

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

September 18, 2012

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, September 18, 2012 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

1. CALL TO ORDER:

Chairman Harley called the meeting to order at 7:05 p.m.

1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum):

Clerk Margiotta called the roll as follows:

| Member Name | Present | Absent | Excused |
|--------------------------------|---------|--------|---------|
| Thomas Harley, Chairman | ✓ | | |
| Richard Roberts, Vice Chairman | ✓ | | |
| Antonio Margiotta, Clerk | ✓ | | |
| Joseph Hammer | ✓ | | |
| George Oickle | ✓ | | |
| Anthony Homicki | ✓ | | |
| James Hughes | ✓ | | |
| Dave Edwards | ✓ | | |
| Angelo Robert Fazzina | | | ✓ |
| Thomas Dean (alternate) | ✓ | | |
| Alex Vasel (alternate) | ✓ | | |
| Leigh Standish (alternate) | ✓ | | |

Also present: Peter Gillespie, Town Planner/Economic Development Manager;
Denise Bradley, Assistant Planner

Chairman Harley noted at the time of roll call there were eight (8) full members and three (3) alternate members in attendance. All members present to participate.

Members of the Public were present.

2. OLD BUSINESS:

2.1 PUBLIC HEARING APPLICATION NO. 1775-12-Z Thomas A. DiCioccio Seeking a Zoning Text Amendment in accordance with Section 10.1.F of the Wethersfield Zoning Regulations to permit and define landscape contracting business in the Agricultural (AG) Zone.

Michael F. Romano, Esq., 41 New Britain Avenue, Rocky Hill, CT, and Jack Guilmartin of JL Surveying, 212 Old Brickyard Lane, Berlin, CT appeared before the Commission as Counsel and as a representative, respectively, to respond to issues raised at the 09/05/12 session of the Public Hearing of this Application.

As noted in the Minutes of the 09/05/12 Meeting, the Applicant is seeking a zoning text amendment in accordance with Section 10.1.F. of the Wethersfield Zoning Regulations to permit and define landscape

contracting business in the Agricultural (AG) Zone. The proposed Text Amendments: 1) create a new definition of a “landscape contracting business” (Sec. 2.3); 2) Section 4.1.B.: add #14 which reads: “landscape contracting business including appurtenant equipment storage and offices as a Conditional Use Permitted only after Special Permit Approval by the Commission; 3) Section 4.1.D.: add 1-7 – 1) no parcel containing less than five (5) acres shall be used for a Landscape Contracting Business; 2) such establishment must engage in the raising and wholesale distribution of agricultural and horticultural commodities and no less than seventy (70%) percent of such parcel must be used for that purpose; 3) the non-agricultural uses of the site shall not be located within one thousand (1,000) feet from a residential zone; 4) no retail sales of plants, mulch or any other product is permitted; 5) all bulk landscape and plant materials and supplies shall be located a minimum of two hundred and fifty (250) feet from any structure on an adjacent parcel and all equipment shall be stored within a building or must be located at least one-hundred (100) feet from any structure or adjacent parcels. The Commission may require the use of a privacy border or landscape buffer in order to screen the area from view by neighbors and from the public right of way as prescribed by Section 6.1 of these regulations; 6) no screening, sifting, washing, crushing or other processing activities are permitted; 7) The Commission may impose reasonable conditions on any Landscape Contracting Business application including the following: (see proposed a-f); 8) Sec. 6.3.D. Signs Permitted in any Zone: One (1) detached or wall sign permitted for each principal use authorized by the Commission requires Staff and Design review approval and may be up to a maximum of twelve (12) square feet in area.

[It was also mentioned at the 09/05/12 session of this Public Hearing Application that the Applicant wishes to move their existing landscaping business, which they consider as integral to the site, to the address of the AG zoned parcel. Counsel indicated that existing regulations present complexity in this process. The representatives indicated the wetland area of the site would not be adversely affected by the Applicant’s business and noted that the State of CT DEP, Wethersfield Inland Wetland and Watercourses Commission and the Design Review Advisory Commission approved the initial plan. There would be nine (9) employees at the site, and there would be no signage, public retail sales, or storage of goods (i.e. topsoil) at the site. It was noted that some of the work equipment (trucks and or accessory equipment) would be stored at the site in the four thousand (4,000) square foot building proposed for the site and that seventy (70%) percent of the site property would remain agricultural (for raising arborvitae shrubbery).]

Attorney Romano reminded the Commissioners that at least three (3) Commission members were not present at the last session of this Public Hearing Application. Chairman Harley noted the issues would be addressing prior to the voting of this Application (*refer to page 11 of this document for further details).

Attorney Romano suggested that facts be focused on and considered rather than considering what he described as fears concerning this text amendment Application. He provided an exhibit of a photograph he captured on Monday, September 17, 2012, which depicts the portion of the DiCioccio Business site at its current Kelsey Street, Newington, CT location. Attorney Romano indicated the photograph submitted at the 09/05/12 session of this Public Hearing Application was misleading, as it depicted vehicles and equipment that were not part of the Applicant’s business because portions of the site are used by a used truck dealer and neighboring sites utilized by CNG, Paul Welding and Tollis Pool Contractor.

