

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

June 16, 2015

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, June 16, 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 7:02 p.m.

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

Vice Chairman Harley 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.

2. OLD BUSINESS:

There was no old business discussed at this meeting.

3. NEW BUSINESS:

3.1 PUBLIC HEARING APPLICATION NO. 1865-15-Z Rebecca Colello Seeking a Special Permit in accordance with Section 3.5.2 of the Wethersfield Zoning Regulations to renew Application No. 1759-12-Z to operate a home occupation (salon) at 246 Two Rod Highway.

Rebecca Colello, 246 Two Rod Highway, appeared before the Commission regarding this Application. She has a one chair, small salon in her home and most of her clients are family and friends. She's received no complaints about the business noting some neighbors were unaware of the salons' presence.

Chairman Roberts inquired and Mrs. Colello indicated she is comfortable with the same conditions as

last time.

Mr. Gillespie indicated a staff memo which detailed the history and conditions of the original approval. He also indicated he received no comment from the Central Connecticut Health District.

Gina Deangelo, 16 Dennison Ridge, spoke in favor of the Application refereeing to it as a very quiet business.

Matt Deangelo, 16 Dennison Ridge, also spoke in favor of the Application commenting there is zero foot print to the business.

Mrs. Colello would like to extend the length of time for the special permit.

Vice Chairman Harley asked what would be reasonable and she indicated so long as she occupies the home.

Chairman Roberts indicated the special permit runs with the land not the person but noted the Commission can choose a reasonable length of time and waive the reapplication fee.

Commissioner Oickle inquired and Mrs. Colello indicated there is no issue with cars backing out of her driveway.

Vice Chairman inquired and Mrs. Colello indicated she would like 10 years.

Motion: Commissioner Standish made a motion to close **APPLICATION NO. 1865-15-Z Rebecca Colello** Seeking a Special Permit in accordance with Section 3.5.2 of the Wethersfield Zoning Regulations to renew Application No. 1759-12-Z to operate a home occupation (salon) at 246 Two Rod Highway.

Second: Commissioner Vasel seconded the motion.

Aye: Roberts, Harley, Margiotta, Oickle, Homicki, Fazzina, Dean, Vasal, Standish;

Nay: none;

Abs: Allard;

Vote: 9-0.

Motion: Vice Chairman Harley made a motion to approve **APPLICATION NO. 1865-15-Z Rebecca Colello** Seeking a Special Permit in accordance with Section 3.5.2 of the Wethersfield Zoning Regulations to renew Application No. 1759-12-Z to operate a home occupation (salon) at 246 Two Rod Highway subject to the following stipulations:

1. The permit is for a period of seven (7) years, expiring June 16, 2022;
2. The town shall waive the application fee to renew this approval except for the fees associated with all public notice requirements.
3. The business may operate seven (7) days a week from the hours of 9:00 AM to 6:00 PM;
4. There is to be no more than one (1) client per day;

5. Retail sales are prohibited;
6. There shall be no signage located on the site.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Margiotta, Oickle, Homicki, Fazzina, Dean, Vasal, Standish;

Nay: none;

Abs: Allard;

Vote: 9-0.

3.2 PUBLIC HEARING APPLICATION NO. 1867-15-Z Haejenn Huang Seeking a Special Permit in accordance with Section 3.2.E of the Wethersfield Zoning Regulations for a small Buddhist Church at 15 Robeth Lane.

Yin Sun, nephew of Hae Jenn Huang, appeared before the Commission regarding this Application and to serve as translator for Mr. Huang.

Chairman Roberts inquired and Mr. Sun indicated the purpose of this request for special permit is to practice and study Buddhism, make and distribute audio/visual tapes and they plan to have monthly Buddhism practice and study.

Chairman Roberts inquired and Mr. Sun indicated only Mr. Huang is involved in the making of videos and those are created in a separate location. There will be weekly practices with no more than eight (8) people present. He indicated the same number for monthly seminars noting that those attending may share cars making the number of vehicles on the property less than eight (8).

Commissioner Oickle inquired and Mr. Sun reiterated there would be a maximum of eight (8) cars but more likely that they would share two (2) cars.

