

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

**October 21, 2014**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, October 21, 2014 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 7:05 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
Richard Roberts, Chairman	✓		
Thomas Harley, Vice Chairman	✓		
Antonio Margiotta, Clerk	✓		
James Hughes	✓		
George Oickle	✓		
Joseph Hammer			✓
Anthony Homicki			✓
Angelo Robert Fazzina			✓
Thomas Dean	✓		
Alex Vasel (alternate)	✓		
Leigh Standish (alternate)			✓
Ryan Allard (alternate)	✓		

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

Members of the Public were present.

Chairman Roberts noted at the time of roll call there were six (6) full members and two (2) alternate members in attendance. All members present to participate.

**2. OLD BUSINESS:**

There was no old business discussed during this meeting.

**3. NEW BUSINESS:**

**3.1 PUBLIC HEARING APPLICATION NO. 1835-14-Z: Cedar Mountain Stone & Mulch**  
Seeking a two lot subdivision in accordance with Section 143 of the Wethersfield Subdivision Regulations at 1943 Berlin Turnpike.

Paul Humphreys of Close, Jensen & Miller, P.C., appeared before the Commission regarding this application. He oriented the Commission with the property noting Russell Road to the west, Berlin Turnpike to the East, and an off ramp from the Berlin Turnpike to Route 175 to the South. The Applicant is asking for a two lot subdivision on a property consisting of Cedar Mountain Stone & Much on the southerly portion. Mr. Humphreys indicated that the proposed lots will be in conformance with subdivision regulations Section 143. Mr. Humphreys noted that Cedar Mountain Stone & Much has a lease on the southern portion and the property owners have been offered to purchase the existing lot and newly proposed lot.

Commissioner Oickle inquired and Mr. Humphreys indicated that the reason for location of the line of division was due to existing lease lines and to conform to lot size and setbacks.

Mr. Humphreys introduced Atty. Ronald Denault, also present for the meeting.

Commissioner Oickle inquired and Mr. Humphreys indicated there were no plans for site plan improvement to the property as the request was only to subdivide the property for the sale of the two (2) parcels.

Chairman Roberts inquired and Mr. Gillespie indicated that the proposed lot would comply with subdivision regulations with the exception of the request for sidewalk waiver. Mr. Gillespie noted there may be a potential for encroachment of parking and material storage on the northeast corner property, south of the eighty (80') foot building square, along the property line bordering Russell Road onto the newly proposed lot. He mentioned this may be used as a condition of approval to keep such activity associated with Cedar Mountain Stone & Much.

Commissioner Oickle inquired and Mr. Gillespie indicated that maintenance issues associated with Cedar Mountain Stone & Much may require future applications to the Commission but should remain separate from the current Application for enforcement through Town staff. Commissioner Oickle noted the presence of a barn and shed in disrepair on the current property and felt that such issues should be kept as a part of the Application for which they pertain to.

Chairman Roberts inquired and Mr. Gillespie indicated that the buildable square can exist in the side setbacks, not the front. Chairman Roberts inquired as to whether existing zoning violations were a legitimate reason to deny a subdivision application. Mr. Gillespie indicated they were separate issues and should be handled as such.

Vice Chairman Harley inquired and Mr. Gillespie indicated that the Applicant was proposing the subdivision for legal reasons and not for site development and therefore would not need a site plan designating proposed work. Vice Chairman Harley inquired as to whether both subdivided parcels would be zoned Regional Commercial (RC). He questioned the minimum lot size for RC zone and whether this lot would be eligible for subsequent divisions. Mr. Gillespie indicated the minimum lot size for RC zone to be thirty thousand (30,000) sq. ft. and noted both parcels to be in excess with the house lot consisting of fifty-three thousand (53,000) sq. ft. and the business lot consisting of one hundred thirty-one thousand (131,000) sq. ft.

Vice Chairman Harley mentioned concerns over a second access point for the newly subdivided parcel accessing the Berlin Turnpike.

