

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

July 16, 2013

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, July 16, 2013 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

1. CALL TO ORDER:

Chairman Roberts called the meeting to order at 7:03 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
Richard Roberts, Chairman	✓		
Thomas Harley, Vice Chairman			✓
Antonio Margiotta, Clerk	✓		
James Hughes			✓
George Oickle	✓		
Joseph Hammer			✓
Anthony Homicki			✓
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 Roberts noted at the time of roll call there were five (5) full members and three (3) alternate members in attendance. All members present to participate.

Members of the Public were present.

2. OLD BUSINESS:

There was no Old Business discussed at this meeting.

3. NEW BUSINESS:

3.1 PUBLIC HEARING APPLICATION NO. 1798-13-Z: Gary Catania Seeking a Special Permit in accordance with Section 3.5.2 of the Wethersfield Zoning Regulations for the continued use of a home occupation at 44 Victory Lane. (Renewal and modifications to conditions)

Chairman Roberts indicated correspondence from Counsel for the Applicant was received indicating a preference of having this hearing postponed and opened at the Planning & Zoning Commissions next regularly scheduled meeting (August 20, 2013). Chairman Roberts noted the neighbors have been made

aware of this request and are not present for tonight's meeting as a result.

PUBLIC COMMENTS:

There were no comments made by the Public, as neighbors were made aware of the postponement.

Motion: Commissioner Oickle made a motion to table **PUBLIC HEARING APPLICATION NO. 1798-13-Z: Gary Catania** Seeking a Special Permit in accordance with Section 3.5.2 of the Wethersfield Zoning Regulations for the continued use of a home occupation at 44 Victory Lane (Renewal and modifications to conditions) to Tuesday, August 20, 2013.

Second: Commissioner Dean seconded the motion.

Aye: Roberts, Margiotta, Oickle, Edwards, Fazzina, Dean, Vasel, Standish;

Nay: None;

Vote: 8 – 0;

This Application was Tabled for hearing on Tuesday, August 20, 2013.

3.2 PUBLIC HEARING APPLICATION NO. 1801-13-Z: Sebastiana D'Amato Seeking a Special Permit in accordance with Section 5.6 (Exceptions for Business Redevelopment) of the Wethersfield Zoning Regulations for a change of use from office to personal service to operate a salon and associated site improvements at 376 Silas Deane Highway, east side.

Ms. Cheryl Lynn Newton of Cheryl Newton Architect, LLC, 1917 Main Street, Glastonbury, CT, Architect for the Applicant, appeared before the Commission to describe the renovations to 376 Silas Deane Highway (f/k/a Crown Colony Construction Company). Ms. Newton provided a copy of a photograph of the existing building as it appears today. The renovations would include enclosing the front porch to create a finished space for purposes of accommodating the addition of salon chairs and extend the front steps an additional three (3') feet into the front yard. The existing construction would be matched as close as possible. A demolition plan and a proposed floor plan for the first floor renovation (no renovations to the second floor) are included in the Application documents. Some minor exterior upgrades, incorporating recommendations made by Town staff, are or will be incorporated into the site plan. Project renovations would include removal of the existing steps, railing, windows, and door and replacing the beam to widen the main doorway (in the vicinity of where a reception area is planned). A partition will be removed (between the office and reception area), as it is not structural, and a partition between the office and existing staff area, as well as a swinging door in the office in the back room will also be removed. The existing ramp will remain (and will be extended as requested by the Town). New construction will include conversion of the existing porch into a waiting area and a work station for one (1) stylist. The existing walk would be extended to the existing driveway, sidewalk and street. A reception desk would be placed where the existing reception room currently is located. There are two (2) stylist stations planned for the current office area, and two (2) shampoo stations are planned for the existing staff area, hairdryers and an additional stylist station would be located in the back room. A counter with a sink would be added in the back room for mixing hair color. The existing bathroom would be left as is.

Exterior treatment of the building will allow for existing structural posts, roof, and beams, to remain with an enclosure and insulation of the floor underneath the structure.

Chairman Roberts referred to Mr. Gillespie's July 11, 2013 Memorandum and asked if any of the sixteen (16) comments indicated pose problems to the Applicant.

Ms. Newton indicated she can label the proposed addition to make it understood that the proposed porch is the new construction. She noted zoning and parking tables can be added. She indicated that she would need to speak with Close, Jensen & Miller pertaining to an update of the FEMA flood limit to 2008 maps. She noted the location of the freestanding sign can be indicated, including what the graphics would be. She mentioned there are no issues with comment numbers 7-11. She noted that comment number 12, a modification can be made.