Commissioner Oickle inquired and Mr. Sun indicated they are a registered non-profit business with the State of Connecticut. They receive no income but do have occasional donations. Commissioner Oickle noted the narrow driveway and pointed out they cannot park on the grass.

Chairman Roberts inquired and Mr. Sun indicated the sessions will last 8-10 hours when they are in study.

Commissioner Oickle inquired and Mr. Sun indicated if required by the Town, they would make accommodations for handicap accessibility. Commissioner Oickle noted he visited the property and found it in disrepair with animal feces on front sidewalk.

Commissioner Homicki inquired and Mr. Gillespie indicated very little information was provided to staff about activities in the home and in which spaces they would occur. He indicated the Fire Marshal and Health District need to analyze interior activities and determine what improvements will be required. He also noted there are various Fire and Building Code requirements that are dependent upon

the number of occupants proposed in any given use.

Commissioner Homicki inquired and Mr. Gillespie responded on behalf of Mr. Sun that he was made aware of all comments from staff and Mr. Hwang has indicated he feels they can meet the requirements proposed. Commissioner Homicki inquired and Mr. Gillespie indicated the plot plan on file is older and there are limitations noted in staff comments regarding the sloped rear yard being unsuitable for parking cars. The driveway can accommodate six (6) cars parallel parked with room for two (2) more on the street.

Commissioner Oickle commented on cars parked end to end.

Commissioner Homicki inquired and Mr. Sun indicated there are bedrooms in the home but they will not be used overnight.

Commissioner Fazzina inquired and Mr. Sun indicated they will be making changes to the interior of the home only. Commissioner Fazzina noted if interior only the character of the house will remain.

Commissioner Vasel inquired and Mr. Sun indicated the 1000 s.f. of space as indicated in the plan is the size of the assembly area. No walls will be removed and activities will occur in the living room space. He indicated plans to remove the kitchen and utilize that space as well.

Commissioner Margiotta inquired and Mr. Sun indicated they will have lunch for members during weekly activities. He also indicated there will be no signage outside the home.

Chairman Roberts inquired and Mr. Sun indicated all activities will occur inside the house.

Commissioner Oickle inquired and Mr. Sun indicated there will be no marriage or other ceremonies performed, only those listed in the application.

Commissioner Fazzina inquired and Mr. Gillespie indicated he was unsure of the trigger level for what would fall under a Commercial Code for building and occupancy.

Commissioner Oickle noted it would be difficult to vote on the application without other department input. Mr. Gillespie indicated that they've applied for a place of worship so it would not fall under a commercial use.

Commissioner Fazzina inquired and Mr. Gillespie indicated the Building Official, Steve Lattarulo questioned if the home was changing from a single family to a church. The number of people will determine whether or not it is in fact seen as an assembly place.

Vice Chairman Harley inquired and Mr. Gillespie indicated the application process was triggered by ongoing conversations about activity on the property. Mr. Huang had approached the Assessor with a request for non-profit tax exempt status at which point the Assessor informed the Zoning Office of the need to bring Mr. Huang before the Commission to determine what the use is.

Lewis Hock, 5 Robeth Lane, spoke unfavorably of this Application. He abuts the Applicant property and has lived in Wethersfield for 73 years. He commented that Robeth Lane is an AA Residential Zone, meaning no businesses, and claimed the Applicant is doing business there and elsewhere. He stated the

Applicant was approved by Secretary of the State as a business and in 2013 had revenues of \$399,000 out of Garden City, New York. He is convinced the daily attendees are not there to study, but to make and distribute these materials and books. Mr. Hock is also concerned about the parking situation noting previous owners have gone over the driveway wall into his yard. He indicated Mr. Huang is trying to run a business and does sell his materials. He has issues with the noted square footage on plans indicating it is incorrect. He went into detail about how he feels the owner is attempting to dodge taxes by claiming he is a non-profit.

Vice Chairman Harley inquired and Mr. Hock indicated he has seen trailers at the home making deliveries to and from the garage.

