

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

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, March 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.

**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.

**APPLICATION NO. 1514-06-Z.** Peter & Angela Crispim Special Permit to construct a membrane structure in accordance with Section 3.6.B.2 at 73 Yale Street.

Commissioner Knecht read the following correspondence into the record:

- Memo dated March 1, 2006 from Peter Gillespie and Denise Bradley summarizing the application.

- A plot plan of the property showing where the proposed structure would be.
- Memo dated February 9, 2006 from Becky Albert at the Central CT Health District with no comment on the proposal.

The public hearing was opened and then continued due to the applicant's absence.

**APPLICATION NO. 1515-06-Z.** Ricky Lavoie Special Permit to park a vehicle larger than permitted in accordance with Section 3.5.1.A.4 at 28 Westwood Drive.

Commissioner Knecht read the following correspondence into the record:

- Handwritten memo dated February 5, 2006 from Peter Gillespie summarizing the application and history.
- A plot plan of the property showing where the location of the truck and photos of the home with the truck parked in front.
- Memo dated February 17, 2006 from Peter Gillespie and Denise Bradley summarizing the application.
- Memo dated February 9, 2006 from Becky Albert at the Central CT Health District with no comment on the proposal.
- Letter from Mr. Lavoie requesting the ability to park his truck in the driveway.
- Letter dated February 28, 2006 from Michael and Betty Carey of 21 Westwood Drive in opposition to the proposal.

Mr. LaVoie said that he would like to park his truck in his driveway and has been parking a commercial truck in his driveway without complaint. Chairman Hammer asked how long he had been parking a truck there. Mr. LaVoie said not this truck but a bigger one than what he has now has been parked there for twenty years. Chairman Hammer asked how long he has had this truck. Mr. LaVoie said for four months. He added that the truck is a plumbing service truck. He can get calls in the middle of the night and if he had to park the truck somewhere else it creates a lot of running around, especially if he gets more than one call. Chairman Hammer asked if Mr. LaVoie works for himself and owns the truck. Mr. LaVoie said that he is self-employed and does own the truck. Chairman Hammer asked what time does he leave and return during the day. Mr. LaVoie said that when he was working full-time, he would leave at 7 a.m. and not return until dark. Chairman Hammer asked what has happened since 1999. Mr. LaVoie said that the truck was sitting there for six years. Chairman Hammer asked if there had ever been any neighbor complaints. Mr. LaVoie said that there hadn't and that he was shocked and that he had talked to most of the neighbors and they didn't have a problem with it. He didn't see any neighbors there tonight.

Commissioner McHugh asked if there were any markings on the truck. Mr. LaVoie said that there were none, it is a white truck, and unmarked. However, the last truck he had was fully marked.

Commissioner Hughes asked how large truck is and if it runs on gas or diesel. Mr. LaVoie said that it is just a box truck and this one runs on gas, the previous one ran on diesel, but he thought that it was too loud, so he got this one that runs on gas. Commissioner Hughes asked how much bigger this one is than what is allowed. Mr. Gillespie asked the applicant about the Gross Vehicle Weight (GVW). Mr. LaVoie said that it is 9800 lbs. Mr. Gillespie said that up to 10,000 lbs is allowed, and then he asked the applicant how many tires the truck has. Mr. Lavoie said that it has dual wheels in the rear. Mr. Gillespie said that the regulations specify that it can only have four wheels in contact with the road, he added that the regulations don't allow for a truck more than 10,000 lbs, with more than four wheels and with signage.

Chairman Hammer asked if Mr. LaVoie had any other options. Mr. LaVoie said that he had none. Chairman Hammer asked about another place of business. Mr. LaVoie said that he did have a place of business in Hartford, but lost it when he fell ill.

Commissioner Knecht asked if the applicant was looking for a specified period of time or would it be to permanently park the truck there. Mr. LaVoie said that when he gets back on his feet it will be a different story, so not permanently.

Commissioner McHugh asked when the regulations were changed. Mr. Gillespie said that the current regulations were adopted on November 15, 2004, however, they are not substantially different in this regard. Chairman Hammer said in

theory the regulations were always there for this type of application.

Chairman Hammer then asked if any members of the public wished to speak on this matter.