Commissioner Oickle indicated the site is in good order. He questioned where the handicap parking space would be located and if more plantings could be included in the plans.

Mr. Gillespie indicated that according to Town regulations, the location of a handicap parking space must be proximal to the ramp, and this site presents complexities that warrant Town Staff input in this regard. He noted there is some green space in the front area of the site where plantings could be established and that there is no green space in the rear lot, as it is paved.

Mr. Gillespie noted the present parking lot layout is not in compliance with Town regulations, and that Town Engineer could assist in working out details for the parking lot and have them illustrated on the plan to meet Town regulations (5-6 spaces) prior to the lot being striped.

Commissioner Edwards inquired and Ms. Newton indicated the second floor of the building is currently being occupied by the previous tenant, who is moving out in August 2013. Ms. Newton mentioned there are no plans for any work to be done on the second floor at this time.

Commissioner Oickle inquired and Mr. Gillespie indicated if a different business was to occupy the second floor, then other issues come into play regarding requirements.

Mr. Gillespie inquired and Ms. Newton indicated that installing a trench drain/gravel strip to slow down the velocity of storm water drainage to the rear of the site is agreeable to her client.

Mr. Gillespie mentioned the Applicant is to obtain the proper building permits to meet fire safety codes.

Commissioner Oickle indicated that enclosing the existing porch would not interfere with existing site lines on other surrounding buildings.

Mr. Gillespie indicated the Design Review Advisory Committee may ask the Applicant to return to this Commission if there are major objections. This Applicant will meet with the Design Review Advisory Committee tomorrow evening. Mr. Gillespie reminded the Commission that under section 5.6 of Town Regulations, this Commission can grant the enclosing of the porch in the front yard (encroaching over the 25ft. building line) rather than having this matter heard by the ZBA.

Commissioner Margiotta inquired and Ms. D'Amato indicated there are a total of five (5) employees (including her). Three (3) employees work full-time and two (2) work part-time evening hours.

Mr. Gillespie noted the proposed plan accommodates nine (9) parking spaces and five to six (5-6) parking spaces are required.

The Applicant, Ms. D'Amato indicated the two (2) part time employees leave the premises at the times of 3:00 p.m. and between 4:30-5:00 p.m. respectively. Two (2) employees work on Saturdays. The second floor would be used as space for an office and an employee lounge related to her business only, and not for use by clients.

Commissioner Dean inquired and Ms. Newton indicated an alternative approach to enclosing the existing porch was not considered, as the porch is needed for a good energy rating and for wall shelving available to display hair products. It was also deemed cost prohibitive for an addition to the building.

Commissioner Dean summarized Ms. Newton's response, and she concurred that the justification for the proposed design is based upon energy-efficient economics, business space requirements, and overall budgetary limitations.

Commissioner Standish inquired and Ms. D'Amato indicated the new sign would be in place of the existing sign, and a sign will not be on the face of the building.

PUBLIC COMMENTS:

There were no comments made by members of the public regarding this Application.

Motion: Commissioner Oickle made a motion to close the public hearing of **PUBLIC HEARING APPLICATION NO. 1801-13-Z: Sebastiana D'Amato** Seeking a Special Permit in accordance with Section 5.6 (Exceptions for Business Redevelopment) of the Wethersfield Zoning Regulations for a change of use from office to personal service to operate a salon and associated site improvements at 376 Silas Deane Highway, east side.

Second: Commissioner Margiotta seconded the motion.

Aye: Roberts, Margiotta, Oickle, Edwards, Fazzina, Dean, Vasel, Standish;

Nay: None;

Vote: 8 – 0;

This Public Hearing was Closed.

Motion: Commissioner Oickle made a motion to approve **PUBLIC HEARING APPLICATION NO. 1801-13-Z: Sebastiana D'Amato** Seeking a Special Permit in accordance with Section 5.6 (Exceptions for Business Redevelopment) of the Wethersfield Zoning Regulations for a change of use from office to personal service to operate a salon and associated site improvements at 376 Silas Deane Highway, east side, with the following stipulations:

- 1) the proposed addition shall be labeled;
- 2) a zoning table shall be added;
- 3) a parking table shall be added;
- 4) update of the FEMA flood limit to 2008 maps shall be included;
- 5) freestanding sign location shall be shown;
- 6) the front walkway shall extend out to the sidewalk;
- 7) an additional parking space shall be added;
- 8) a handicap parking space location shall be determined;
- 9) the parking lot shall be re-striped in accordance with Zoning Regulations;
- 10) both a stop bar and a stop sign shall be added;
- 11) "no parking" signs shall be added along the southern driveway;
- 12) the existing handicap ramp at the site may require modifications, to the satisfaction of the Building Official, as there is no record of said ramp being previously approved by the Town;
- 13) the railing along the handicap ramp shall be extended to the satisfaction of the Building Official; and

14) a two by two (2'x 2') foot stone filter strip shall be added.