Chairman Roberts requested that Mr. Hock submit his paperwork to the Commission as part of record.

Sebastian Gallo, 18 Robeth Lane, spoke unfavorably of this application reading a two (2) page letter he had submitted to the Commission. He also presented the Commission with several records regarding shipping receipts and expenses incurred by the temple. He cited several Zoning regulations in which this Application would not fit the criteria.

Commissioner Oickle noted the width of Robeth Lane to be approximately twenty-eight (28') feet indicating that with cars parked along the street the space may not be adequate to handle the volume of cars and traffic.

Michael Petty, 157 Robeth Lane, spoke unfavorably of this Application. He is concerned about traffic flow leading to issues in the cul-de-sac at the base of street. He questioned the hours in which the 8-10 hours window for seminars would occur and would there be a regular daily occupancy in the home. He noted the home has been unoccupied with the owner coming in to maintain the property.

Atty. Salvatore Petrella, representing Peter Arborio of 157 Robeth Lane, spoke unfavorably of this Application. He pointed out the language barrier which has prevented the expression of concrete terms. He gave a historical perspective on places of worship in Town noting this location to be remote rather than the typical centralized locations. He questioned future potential for growth indicating it would be impossible for the Town to enforce any limitations on the number of people. He questioned the 1000 s.f. figure and the part of the house being used.

Joe Niedomys, 6 Robeth Lane, spoke unfavorably of this Application. He feels there is no way to control the number of people coming and going and has concerns for traffic on the street in the winter causing plowing issues.

Janet Rosenblatt, 33 Two Rod Highway, spoke unfavorably of the application. She stated she grew up on Robeth Lane and read a letter she'd prepared for the Commission.

Chairman Roberts read a list of the following correspondence for the record:

1. Letter from Janet Rosenblatt, 33 Two Rod Highway; 6/16/2015
2. Letter from Lewis Sanzaro, 41 Robeth Lane; 6/16/2015
3. Letter from Town Atty. Jack Bradley to Staff and Commission; 6/15/2015
4. Letter from Lynn Payette, 208 Thornbush Rd; 6/11/2015
5. Memo from Town Planner to Commission; 6/11/2015
6. Letter from Sebastian Gallo; 5/29/2015

7. Letter from Sebastian Gallo; 6/6/2015
8. Correspondence from Heath District; 6/4/2015
9. Correspondence from Zoning Enforcement Officer; 6/3/2015
10. Memo from Building Official; 6/3/2015
11. Memo from Building Official; 6/3/2015
12. Correspondence from Fire Marshal; 6/3/2015
13. Applicant Information from Tian Li; 5/21/2015
14. Applicant confirming neighbor notification; 5/20/2015
15. Applicant information from Hae Jenn Hwang; 4/11/2015
16. Shipping records submitted by Mr. Gallo; 6/16/2015
17. Company details submitted by Mr. Gallo; 6/16/2015
18. Non-stock Corporate information submitted by Mr. Gallo; 6/16/2015
19. Photographs of the driveway submitted by Mr. Gallo; 6/16/2015

Mr. Sun conferred with Mr. Huang to put together responses for comments made by the public.

Chairman Roberts indicated the Applicant should be given time to not only answer questions from the public but to communicate with staff to address issues raised and come back to the Commission with answers.

Commissioner Fazzina noted the importance of a checklist so questions can be addressed systematically.

Chairman Roberts agreed that a breakdown of the proposed activities with numbers along with a reasonable estimation of potential future growth would be needed to appropriately evaluate the Application.

Vice Chairman Harley is in agreement and would like to see the religious requirements of a temple and determine if this is truly a temple or a business.

Joe Rosenblatt, 33 Two Rod Highway, spoke unfavorably questioning how the business began.

Jenn Wolf, 345 Wolcott Hill Road, spoke unfavorably of this Application, encouraging the Commission to deny without prejudice. She feels it is important for neighbors to get answers in writing in a separate application in order to trigger notification requirements of the process.

Bill Shea, 78 Robeth Lane, spoke unfavorably of this Application. He's concerned with traffic and safety. He also questioned if the Application is approved, does the property cease to be a residence or and permanently become a church or business.

