

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

**July 21, 2015**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, July 21, 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              | ✓       |        |         |
| Thomas Dean                  | ✓       |        |         |
| Ryan Allard                  | ✓       |        |         |
| Leigh Standish (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 one (1) alternate member in attendance.

**2. OLD BUSINESS:**

There was no old business discussed at this meeting.

**3. NEW BUSINESS:**

**3.1 PUBLIC HEARING APPLICATION NO. 1872-15-Z Vaclav Miglus** seeking a Special Permit in accordance with Sections 3.5.1.A.6. and 3.6.A.3. of the Wethersfield Zoning Regulations for the construction of a garage/barn that exceeds the maximum square footage and height requirements of the zoning regulations at 31 Main Street.

Vaclav Miglus, 31 Main Street, appeared before the Commission. Mr. Miglus is proposing to construct an oversized garage on his property to replace the existing garage which is too small for his storage needs. He indicated the garage will exceed eighteen (18') in height consisting of three and a half bays for parking cars and equipment. He presented a 3D model of the proposed garage noting he's already received a Certificate of Appropriateness from the Historic District Commission (HDC).

Commissioner Homicki inquired and Mr. Miglus indicated he's used the terms barn and garage interchangeably. The garage will consist of 1320 s.f. with attic space for storage and a woodworking shop. He intends to have electricity and plumbing in the space.

Commissioner Oickle inquired and Mr. Miglus indicated the height of the proposed garage will be twenty-four (24') feet high compared to the neighbor's garage at approximately eighteen (18') feet.

Commissioner Dean inquired and Mr. Miglus indicated the roof peak will be approximately the same height at the home or within six (6") inches. There will be forty (40') feet between the home and garage indicating he does not wish to go further back in order to preserve the mature trees in the yard. Commissioner Dean questioned the landscaping to which Mr. Miglus replied he intends to keep with the overall landscaping of the yard which is primarily grass and flower borders and he does not intend to plant new shrubbery. The garage will be approximately one hundred (100') feet back from the road.

Chairman Roberts inquired and Mr. Miglus indicated the distance between the house and garage will be similar to the distances of his neighbors. He reassured Chairman Roberts that there will be no living space in the garage, just plumbing for a potential bathroom.

Commissioner Oickle inquired and Mr. Miglus indicated the HDC does not regulate driveways.

**Motion:** Vice Chairman Harley made a motion to close **APPLICATION NO. 1872-15-Z Vaclav Miglus** seeking a Special Permit in accordance with Sections 3.5.1.A.6. and 3.6.A.3. of the Wethersfield Zoning Regulations for the construction of a garage/barn that exceeds the maximum square footage and height requirements of the zoning regulations at 31 Main Street.

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

Aye: Roberts, Harley, Hughes, Oickle, Homicki, Dean, Allard, Standish;

Nay: none;

Vote: 8-0.

**Motion:** Commissioner Oickle made a motion to approve **APPLICATION NO. 1872-15-Z Vaclav Miglus** seeking a Special Permit in accordance with Sections 3.5.1.A.6. and 3.6.A.3. of the Wethersfield Zoning Regulations for the construction of a garage/barn that exceeds the maximum square footage and height requirements of the zoning regulations at 31 Main Street.

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

**Discussion:**

Commissioner Oickle noted the lot is narrow but deep.

Commissioner Homicki inquired and Mr. Gillespie indicated he had no other concerns regarding the Application noting it meets the setbacks other than size.

Aye: Roberts, Harley, Hughes, Oickle, Homicki, Dean, Allard, Standish;

Nay: none;

Vote: 8-0.

**3.2 PUBLIC HEARING APPLICATION NO. 1873-15-Z Ana M. Pabellon** seeking a Special Permit in accordance with Section 5.2.E.2. of the Wethersfield Zoning Regulations for a used car dealership with outdoor sales and storage at 1652 Berlin Turnpike.

Atty. John Harvey appeared before the Commission on behalf of this Application along with Jack Guilmartin, Hewitt Engineering. Atty. Harvey handed out information to the Commission. He indicated that the property is zoned RC (Regional Commercial) with the closest residences being along Nott Street. The Applicant was granted a variance by the Zoning Board of Appeals (ZBA). Atty. Harvey noted the Zoning Regulations provide for motor vehicle sales if they are stored indoors. He indicated his clients' hours will be from 9 am -7 pm, six (6) days a week and they will be closed on Sundays. They are seeking to display twelve (12) vehicles and will employ two (2) people – a salesperson and a mechanic who will work here as well as their facility in Enfield. The Applicant does all his buying through auctions and will only purchase reliable, quality vehicles. He offers warranties on all vehicles and has been in business for 2yrs in Enfield. Atty. Harvey indicated the Applicant has already updated to property unaware he must receive permission to sell cars noting he is only a tenant leasing the property.

Commissioner Oickle inquired and Mr. Gillespie indicated the line referred to by Atty. Harvey as the lease line is also the property line.

Atty. Harvey noted the Applicant is hoping for 5-10 customers per day.

