceed the number of vehicles that can be parked within regulation size parking spaces. Spaces are to be striped and delineated;
- No motor vehicles to be offered for sale or sold;
- No repair of any motor vehicles, including those of the owner of the business and his employees, except limited repair within the terms of a limited repairer's license;
- The owner of the station must control traffic in and out of the station to guarantee a minimum amount of noise; and
- There shall be no parking between the sidewalk and the highway at any time.

Commissioner Hallisey seconded the motion.

All members present voted in favor.

Aye: Hammer, Knecht, Jurasin, Harley, Edwards, Hallisey, Petrelli, Homicki, Hughes

(9-0-0)

Nay: None

Abst: None

APPLICATION NO. 1511-05-Z. Kim Joanis Special Permit for a home occupation at 30 Rutledge Road. (Z.B.A. Renewal)

Commissioner Jurasin made a motion to approve the application with the condition

- no more than one customer is present at one time as stipulated in the application.

Commissioner Homicki seconded the motion.

Mr. Gillespie asked if the previous condition still applied from the previous approval. Commissioner Jurasin said that it would, as follows:

- The hours shall be no more than 8:00 am to 8:00 pm Monday through Saturday, no Sunday hours.

Mr. Gillespie also said that the applicant had previously been to the ZBA in two year and four year intervals and wondered if the commission would continue this practice. Commissioner Jurasin said that his motion would also include:

- No time restriction on the permit.

Chairman Hammer said that the applicant had said that sometimes there is some overlap and wasn't sure whether she would be able to do only one customer at a time. Commissioner Jurasin said that overlap may be an infrequent thing and her letter stipulates that she will have only one customer at a time.

Commissioner Petrelli agreed that she should only service one customer at a time.

All members present voted in favor of the motion.

Aye: Hammer, Knecht, Jurasin, Harley, Edwards, Hallisey, Petrelli, Homicki, Hughes

(9-0-0)

Nay: None

Abst: None

APPLICATION NO. 1513-06-Z. Eastwood Printing Special Permit to locate an accessory structure at 501 Middletown Avenue.

Commissioner Petrelli made a motion to approve the application with the following condition:

- The applicant is permitted a two year period for the erection, construction and use of a trailer.

Commissioner Hughes seconded the motion.

Commissioner Harley pointed out that the applicant had asked for a three year period. Chairman Hammer said that he is more comfortable with the two year period. Commissioner Hallisey asked if they would have to pay a fee if they do come back. Mr. Gillepsie said that they could make a motion to waive the fee.

Commissioner Petrelli added to his motion that the fees should be waived.

All members present voted in favor of the motion.

Aye: Hammer, Knecht, Jurasin, Harley, Edwards, Hallisey, Petrelli, Homicki, Hughes

(9-0-0)

Nay: None

Abst: None

Pre-Application Review - John Tartaglia Phase II of Granberry Homes located at 295 Ridge Road.

Jeff Gebrain introduced the application and handed out a color site plan. He said that in addition to the existing building, they plan to modify existing cottages shown as 1-2 and 12-17 on the plan. He said that the site is constrained and that the remaining nine units would be new. There would be 17 units total with 15 around a cul-de-sac and he would be holding the limit of encroachment. Phase I and Phase II will blend into one project and they need some input and comment from the commission. The carports previously discussed would become garages. They would maintain the significant features of the lot and maintain the existing vegetation and there is no room to build a pond. The stormwater control on the site it's a critical issue.

The applicant is scheduled to appear before the Inland Wetlands and the Design Review Committee on March 15 and before the Planning and Zoning Commission with an application on March 21 after they get the stormwater issues answered.

Chairman Hammer reminded the applicant that there were a lot of neighbors at the last hearing and asked what this project would abut. Mr. Gebrain answered that they border the highway on one side, the large condo project in the rear and the residential street on the other side. They would not encroach into the side yard setback. Chairman Hammer asked if the proposed coverage is comparable to the regulations and if the number of units or density is allowed. Mr. Gebrain said that he had not done the calculations but that the density would be 13+32 units over 7 acres.

Chairman Hammer asked about the proposed size of the new units and whether they would be restricted to 55 and over. Mr. Burgyn, the architect for the project, said that they would be 1771 s.f. to 2070 s.f. and would be a saltbox design.

Commissioner Edwards asked if they would have full basements. Mr. Burgyn said that they plan for full basements but have to explore that option as they near construction. Commissioner Edwards asked if the buildings would be accessible. Mr. Burgyn said that they would not be accessible. The interpretation for this project is that is designed as a single or two family and there is no requirement for Handicapped accessibility. Commissioner Edwards asked what happens if one of the residents needs a wheelchair. Mr. Burgyn said that could be accommodated. Commissioner Knecht asked if there would be grab bars and Mr. Burgyn said that there would not be.

Commissioner Jurasin said that there appeared to be 17 units on the plan and that the neighbors are on the right side. He recommended that the landscape plan show that perspective. Mr. Gebrain said that the staff has suggested that they talk to the neighbors and they will do that. Commissioner Jurasin asked if there was a pedestrian way or another roadway connection capability. Mr. Gebrain said that there wasn't. Commissioner Jurasin asked if there were roads, parking or porches within the setback. Mr. Gillespie said that parking can go up to five feet, but that decks and patios should not be within the setback.