Second: Commissioner Fazzina seconded the motion.

Aye: Roberts, Margiotta, Oickle, Edwards, Fazzina, Dean, Vassel, Standish;

Nay: None;

Vote: 8 – 0;

This Application was approved, as stipulated.

4. OTHER BUSINESS:

Motion: Commissioner Standish made a motion to add the following matter to this meeting's Agenda: Discussion with Applicant's Counsel and an interested purchaser regarding **APPLICATION NO. 1636-09-Z: 295 Ridge Road** Request for Site Plan Approval Extension for 291-295 Ridge Road

Second: Commissioner Fazzina seconded the motion.

Aye: Roberts, Margiotta, Oickle, Edwards, Fazzina, Dean, Vassel, Standish;

Nay: None;

Vote: 8 – 0;

Discussion regarding APPLICATION NO. 1636-09-Z: 295 Ridge Road was Added to meeting Agenda.

Kevin Burns, Esq. of Cohen, Burns, Hard & Paul, 81 South Main Street, West Hartford, CT, appeared on behalf of his client (who is the Applicant Mr. Tartaglia, Manager of 291 Ridge Road, L.L.C. & Special Purpose 5011, L.L.C.) to update the Commission on the progress of the negotiations between his client and Lifestyles Unlimited, Inc. A draft contract was sent on July 6, 2013 to the CEO of Lifestyles Unlimited, Inc. (Mr. Lefkovich) and his Attorney. Attorney Burns indicated the parties are very close in finalizing the terms of the contract, and that something will be put together on or about July 19, 2013. The parties are essentially in agreement with the purchase price, and details regarding a construction schedule are still being worked out. A proposed construction schedule (calling for a revised site plan submission to the Commission by August 2013 and successive hearings for site plan approval to be held in the fall) was provided to Attorney Burns from Mr. Lefkovich. The proposed schedule would lead to the expiration of the existing Application deadline of September 29, 2013. Attorney Burns indicated that his client, Mr. Tartaglia, has been out of the country and has not been able to address the directives made by this Commission, at the June 4, 2013 Public Hearing and Meeting (in particular the installation of the vinyl fence in place of the existing stockade fence at the site, as well as site maintenance of that area). Attorney Burns anticipates Mr. Tartaglia's return on or about July 19, 2013 to address these issues with Mr. Gillespie. He mentioned Mr. Lefkovich's plans for landscaping may alleviate the need expressed for having the vinyl fence. He suggested there may be a less expensive alternative for the fence and maintenance issues.

Commissioner Standish indicated his concern that Mr. Tartaglia's absence should not have prevented a non-compliance of the vinyl fence installation requirement. He noted that other than Mr. Tartaglia himself installing the fence, a phone call to a contractor to install the fence could easily have been made by Mr. Tartaglia. He described Mr. Tartaglia's non-compliance in this regard as "unconscionable" and a way to delay and avoid the requirement and further delay compliance with his Application requirement. He suggested the Commission not proceed with this matter unless the fence requirement is satisfied.

Chairman Roberts indicated there is an open question as to whether the June 4, 2013 approval is in effect any longer due to the Applicant's non-compliance with the July 1, 2013 deadline of having a vinyl fence installed.

Attorney Burns indicated that if he didn't communicate the July 1, 2013 deadline to Mr. Tartaglia, he takes responsibility for that. Mr. Tartaglia was foreclosed on this subject property, is now acting on behalf of another entity whose responsibility is now to maintain that property and has brought that concern (fence) to their attention. Mr. Tartaglia has not been authorized by any party to engage in pursuing a contract for the fence.

Commissioner Oickle reiterated a history of creating long delays, poor maintenance of properties and disregard to zoning regulations and to this Commission.

Attorney Burns is concerned that more complexities will be created for the proposed sale of the site if the extension deadline for the site is jeopardized.