Richard T. Fippinger, 28 Wells Farm Drive, said that he is a resident of Wethersfield and property owner for 62 years and he doesn't know the applicant. He said that the question is why commercial trucks are not permitted, and that their large size looms in front of the house. He said that there is an impact to the neighbors that zoning is meant to protect and respect the neighbors and that there is a good reason that commercial vehicles are banned. He said that they are ugly eyesores with jarring back-up alarms that disturb and they are out of scale with the neighborhood. He added that they also present a danger. Mr. Fippinger said that they are looming and an overwhelming presence on holidays and weekends. He said that he appeared on June 7 before the commission about a similar size, six wheeled dump truck on Farmingdale and then again on September 6, 2005 he appeared before the commission regarding a box truck on Sunrise Terrace. He said that these are all related as they disturb the sight line and present a danger especially to schoolchildren. These areas have no sidewalks and the protest from the neighbors on Sunrise Terrace mostly centered on their children walking to school. He said that the approval of one truck breeds increased frequency of additional trucks. He added that the presence of a parked commercial truck causes deterioration and spreads quickly because the other guy got away with it. Mr. Fippinger said that when he talked about Sunrise Terrace, it had been a complaint because the situation was such that it was unknown whether hazardous materials were on board and the vehicle was parked closely to the residence creating a danger of exposure. Mr. Fippinger said that in this case, the vehicle has only been there four months. He added that neighbors do not like to complain and that the approval of the neighborhood is important to the planning and zoning process. He said that it should be a conclusive case and that the applicant should be immediately denied, it is a town wide problem that creeps in due to lack of diligence. He said that he would leave with the thought that a lot of self employed people like to work out of their home, for example in D.C., they park on the public thoroughfare because the parking of commercial vehicles is not allowed in condo complexes. He said that it is a creeping situation in Wethersfield because there is no enforcement after 4 p.m. without overtime and 90% of the parking of commercial vehicles is done after hours. He said that he would like to see the situation cleared up by stopping the special permit that would send a message that concerned citizens don't like their neighborhoods overcome by vehicles that are growing larger, they would like to see the beautiful home, not the truck.

Chairman Hammer asked where Mr. Fippinger lived for the record. Mr. Fippinger replied that it is 6/10-7/10 of a mile as the crow flies. He added comments concerning a property on Yale Street.

Chairman Hammer asked Mr. LaVoie to come forward again. He asked what was kept in the truck. Mr. LaVoie said that the door on the truck is only a 5 1/2 foot rollup door, and is created to minimize running to a supply house. If he answers a call at night he needs to have a fully stocked truck with copper fittings, hardware and plumbing materials.

Commissioner Hughes asked if the new truck has a backup alarm. Mr. LaVoie said that it does. Commissioner Hughes asked if it is smaller than his previous truck and Mr. LaVoie said that it is smaller. Commissioner Hughes said that the submitted photo shows the vehicle parked near the garage, he asked if it was always parked there. Mr. LaVoie said that it was either parked there or near the end of the driveway. Commissioner Hughes asked if it ran on gas or diesel. Mr. LaVoie said that it was gas and that it is a Chevy van with a fiberglass body.

Chairman Hammer asked if there was anywhere else to park behind the house. Mr. LaVoie said that there was not. Chairman Hammer asked if there were any documents regarding the weight from when he bought the vehicle. He was interested in finding out if it was just the under 10,000 lbs they were dealing with or the number of wheels also. Mr. LaVoie said that it is a one ton Chevy van. Chairman Hammer asked if it would be reasonable to have the applicant demonstrate that the weight is less than 10,000 lbs. Commissioner Hughes said that it is reasonable as the truck weight can have a span of GVW.

Chairman Hammer said that it was relevant to him to know if the truck exceeds the regulations in two respects. He would like to continue the hearing and ask the applicant to submit information to show the weight of the truck. Mr. LaVoie agreed to do this. Chairman Hammer asked the applicant to submit the information as soon as possible and have Brian O'Connor review it.

Commissioner Wagner asked if the applicant had a business location would he need a vehicle of this size or instead

would he be able to use a normal sized van to service the emergencies in the middle of the night. Mr. LaVoie said that if he had a shop he could go get the supplies but now he only has the truck. Commissioner Wagner said that maybe a short term permit would work if he could get the business location back. She asked when he expected to have a rented location again. Mr. LaVoie said maybe 18 months to 2 years.