Attorney Romano indicated there was sentiment of this Application as the start of the demise of the meadows or of another interchange zone. He clarified that this Application is a text amendment to allow

for landscaping in the AG zone, as it retains agricultural use and preserves the agricultural nature of the area. In terms of loss of farming, he noted that no one can guarantee land will remain for farming. He noted that the proposed text amendment allows for the continuance of an agricultural component and that no other use in the current AG zone retains any type of agricultural component. He further explained that if the proposed text amendment was passed, agricultural use would be the only use that would require a portion of that parcel on which the landscaping business is proposed to remain and retain as an agricultural component. He indicated that having the small footprint of a forty by one hundred (40' x 100') foot building (proposed barn for offices and storage of vehicles/material), as previously described does not constitute concerns of "a paving over of the Meadows". He noted there are barns larger than the size proposed that exist in Wethersfield and in other Towns. He also noted that in a special permit process, this Commission could set controls on the amount of pavement it desires.

Attorney Romano indicated that if there was no mention of a landscape contracting component to the proposed text amendment, the forty by one hundred (40' x 100') foot building would be permitted as an accessory use to farming.

Attorney Romano addressed the concerns expressed by the public of destroying or misplacing archeological artifacts if the proposed business is allowed. He noted all topsoil where said artifacts may exist would remain on site which would allow for the sifting, analysis and review of said artifacts. He mentioned that archeological considerations could be considered as part of a special permit application. He indicated State Archeologist, Dr. Bellantoni, did not suggest that any activity be prohibited at the site, as he suggested surveying the site, consulting with an archeologist and having an archeologist present both during excavation and construction. He mentioned that The State of Connecticut Department of Energy and Environmental Protection (DEEP) stated in its letter, a copy of which was provided to the Commission, that "the use of the building proposed by Mr. DiCioccio will not have an adverse impact on flood heights, flood storage capacity or present hazards to life or property" and that the DEEP, in a letter provided to the Commission, stated there would be no negative impact on wildlife.

Attorney Romano stated that under the proposed text amendment, the Commission can restrict where and what activities may take place on site (i.e. washing or cleaning of vehicles be completed inside the building and on an impervious surface).

Attorney Romano stated that currently: 1) there is no restriction on the number, size or amount of equipment a farmer can store on a parcel in the AG zone, and 2) there is no restriction as to the maintenance or storage activities of a farm vehicle. He noted that the landscaping process is akin to farming, as the equipment used roughly the same type. He also noted that a use in the AG zone such as grazing of cattle has no restrictions.

Attorney Romano asked concerned individuals to express to him and the audience the differences of the equipment used by farmers in the AG zone verses equipment the Applicant uses in his business.

Attorney Romano indicated maintenance, supplies, storage of fuels, noise and odor as concerns considered in the drafting of the text amendment proposed and those concerns can be incorporated into conditions as part of a special permit process.

Attorney Romano mentioned the allowed uses in the AG zone at this time do not require an agricultural component and do not have any vehicle restrictions (i.e. the Town Maintenance Garage would be allowed to move to the AG zone).

Attorney Romano indicated the proposed “mixed use” text amendment represents a chance to preserve an agricultural use in the AG zone in the mixed text. He mentioned the proposed amendment could serve as a model provision in the future to require some type of preservation component along with the use an Applicant is requesting.

Attorney Romano described wetlands vegetation as a very valuable landscaping commodity and that many varieties of landscaping stock grow better in moist (wet) soil (“wet feet”).

Attorney Romano indicated that loss of the wetlands does not ride on the passage of the proposed text amendment, as the issue is subject to an Application’s approval by the Inland Wetlands and Watercourses Commission to get permission to do what the proposed text amendment, if passed, would allow for.

Attorney Romano indicated an adoption of the proposed text amendment allows the Commission to consider a specific parcel, a specific proposal with controls to a specific Applicant.

Attorney Romano reiterated that facts be focused on and considered rather than considering what he described as fears concerning this text amendment Application. He thanked everyone for their input on this Application.

Commissioner Homicki inquired and Attorney Romano indicated that reversion of the site is possible (from landscaping stock back to vegetable cultivation) if landscaping stock cultivation, as described in this Application, was no longer the agricultural activity performed at site. Attorney Romano noted that the Applicant would be in violation of the proposed text amendment if they decided to grow non-landscaping stock (i.e. food).

PUBLIC COMMENTS:

Anne Griswold Willard, 72 Old Mill Road, noted her family has a rich agricultural heritage in Town dating back to 1640s (Griswold family lineage). Her family resided in the flood plain of Elm Street Extension and has given up, through eminent domain, fertile land/soil to accommodate the construction of Interstate 91 in the 1950s. She expressed that construction of Interstate 91 was a benefit to many at the expense of farmers (and the Native Americans who came before them) whose acquired land had been used to feed families and/or hay and grain for animals. She described the soil in the CT River Valley Flood Plain as some of the best soil in the world with past and present farmers having maintained local food security through sustainable agricultural practices used on this farmland. She is not in favor of the proposed text amendment, as flood plain soil would be scraped off at the surface of a portion of the site in order to build up a portion of the site and pave that portion over. She indicated that erecting a building at the site shows a disregard and basic misunderstanding of the natural treasure of soil present at the site. She stated that farming is the most sustainable and eco-friendly use of the site. She noted that with her degree from the University of Connecticut, her true, practical experience in growing crops on Elm Street Extension as a fourth generation member/owner of Comstock Ferre & Company, and experience as an agricultural educator for the past twenty-one (21) years. She encouraged the Commission to protect the Flood Plain land for use with a strictly agricultural purpose. She mentioned she witnessed the flooding in 1984 of a residence in the flood plain area of Main Street Extension prior to federal regulations prohibiting the building of new structures. She noted fear does not compel her to speak on this issue, and that she is speaking as a thoughtful and concerned citizen and resident who encourages the Commission to protect this CT River Flood Plain Meadows Land, noting that this land has been designated as agricultural flood plain open land for a reason.

John House, 21 Elm Street, believes that an approval of the text amendment proposed will open the door for changing the face of the entire Meadows area forever and therefore is against this Application. He

indicated it is up to local government to protect this land. He asked that commercial traffic, and its associated pollution and noise, be kept off Elm Street for the safety and well being of the neighborhood children.

Michael Orsini, 224 Highland Street, indicated he is a fellow business owner who came before this Board approximately four (4) years ago and explained that a willingness to compromise resulted in him being allowed to locate his business in Town. He noted the Commission has the control to protect the area proposed and its surrounding area. He believes this Application represents an opportunity to bring new businesses into Town.

Robert Pulford, 23 Grandview Terrace, a resident of Wethersfield for fifty-three (53) years, has enjoyed (along with his family) the recreation opportunities of the Meadows. He is concerned that an approval of the proposed text amendment will open the door for additional Applicants to ask for additional changes in zoning to accommodate their business plans.

Alice Zenick, 47 Somerset Street, a lifelong resident in Town, indicated she looks at this matter not for nostalgia but rather for concerns in the future. She indicated that her experiences of working in many places (North Africa, West/South America, and Northern Brazil) which she considered "Gardens of Eden" were transformed into deserts due to circumstances such as weather and development. She indicated there is nothing more precious in this world than arable soil and safe water. She believes there will be no way to recoup what is lost if the proposed text amendment passes. She also noted that the ongoing climate change resulting in drought in the west is not cyclical and that this country will see a decline in food production and that that local food production will be pivotal.

Chris Hall, 46 Garden Street, indicated that once farmland is lost, we will never get it back. He indicated the proposed area is part of the gateway into Wethersfield, and the aesthetics of the area will be adversely impacted by plan described in this Application. He believes there are many vacancies available to grow business in Town.

Rebecca Zaliznock, 965 Folly Brook Boulevard, made a presentation with her husband, Michael, who is also an environmental consultant. Mrs. Zaliznock is a LEP @ AEGIS Environmental (and commented on this Application at the 09/05/12 PZC Meeting). She has resided in Wethersfield for twenty-five (25) years and noted thirty (30) years of professional experience in the environmental consulting and environmental regulation business. She owns an environmental consulting business here in Town, does consulting work for the Town, and for the past eighteen (18) years has been on the Conservation Commission.

As a CT licensed environmental professional, she conducts environmental assessments, soil cleanup, and groundwater remediation of commercial and industrial properties in CT and several other states. She has two (2) ongoing remediation projects on Kelsey Street in Newington, CT, which is directly across the street from the Applicant's existing business. She mentioned she has two (2) projects on Christian Lane and three (3) projects on John Downey Drive to the north. She indicated she is very familiar with the groundwater quality, the commercial industrial use, and its impact to the groundwater quality.

Mrs. Zaliznock described that in the state of CT, the DEEP defines two classes of groundwater: 1) Class-GA is pristine considered potable water without the need for treatment. She noted that if you're in a Class GA zone (Class and Zone are on a map that the State provides) that water must remain pristine no matter what your use is at the site. If you pollute said water, you must clean it up to drinkable quality. The second zone is Class GB is presumed or known to be degraded due to historic urban development, industrial commercial use. This water is not considered potable. If you pollute it, you cannot make it worse. You must clean it up to Class GB standards, which are a bit more lenient than Class GA.

The use of this contracting facility is considered "high risk", as she has completed assessments for the type of business described in this Application. This high risk facility would use and/or store the following contaminants: solvents, petroleum and pesticides.

During an assessment, she looks for the classification of the ground water and its use so that it can be ranked for degree of risk. Parking, washing, maintenance, and fueling of trucks, storage of materials,

spills, spill control, pollution prevention, storm water quality and run off are issues to which the subject business is exposed. She noted that if this Application is approved, the pristine Class GA zone will be at risk for being polluted by inherent use. She mentioned she has investigated enough properties to arrive at this conclusion.

Mrs. Zalznock commented on the stewardship of the Applicant's existing site in Newington, CT, including the presence of trucks, boxcars and equipment on the site.