Chairman Roberts noted that the residential use was non-conforming in the RC zone and expansion for residential use would be limited to follow up zone change and site plan application. He noted that the current Application was to change boundary lines and not to propose a change of use.

Atty Ronald Denault, representing the Applicant, indicated there were no plans at this time for the subdivided parcel.

**PUBLIC COMMENTS:**

Michelle March, 15 Tinsmith Crossing, appeared before the Commission and spoke unfavorably regarding this Application. She is concerned with existing problems at Cedar Mountain Stone & Much and feels that they should be addressed prior to the subdivision approval.

Chairman Roberts read a submission from Mr. Kurt Mintell, 15 Tinsmith Crossing, regarding use of fire hydrants to clean out dump trucks at Cedar Mountain Stone and Mulch.

Chairman Roberts also read an email submission from Mr. John Tartaglia speaking unfavorably of the

Application, expressing concerns for traffic, environmental and site impact, building and zoning code compliance, and a request that the application should undergo a full site plan review.

Vice Chairman Harley inquired and Mr. Gillespie indicated that other than a legal question regarding whether outstanding permit conditions on one property apply to subdivision of a separate property, there is a need to separate the issues. He noted that resolution of such issues will require future approval from the Commission.

Commissioner Hughes indicated a need for the proposed lot division to go forth prior to enforcement in order to establish boundaries for storage.

Chairman Roberts noted that subdivision applications are administrative and that applicants are not required to be in compliance with all zoning regulations in order to apply for a subdivision. He also noted that approval of the subdivision would address the concerns for expansion by preventing the use from moving onto the two (2) acres currently available as a single parcel.

Commissioner Dean inquired and Mr. Gillespie indicated that a memo from Michael Turner, Town Engineer, denotes that his initial concerns had been addressed following submission of revised subdivision plans. Mr. Gillespie also indicated his own concerns had been addressed with the exception of potential for encroachment of stockpile areas and parking. Commissioner Dean questioned the request for sidewalk waiver and voiced concern for its impact on any pedestrian friendly arena of development within the Town.

Chairman Roberts inquired and Mr. Humphreys indicated that no sidewalks exist in the immediate area north of the property to Arrow Road.

Mr. Gillespie noted that sidewalks are a standard in the subdivision regulations, but with no known sidewalks along Russell Road or along the Berlin Turnpike to connect to, they would be inappropriate in this situation. He also noted that being a State road, the State would also have input as to whether sidewalks would be appropriate.

Commissioner Oickle inquired and Mr. Gillespie indicated that the timeframe for submission of site plans was unknown and subject to the approvals. He also indicated that while most subdivisions would consist of straight lines, this Application was drawn as such to eliminate overlap from the business of Cedar Mountain Stone and Mulch onto the residential property. He also referred to the lease agreement in place for use of the area along Russell Road for storage of stone product which would satisfy the needs of the Applicant.

Chairman Roberts inquired and Mr. Humphreys reiterated that this Application was strictly for a real estate transaction and not for site plans.

**Motion:** Commissioner Dean made a motion to close the Public Hearing regarding **PUBLIC HEARING APPLICATION NO. 1835-14-Z: Cedar Mountain Stone & Mulch** Seeking a two lot subdivision in accordance with Section 143 of the Wethersfield Subdivision Regulations at 1943 Berlin Turnpike.

**Second:** Commissioner Hughes seconded the motion.

Aye: Roberts, Harley, Margiotta, Hughes, Oickle, Dean, Vasel, Allard;

Nay: None;

Vote: 8-0;

**Public Hearing Closed.**

**Motion:** Vice Chairman Harley made a motion to approve **PUBLIC HEARING APPLICATION NO. 1835-14-Z** :Cedar Mountain Stone & Mulch Seeking a two lot subdivision in accordance with Section 143 of the Wethersfield Subdivision Regulations at 1943 Berlin Turnpike with the revisions/stipulations as follows:

- 1) The applicant shall stop all commercial activity and remove all commercial material and product from newly created lot;
- 2) A sidewalk waiver is granted for thirteen hundred (1,300') linear feet of sidewalk.