Jack Guilmartin presented the Commission with changes he's proposed for the site. The existing property has one building and there are no plans to enlarge the space. They will remove the old oil tanks and clean out tires and debris, and they have plans to install a new heating system along with a gated/enclosed dumpster. There will be no service performed on the property, just sales. There is a concrete island which they plan to slope cap and enclose with an additional one (1") inch of concrete. A block wall will be cut into the embankment in the rear to accommodate the required twenty-two (22') foot travel lane within the parking lot. All trees will remain and behind the block wall they will install a six (6') foot solid white vinyl fence extending to the property line. There will also be an open vinyl split rail fence installed to separate the parcel from the larger area. The Driveway in the rear will be changed to allow for more impervious surface and grass and they will be seeking to rent space from the State over highway line to park vehicles. He indicated they plan to utilize low growing vegetation to maintain sightlines along Nott Street and will restripe the parking lot. Inside the building there is an empty bay with an overhead door, and a second bay with a lift which will not be used to service vehicles for the public. The Applicant utilizes Town Fair Tire so there will be no tires on site nor will there be onsite storage of batteries, oil, or tires. The three (3) proposed lights will be full cutoff.

Commissioner Oickle indicated he is not a fan of the corner driveway access noting it is a dangerous turn.

Atty. Harvey reiterated there will be no tires on site. He also indicated the lease with the State has no specific timeframe for completion. Commissioner Oickle inquired and Atty. Harvey indicated the application to lease land from the State is a slow process and coming to the Commission first may allow the Applicant to start off small and expand in the future.

Mr. Guilmartin will work with engineering staff on pavement requirements.

Commissioner Hughes inquired and Atty. Harvey indicated they can reconfigure parking and increase spaces for car sales. Mr. Guilmartin noted the State application requires they provide a specific number of cars in the application and the Applicant must still go to the State for his license.

Commissioner Hughes inquired and Mr. Guilmartin indicated the repairer's license is required to operate the business but repairs will not be performed on-site and there is no waste oil requirement on site.

Miguel Pabellon, husband to the Applicant, indicated he currently manages their business in Enfield and they will be subject to inspections by the State.

Chairman Roberts inquired and Mr. Guilmartin indicated the sales and repair license is all encompassing. He noted that if waste oil was required under the license it would be kept inside.

Chairman Roberts inquired and Atty. Harvey indicated the current Islands are four (4") inches high and if the business expands in the future the crowning can be removed and islands can be dug up. Mr. Guilmartin indicated once crowned with one pour, the island will look aesthetically pleasing.

Commissioner Hughes inquired and Mr. Pabellon stated they will not be participating in the buy here pay here program.

Mr. Guilmartin discussed changes for the proposed sign and Mr. Gillespie indicated the signs will go through a separate review process and cannot include phone numbers or websites.

Chairman Roberts inquired and Mr. Guilmartin indicated the abutting parking lot to south but will have a split rail fence, there will be a wall to the east and mature trees, a northern grass area with mature trees, and indicated the two (2) islands on State Right of Way as the only other greenspace.

Mr. Gillespie noted they will not fall below the 25% impervious coverage requirement indicating they have eight (8) mature trees along the side and rear of the property.

Commissioner Oickle inquired and Atty. Harvey indicated the use is similar to what is allowed in an RC zone and feels it is a suitable location.

Chairman Roberts inquired and Atty. Harvey indicated the hardship for the ZBA was that the size of the property is too small for any large business whereas this is a reasonable use.

Chairman Roberts inquired and Mr. Gillespie indicated the ZBA did not refer their application to Planning & Zoning for consideration.

Mr. Gillespie indicated automobile sales are an accepted use but the zoning regulations prohibit the storage of vehicles outdoors.

Commissioner Homicki indicated he would like to have DOT approval prior to the Applicant appearing before the Commission. Atty. Harvey indicated his client chose to come to the Commission first.

Commissioner Oickle inquired and Atty. Harvey indicated there was a time when there were no funeral homes or drive-throughs in Town, now there are multiple. Commissioner Oickle questioned whether a used car lot is aesthetically pleasing and Mr. Guilmartin maintained the community needs it.

Commissioner Oickle inquired and Mr. Gillespie indicated there are no sidewalks in the area to connect to.

Commissioner Dean inquired and Mr. Guilmartin indicated the concrete crown will lift the island one (1") inch higher for a total of five (5") inches higher than rest of site. Approximately seven (7) vehicles will be parked on the crown with an additional five on the lot. There was discussion between Commissioner Dean and Mr. Guilmartin regarding environmental studies done on the property for which Mr. Guilmartin stated he was unaware of any. The Applicant has no intention to perform work below ground and there are no records in the Fire Marshal's Office regarding location of tank removal.

Commissioner Standish made the assumption that if pipes are protruding from the ground in the island, there must still be tanks underground.

Commissioner Oickle inquired and Mr. Gillespie indicated site plans were previously voted down at a redevelopment referendum. He noted the owner has been working with a real estate firm to market this site as well as the motel and gift shop but nothing has panned out. He also noted the current lease is only for a limited time frame.