Mrs. Zalznock discussed with regard to the stream channel encroachment permit issued by DEEP on November 20, 2011, Attorney Romano's statement at the previous hearing of "there will be no hazardous impact to the stream channel encroachment line". The permit is a regulation on the conditions that will occur during the activities of development of this property. She noted that the permit, filed by Thomas DiCioccio, states the activity is to construct a 4,000 square foot building/structure with associated gravel parking areas along Elm Street in the Town of Wethersfield. She noted that in Attachment "C" of (the Site Plan submitted with) the aforesaid Application, the description of gravel parking areas to be in front and in the rear of the proposed building. She noted the plans submitted to the Town after the November 2011 DEEP permit showed paved areas, not gravel.

Chairman Harley indicated that any defects in an Application would be addressed and compliance would occur during the special permit process.

Mrs. Zalznock commented on Attorney Romano's reference to DEEP's statement of "there will be no negative impact to wildlife". She indicated that there was more information in that letter. She noted the DEEP determined that "the proposed activities will not impact extant populations of federal or state endangered threatened or special concerned species that occur in the vicinity of the property." However, the letter goes on to state that "also be advised that this is a preliminary review and not a final determination"; and "A more detailed review may be conducted as part of any associated environmental permit submitted to DEEP for a proposed site."

Mrs. Zalznock concluded her presentation by stating the Application is not compliance with the authorized activity of the stream channel encroachment line. Potential DEEP enforcement of this violation may bring an environmental component into compliance regulations, as she noted in speaking with Colin Clark of the Inland Water Resources Commission @ DEEP this day.

Chairman Harley indicated that the non-compliance statement made above is misleading, as there is no special permit before the Commission at this time.

Mrs. Zalznock mentioned the NDDDB review is preliminary, and it may require further survey if additional permits are submitted to the State. A high risk commercial operation is incompatible and an inappropriate use of land within a low risk Class GA groundwater and Agricultural Conservation zone. The Town Planning & Zoning Commission is responsible for protection of human health and the environment when considering zoning decisions. There are alternatives such as location in a commercial Class GB zone. The Town Economic Development Team can begin to research the new Brownfield's Remediation Revitalization Program adopted by DEEP in 2011, as well as the Urban Sites Remedial Action Program (facilitates the transfer, reuse and redevelopment of potentially polluted industrial and commercial property).

Mrs. Zalznock is opposed to the use of the site as noted and described in this Application.

Michael Zalznock, 965 Folly Brook Boulevard, indicated the photographs of the Applicant's current business location very clearly show the stewardship of a piece of property that exists at least to about 2006. He noted that a big selling point of this Application has been that the Applicant takes good care of his property. He also noted that the Application submitted regarding the stream channel encroachment line clearly stated that non-porous materials, not paved materials, were going to be used as surface at the site and noted the Application submitted to the Town clearly stated that paved surface was planned for the site. He reiterated the use for what he considers an industry and the fact that trucks registered to the business with the State DOT brings the business into a standard industry code which classifies said business as an industrial company for an industrial general permit under the State of Connecticut and US EDA storm water permit program. He stated these issues need to be brought out to this Board in consideration of how this subject land will be used for further generations.

Commissioner Homicki inquired and Mr. Zalznock indicated the existing site of the Applicant's business is in an Industrial Commercial zone.

Commissioner Homicki inquired if Mr. Zalznock viewed the ten bullet points referred to in a Staff Memorandum in consideration of how the text wording could potentially be perhaps to promote nursery products in addition to agricultural products.

Mr. Zalznock recommended the agriculture growing of stock occur in the Meadows with the Industrial, Contractor-based portion of the business located in another area of Town.

Commissioner Hammer asked Mr. Zalznock to forget about who the Applicant is or where they are located now and focus only on whether the regulations should be amended, or not, to allow a landscape business. He inquired and Mr. Zalznock concurred this area in the Meadows is not appropriate, no matter who is doing it, for a landscape type of business to the extent that it goes beyond the growing of agricultural products and into storage and/or maintenance of vehicles and/or equipment that are associated with the landscape business. Mr. Zalznock mentioned that there are clear, distinct definitions in the dictionary for a barn and a garage and that the structure mentioned for this site is clearly not a barn. Mr. Zalznock also mentioned that when pavement, buildings, trucks, and equipment are brought in, stored and maintained on a site, history tells us that something will happen that will affect the environment. He believes the proposed operation is not suitable for the site proposed.

Joseph Kulmacz, 37 Old Pewter Lane, submitted a letter dated 09/08/12 in opposition to this Application.

Jim Woodworth, 5 River Road, (who commented on this Application at the 09/05/12 PZC Meeting) spoke as a citizen and a representative of the Great Meadows Conservation Trust, Inc. He is concerned with flooding at the site based on the site's flooding history.

Commissioner Oickle inquired and Mr. Woodworth indicated that access to Elm Street, in particular to this site, was limited during Storm Irene in August 2011, as the water rose approximately to the area just about two (2') feet away from where the proposed building is planned at the site.

Mr. Woodworth read a statement from Nature Conservancy, where they are preserving a ranch on the river "by giving rivers room to swell beyond their banks in times of high flow, undeveloped flood plains reduce risk flood risk to communities downstream while allowing groundwater aquifers to recharge the natural water purification processes to function". He noted that the Meadows acts as flood storage area, and it should remain that way. He also noted that the residential area would be adversely affected by the zone change. He asked that this Application be denied.