Commissioner McHugh made a motion to continue the hearing.

Commissioner Knecht seconded the motion.

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

Aye: Hammer, Knecht, Petrelli, Harley, McHugh, Wagner, Homicki, Hughes, Edwards

Nay: None

Abst: None

**APPLICATION NO. 1516-06-Z.** Mark Fichandler Special Permit to allow outdoor seating at 227 Main Street.

Commissioner Knecht read the following correspondence into the record:

- Handwritten letter from the applicant dated February 17, 2006 asking for permission for outdoor seating as had been issued to the previous owner.
- Memo dated February 17, 2006 from Peter Gillespie and Denise Bradley summarizing the application including background information.
- Memo dated February 9, 2006 from Becky Albert at the Central CT Health District with no comment on the proposal. She says that the establishment is currently licensed and inspected by the Central CT Health District.
- Copy of the approval for two tables and four chairs dated April 27, 2004 issued for this site at 227 Main Street.

Mark Fichandler, the owner, presented the application. He said that he would like to place outdoor seating at his location and presented pictures of the proposed tables and chairs. He had placed the tables outside to show that there is a minimum amount of space that would be taken up on the sidewalk. The sidewalk in front of his establishment is the widest point in that plaza. Mr. Fichandler said that the tables and chairs are the same ones that were used for La Dolce Bakery. He is also asking for a third table with two chairs, he added that it will not block the passage space at all.

Commissioner Knecht asked if this was the same Pattycakes as is in Rocky Hill. Mr. Fichandler said that it was. Commissioner Petrelli asked how much outdoor seating the pizza place had. Mr. Fichandler said that he didn't know if it was three or four tables and he added that the ice cream place at the end of the plaza also has outdoor seating.

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

Billie Logan, 318 Hartford Avenue, spoke in favor of the proposal. She said that they should be able to get as many tables as possible. She added that it is a walking destination and many of the neighbors go there for coffee, it is a wonderful place, a tremendous asset and the people are great.

Maureen Hayes, 29 Hartford Avenue, said that although she is sad to see the previous owner go, she is happy to see Pattycakes, she approves of them getting outdoor seating.

Commissioner Petrelli made a motion to close the public hearing.

Commissioner Knecht seconded the motion.

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

Aye: Hammer, Knecht, Petrelli, Harley, McHugh, Wagner, Homicki, Hughes, Edwards

Nay: None

Abst: None

**WETHERSFIELD PLANNING AND ZONING COMMISSION**  
**PUBLIC MEETING**  
**March 7, 2006**

The Wethersfield Planning and Zoning Commission held a public meeting immediately following the public hearing on Tuesday, March 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)

Chairman Hammer permitted a member of the public to ask a question. This person asked if the letter that he had sent in on 3/3/06 would be considered in the deliberation. Chairman Hammer said that it would not because it was submitted after the close of the public hearing.

Chairman Hammer then determined those who were present at the hearing and who would be eligible to vote. It was determined that the only commissioner not present was Commissioner Edwards. Chairman Hammer asked if he had familiarized himself with the minutes and the record and felt comfortable voting on this matter. Commissioner Edwards said that he had familiarized himself with the record and was comfortable voting tonight. Chairman Hammer then determined that there would be nine voting members. He said that the hearing was closed, and noted for the record that Mr. Gillespie had provided the commissioners with a draft of a potential resolution and offered thoughts for consideration and discussion purposes. Chairman Hammer said that the commission has the option of denying in full, approving in full with no conditions or with conditions, or approving in part with conditions. He said that there are two components, the expanded menu and the outdoor use.

Commissioner Petrelli began the discussion saying that the point of contention seemed to be the use of the term restaurant, he said that the creamery had already incorporated café into the name. Then they moved to the backyard where the two issues were noise and the use of the backyard and whether certain limited events could be there.

Chairman Hammer said that he didn't recall much disagreement about the menu part but that there was definitely a conflict on the outdoor part and that a distinction should be made between the birthday parties and general community wide events.

Commissioner Homicki said that Mr. Gillespie's memo references the whole picture including defining the food items and how they are utilized. He has a significant concern about the rear section which has some land in the residential zone and the request has not accommodated a buffer concept which he would like clarified.