Commissioner Standish indicated there is no intent to jeopardize the proposal of Mr. Lefkovich. He noted Mr. Tartaglia and the current seller are jeopardizing the proposed sale by not complying with stipulations made from the Commission.

Chairman Roberts mentioned this Application has been discussed every six (6) months or so over that last six (6) years and that in the last three (3) years, the Applicant has continually expressed a deal was nearly made. He noted people have been viewing an increasingly, ugly eyesore, and specific conditions of the extension (such as a new fence by July 1) are ignored by Mr. Tartaglia. Chairman Roberts suggested that having the outstanding conditions met by the next meeting (August 20, 2013) rather than pulling the plug on the impending deal described by Attorney Burns may be an alternative.

Commissioner Fazzina indicated Mr. Tartaglia's conduct suggests there is no intent to fix the fence, as his experience with developers is that they have very easy accessibility to contractors. He mentioned the developer can be reached, as parties have demonstrated there are ongoing negotiations concerning the proposed contract.

Commissioner Dean indicated that despite the Commissions sympathy for the prospective purchaser of the property, the real issue is the credibility of this Commission and raises the stakes as to how the Commission acts regarding the sale.

Chairman Roberts provided three (3) options for consideration by the Commission regarding this Application: 1) let the matter go (no action taken on the failure to construct the fence), the extension is good until November; 2) failure to fix the fence by July 1 nullifies the extension, and the approval has evaporated; 3) there was a non compliance by July 1, and the Commission could revoke the special

permit but, in light of the impending sale explained by the parties, the Commission is willing to extend the deadline to August 20 for one of the following options: a) repair of the fence, b) an installation of a new fence, or c) installation of something equally acceptable (in lieu of the fence) to the Commission.

Commissioner Standish suggested that an extension to the next meeting should only be extended to Mr. Lefkovich for his good faith efforts in moving forward with the proposed project. He suggested that if the current owners do not comply with the requirement of installing the fence required (and not compromised), this Commission rescind the extension.

Motion: Commissioner Standish made a motion to extend the deadline for the construction of the fence (of size and scale as stipulated in the approval of the ninety (90) day extension of time from the July 1, 2013 deadline for commencement of construction, as noted in Section 10.1.D.5.B. of the Wethersfield Zoning Regulations for APPLICATION NO. 1636-09-Z: 295 Ridge Road, pursuant to all the terms and conditions of the original approval and its stipulations/conditions) from July 1, 2013 to August 20, 2013.

Second: Commissioner Oickle seconded the motion.

Discussion:

Commissioner Dean indicated the above motion addresses the alternative approach suggested by Chairman Roberts and that the extension would continue if the fence issue is properly responded to by August 20, 2013.

Commissioner Roberts indicated the property is owned by a foreclosing entity that has no land use approvals and that the subject property will remain in decay for the infinite future if the parties do not attend to the stipulations.

Commissioner Standish reiterated the need of the current owner and/or its representatives to understand the fence needs to be installed by August 20, 2013. He noted the Commission will not want to hear on August 20, 2013 that a contractor will be installing the fence in October. Attorney Burns indicated that will not happen.

Aye: Roberts, Margiotta, Oickle, Edwards, Fazzina, Dean, Vasel, Standish;

Nay: None;

Vote: 8 – 0;

The Fence (as stipulated in the June 4, 2013 decision) must be installed by August 20, 2013.

Comments: Chairman Roberts mentioned to Attorney Burns and Mr. Lefkovich that they could contact with Mr. Gillespie if they had any questions.

Jeff Lefkovich, President/CEO, Lifestyles Unlimited, Inc., appeared before the Commission and noted a purchase and sale agreement is diligently being worked on with the sellers. He has a construction

schedule and conceptual drawings prepared. He will return to his working team and evaluate how they will proceed with this matter. He noted he intends to attend the August 20, 2013 meeting and there will be discussions with the sellers up to that time. He also noted he is very motivated to complete this project and mentioned the location for the facility planned is ideal. He indicated the proposed facility would create at least sixty (60) full-time, well-paying employment opportunities. He also indicated there will be clear communication with the condominium complex and the Town when they proceed with the project.

Commissioner Fazzina inquired and Mr. Lefkovich indicated the memory care facility will be approximately eighty thousand (80,000) square feet [four (4) stories/seventy-two (72) units – eighteen (18) apartments each building]. Keith Patterson is the architect for this project, and the company website is: <http://www.lifestylesunlimitedinc.net>.