Commissioner Oickle inquired and Mr. Woodworth indicated the Applicant could look at Russell Road and the Silas Deane Highway for location of this proposed business. It was also noted that flooding of the CT River can occur gradually.

Attorney Romano inquired and Mr. Gillespie indicated that his Memo dated August 31, 2012 speaks to the issue of where (what zone) in Town where a landscaper could have their commercial business vehicles and grow nursery stock. Mr. Gillespie also indicated at the present time, based on specific definitions within Town Regulations, contractor's yards with any kind of storage within the business park zone (Progress Drive, Putnam Park). Mr. Gillespie noted that no commercial zones in Town permit farming or agriculture.

Betty Schmitt, 87 Tryon Street, South Glastonbury, CT, member of the Great Meadows Conservation Trust, Inc., (who commented on this Application at the 09/05/12 PZC Meeting) indicated the Commission did the right thing several years ago in passing what is the current Agricultural Zoning ordinance. She mentioned the language in the ordinance is appropriate, as definitions of the appropriate uses are explained in the ordinance for the agricultural zone and flood plain, and no changes are needed at this time. She is not in support of the proposed text amendment.

Ms. Schmitt indicated that Glastonbury regulations contain building zone regulations with a groundwater protection overlay zone. Business services noted are: lawn care establishments: a) involving a large quantity of hazardous materials is prohibited in Town; b) involving a small quantity of

hazardous materials is allowed by special permit; c) involving no hazardous materials other than portable fuel containers that are less than eleven (11) gallons are allowed anywhere in Town.

Ms. Schmitt inquired as to the number of properties that would be impacted, as well as the total acreage involved, if the proposed text amendment passes.

Mr. Gillespie indicated information from the GIS system, as provided to the Commissioners and the Applicant, which is specific to the area on Elm Street and bordered Maple Street. The area shows nine (9) properties that exceed five (5) acres each and that total acreage was not calculated. An estimate of approximately thirty (30) acres is subject to the proposed text amendment if passed.

Ms. Schmitt noted the fragile floodplain is the conservation piece in the POCD. She is concerned with compacting of soils, the pervious coverage and drainage of the site. She believes the Applicant can locate the agricultural growing portion of the business and its storage/office building in two (2) separate locations. She questioned whether there would be a limitation to outdoor storage of stockpile materials on the site relative to the proposed text amendment. She questioned the cost for staff monitoring of the proposed text amendment. If a violation was learned, she questioned as to whether there is enforcement power to rectify and/or impose fees.

Chairman Harley indicated and Mr. Gillespie concurred that under the proposed text amendment, fifteen (15%) percent of the thirty (30%) percent non-agricultural area is the portion of the site where outdoor storage of equipment and materials would occur and that seventy (70%) percent of the entire site would be designated as agricultural only.

Mr. Gillespie indicated there is no precedence regarding the amount allowed for equipment and materials stored outdoors on the site and therefore, it is recommended that language be added to the proposed text amendment for the Commission to have the ability to regulate the portion of a site (or combined sites) for allowing outdoor storage of equipment and materials, as well as paving of a site. He also noted the zone does not have an impervious coverage standard.

Chairman Harley inquired and Mr. Gillespie indicated that under the current zone, [see page 56 of Wethersfield Zoning Regulations, Section (C) Dimensional Requirements] the maximum buildable area for a building/structure in the current zone is ten (10%) percent.

Commissioner Hughes inquired and Mr. Gillespie indicated that the one thousand (1,000') foot buffer line does not apply to any of the other farms in Town and solely applies to the Agricultural zone and solely to a landscape contracting business. The aforesaid buffer does not apply to any other businesses in the Agricultural zone.

Chairman Harley inquired and Mr. Gillespie indicated there are no equipment storage constraints in Town zoning Regulations pertaining to farms.

Commissioner Homicki inquired and Mr. Gillespie indicated based on the maps provided (aerial views of Maple and Elm Streets and the other view from the town/city lines of Rocky Hill and Hartford), from the eleven (11) parcels depicted, four or five could potentially be submitting the same type of Application. Others depicted are 1) isolated farm plots and do not have access to a Town Road and 2) of wetland soil, completely marsh and have standing water, and it is recommended that those parcels not be subject to the proposed text amendment. Mr. Gillespie indicated there are many large parcels east of I-91 and others north of Maple Street. There are also parcels on Broad Street, Main Street and Hartford Avenue (see memo from Mr. Gillespie) which are split Agricultural and Residential, and it is recommended that those parcels not be subject to the proposed text amendment.

T. William Knapp, 171 Collier Road, (who commented on this Application at the 09/05/12 PZC Meeting) has been a Wethersfield resident for seventy four (74) years. He explained that during his employment with the Town, he observed flood activity on at least on two (2) occasions in areas in the Meadows such as by the first residence on Elm Street, past the proposed driveway mentioned in this Application, up to Meadowgate Farm, and up to Putnam Park.

Commissioner Oickle inquired and Mr. Knapp indicated that no one had to be rescued during the events hereinbefore described due to the gradual pace of the flooding. However, vehicles had to be rescued.

Commissioner Standish noted that prior to the flood protection devices installed further up north, there are photos of the 1936 and 1938 floods which depict people having been rescued by rowboats from the second story of residences on Elm Street.