Commissioner Wagner said that the menu is the first item and she would like to clarify that there would not be a stove. The applicant said that she would be microwaving the fixings. Also, the backyard section defined two events, a special event and a birthday party. Commissioner Wagner said that in condition #6, 2 birthday parties should be 1, and condition #7, 6 birthday parties a week is also excessive. She said that the neighbors don't want active loud events everyday, but if they are not held on Sunday and there is notice given to the town she is ok with them.

Commissioner Wagner also questioned condition #12 regarding advertising which she thinks should be limited. Mr. Gillespie said that the intent was to limit the outside advertising. Commissioner Wagner thinks that should be changed.

Commissioner Hughes asked that condition #2 add language that the Fire Marshal and Building Official review and approve the facility. He said that there was a large turnout of people at the hearing and a well put together presentation

by the neighbors. He finds some of the enforceability impractical particularly condition #8 "No more than 12 children per birthday party". He said that it is unrealistic and finds it tough to delegate authority to shut down a party. He said that a full scale plan is necessary to control accountability and there needs to be a plan in place as part of the stipulations.

Commissioner Harley said that he agrees that it might be impractical but they have to start somewhere and if the applicant comes back after a year, that may be the time to control it. He doesn't expect that they would throw the 13th kid out of a party, but if there were 24 kids there and it was verified then one year from now the permit wouldn't be renewed. The issue with the equipment on the counter concerns him and condition #4 regarding live music is ok as long as it isn't amplified. Commissioner Harley said that he is ok for the six events but he thinks that "no music allowed" is restrictive. He also thinks that condition #9 is restrictive he would rather see a limit just for Sunday morning. Finally, regarding condition #13, if the applicant comes back, would the fee be waived.

Commissioner Hughes said that he is afraid that if there are violations and it is handled during a reapplication, then it will be going back to square one with another hearing. He said that if there is a documented plan either with a fenced in area or wristbands for the kids then there would be accountability and if someone is dispatched to the area they can report back on what they see.

Commissioner Wagner said that the number of kids at the party was put forth by Paula and she said that the Creamery staff couldn't accommodate more than 10-12. Mr. Gillespie said that was the case and that the number came from the applicant and the testimony.

Chairman Hammer said that there were strong feelings presented at the meeting both for and against the business, and even those who objected to the expansion, seemed to like the business. He said that he would like to work to craft something to allow the applicant to go further and soften the impact to the neighborhood. He said that the menu changes seem to be a non-issue and that with regard to the outdoor activities, he likes the idea of a 12 month period with a look back and see if it is appropriate to continue. He would like to keep it on a trial basis and make sure that what happens can be done without adverse impacts. He said that there is a distinction between the birthday and non-birthday parties which seem to be bigger and louder. He said that for the birthday parties he would like to give it a shot and wondered how to manage it best. Chairman Hammer suggested Friday and Saturday only from 12-4 to make it more manageable for the zoning officer.

Commissioner Knecht said that most birthday parties are always on Saturday. Chairman Hammer agreed that Saturday is more appropriate. Commissioner Harley asked if the exclusion of Sunday was from the applicant's testimony. Mr. Gillespie said no, that it was from the neighbors. Commissioner Wagner added that Sunday is a hard day for parking in that area especially in the morning and for that reason Sunday should be excluded. She added that they should start taking things off of the list.

Commissioner Homicki asked if it should be one vote or two. Chairman Hammer said that it should be one vote.

Commissioner Wagner made a motion to approve the application with the following conditions:

- To change condition #8 of the current application from, "The use approved with this application is limited to the retail sales of ice cream, candy, dessert, coffee and other similar items. The use is not approved for a restaurant." To now read:
  1. The menu may be expanded to include items such as but not limited to: sandwiches, soups, quiches, pasta, salads and side dishes through the use of cooking equipment that is installed on the counter, not in the counter and not to include a stove.
  2. All cooking equipment, facilities and menu used in the operation shall require review and approval from the Health District and Fire Marshal prior to implementation.
- Additionally, Application 1504-05-Z is approved for the safe use of the commercially zoned section of the back yard area for outdoor seasonal birthday parties as follows:
  1. All activity shall be limited to the period from April 1 to December 2, 2006.

