

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

**January 6, 2015**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, January 6, 2015 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 7:04 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 seven (7) full members and three (3) alternate members in attendance. Commissioner Standish will not be voting.

**2. OLD BUSINESS:**

There was no old business discussed during this meeting.

**3. NEW BUSINESS:**

**3.1 C.G.S. 8-24 Review Dedication of land for right-of-way purposes (Wilkus Farm Property, Old Reservoir Road and Whippoorwill Way).**

Mr. Gillespie described to the Commission the Town owned Right of Way on Old Reservoir Road and Whippoorwill Way. He indicated a triangular piece of property, 3,029 s.f. in area adjacent to the Wilkus Farms Open Space, deeded separately in 2010 and reserved for future extensions of Old Reservoir Road. Two (2) subdivisions were approved by the Town in 1980 and have remained undeveloped due to the land in question. The subdivision in question, historically known as the Ireland Estates, has a potential developer interested in moving forward with the project.

Commissioner Hammer inquired and Mr. Gillespie indicated the Ireland Estates subdivision would be developed first for a total of twelve (12) lots.

Commissioner Oickle inquired and Mr. Gillespie indicated only the Ireland Estates subdivision was indicated for development at this point and that the road would be paved on Old Reservoir Road with a temporary cul-de-sac put in place for the future development of Reservoir Lane. He also indicated it would need to go through Inland Wetlands Commission.

Mr. Gillespie indicated when the Right of Way on Old Reservoir Road was dedicated to the Town, there were two (2) properties deeded to the Town for open space – one from each subdivision and bordering the Wilkus Farm Property.

Commissioner Oickle urged the Commission to require a temporary cul-de-sac during construction and Mr. Gillespie indicated it may be a condition of the 1980 subdivision approval.

Commissioner Hammer inquired and Mr. Gillespie indicated the Ireland Estates subdivision would be developable without the triangular piece of land on Old Reservoir Road via the extension of Whippoorwill Way.

Commissioner Oickle inquired and Mr. Gillespie indicated the road could have been developed in 1980 but it wouldn't have been a smooth transition without the acquisition of that triangular parcel.

Commissioner Hammer inquired and Mr. Gillespie indicated there was a court action in 1993 which specified that although time had passed without work being done, the subdivision was still active.

Commissioner Hammer inquired as to the perceived benefit to town to allow new residential development, and whether the developer is offering monetary incentive to the Town to move forward. Mr. Gillespie noted there had been no discussion of monetary incentive for the Town. He also indicated this to be the last remaining developable portion of Town with a significant number of lots.

Commissioner Hammer noted his skepticism towards this development and is concerned this will not be a positive move for the Town.

Commissioner Oickle inquired and Mr. Gillespie indicated the lots have already been subdivided and have been taxed as single family building lots since their division. If a developer was to propose condominiums it would require a zone change. The developer's attorney feels the lots are legal building lots and this parcel of land is an impediment to the extension of Old Reservoir Road within the existing Right of Way.

Commissioner Hammer voiced concern for the previous litigation over the properties.

Chairman Roberts indicated it would be useful to know whether they are valid approved subdivisions in which the developer could immediately begin work without notifying neighbors who may not be aware of previous approvals.

Commissioner Allard inquired and Mr. Gillespie indicated there is no legal agreement stating the road and subdivision cannot be developed without the triangular piece of land. If the property is not added to the Right of Way, Old Reservoir Road would need an alternative layout. MDC had begun to put in some utilities but did not complete the work.

Discussion ensued over the long term goal of connecting Old Reservoir Road down to Two Rod Highway and the effect on traffic flow.

Commissioner Dean inquired and Mr. Gillespie indicated this project was not addressed fully in the last Plan of Development.

Commissioner Oickle voiced interest in requiring a cul-de-sac as a condition of approval. He also expressed concern for changes in Inland Wetland rules since the original approval of the building lots.

Commissioner Hammer indicated a preference to defer action until more information is obtained.

Mr. Gillespie noted the legal time frame for action would be thirty (30) days.

Discussion ensued over when the thirty (30) days would begin and end. Chairman Roberts indicated it was in fact thirty-five (35) days.

