

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

July 7, 2015

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, July 7, 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 7:03 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 six (6) full members and two (2) 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. 1870-15-Z Old Wethersfield Country Store seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for a wine gift basket license/grocery beer license at 221 Main Street.

Meghan Kirk & John Jakubowski, 97 State, appeared before the Commission on behalf of this Application. They own and operate the Old Wethersfield Country Store and are seeking a special permit to allow the sale of wine gift baskets and beer in their store. Mr. Jakubowski indicated the baskets would contain one to four bottles of wine paired with other items sold in the store. The State Regulations require them to purchase the bottles of wine directly from a winery or package store. He noted they are

also seeking permission to obtain a grocery beer license in which the State will required that at least 50% of their sales be grocery items.

Commissioner Oickle thanked Mr. Jakubowski for the explanation of the licenses. He inquired and Mr. Jakubowski indicated they will not be serving any alcohol. He also indicated there are no other stores in Old Wethersfield that sell alcohol.

Commissioner Margiotta inquired and Mr. Jakubowski indicated their business hours will remain the same.

Chairman Roberts noted item number eleven (11) on the previous conditions states “no alcoholic beverages shall be consumed within the outdoor seating area”.

Commissioner Dean inquired and Mr. Jakubowski indicated they operate seven (7) days a week currently noting they may change their schedule and close on Mondays. He noted their hours on Sunday coincide with State alcohol sales as they close at 5pm.

Commissioner Oickle inquired and Mr. Gillespie indicated the conditions from the original approval remain in place and there were no other issues noted. He mentioned to the Commission there are no other alcohol sales in close proximity that would create density.

Linda Pinn owns and manages the building at 221 Main Street. She inquired and Mr. Gillespie indicated the original conditions specifically state there is to be no alcohol consumption at the outdoor seating designated for this occupation.

Jim Arnold, 446 Hartford Avenue, spoke in favor of this Application noting he likes gift basket option.

Chairman Roberts read correspondence from Martha Kirsche, President of Wethersfield Travel Inc. located at 219 Min Street, in favor of this Application.

Motion: Commissioner Dean made a motion to close **APPLICATION NO. 1870-15-Z Old Wethersfield Country Store** seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for a wine gift basket license/grocery beer license at 221 Main Street.

Second: Commissioner Allard seconded the motion.

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

Nay: none;

Vote: 8-0.

Motion: Vice Chairman Harley made a motion to approve **APPLICATION NO. 1870-15-Z Old Wethersfield Country Store** seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for a wine gift basket license/grocery beer license at 221 Main Street, conditions from 2014 approval remain

Second: Commissioner Dean seconded the motion.

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

Nay: none;

Vote: 8-0.

3.2 PUBLIC HEARING APPLICATION NO. 1868-15-Z CCC 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).

Atty. Diane Whitney, Pullman Comley LLC, appeared before the Commission regarding this Application. She first asked Chairman Roberts why he indicated it was an application for a special permit

Chairman Roberts stated the legal notice referred to the Application as such noting 10.1.G is for zone changes.

Atty. Whitney reminded the Commission they had come in for a pre-application hearing to receive feedback. The property in question amounts to just under 16 acres abutting 1860 Reservoir. She indicated all three (3) bordering developments are zoned AAOS and noted this property has also been zoned AAOS in the past but was not developed. The property includes wetlands and channel encroachment lines and will present challenges for development. There have been several failed developments in the past and they feel this is best option indicating the property to the north is currently moving forward with development.

Frank DiBacco, DF Group and CCC Construction appeared before the Commission to clarify which lots are in his ownership.

Atty. Whitney indicated they will be providing low density residential which will preserve the reservoir property and will provide a connection of roadways through the property noting this is advantageous from a public safety standpoint. There will be improved traffic circulation by connecting roads indicating this will address traffic concerns from the Town of Newington. She reminded everyone this Application is only for the Zone change. Traffic discussions will be addressed at future development meetings. She suggested surrounding areas were developed during less stringent environmental requirements making this application more environmentally friendly.

Commissioner Oickle inquired and Atty. Whitney indicated there is no final layout for the subdivision because they wish to be sure the zone change will be approved first. They would then be required to appear before the Inland Wetlands Commission prior to submitting an application for subdivision approval. She indicated they simply would like the property to be consistently zoned with the surrounding area.

Chairman Roberts noted that a zone change from AA to AAOS is typically paired with the subdivision

application which allows the Commission to evaluate whether the zone change is a more practical and appropriate way to develop the property. He indicated the current proposal leaves the Commission with no comparison.