Commissioner Hughes said that maybe they should split the time between the business and the neighbors and change it

to June 1 - September 15 so that the neighbors have some time of peace. Chairman Hammer said that he has no problem with April 1 if there are tight enough controls. He would like to give the applicant the benefit of good spring weather. Commissioner Knecht agrees that the applicant needs more time.

2. No more than 6 special events during the year.

Commissioner Wagner said that maybe the applicant could come back and ask for special events. Commissioner Hughes suggested that they allow no special events and start small. Chairman Hammer agreed. Commissioner Knecht said that there may be one event in the area that she can tie into. Commissioner Petrelli said that she had mentioned one of her special events was an art/craft fair. Commissioner Wagner recalled that the applicant held two fundraisers one was for a disabled child and the other was for the church and had loud music. Commissioner Hughes repeated that there should be no special events. Commissioner Wagner suggested deleting condition #2, #3, and for condition #4 delete "outdoor music." There was a discussion of amplified music and whether or not that included a CD player. It was determined that a CD player would be ok.

5. No more than 6 special events during the year.

Chairman Hammer said that he would prefer not to allow seven days a week and not from 10 a.m. to 5 p.m. Commissioner Wagner said that if they are limiting the applicant to two birthday parties they would have to be back to back or give more hours to do so. Chairman Hammer asked who would be counting the birthday parties and practically if they were only held on Friday and Saturday it would be easier for the enforcement officer. Commissioner Hughes said that they need a solid plan. Commissioner Petrelli suggested that they let the market determine how many birthday parties there would be. Chairman Hammer said that it would be easier to regulate the time of day. Commissioner Hughes asked when the neighbors get time. Commissioner Harley said that this is a commercial establishment and that they can't put restrictions on it. Commissioner Hughes said that these restrictions are already in place and that this is an add on. All of the other businesses in the surrounding area were pre-existing to the neighborhood. Commissioner Harley said that he recognizes the argument but if this was one of the other commercial areas in town, there would not be so many restrictions. Chairman Hammer offered that this part of the business district is different than where the pizza shop is. Commissioner Hughes said that there are legitimate concerns of both the business owners and the neighbors. Chairman Hammer said that he would like to give these things to the applicant but not if it creates adverse impacts. Commissioner Hughes said that this is a viable business and that the request is an add on to enhance that business. He asked at whose expense the already established property values will be affected. The activities will stay the same and the property values will stay where they are or the business activities will increase and the property values will go down.

Commissioner Wagner asked if Commissioner Hughes would vote for this even if it were only one birthday party. Commissioner Hughes said that he will look at this as a whole and that he is not the only one with input. He can't say how he will vote, he is concerned about the already viable business vs. the already existing property values. He wonders how the business will affect the property values.

Commissioner Knecht suggested giving the applicant four months and see if the situation is controlled, if not, then the commission can revoke the permit.

Commissioner McHugh said that she does not know how she will vote, and to get back to the enforcement issue, with no town weekend staff the observers will be the neighbors and she doesn't think that it is fair to put the burden on them. She said that the commission should look at this conservatively and they don't have the enforcement officer available to monitor the situation.

Commissioner Knecht asked how far the creamery is from the pizza parlor. Commissioner McHugh said that Ms. Rubinow has more abutting residential neighbors and that those neighbors have rights. Commissioner Harley said that they should be able to hammer something out. He asked if this person could have a birthday party on the property today. Mr. Gillespie said that she could not have a commercial party, only a family event. Commissioner Harley asked about the events that were held last year. Mr. Gillespie said that they were illegal.

Commissioner Homicki noted that he likes the idea of Friday and Saturday only from 12 p.m. to 5 p.m. or even 10

a.m. to 5 p.m. is fine. He said that offering April 1 - December 2 seems generous but maybe it is a compromise, he would like to get the ball rolling and have the applicant prove herself.

Commissioner Wagner suggested that they delete conditions #6, 7, and 8. Chairman Hammer suggested that the applicant gave them this number so that they should keep it as a condition. Commissioner Wagner agreed and suggested deleting condition #9 and 10 and strike special event from condition #11. She suggested deleting #12. For condition #13, Commissioner Wagner suggested changing the date to December 3, 2006 and adding the following language to the end, "with the fee waived when renewed." Condition #14 should stay with the additional language at the end, "at anytime." Commissioner Knecht asked if they would like to add a certain period of time where the process is reviewed. Chairman Hammer said that they always have the right for enforcement to go to the business. Commissioner Knecht said that could make it difficult for the owner. Commissioner Homicki pointed out that condition #14 allows the commission to revoke the special permit. Commissioner Wagner said that she prefers to leave it for this season and they can talk about this issue again at the end of the season, she is not comfortable adding a shorter period of time to review at this point.