Commissioner Standish inquired and Chairman Roberts agreed the Commission should hear the opinion of the Town Attorney on whether the lots remain legally buildable.

Commissioner Allard noted concern for changes in wetlands rules since 1980.

Commissioner Hughes questioned the effect of the Right of Way on the Wilkus property in terms of displacing wetlands.

Commissioner Hammer inquired and Mr. Gillespie indicated there was a separate property tax appeal.

Mr. Gillespie inquired and Chairman Roberts indicated the Commission would like to have the written opinion of the Town Attorney prior to the next meeting.

Commissioner Vasel inquired and Mr. Gillespie indicated the two (2) lots to the northeast corner of Ireland Estates along the already paved portion of Old Reservoir Road had not been developed due to being a part of the subdivision in question

Commissioner Hammer inquired and Mr. Gillespie indicated the lots within the Ireland Estates subdivision, if large enough for further subdivision, would need to come back for approval.

Commissioner Standish inquired and Mr. Gillespie indicated he would clarify the discrepancy between the lines on the map for the northwest lot on Whippoorwill Way in the Ireland Estates subdivision.

**Motion:** Commissioner Hammer made a motion to Table the Public Hearing regarding C.G.S. 8-24 Review Dedication of land for right-of-way purposes (Wilkus Farm Property, Old Reservoir Road and Whippoorwill Way).

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

Aye: Roberts, Margiotta, Hughes, Oickle, Hammer, Fazzina, Dean, Vasel, Allard;

Nay: None;

Vote: 9-0.

**Review Tabled.**

### **3.2. PRE- APPLICATION REVIEW - J. Kocur & Sons** regarding 282-284 Silas Deane Highway.

John Kocur, owner of Cove Deli at 285 Main Street, spoke on behalf of the Application. He is looking to purchase the property at 282-284 Silas Deane Highway and convert the space so he can move his business from the existing location. He would like to improve the front of the building, along with some interior changes to accommodate a kitchen and seating. He plans to either add a new driveway to allow traffic flow around the rear or to expand the existing driveway.

Commissioner Oickle inquired and Mr. Kocur indicated he has no plans to cut down trees along the property line as they have no impact on parking. There would be parking to the left and rear of the building with a one way traffic flow.

Commissioner Oickle inquired about greenspace and Mr. Kocur indicated he would like to leave the garage in place and possibly open up a portion for seating with landscaping around the area. He is also open to removing the garage if need be. He indicated there is a tenant on the 2<sup>nd</sup> floor.

Commissioner Oickle inquired and Mr. Gillespie indicated one way traffic flow for parking may cause a problem with a neighboring driveway. This property is large enough to accommodate a dual passage driveway on one side of the building.

Mr. Gillespie inquired and Mr. Kocur indicated if they purchase the property they would maintain the tenant space on the 2<sup>nd</sup> floor.

A brief discussion ensued regarding the wetlands to the rear of the property.

Commissioner Oickle inquired and Mr. Gillespie indicated the Applicant is seeking feedback from the Commission before they move forward with purchasing the property to determine if they will have any hold ups in seeking their approval.

Commissioner Oickle indicated a preference to continue with the trend of moving towards commercial use in this area of the Silas Deane Highway so long as the Applicant is open to improving the look of the property.

Commissioner Margiotta inquired and Mr. Gillespie indicated there is ample space for parking and eliminating the garage would allow for more flexibility. Commissioner Margiotta noted he is partial to a singular curb cut.

Commissioner Oickle inquired and Mr. Gillespie indicated that creating a two-way drive way would eliminate the room for side yard perpendicular parking spaces.

Commissioner Standish noted the change of use on the 2<sup>nd</sup> floor to office space would increase the parking requirements.

Commissioner Hammer indicated he is in favor with a single driveway, placing the handicap ramp on the side rather than front, and exterior upgrades to the building.

Chairman Roberts noted the proposed changes are consistent with what the Commission has been encouraging on the Silas Deane Highway.

Commissioner Oickle noted a tendency in planning for mixed use commercial and residential.

Discussion ensued regarding business hours, parking, and a general indication of support for this change of use in the future.