Chairman Hammer asked if in the rear buildings 12-17 are already there. Mr. Gebrain said that in units 12 and 13 the lines show the additions and the driveway where there would be no structure just a paved easement. He said that there is a variety of unit types with the flats in the exiting building, the four combinations of unit types in the rear and nine new units with eight existing on a nice cul-de-sac. He added that the two units in the front of the lot have an addition in the front and they would be making a nice pedestrian trail along the front.

Commissioner Harley asked the applicant about his process with regard to the zone change. Mr. Gebrain said that he had not gotten that far yet and that he wanted to show the intent at this point. Mr. Gillespie said that the zone change is accompanied by a concept site plan.

Commissioner Jurasin said that it is usually done on the same evening. Mr. Gillespie said that the commission has their discretion. Commissioner Harley asked if the staff had looked at the density of the proposed project. Mr. Gillespie said that the density is fine with a few setback issues to be worked out. However, they still need to supply the lot coverage, parking etc. After a preliminary review, there were no problems found with the exception of a few odds and ends.

Mr. Burgyn said that originally 40 units were proposed in the rear. Commissioner Jurasin said that to be sensitive to the neighbors, it may not be wise to have a significant gap between the zone change and the site plan approval. He said that clearly going from 40-17 units is a big difference. He would prefer to see both applications on the same night. Mr. Gebrain said that if they can create the plan to meet the regulations then they will have two to present. Commissioner Jurasin expressed concern over the zone change being just pretty pictures. Mr. Gebrain said that they wouldn't try to come back and fool them. Commissioner Jurasin said that his fear is that they would sell the property. Mr. Gebrain said that he serves on a Design Review Commission and that it may make for a long night, but he thinks that it is a good idea to bundle the applications.

Mr. Burgyn said that they are working on a second floor and that A-3 shows a portion of the floor plan of the existing structure. Commissioner Hallisey asked if they would use brick to match the existing building. Mr. Burgyn said that they are proposing the second floor to transition to vinyl because they tried to match the brick and couldn't find a good match. They are looking for a New England Saltbox look and said that it was more of an aesthetic problem to try and match the brick. Mr. Gebrain added that the existing building is a lovely brick.

Chairman Hammer thanked the applicant for the presentation.

MINUTES

[Minutes of the January 17, 2006 Meeting](#)

Commissioner Petrelli made a motion to approve the minutes.

Commissioner Knecht seconded the motion.

All members present voted in favor of the motion.

Aye: Hammer, Knecht, Jurasin, Harley, Edwards, Hallisey, Petrelli, Homicki, Hughes

(9-0-0)

Nay: None

Abst: None

Discussion of proposed amendments to Section 3.7.B.2 (Yards on Corner Lots) and 3.5.1.A.2 (Incidental Parking).

Mr. Gillespie said that the zoning officer requested a modification of some of the regulations. There have been some issues with interpretations of setbacks on corner lots. He said that there was information in the regulations as of 12/31/65 and it was missed the last time around. Unless there are strong feelings, he wanted to put these regulations back on the books through a future public hearing.

Mr. Gillespie added that there is also an issue of parking of commercial vehicles. The zoning officer wanted to modify this regulation again and add "which does not exceed 10,000 GVWR." He explained that as it is written now someone could have a vehicle that exceeds that limit. Mr. Gillespie said that the zoning officer wants these to go through the amendment process and thinks that they were simply omitted.

Commissioner Jurasin said that they haven't had many applications subsequent to the regulations change. Mr. Gillespie said that the staff is telling people that anything over 10,000 GVWR is a problem as a policy. This has worked to date, but could be pushed by an applicant. Commissioner Jurasin then asked whether 10,000 GVWR is too low.

Commissioner Hughes said that some standard trucks could be up to 11,500 and that the Ford F550 is 15,000 even though it is still on a single axle. He said that someone could raise the issue of GVW with the same look and dimensions of a regular truck.

Commissioner Jurasin said that the applicant that came before them had quite a few people in opposition in the audience.

Commissioner Edwards said that he thought the issue was the type of vehicle and whether it had a company name. Mr. Gillespie said that there are a few criteria, including weight, number of axles, and advertising.

Commissioner Jurasin said that some regular vehicles over 10,000 shouldn't preclude the commercial ones.

Commissioner Hughes said that a super duty van is in the same GVW class as a mason's dump, which is a little more industrial looking. There are definitely no more than 2 axles. He added that you can even get around dual wheels by using a super single tire.

Commissioner Jurasin asked how easy it might be to print out 3-5 vehicles that fall within the range, less than 10,000 but ok. That way the commission can judge whether 10,000 is the right number. Mr. Gillespie said that information is easy to get a hold of. Commissioner Edwards added that it would be useful to look at other towns, and suggested West Hartford.

STAFF REPORTS

None

PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING.

None

CORRESPONDENCE

Mr. Gillespie had given the commissioners correspondence. There was no discussion.

OTHER BUSINESS

None

ADJOURNMENT

Commissioner Knecht made a motion to adjourn the meeting.

Commissioner Petrelli seconded the motion.

All members present voted in favor of the motion.

Aye: Hammer, Knecht, Jurasin, Harley, Edwards, Hallisey, Petrelli, Homicki, Hughes

(9-0-0)

Nay: None

Abst: None

The meeting was adjourned at 9:10 p.m.

Philip Knecht, Clerk