Atty. Whitney indicated the Commission has received an opinion from the Town Atty. who determined the Commission can approve one (1) application without the other immediately following. She noted they will have to return to the Commission for approval of the final plans which will include detailed input from Inland Wetlands and she reminded the Commission they had been shown conceptual layouts at a prior meeting.

Commissioner Oickle agreed with Chairman Roberts comments that applications should come in together to allow the Commission to see what will occur after a zone change.

Atty. Whitney noted that if permitted to rezone the property, all the Commission would be allowing is for the Applicant to come in with a new plan to fit the new zone.

Commissioner Oickle indicated it was zoned AAOS years ago but doesn't see the long term changes without plans to review.

Vice Chairman Harley noted the Commission did see conceptual plans and they have an idea of what will be approved eventually. He indicated knowing the property was AAOS previously, it makes sense to return it to AAOS and it would be logical to follow what's surrounding. He feels they need to be consistent with the plan of conservation and development with the understanding that AAOS will be denser than what it is currently zoned for.

Atty. Whitney indicated that how they will be required to manage the wetlands will determine the final density of the subdivision.

George Ruhe, 956 Cloverdale Circle, appeared before the Commission. He stated he is not for or against this Application but senses a level of unease from the Commission. He feels Mr. DiBacco wouldn't be here for a zone change unless he intended to put in more houses stating there is no altruism in turning over wetlands to the Town. He cautioned the Commission to think before acting to an open space development.

Dave Karanian, 101 Black Birch Road, spoke in favor of this Application asking the Commission to allow the development to go forward and advance the Town rather than debating it any longer.

James, 5 Westmont Road, asked for clarification on the difference between the current AA zone and the proposed AAOS. Mr. Gillespie indicated the following:

1. Minimum lot frontage – AA 110' vs AAOS 90';
2. Minimum lot size – AA 20,000 sf vs AAOS 15,000 sf;
3. Minimum required open space – AA 10% vs AAOS up to 25%.

Chairman Roberts inquired if within the 25% open space for the AAOS zone, only half of that percentage can be wetlands. Mr. Gillespie indicated open space is described in the subdivision regulations and there are various criteria but the Commission does have a say in how the open space is designated.

Commissioner Allard inquired and Mr. Gillespie indicated any land not subdivided into building lots or public streets shall be open space and 50% of the land can be classified as inland wetlands.

Vice Chairman Harley noted there was potential for more dry land as open space if the wetlands are poor quality and not worthy of preservation the same as less development would make for more open space.

Commissioner Hammer inquired and Mr. Gillespie indicated the Commission has more discretion in their decisions with special permit application vs a conventional subdivision application

Bill Anastasiades, 15 Westmont Road, inquired as to whether or not wetlands be developed noting that every proposal for development of this property has failed.

Chairman Roberts indicated there are different types of wetlands and developments and criteria to evaluate none of which is without exception.

Atty. Whitney indicated the Commission still has great deal of control over the property with subdivision, resubdivision and special permit applications. She indicated they wish to develop the property in a responsible and beneficial way to the Town.

Commissioner Hammer inquired and Atty. Whitney indicated they are seeking approval for the zone change and would prefer to come back with full plans to fit the AAOS zone requirements and do not wish to delay the zone change to return with all plans simultaneously.

Mr. Gillespie noted the Applicant will be required to submit final engineered plans with roads, flagged wetlands, etc. - not a simple submission of basic conceptual layout.

Commissioner Oickle questioned why there was no conceptual plan submitted with this Application for zone change.

Mr. DiBacco indicated that to design a subdivision is a waste of time and money if the Application for change is not approved. He simply can't design not knowing what direction they are going in. At the Pre-application hearing they came in with preliminary plans. He indicated having investigated his options, asking questions and doing his due diligence in the process. He also noted that if he can move forward with a particular design they have more control in the end product.

Commissioner Oickle inquired and Mr. DiBacco indicated the Commission did not give him the impression they were against open space. However he did not proceed forward with open space plans because if the zone change is denied he will have to start from scratch.

Vice Chairman Harley inquired and Mr. Gillespie indicated the conceptual plans presented in the Pre-application hearing were not submitted at part of the record for the current hearing. He noted Mr. DiBacco could present them to the Commission if they are in his possession but indicated the property is still in the process of being flagged for wetlands and it would be a very preliminary layout.