Commissioner Harley asked if there was a motion to have birthday parties on Friday and Saturday. Commissioner Petrelli added that they limited attendance to 12 kids, what about the parents, and they could have 36 people there. Commissioner Wagner said that there probably wouldn't be that many for a birthday party. Commissioner Harley made one last pitch about the restricted Friday and Saturday. He said that there is no proving ground and no opportunity to join in with a downtown event, he thinks that the commission should let the applicant show them that she can do it right and give her one special event.

Chairman Hammer said that she can participate in the Wethersfield Weekends because it is in the front yard or she can come back to them if a special event opportunity arises and they can consider it. Commissioner Wagner agreed that there is still the possibility to have the owner ask for a special permit for a special event. Commissioner Harley pointed out that Comstock or the pizza place wouldn't have to do that. Commissioner Knecht added that the Wethersfield Cornfest draws a lot of people to the area. Commissioner Hughes said that if a special event comes up, then she should have to come back for a special permit. Commissioner Harley asked if there needed to be language added if the applicant were to become involved with another event and he asked if there was a special permit process for something like the Cornfest. Mr. Gillespie said that is on town property so permission is given through the police department. Commissioner Homicki asked if additional wording was necessary. Mr. Gillespie said that if the applicant wants to hold an event in her backyard, she will have to appear before the commission. If that is what the commissioners want, that is the way it stands.

Chairman Hammer asked if the regulations talk about special event special permit or if it is open ended where the applicant would bring the details of one event back to the commission. Commissioner Wagner asked if the fee would be waived when the applicant applies for a special event. Chairman Hammer said that it is not necessary because she doesn't have to do it, it may depend on the details of the event and if she wants to come back. Commissioner Hughes said that they could look at it on a case by case basis and then decide to waive or reimburse a fee. Mr. Gillespie said that a special event could be a modification to this special permit. Commissioner Knecht said that they might be able to bring people from Hartford to Wethersfield and the applicant wouldn't be able to participate. Commissioner Wagner said that the applicant is not out of it she still could serve them ice cream, she just can't have a party in her backyard.

Commissioner Wagner said that he would like to add language about the outdoor activities being safe. He said that when he has a party on his lawn, it is not always a safe surface afterward, and if she has party after party and there is no permanent structure and the tent is temporary, the lawn may not be safe.

Chairman Hammer also suggested that they change activities to birthday parties and that condition #12 be deleted because it is not relevant for birthday parties.

*(Complete motion with conditions rewritten)*

Commissioner Wagner made a motion to approve the application with the following conditions:

- To change condition #8 of the current application from, "The use approved with this application is limited to the

retail sales of ice cream, candy, dessert, coffee and other similar items. The use is not approved for a restaurant."  
To now read:

1. The menu may be expanded to include items such as but not limited to: sandwiches, soups, quiches, pasta, salads and side dishes through the use of cooking equipment that is installed on the counter, not in the counter and not to include a stove.
  2. All cooking equipment, facilities and menu used in the operation shall require review and approval from the Health District and Fire Marshal prior to implementation.
- Additionally, Application 1504-05-Z is approved for the safe use of the commercially zoned section of the back yard area for outdoor seasonal birthday parties as follows:
    1. All activity shall be limited to the period from April 1 to December 2, 2006.
    2. No public address system speakers, amplified sound, microphones, etc. shall be used. Some music may be allowed.
    3. Birthday parties shall only occur between the hours of 10:00 a.m. and 5:00 p.m. on Fridays and Saturdays only.
    4. No more than 12 children per birthday party.
    5. No equipment, furniture, tables or organized activity related to any birthday parties shall occur on that portion of the property zoned residential as detailed on the plan submitted with the application. In addition, the applicant shall make every reasonable effort to keep the public out of this area.
    6. This approval shall expire on December 3, 2006 and may be renewed up on submission and subsequent approval of a new application for Special Permit by the Planning and Zoning Commission with the fee waived upon renewal.
    7. The Planning and Zoning Commission has the right to initiate actions to revoke this approval for failure to comply with the terms and conditions under which this approval was granted at any time.