**Second:** Commissioner Hughes seconded the motion.

**Discussion:**

Commissioner Oickle voiced his concern over the sidewalk waiver

Commissioner Allard inquired and Mr. Gillespie indicated that the property owner would be responsible for any environmental concerns through the Connecticut Transfer Act.

Commissioner Oickle inquired and Mr. Gillespie concurred the Application, being five hundred (500') feet from a town boundary, was submitted to the Town of Newington.

Commissioner Dean mentioned that their decision regarding the Application would be independent of any enforcement activities handled by the town in regards to compliance with ordinances.

**Voting:**

Aye: Roberts, Harley, Margiotta, Hughes, Oickle, Dean, Vasel, Allard;

Nay: None;

Vote: 8-0:

**Application Approved as Stipulated.**

**3.2 PUBLIC HEARING APPLICATION NO. 1840-14-Z: Lynn Stabnick** Seeking a Special Permit in accordance with Section 3.6 of the Wethersfield Zoning Regulations to construct a shed larger than permitted in a residential zone at 26 Randy Lane.

The Applicant, Lynn Stabnick, along with her husband David Stabnick, appeared before the Commission regarding this Application. Mr. Stabnick noted that there is an existing shed which they are seeking to replace with a new shed from Kloter Farms

Chairman Roberts noted that in the file was correspondence from the resident at 20 Randy Lane speaking in favor of the Application. There was also correspondence from the resident at 396 Griswold Road speaking in favor of the Application but suggesting that the Commission add the condition of screening.

Vice Chairman Harley inquired and Mr. Gillespie concurred that the maximum allowable size for a shed is two hundred (200) sq. ft. He noted that the Applicant was seeking to install a shed that would be two hundred and sixteen (216) sq. ft.

Chairman Roberts inquired and Mr. Stabnick indicated the height of the shed would be ten (10') feet nine (9") inches to the peak.

Vice Chairman Harley inquired and the Applicant indicated that the existing shed is approximately ten (10') feet by eight (8') feet.

Chairman Roberts mentioned the request from 396 Griswold Road for shrubbery to screen the shed. Mr. Stabnick indicated he planned to screen the shed along the property line adjacent at 20 Randy Lane.

**PUBLIC COMMENTS:**

Mr. Bill Eck, 53 Boulter Road, appeared before the Commission and spoke favorably of this Application but voiced concern over screening of the shed in the left rear corner of the yard. He also questioned the use of the shed and the Applicant confirmed it will be for residential use only.

Chairman Roberts asked Mr. Eck to clarify his location in relation to the Applicant's address.

Ms. Pat Zambrello, 45 Boulter Rd appeared before the Commission requesting to see plans for the proposed shed and location. After consultation with the Applicant, Ms. Zambrello indicated she was in favor of the Application.

Chairman Roberts inquired and Mr. Stabnick indicated that he would consider screening the shed with evergreens as requested by neighbors along the side and rear yards..

**Motion:** Commissioner Hughes made a motion to close the Public Hearing regarding **PUBLIC HEARING APPLICATION NO. 1840-14-Z: Lynn Stabnick** Seeking a Special Permit in accordance with Section 3.6 of the Wethersfield Zoning Regulations to construct a shed larger than permitted in a residential zone at 26 Randy Lane.

**Second:** Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Margiotta, Hughes, Oickle, Dean, Vassel, Allard;

Nay: None;

Vote: 8-0:

**Public Hearing Closed.**

**Motion:** Commissioner Oickle made a motion to approve **PUBLIC HEARING APPLICATION NO.**

**1840-14-Z Lynn Stabnick** Seeking a Special Permit in accordance with Section 3.6 of the Wethersfield Zoning Regulations to construct a shed larger than permitted in a residential zone at 26 Randy Lane., with the following conditions:

- 1) Any lighting proposed shall be in accordance with Section 6.7 (Outdoor Lighting) of the Wethersfield Zoning Regulations and be full cut-off light fixtures;
- 2) The applicant shall submit plans for vegetative screening subject to approval by town staff.