#### **4. OTHER BUSINESS:**

Mr. Gillespie mentioned the public notice from the City of Hartford for a Special Permit at 1214 Main Street and 271, 273 Windsor Street.

**MINUTES** – December 2, 2014. **Planning & Zoning Commission Meeting Minutes**

**Motion:** Commissioner Oickle motioned to approve the December 2, 2014 minutes.

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

**Discussion:**

There was a discussion about the number of votes recorded and abstentions being included in the count.

Commissioner Oickle indicated page 7, 7<sup>th</sup> paragraph, the State, should read State Liquor Control.

Commissioner Oickle indicated page 8, first paragraph under discussion, data misspelled.

Aye: Roberts, Margiotta, Hughes, Oickle, Hammer, Fazzina, Dean, Vasel, Allard;

Nay: None;

Vote: 9-0.

**Minutes for the December 2, 2014 meeting Approved as Revised.**

**6. STAFF REPORTS:**

Mr. Gillespie noted there have been inquiries for long standing vacant props, in particular 295 Ridge Road and on the Berlin Turnpike behind Salvation Army.

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

Nancy Andrews, 21 Stonegate Drive, appeared before the Commission to discuss the home going up at 15 Stonegate Drive. She is seeking enforcement of stipulations regarding the number of windows facing her home. She described the layout of her home in relation to the windows being installed on the home next door. She presented the Commission with pictures of the home being built to indicate the number of windows on each side. She expressed her desire for the Commission to bypass Town Staff in enforcing stipulations set in 2007.

Chairman Roberts inquired and Mr. Gillespie indicated the approved plan of record is from 2010 when the Tata Family applied for a modification to the stipulations and the specific plan was approved.

Ms. Andrews went into a dialogue about how the Town determines the number of windows on a structure. She indicated there are more windows than what was approved and feels the addition of a patio style door will further violate her privacy with the implications of a future patio that she will see from her kitchen window.

Chairman Roberts indicated that on September 8, 2010 the Commission approved Application 1714-10-Z, amending the plans for 15 Stonegate Drive. Ms. Andrews insisted the application was withdrawn and Chairman Roberts indicated its approval signified it was not withdrawn.

Ms. Andrews went into dialogue about her desire for the Commission to return to the stipulations and plans from 2007.

Commissioner Oickle noted he would like to see more detailed indication of approvals.

Discussion ensued over the changes in number of windows made in 2010 as well as Town procedures regarding notification of abutting property owners. It was noted that Ms. Andrews was in attendance for all meetings regarding the property at 15 Stonegate Drive.

Chairman Roberts inquired and Mr. Gillespie indicated he would provide the Commission with the minutes from 2010 containing the approval.

Commissioner Hammer inquired and Mr. Gillespie indicated that the contractor, Reed Builders, has been made aware of the situation and the Town Building Officials have been advised as well to be sure all work is in compliance with the approved plans and have been on top of the situation.

Ms. Andrews inquired and Chairman Roberts indicated that mention of 15 Stonegate Drive in a prior meeting was part of Staff Reporting and not an official hearing therefore there was no legal obligation to notify her. She indicated a desire for a verbatim wording of the minutes and Chairman Roberts indicated the Commission would use the official minutes as previously transcribed.

Commissioner Fazzina indicated he would like to see a side-by-side comparison of 2007, 2010, and the currently approved plans. Commissioner Allard is in agreement.

## **8. CORRESPONDENCE:**

8.1 December 24, 2014 – City of Hartford – Notice of Public Hearing – Stadium Construction

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

**9.1 PUBLIC HEARING APPLICATION NO. 1851-14-Z 530 Silas Deane Associates LLC** Seeking a Special Permit in accordance with Section 5.3 of the Wethersfield Zoning Regulations for outdoor storage container at 530 Silas Deane Highway.

## **10. ADJOURNMENT:**

**Motion:** Commissioner Hammer motioned to adjourn the meeting at

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

Aye: Roberts, Margiotta, Hughes, Oickle, Hammer, Fazzina, Dean, Vasel, Allard;

Nay: None;

Vote: 9-0.

Meeting adjourned.

Respectfully submitted,  
Lindsay Schmitt, Recording Secretary