Commissioner Homicki seconded the motion.

The members voted as follows: (8-0-1)

Aye: Hammer, Knecht, Petrelli, Harley, McHugh, Wagner, Homicki, Edwards

Nay: None

Abst: Hughes

**APPLICATION NO. 1514-06-Z.** Peter & Angela Crispim Special Permit to construct a membrane structure in accordance with Section 3.6.B.2 at 73 Yale Street.

Continued to March 21, 2006

**APPLICATION NO. 1515-06-Z.** Ricky Lavoie Special Permit to park a vehicle larger than permitted in accordance with Section 3.5.1.A.4 at 28 Westwood Drive.

Continued to March 21, 2006

**APPLICATION NO. 1516-06-Z.** Mark Fichandler Special Permit to allow outdoor seating at 227 Main Street.

Commissioner Hughes made a motion that the permit be granted for three years and allow for three tables and six chairs.

Commissioner Homicki seconded the motion.

Commissioner Harley suggested that there be no time limit, as there were no concerns with the previous owner having outdoor seating at this location.

Commissioner Hughes amended his motion to include no time limit.

Commissioner Homicki seconded the motion.

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

Aye: Hammer, Knecht, Petrelli, Harley, McHugh, Wagner, Homicki, Hughes, Edwards

Nay: None

Abst: None

## **REGULATION OF REAR LOTS**

Mr. Gillespie said that about a dozen people with large lots have approached him about the ability to create rear lots. The build able square provision in the ordinance currently prevents rear lots, leaving the only option to create a rear lot by going to the ZBA. Mr. Gillespie provided the commissioners with information from other communities including Manchester and New London that allow rear lots under certain situations. The table provided shows that many towns only allow rear lots by special permit. All required the rear lot to be a much larger lot from 1 1/2 to 2 times the regular lot size.

Mr. Gillespie said that it is unusual that Wethersfield doesn't permit rear lots, he can't speak to the history but it may be time to discuss it again. He had wanted to provide a guesstimate on the number of rear lots that may be created, but he doesn't have that info tonight. He had to query the GIS system and hasn't been able to do that yet. Chairman Hammer asked if he would be able to get that information in the next couple of weeks and Mr. Gillespie said that he would.

Commissioner Wagner asked how many rear lots have been developed. Mr. Gillespie said that there are some houses built behind houses that are not technically rear lots. There are also a couple of creative subdivisions but not a classic rear lot which would be narrow frontage with a large rear lot. Finally, some of the lots were created through the ZBA process.

Commissioner Wagner asked why the rear lot has to be bigger than the standard lot size. Mr. Gillespie said that it may be to get the house away from the one in front of it, which could be accomplished through a larger lot or larger setback. Chairman Hammer said that it may be to make it the exception rather than dividing a subdivision into the same number of lots. Mr. Gillespie said that clearly these lots should be the exception, and should be done through a special permit process with a public hearing and neighbor notification.

Commissioner Wagner asked why it would just be limited to residential zones and she noted that Manchester included industrial zones. She asked if there was an industrial zone in Wethersfield. Mr. Gillespie said that there is a commercial zone but that in an industrial zone is not necessarily the place to put a rear lot because you would want to access the lot with fire apparatus and emergency vehicles. The hazards are greater in commercial and industrial areas. No town is identical to each other in this regard.

Commissioner Wagner said that she was not in favor at first but after looking through the material she changed her mind. She said that whatever is approved should incorporate language that allows rear lot development with restrictions. These should include:

- Minimum lot area larger than standard lot.
- Rear lot required to be connected by an access way
- Fee single ownership by the owner of the rear lot to the existing town road be verified and documented by the town.
- Driveway must accommodate fire and emergency vehicles
- There must be a landscape buffer
- Municipality not responsible for the maintenance of the driveway
- Rear lot not developed into more than one rear lot. If it is a subdivision it should be a subdivision proposal.

Commissioner Knecht asked if it is two lots do they need to go through subdivision approval. Mr. Gillespie said that some of these would be old subdivisions.