Mr. Knapp mentioned he visited the Applicant's present business location in Newington and noticed at least seven (7) plow trucks, eight (8) trucks and a pay loader, all of which likely would be stored at the proposed Elm Street location when not in use or when not on another site location during the winter season. He also mentioned the seventeen and a half (17 ½') foot width of Elm Street presents difficulties with ingress and egress when coupled with school bus traffic concerns. He mentioned that sixty-eight (68%) percent of voters were in favor of keeping the Meadows as farmland in the 1998 referendum and sixty-two (62%) of voters were in favor of keeping Wilkus Farm properties as open space in the 2010 referendum. He indicated the voting results indicate that citizens do not want buildings on these properties and urged the Commissioners to deny this Application.

Commissioner Oickle inquired and Mrs. Willard indicated that the soil of the Meadows, which is considered some of the best soil in the world, is a fine silt loam that is level, practically stone free, drains well and that a high water table exists and the periodic flooding makes the soil fertile and brings nutrients.

Betty Schmitt, 87 Tryon Street, South Glastonbury, CT, who previously spoke (see page 7) indicated the United States Department of Agriculture sets the standards for soil and they have classified it as Prime A soil. She noted that a map can be obtained which depicts where Prime A soil is located in the CT River Valley.

Attorney Romano indicated he would like a letter submitted for the record from Renee Dinino, 67 Waters View Drive, who spoke at the September 5, 2012 session of this public hearing Application.

Attorney Romano indicated to Mrs. Zaliznock, the Environmental Consultant who spoke earlier at this meeting (see pages 5-6) that the DEEP is in the process of revising its general permit for wastewater management that would apply to parcels of five (5) acres or more and reasoned that this Application has been tailored to be subject to the DEEP's upcoming revisions to that general permit process. He noted that Brownfield's Redevelopment funding applies only to low income housing, which is not permitted in this zone. He also noted that the concerns/fear expressed would be addressed in the Special Permit process. Concerns having to do with groundwater would be addressed with the DEEP and other authorities in a special permit process. He noted that the sole purpose at this time is to look at the text amendment with its controls, as this Application is not for a special permit.

Commissioner Oickle mentioned he is concerned with the narrow width of and lack of sidewalks on Elm Street in conjunction with safe ingress/egress and general travel (with or without the presence of snow along the roadside) of truck and school bus traffic. He is also concerned with flood levels and noted authorities such as the Army Corps. Of Engineers may have input on Elm Street traffic. He noted that perhaps an Applicant could widen the street. Mr. Gillespie indicated involvement pertaining to road improvements would be dependent upon what improvements were proposed and that a balance of what exists today and what the road would look like in the future would be the goal in the treatment of Elm Street.

Chairman Harley questioned if additional input or perhaps a clause would be needed addressing Elm Street or if that input/clause was something for consideration at a special permit phase.

Vice Chairman Roberts indicated the specifics of how wide Elm Street is in a particular location are relevant to the special permit application. However, he indicated that if the testimony the Commission received is that essentially Elm Street is the only place on the face of the earth that this text amendment could apply, the Commission would want to add something to the proposed elements of consideration to deal with traffic, access and so forth and have that be one of the things an Applicant for a special permit has to come in with. He reasoned that Elm Street seems like the prime example of "you can't get there from here" in that you can't turn onto it from Route 3. He stated an issue that has been neglected in this conversation is that one would have to arrive onto Elm Street by coming in from Broad Street. He mentioned it is relevant to require information on traffic, access, etc., as one of the criteria as part of the special permit process.

Mr. Gillespie indicated there is criteria in the special permit process relevant to traffic, access and site suitability.

Commissioner Hughes indicated he shared the concerns expressed by Mr. Knapp regarding the width of Elm Street. He questioned who would bear the cost if Elm Street was deemed a safety hazard as addressed, including but not limited to sidewalks, cross walks and mechanical systems to support pedestrian safety. He also questioned how the safety on the other side of Elm Street (towards the Broad Street Green) would be handled.

Commissioner Hughes noted that when the Jehovah Witness Hall was built, fire service had to be brought in, and it was quite expensive.

Commissioner Homicki inquired and Mr. Gillespie indicated that in previous testimony, the Applicant mentioned there are storm water drainage, sewer, and water utilities for the subject lot.

Chairman Harley inquired and Mr. Gillespie indicated that the locations of utilities in the portion east of I-91 were not reviewed at this time.

Chairman Harley inquired and Mr. Jack Guilmartin, 9 Meggat Park, clarified (with the assistance of an Anderson family member seated in the audience) that the activity on the lot presently involves dormant land from the first four hundred (400') feet back with a section of land being previously farmed by Anderson Farm and with the remainder of land eventually going up to the ridge line and going back to Beaver Brook.

Commissioner Hughes inquired and Mr. Guilmartin indicated that approximately three (3) acres of the site is swampland. Mr. Guilmartin indicated that no topsoil would be used under the foundation of the proposed building.

Commissioner Hughes inquired and Mr. Guilmartin indicated the burm line from the drop off into Beaver Brook to the one thousand (1,000') foot line is approximately one hundred fifty to two hundred (150'-200') feet.