**Second:** Commissioner Hughes seconded the motion.

**Voting:**

Aye: Roberts, Harley, Margiotta, Hughes, Oickle, Dean, Vasel, Allard;

Nay: None;

Vote: 8-0:

**Application Approved as Stipulated.**

**3.3 APPLICATION NO. 1843-14-Z HESA LLC** Seeking Site Plan and Design Review in accordance with Section 5.2 of the Wethersfield Zoning Regulations for medical, business and professional offices at 974-990 Silas Deane Highway.

Kevin West of Prescott Construction Management appeared before the Commission regarding the Application. He noted the Applicant is seeking approval of a modified site plan to accommodate a new nine thousand (9,000)sq. ft. medical use and forty-three hundred (4,300) sq. ft. office use in an existing building at 982 and 990 Silas Deane. He described the one directional flow entering the parking lot and the use of diagonal parking spaces in these areas with two-directional parking in the rear lot. The Applicant plans to post address numbers on the front of the buildings to address concerns of Mr. Turner. Mr. West noted that the medical facility has requested twenty-five (25) spaces in immediate proximity to their location and handicap accessible parking would be distributed around the building rather than in one area to avoid the use of a shared aisle. This will put four (4) handicap spaces in the front and an additional three (3) in other locations for a total of seven (7) required spaces per code. He noted they would be seeking a planting waiver due to minimal impervious lot coverage along the Silas Deane Highway. It was also noted that wheel stops along the store front will remain in place. Mr. West indicated that the Applicant posted No Parking Fire Lane signs on the building along the main aisle per the fire Marshals request for a total of six (6) signs. He mentioned that façade renovations were done in a previous approval and those plans included lighting for both building and signage. He offered to make additional details available upon request. Mr. West indicated that new paving will be coordinated with the new owners to maintain a safe transition to the neighboring property.

Commissioner Oickle inquired and Mr. West indicated that the façade was already done and he would resubmit the façade and lighting if requested.

Vice Chairman Harley inquired and Mr. West indicated that there would be a shortage of seventeen (17) parking spaces and they have requested a waiver for parking requirements. He directed the Commission

to an area on the east end of the parking lot (as noted in conceptual plans provided) which was available as needed for an additional twenty-four (24) parking spaces.

Commissioner Oickle noted the existing parking was more than adequate for the use.

Chairman Roberts indicated that the Applicant had submitted a memo explaining the minimal overlap in peak usage for existing businesses due to the nature of the business as well as varying hours of operation. He noted that this will allow for adequate parking for each use during peak hours.

Commissioner Oickle inquired and Mr. West indicated that the damaged pole in the rear had been inspected by CL&P and was not damaged enough to be replaced but they would consider bollards. He also indicated that dumpsters in the rear could be corralled into a smaller area.

Commissioner Oickle inquired and Mr. Gillespie concurred that dumpster enclosures are used for aesthetics. He noted that trailers being used as storage for New England Patio and Hearth were occupying designated parking spaces and should be cleaned up. He indicated some dumpsters will be screened but others out of visual sightline may remain without screening.

Commissioner Hughes inquired with regard to the classification of trailers as temporary structures and Chairman Roberts noted that similar trailers in town have been subject to enforcement. Mr. Gillespie mentioned there are size restrictions and reiterated that the trailers were occupying parking spaces and could be discussed prior to approval.

Commissioner Margiotta inquired and Mr. West indicated that diagonal parking is being proposed to make the best use of the space which has a limited area in the front of the building. He indicated areas on the conceptual plans which will contain landscaping. Commissioner Margiotta inquired as to eliminating the southerly curb cut and Mr. West indicated that to do so would require use of the neighboring property to access this location.

Commissioner Allard noted that flush pavers and sidewalk may pose a problem with cars overhanging the Sidewalk Right of Way as they pull into the parking spaces or pull out of the parking lot and suggested the use of curb stops to prevent traffic from pulling out unobstructed into the Sidewalk Right of Way.