Mr. DiBacco indicated he has been working with staff in multiple departments and is simply looking for a direction to move in. He's owned the lots over 20 yrs and has had to appeal the tax bills yearly because they've been non-buildable lots until this point. He wishes to move forward.

Commissioner Oickle noted this being the first time he's seen significant input from a bordering town.

Mr. DiBacco indicated his preliminary review in the Pre-application hearing showed the approximate design and concept he is looking to achieve. There had been question about a connection to Old Reservoir but that would require going through the Army Corps of Engineers and nothing is being changed as far as roads go.

Chairman Roberts read correspondence from 294 Back Lane strongly opposing this Application. He also mentioned a memo from Craig Minor, Town Planner for the Town of Newington, with concerns for this Application.

Roland Grenier, 32 Westmont Road, questioned whether the island of gravel on his road is considered open space or unusable. He asked the Commission why they would approve a zone change if Mr. DiBacco can go forward with development in its current zone.

Mr. Gillespie indicated an island in cul-de-sac is not considered open space.

Commissioner Vassel inquired and Mr. Gillespie indicated this is the only option to access the site. Other access may require involvement from the Army Corps of Engineers and may not be successful thus the decision to access through the north side of Old Reservoir Road or Whippoorwill Road.

Mr. DiBacco believes his proposal will relieve traffic on Back Lane by allowing cars to move in other directions through Old Reservoir Road. He indicated the Fire and Police Departments have asked for the connection to be made as a loop rather than a dead end.

Chairman Roberts inquired and Mr. DiBacco indicated his long term goal is to tie in all the paper roads.

Commissioner Oickle inquired and Mr. DiBacco indicated boring returned poor levels and the Army Corps of Engineers will not likely allow access through Old Reservoir Road.

Jodee Krejmas, 5 Westmont Road, inquired and Mr. DiBacco indicated he wishes to rezone to match the surrounding areas.

Commissioner Oickle inquired and Mr. DiBacco indicated he is planning to match the existing homes in the area with similar housing type and style.

Motion: Vice Chairman Harley made a motion to close **APPLICATION NO. 1868-15-Z CCC 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).

Second: Commissioner Allard seconded the motion.

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

Nay: none;

Vote: 8-0.

Motion: Vice Chairman Harley made a motion to approve **APPLICATION NO. 1868-15-Z CCC 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) effective August 1, 2015.

Second: Commissioner Oickle seconded the motion.

Discussion:

Vice Chairman Harley noted that there are special permits in the future for this project will allow the Commission more discretion thus he is in favor.

Commissioner Oickle feels that because it has been zoned AAOS in the past and is surrounded by AAOS it is appropriate for the area.

Commissioner Hammer is in support of the zone change. He indicated it is a unique and challenging piece of property and there is a higher level of review with special permits.

Commissioner Dean noted the Applicant has met extensively with staff and is aware of concerns that have been brought forward. While it is a higher density for AAOS he does not feel it will have a negative impact and it can benefit the Town.

Commissioner Oickle noted there were proposals for elderly high income housing and condos which were never built but feels this is the best proposed use in recent history.

Commissioner Allard feels there is no risk at this point noting the Commission will be highly involved in the process and is in favor of the zone change.

Chairman Roberts noted the request to see this development appear like other developments is comparing apples to oranges.

Aye: Harley, Margiotta, Oickle, Hammer, Dean, Vasel, Allard;

Nay: Roberts;

Vote: 7-1.

4. OTHER BUSINESS:

There was no other business discussed at this meeting.

5. MINUTES – June 16, 2015

Motion: Commissioner Oickle made a motion to approve the Minutes of June 16, 2015.

Second: Vice Chairman Harley seconded the motion.

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

Nay: none;

Abs: Hammer;

Vote: 7-0.

6. STAFF REPORTS:

Mr. Gillespie indicated there is a temporary Zoning Enforcement Officer, Roland Klee, who is helping out until the position is filled. He also noted the Assistant Fire Marshal, Mike Mokrycki, is assisting with Property Maintenance.

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:

Denise Bradley indicated they have received an Application for 1652 Berlin Turnpike as well as an Application for an oversized garage.

10. ADJOURNMENT:

Motion: Commissioner Oickle motioned to adjourn the meeting at 8:37 pm.

Second: Commissioner Vasel seconded the motion.

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

Nay: none;

Vote: 8-0.

Meeting adjourned.

Respectfully submitted,
Lindsay Schmitt, Recording Secretary