Commissioner Homicki inquired and Mr. Gillespie indicated that from his observations and the text provided, language could be fine tuned and added to if the Commissioners so desired. He noted that at the end of the day so to speak, this matter would be subject to another public hearing subject to public input and subject to the discretion of this Commission. He noted that an approval of the proposed text amendment is not an approval of a plan.

Chairman Harley noted three (3) potential areas that may need language modifications as 1) inclusion of east of I-91 (yes, as to identify a specific geographical limitation, per Mr. Gillespie); 2) constraint/measure for impervious coverage ratios; 3) transportation/access to elements (mindful of special permit umbrella already stating this requirement). Mr. Gillespie indicated that the geographical limitation would include Maple Street on the north, intersection of the stream channel encroachment line and the I-91 right of way to the south, I-91 corridor on the east, stream channel encroachment line on the west.

Chairman Harley indicated that if the above path is chosen, the I-91 corridor of the east should not be included. He believes the impervious ratio is worth having with perhaps inclusion of the structure.

Vice Chairman Roberts indicated that he understands not wanting to extend the area east of I-91 but he believes a uniformity problem may occur. The problem may be rectified by having a requirement of an accepted/paved Town Road.

Commissioner Standish mentioned there are parcels on the north part of Hartford Avenue that fall under the guidelines. He explained that if those parcels and the area east of I-91 are excluded, the result created would need to be thought through by this Commission.

Attorney Romano indicated that the area east of I-91 as excluded may be an appropriate limitation. Excluding the wetlands from the five (5) acres would put a crimp on a lot of properties, as well as the

one the Applicant is considering. He noted the subject property is just less than eight (8) acres, three (3) acres of which are designated as wetlands. White and Swamp Birch would be grown by the Applicant in the wetlands area.

Mr. Gillespie is concerned with closing the public hearing and making additional changes without additional input from the Applicant or the public.

Commissioner Homicki indicated the potential assemblage of parcels will invite several additional Applications for landscape contracting businesses in a short time if this proposed text amendment passes.

Mr. Woodworth, who spoke earlier during this meeting, indicated the proposed site is 7.49 acres, and the swamp area of that site is 3.07 acres.

*(Note from Recording Secretary: Chairman Harley, Commissioner Hammer, and Commissioner Dean did not attend the Wethersfield Planning and Zoning Commission Public Hearing and Meeting of September 5, 2012.)

*Chairman Harley addressed the Commission relative to their readiness of voting on this Application, and noted that he was adequately informed to vote on this Application. Commissioner Hammer expressed that he was prepared to vote on this Application. Vice Chairman Roberts and Commissioner Dean both indicated they would not be voting on this Application. Commissioner Dean explained that although he was not present at the first session (09/05/12) of the Public Hearing of this Application, he viewed the DVD recording of said meeting, the entire Application and its supporting documents, as well as having an eyeball view of the proposed site, and considers himself familiar with the Application. However, he indicated that since two (2) alternate members of the Commission were present for the last public hearing of this matter, he would not be participating in the vote. Clerk Margiotta, and Commissioners Homicki, Oickle, Hughes, Edwards, Vasel, and Standish indicated they would be voting on this Application.

Motion: Commissioner Oickle made a motion to close the public hearing of **PUBLIC HEARING APPLICATION NO. 1775-12-Z Thomas A. DiCioccio** Seeking a Zoning Text Amendment in accordance with Section 10.1.F of the Wethersfield Zoning Regulations to permit and define landscape contracting business in the Agricultural (AG) Zone.

Second: Commissioner Standish seconded the motion.

Aye: Margiotta, Oickle, Edwards, Vasel, Standish;

Nay: Harley, Hammer, Homicki, Hughes;

Vote: 5 – 4;

This Public Hearing was Closed.

Discussion:

Commissioner Homicki recommended the incorporation of: 1) the two (2) page submission by the Applicant of PROPOSED TEXT AMENDMENTS TO WETHERSFIELD ZONING REGULATIONS; 2) the Staff Recommendations 1-10 on Page 4 of the Memorandum from Peter D. Gillespie, Economic Development Manager/Town Planner and Denise Bradley, Assistant Planner to the Planning and Zoning Commission dated August 31, 2012; 3) Town accepted Street; 4) Water and sewer; 5) Impervious coverage ratios.

Commissioner Margiotta indicated ¼ acre (1.23 or 10,000 square feet) non-agricultural outdoor storage
Commissioner Hughes indicated that taking wetlands areas out of the equation allows for excluding the

area east of I-91.

Mr. Gillespie indicated he has personal experience of individuals being allowed to farm on wetlands areas with DEEP approval. He discouraged the Commission from excluding wetlands areas from overall calculations of parcels, as exclusions in this regard are not done in any other area of Town.

Commissioner Hughes indicated he is not comfortable with the calculation of parcels having a temporary component such as a donated land portion of a parcel and its relativity to impervious coverage.

Vice Chairman Roberts indicated that when considering the text change, it does not make sense to take the wetlands out of the calculation since the use encouraged is agricultural, one of the few uses permitted in the wetlands. Commissioner Margiotta concurred.