Vice Chairman Harley inquired and Mr. Gillespie indicated that he received two (2) requests for waivers from the Applicant for parking and landscaping, and noted eleven (11) issues that have not yet been completely addressed from the memo written by Mr. Turner.

**PUBLIC COMMENTS:**

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

**Motion:** Vice Chairman Harley made a motion to approve **APPLICATION NO. 1843-14-Z HESA LLC** Seeking Site Plan and Design Review in accordance with Section 5.2 of the Wethersfield Zoning Regulations for medical, business and professional offices at 974-990 Silas Deane Highway, with the following conditions:

- 1) Numbers shall be posted on the front and rear doors of all tenants;
- 2) At least one (1) handicap parking space shall be designated for Sherwin Williams;
- 3) Details shall be submitted for proposed planting plan;
- 4) Eliminate wheel stops in certain locations;
- 5) Details for plantings, pavers, signage, lighting and dumpster enclosure shall be submitted to town staff for approval;
- 6) Clean out and inspect catch basin and report to Town Engineer;
- 7) Existing and proposed curb cuts and driveways to have MUTCD (Manual on Uniform Traffic Control Devices) directional signs and obtain DOT approval for work within State Right of Way;
- 8) Details for all proposed lighting shall be in accordance with Section 6.7 (Outdoor Lighting) of the Wethersfield Zoning Regulations and be full cut-off light fixtures and Applicant shall provide construction details of proposed exterior lighting, both pole and building mounted;
- 9) Work with town staff to resolve issues with trailer storage behind New England Patio and Hearth;
- 10) Bollards shall be provided to protect the existing gas meter and utility poles;
- 11) Work with Town staff to reduce number of dumpsters on site and provide details for proposed screening;
- 12) Employees shall be encouraged to park in the rear parking lot;
- 13) A landscaping waiver is granted.

**Second:** Commissioner Dean seconded the motion.

**Discussion:**

Chairman Roberts inquired and Mr. West indicated that employees are encouraged or required to park in the rear leaving front spaces available to customers. He was in agreement that a stipulation for parking in the rear would be beneficial to all parties.

Commissioner Oickle inquired and Mr. West indicated that the rear stairs would be removed and replaced with a small stairwell as a means of egress.

**Voting:**

Aye: Roberts, Harley, Margiotta, Hughes, Oickle, Dean, Vassel, Allard;

Nay: None;

Vote: 8-0:

**Application Approved as Stipulated.**

**4. OTHER BUSINESS:**

There were no matters of Other Business discussed during this Meeting.

**5. MINUTES – October 7, 2014. Planning & Zoning Commission Meeting Minutes**

Commissioner Oickle inquired and Chairman Roberts clarified the direction in question at Goff Brook Shops was correct.

**Motion:** Commissioner Oickle motioned to approve the minutes, as submitted.

**Second:** Vice Chairman Harley seconded the motion.

Aye: Roberts, Harley, Margiotta, Hughes, Oickle, Dean, Vassel, Allard;

Nay: None;

Vote: 8-0:

**Minutes approved as submitted.**

**6. STAFF REPORTS:**

Mr. Gillespie presented the Commission with a listing of enforcement actions from Monica Holloway, Property Maintenance/Zoning Enforcement Officer for the Town of Wethersfield. She will be providing the Commission with updates on a regular basis.

**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 at this meeting.

**9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:**

**9.1 PUBLIC HEARING APPLICATION NO. 1842-14-Z Kishan Patel** Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for retail liquor sales at 860-862 Silas Deane Hwy.

**10. ADJOURNMENT:**

**Motion:** Commissioner Dean motioned to adjourn the meeting at 8:43 p.m.

**Second:** Commissioner Hughes seconded the motion.

Aye: Roberts, Harley, Margiotta, Hughes, Oickle, Dean, Vasel, Allard;

Nay: None;

Vote: 8-0:

Meeting adjourned.

Respectfully submitted,  
Lindsay Schmitt, Recording Secretary