Commissioner Oickle inquired and Mr. Lefkovich indicated the subject fence and the house in disrepair behind it is not property subject to the sale and is not part of the deal currently being negotiated.

Commissioner Fazzina inquired and Attorney Burns indicated the residence and subject fence area is an area that is a separate and undeclared unit. There is someone interested in purchasing it. There are issues with assessment that need to be addressed, and the subject sale needs to occur prior to those issues being addressed.

Commissioner Oickle indicated the blight of the front portion of the site is of most concern at this time. Mr. Gillespie indicated he will again discuss that issue with Mr. Tartaglia as soon as Mr. Tartaglia makes himself available from his international travel.

Commissioner Vassel inquired and Mr. Lefkovich indicated the conceptual plans will be made available at the August 20, 2013 meeting of this Commission. Mr. Lefkovich indicated he will be consulting with Town Staff regarding the high water table which exists at the site and that some ledge may require blasting. He noted the same engineering firm and the landscape architect that worked at the site will be utilized for the project.

5. MINUTES – July 2, 2013 Planning & Zoning Commission Meeting Minutes – not yet available.

6. STAFF REPORTS:

Mr. Gillespie indicated last Wednesday evening (July 10, 2013) some Commission members attended an information session regarding plans (funded by the CT Historic Trust) for the Comstock Ferre and Belden House properties on Main Street. He mentioned that meeting was well attended, and the plan is posted on the Town website. He encouraged the Commission to view the last two (2) chapters of the plan, which provide a summary of the recommendations. Mr. Gillespie indicated an application is anticipated for the repair of the parking lot at the Comstock Ferre site. He noted there is a buyer for the property formerly known as the Masonic Temple (245 Main Street). He also noted the planning office has been contacted by an engineering firm representing a potential buyer regarding the Fun Zone property on Silas Deane Highway. A letter of intent has been received (and perhaps an additional letter of intent may be received) regarding the redevelopment of the Weight Watchers property on Silas Deane Highway. A certificate of occupancy for the first tenant in the building formerly known as Porter and Chester Institute (125 Silas Deane Highway) is being sought, and the Town is requiring that all of the site work be completed prior to an issuance of the certificate of occupancy. The Town will be bonding a

small amount of money for the required stone wall at the corner of Jordan Lane and Silas Deane Highway. There is an application to rehabilitate the former veterinary clinic at 446 Silas Deane Highway into a dentist office anticipated (and Design Review Advisory Committee may be reviewing it tomorrow evening). An RFP may be solicited from architects and engineers (with PZC review beforehand) for a detailed set of design guidelines, as money has been set aside for this endeavor. Mr. Gillespie noted there will be changes in the Marshall's Plaza (644 Silas Deane Highway) and that the Commission may see an application in the near future. The tenant of 644 Silas Deane Highway, Fire Finesse, has inquired if an outdoor storage container of approximately ten by twenty (10' x20') feet can be placed on the side of the building (facing the driveway of Ocean State Job Lot). Commissioner Oickle suggested the tenant review the matter with PZC and expressed concern with promoting overcrowding on sites. Commissioner Standish indicated the tenant may have overgrown their existing space and noted there is vacant retail space at the renovated/rebuilt site (f/k/a Porter and Chester Institute) on the Silas Deane Highway that may have more square footage. Chairman Roberts mentioned that having storage containers as an adjunct on the Silas Deane Highway would not satisfy the ongoing requests from the public to make the Silas Deane Highway look better. Mr. Gillespie noted he will pass the information on to the tenant. Mr. Gillespie mentioned funding has been approved for a part-time zoning officer position, and a job description is in the process of being drawn up. Commissioner Fazzina inquired and Mr. Gillespie indicated the plans for the Price Rite plaza (loading area, etc.) are in the process of being worked on. Commissioner Standish inquired and Mr. Gillespie indicated there is no new activity planned for the northeast portion of the parking lot.

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:

8.1 A letter dated July 9, 2013 from the CT DEEP regarding Public Act 2013-205, Repeal of the Stream Channel Encroachment Line Program.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:

There were no pending applications discussed during this meeting.

10. ADJOURNMENT:

Motion: Commissioner Oickle motioned to adjourn the meeting at 8:32 p.m.

Second: Commissioner Fazzina seconded the motion.

Aye: Roberts, Margiotta, Oickle, Edwards, Fazzina, Dean, Vasel, Standish;

Nay: None;

Vote: 8 – 0;

Meeting adjourned.

Respectfully submitted,
Ellen Goslicki, Recording Secretary