Mr. Gillespie indicated that any change to the statutory requirements, the Commission must determine: 1) The public health, safety, welfare, or property values will not be adversely affected; 2) The proposed change will not hinder the attainment of the purposes of these regulations; 3) The proposal shall be made in accordance with the Plan of Conservation and Development.

Commissioner Standish suggested the use of the 100, 50 or 25 year flood line as a factor in determining whether building is permitted in the flood plain.

Mr. Gillespie indicated the following item of criteria as: No landscape contracting business may be permitted on a lot which does not have adequate road pavement, sanitary sewers, storm sewers and water mains.

Commissioner Standish mentioned establishing limitations on equipment, as well as proposed hardscaping equipment/supplies.

Commissioner Hammer suggested the following language: It must be demonstrated that the roadway network that will handle traffic to the site is adequate in width, condition, character, etc. to safely accommodate

Motion: Commissioner Margiotta made a motion to approve, **PUBLIC HEARING APPLICATION NO. 1775-12-Z Thomas A. DiCioccio** Seeking a Zoning Text Amendment in accordance with Section 10.1.F of the Wethersfield Zoning Regulations to permit and define landscape contracting business in the Agricultural (AG) Zone, with the following six (6) stipulations:

1. PROPOSED TEXT AMENDMENTS TO WETHERSFIELD ZONING REGULATIONS
Section 2.3 – Definitions (New). The word “ primarily” to be replaced to “exclusively” in the first line of paragraph one;
2. 4.1.D. 8. Shall read: “The Commission may impose reasonable conditions on any Landscape Contracting Business Application including but not limited to the following”
3. 4.1.D. 8.b. Delete “15% of the non-agricultural area of the parcel” and replace it with “10,000 square feet”
4. 4.1 (c) The maximum impervious coverage is ten (10%) percent.
5. No landscape contracting business may be permitted on a lot which does not have adequate road pavement, sanitary sewers, storm sewers and water mains.
6. Administrative re-numbering of items shall be made.

Discussion:

Commissioner Oickle indicated he would be voting “no” on this Application because the proposed business would be located in a floodable area. He noted an approval of this Application would open the door for more Applications of this kind in the flood plain and could create spot zoning. He suggested the Town Planner review the entire area of the Meadows and to assist the Applicant in finding a different area of Town to locate the business. He believes an approval of this Application is not the right thing for said area of Town.

Commissioner Homicki commended Town Staff for their work on this matter and noted the Regulations are clear. He indicated that the text amendment, if adopted, would result in a redistribution of parcels and that there is not enough information known of the secondary parcels and their effects in relation to the proposed text amendment.

Chairman Harley indicated he needed more time to review outstanding issues for clarity. He is comfortable with the crafting of the motion that has just occurred. He indicated his comfort in determining the proposal has been made in accordance with the Plan of Conservation and Development, as seventy (70%) percent of the site would remain agricultural.

Commissioner Hughes acknowledged that the DiCioccio family is well respected and an asset to the community and noted that his decision not to support this Application is nothing personal.

Second: Chairman Harley seconded the motion.

Aye: Harley, Margiotta, Edwards;

Nay: Hammer, Oickle, Homicki, Hughes, Vasel, Standish;

Vote: 3 – 6;

This Application was not approved.

3. NEW BUSINESS:

There was no New Business discussed during this meeting.

4. OTHER BUSINESS:

There was no other business discussed during this meeting.

5. MINUTES – September 5, 2012 Planning & Zoning Commission Meeting Minutes:

Commissioner Standish noted that his name is to be added to the voting (Pages 9-12, and 14-16)

Motion: Vice Chairman Roberts made a motion to approve the Minutes from the September 5, 2012, Planning & Zoning Commission Meeting, as corrected.

Second: Commissioner Hughes seconded the motion.

Aye: Roberts, Margiotta, Oickle, Homicki, Hughes, Edwards, Vasel, Standish;

Nay: None;

Vote: 8 – 0;

Chairman Harley, Commissioner Hammer, and Commissioner Dean did not participate in the vote.

Minutes of the September 5, 2012 Meeting of the Planning & Zoning Commission were Approved as corrected.

6. STAFF REPORTS:

Mr. Gillespie indicated a meeting is scheduled in the Town Manager's Conference Room for 5:00 p.m. on Tuesday, October 2, 2012 for the Commission to discuss with the Town Manager the draft of the Plan of Conservation and Development (POCD). The POCD will then be discussed with Mr. Chalder of Planimetrics at the 7:00 p.m. Planning & Zoning Commission Public Hearing and Meeting.

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

There were no public comments made at this meeting regarding general matters of planning and zoning.

8. CORRESPONDENCE:

There were no items of correspondence discussed during this meeting.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:

There were no pending applications discussed during this meeting.

10. ADJOURNMENT:

Motion: Commissioner Homicki motioned to adjourn the meeting at 11:15 PM.

Second: Vice Chairman Roberts seconded the motion.

Aye: Harley, Roberts, Margiotta, Hammer, Oickle, Homicki, Hughes, Edwards, Dean, Vasel, Standish;

Nay: None;

Vote: 8 – 0;

Meeting adjourned.

Respectfully submitted,
Ellen Goslicki, Recording Secretary