Chairman Roberts inquired and Mr. Gillespie indicated the Application was forwarded to the Police Department for traffic issues but they did not provide comments.

Ralph Pandolfe, 117 Robeth Lane, opposes this application because it is a business in a residential zone.

Commissioner Homicki noted the meeting began with an Application for a salon that had a clear proposal whereas this Application was poorly submitted. He questioned why they have taken so long to submit an application if they have been in business for nine (9) years. He noted there are still unanswered questions as to who will occupy the home, issues regarding the snow shelf, times for

members to be in the home and presence of commercial vehicles coming and going. He feels comfortable denying the Application due to the misrepresentation of information.

Commissioner Dean is sympathetic to continuing the hearing noting the language barrier makes it more difficult to get a response. He indicated the Commission needs to be fully aware of what they are dealing with - a business or religious institution. He feels they have an obligation to allow the Applicant time to study and reflect upon the documents presented and comments of staff and residents and he favors a continuation.

Chairman Roberts noted the Commission could ask if the Applicant is willing to withdraw the Application and they can waive the Application fee next time.

Mr. Gillespie conveyed the message to Mr. Sun and Mr. Huang.

Mr. Sun indicated they would withdraw the Application and take time to review plans and come up with solutions to problems addressed by neighbors.

Chairman Roberts stated the Applicant has withdrawn the Application at this time.

3.3 PUBLIC HEARING APPLICATION NO. 1869-15-Z Capitol Region Education Council (CREC) Seeking a Special Permit in accordance with Section 5.3 of the Wethersfield Zoning Regulations for the installation of an integrated solar photovoltaic system at 176 Cumberland Avenue.

Commissioner Dean indicated a relationship with the Applicant and excused himself from meeting.

Bob Saunders, project manager for the Capitol Region Education Council (CREC), appeared before the Commission on behalf of this Application. CREC has instituted a policy for all new schools to install photovoltaic arrays to reduce electricity use. He presented a schematic design of an array along Rt. 15 and an additional four (4) solar "trees" in front to be blended in with existing and planned landscape and design. They have received comments from the Town Engineer and have already pulled permits to install conduits in hopes of approval to move forward. Mr. Saunders introduced Eric Bartone of DBS Energy Sources in Cromwell to answer technical questions.

Commissioner Fazzina inquired and Mr. Bartone indicated the system will be a grid interconnect with no battery. The energy generated will be consumed simultaneously during operation using a 120kw system which is the equivalent to the power use of thirty (30) homes. He indicated that on weekends the generated power can feed back into grid when less is being used by the school.

Commissioner Fazzina inquired and Mr. Bartone indicated if the power is lost on the street, the system will automatically shut down so as not to backfeed into the grid. He noted the system can be engineered to work as a backup generator but it would require more infrastructure to manage the energy.

Commissioner Oickle inquired and Mr. Saunders indicated the array will not be visible from the highway due to the existing berm as well as fencing and landscape.

Commissioner Standish inquired and Mr. Saunders indicated there is a five (5') foot landscape buffer being removed to accommodate the array but since the landscaping materials have already been purchased they will simply be redistributed throughout the site. He indicated there is sufficient storage

space for snow removal stock piles.

Commissioner Oickle inquired and Mr. Saunders indicated the solar trees located out front are of a comparable height to the on-site lighting.

Commissioner Margiotta inquired and Mr. Saunders indicated the solar array will be used as an educational tool for students noting the Assistant Principle for the STEM School (Science, Technology, Engineering & Math) will work the panels into the curriculum. Commissioner Margiotta inquired and Mr. Bartone indicated the panels will be locked using a proprietary micro inverter system, proprietary cabling system, and students and staff will have no access to live power which is encased in conduit. He indicated the panels are shatterproof and commercially designed to withstand hail in testing. He noted they are not impervious but there is minimal chance for breakage and with all individual panels they are easy to replace. Commissioner Margiotta inquired and Mr. Bartone indicated the trees are similar in height to light poles and sit four (4') feet off the ground. He indicated they are translucent making them very aesthetically pleasing. Mr. Sanders indicated the school has budgeted an additional \$76,000 for video surveillance as well as \$96,000 to place a bullet resistant film across all glass on the first floor. Mr. Bartone estimated the solar array will generate about 30% annual school load.