Commissioner Hughes questioned the multiple rear lot restriction. He gave an example of a subdivision east of Highcrest and south of Highland where six homes were built. He thinks that the best use may have been two lots in the front and two in the rear with a common drive. He said that it may have created a better environment with higher priced homes, this may be the exception to the rule but those two rear lots would have been a benefit to the community. Mr. Gillespie said that some communities allow multiple rear lots if there is a standard lot between them. Commissioner Hughes said that with a common drive with an enhanced base it would have been a benefit.

Chairman Hammer said that it seems to make sense to look and try to investigate the number of potential parcels. Mr. Gillespie said that he will draft the specifics and do the GIS analysis.

Discussion of Administrative Procedures.

Mr. Gillespie said that the way that the commission does their meetings is much different than he is used to and than a lot of other communities do theirs. He said that a public hearing will be closed from a previous meeting and then doesn't show up again on the next agenda until an hour or two into the meeting. Chairman Hammer asked if it should be put before the public hearings. Mr. Gillespie said maybe because otherwise they make people sit through testimony of other hearings. He said that the bylaws are specific about the agenda so they may need to change those. Mr. Gillespie also said that he would like to add a section to the agenda that would let the commissioners know which applications are coming up at a future meeting.

Commissioner McHugh asked how the next agenda is looking. Mr. Gillespie said that two things were tabled from tonight and there is one more item. Chairman Hammer said that the continued hearings should be taken up first.

## **MINUTES**

### [Minutes of the February 7, 2006 Meeting](#)

Seven members were present who were eligible to vote.

Commissioner Petrelli made a motion to approve the minutes.

Commissioner Harley seconded the motion.

The commissioners voted as follows:

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

Nay: None

Abst: McHugh, Wagner

## **STAFF REPORTS**

Mr. Gillespie said that on Monday March 27, 2006 at 6 p.m. they will be presenting the Silas Deane Highway Plan at the Rocky Hill Town Hall Council Chambers. He invited the commissioners to attend.

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

No members of the public were present or offered any comment.

## **CORRESPONDENCE**

- Invitation to the Connecticut Federation of Planning and Zoning Agencies 58th Annual Conference to be held at the Aqua Turf on March 23, 2006.
  - Chairman Hammer asked if a headcount was needed. Ms. Bradley said that it was needed by Thursday. Chairman Hammer and Commissioner Knecht said that they wished to go, the other commissioners wanted to think about it and get back to Mr. Gillespie.
- Invitation to the Wethersfield Economic Development and Improvement (EDIC) Breakfast Seminar to be held at the Wethersfield Country Club on March 15, 2006.
- A Zoning Referral dated February 17, 2006 from the Capitol Region Council of Governments (CRCOG) in accordance with Section 8-3b of the Connecticut General Statutes for proposed zoning amendments in the City of Hartford.
- A memorandum dated February 21, 2006 from Bonnie Therrien, Town Manager to All Department Heads regarding Ex Parte Communications.
- A memorandum from Dolores Sassano, Town Clerk regarding effective meetings and parliamentary procedure.
- The Winter 2006 edition of the Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter.
  - Commissioner Wagner said that there was an interesting article regarding telecommunications in the newsletter. She said that even though these companies said that they needed height on the towers, now they are able to place their equipment on telephone poles.
- A letter dated February 27, 2006 from Carol Modugno to Joseph Hammer, Chairman of the Planning and Zoning Commission regarding the regulation of rear lots.

## **OTHER BUSINESS**

Commissioner Wagner asked what is happening with the lot on Ridge Road. She said that she had found out that the MDC was installing a sewer line along the rear of the properties on Ridge Road, but wanted to know what was happening with the lot being cleared.

Mr. Gillespie said that the owner was clearing the lot to build one house with approval. He has not come in yet for approval and was instructed to do so. Commissioner Wagner said that he is still clearing the lot and should be stopped. Mr. Gillespie said that he would bring it up to Brian.

## **ADJOURNMENT**

Commissioner McHugh made a motion to adjourn the meeting.

Commissioner Homicki seconded the motion.

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

Aye: Hammer, Knecht, Petrelli, Harley, McHugh, Wagner, Homicki, Hughes, Edwards

Nay: None

Abst: None

The meeting was adjourned at 9:25 p.m.