Chairman Roberts inquired and Mr. Bartone indicated they will address all concerns presented in memos from Mike Turner, Town Engineer and Anthony Dignoti, Fire Marshal.

Commissioner Allard inquired and Mr. Bartone indicated there are two large trees on the property that will not be removed thus leaving a gap in the panels.

Motion: Commissioner Homicki made a motion to close **APPLICATION NO. 1869-15-Z Capitol Region Education Council (CREC)** Seeking a Special Permit in accordance with Section 5.3 of the Wethersfield Zoning Regulations for the installation of an integrated solar photovoltaic system at 176 Cumberland Avenue.

Second: Commissioner Standish seconded the motion.

Aye: Roberts, Harley, Margiotta, Oickle, Homicki, Fazzina, Vasal, Standish, Allard;

Nay: none;

Vote: 9-0.

Motion: Commissioner Homicki made a motion to approve **APPLICATION NO. 1869-15-Z Capitol Region Education Council (CREC)** Seeking a Special Permit in accordance with Section 5.3 of the Wethersfield Zoning Regulations for the installation of an integrated solar photovoltaic system at 176 Cumberland Avenue with the stipulation that the Applicant address all staff comments.

Discussion:

Chairman Roberts inquired what other towns are doing to regulate panels as independent land use, in particular solar fields on large parcels of property.

Commissioner Oickle questioned if Town Staff should come up with regulations.

Commissioner Standish noted that technological advances will make panels more efficient making the need for solar farms a moot point.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Margiotta, Oickle, Homicki, Fazzina, Vasal, Standish, Allard;

Nay: none;

Vote: 9-0.

4. OTHER BUSINESS:

There was no other business discussed at this meeting.

5. MINUTES – June 2, 2015

Motion: Commissioner Oickle made a motion to approve the Minutes of June 2, 2015.

Second: Fazzina seconded the motion.

Commissioner Oickle asked for clarification about the process of the special permitting for subdivision on Reservoir Road. Mr. Gillespie indicated he has spoken to the Town Attorney.

Aye: Roberts, Harley, Oickle, Fazzina, Vasal, Standish, Allard;

Nay: none;

Abs: Margiotta, Homicki;

Vote: 7-0.

6. STAFF REPORTS:

Mr. Gillespie announced that the Zoning Enforcement Officer, Monica Holloway, has accepted a position with the Town of Bristol, and the Assessor, Chandler Rose, has accepted a position with the Town of Windham. There will be a part time Zoning Official and part time Property Maintenance Official until the position is filled.

Mr. Gillespie attended a Connecticut Planning Association meeting in which Chairman Roberts was also present and a topic came up about regulations that allow the Commission to modify requirements. There was also discussion about statutes for neighbor notification. The appeal period is an additional year if a notification is missed.

Commissioner Standish how often this missed notification occurs and Mr. Gillespie indicated it is rare.

Chairman Roberts noted there was question as to whether an applicant has to go above and beyond to get residential records for property owners.

There was discussion about notifying abutters.

Mr. Gillespie indicated the next meeting will be July 7, 2015.

There was discussion about attendance for summer meetings.

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 1868-15-ZCCC Construction c/o Frank DiBacco Seeking a Special Permit in accordance with Section 10.1.G of the Wethersfield Zoning Regulations for a Zone Change from AA Residence Zone to AAOS Residence Open Space Development District (OS) at the Terminus of Old Reservoir Road, easterly of Back Lane and northerly of Westmont Road (Parcels 043011 & 042016).

10. ADJOURNMENT:

Motion: Commissioner Margiotta motioned to adjourn the meeting at 9:27 pm.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Margiotta, Oickle, Homicki, Fazzina, Vasal, Standish, Allard;

Nay: none;

Vote: 9-0.

Meeting adjourned.

Respectfully submitted,
Lindsay Schmitt, Recording Secretary