Commissioner Oickle inquired and Atty. Harvey indicated the distance to the nearest residential property is approximately two hundred (200') feet and the Applicant did receive a variance from ZBA for this. The lease period is 18 months and he suggested the Commission allow for an 18 month trial period on the permit so they can try and business and see how it goes.

Commissioner Homicki inquired and Atty. Harvey indicated there would be no commercial vehicles or trailers sold.

Commissioner Allard indicated the site design and concrete island capping have been oversimplified. He noted that a one (1") inch cap would not be sufficient to withstand cars parked all year long on top of it and would begin to chip away within the first year. He also noted concern for the proposed retaining wall at the rear of the parking lot and whether there would be a requirement for curb stopping to protect the wall.

Commissioner Hughes inquired and it was indicated that all spaces would be restriped, there would be no vehicle elevation devices and the business would remain closed on Sundays. They would like to begin with twelve (12) cars but would be ok with whatever the Commission stipulates.

Vice Chairman Harley inquired and Mr. Guilmartin indicated with an 18 month lease, paving would be difficult in the short term but ultimately would happen if they receive approval to lease land from the State. He acknowledged the concrete would pose a temporary issue and noted some pavement would be done but not all. Vice Chairman Harley expressed concerns for the Applicant not approaching DOT

first inquiring as to the maximum buildout with how many cars in future. Mr. Guilmartin indicated they cannot add parking with a second curb cut.

Vice Chairman Harley and Commissioner Oickle went into brief discussion about DOT and curb cuts.

Chairman Roberts inquired and Mr. Gillespie indicated he did not forward this Application to the Police Department and therefore did not receive commentary. The Application was reviewed by the Town Engineer. Chairman Roberts noted the use has not been permitted in town in the past and there are no performance standards, criteria, or stipulations to base their decision on. Mr. Gillespie indicated the Towns of Newington and Berlin have recent experience with smaller scale auto sales that could be looked at noting the Commission can choose to keep the hearing open to allow time for the Applicant and Staff to provide more information.

Commissioner Homicki inquired and Mr. Gillespie indicated he received no correspondence and only a few phone calls regarding this Application noting it is a primarily commercial neighborhood.

Vice Chairman Harley would prefer the Applicant start the permit process with DOT for capping and lighting prior to their return.

Mr. Gillespie indicated there are other applications scheduled for the August 4th meeting but nothing for the 2nd meeting in August.

Commissioner Hughes would like to see verification of requirements for hazmat storage from DOT.

Commissioner Standish expressed concerns about what is underground and Mr. Gillespie indicated the Applicant can look through the records at the State.

**Motion:** Commissioner Hughes made a motion to table **APPLICATION NO. 1873-15-Z Ana M. Pabellon** seeking a Special Permit in accordance with Section 5.2.E.2. of the Wethersfield Zoning Regulations for a used car dealership with outdoor sales and storage at 1652 Berlin Turnpike.

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

Aye: Roberts, Harley, Hughes, Homicki, Dean, Allard, Standish;

Nay: Oickle;

Vote: 7-1.

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

Mr. Gillespie reminded the Commission of the approval given in December to Wingfoot (Goodyear) and the conditions to be completed within six (6) months. They are seeking guidance from the Commission to move forward with more comprehensive changes.

Keith Locker, manager for northeast operations, appeared before the Commission. He indicated the following stipulations have been completed or are in progress:

1. Two (2) storage trailers shall be allowed to remain on site.
2. Flatbed trailers shall be removed from the property.
3. All brush piles and litter encroaching upon the Railroad Right of Way shall be removed.

4. Building roof leaders shall be repaired.
5. Tires outside of the building shall be moved to the trailers or fenced-in storage area.
6. Exterior of the building shall be painted.
7. All vehicle repairs will be performed within the building and not on the exterior.

He indicated they have looked at several options for expansion and have decided to remain in Wethersfield and add-on to the existing building. In doing these additions they will be required to install a sprinkler system and they will need to tear up the asphalt for the install. He wishes to pave the lot once this is complete.

Commissioner Oickle inquired and Mr. Locker indicated they plan to begin work in the next twelve (12) Mr. Gillespie noted it was up to the Commission whether they amend the conditions or leave it up to Staff.

Vice Chairman Harley inquired and Mr. Locker indicated they would be looking to start construction in the spring with a proposed completion date of August 2016. At that time the lot will be repaved for both the auto center and Goodyear.

Mr. Gillespie noted they are interested in fixing up the curb appeal of the tire facility.

Commissioner Standish questioned if the Commission should set a date for construction plans to be presented in the spring. Chairman Roberts noted they can ask for a nine month extension by which time they will return with an application to do new work thus giving them a valid permit for the time being.

Mr. Gillespie indicated that if they applied tomorrow morning it would be able to appear in the legal notice for the following meeting.

Commissioner Hughes inquired and Mr. Locker indicated nine months would be sufficient time.

## **5. MINUTES – July 7, 2015**

**Motion:** Commissioner Oickle made a motion to approve the Minutes of July 7, 2015.

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

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

Nay: none;

Abs: Standish, Hughes, Homicki;

Vote: 5-0.

## **6. STAFF REPORTS:**

Mr. Gillespie presented the Commission with an Economic Development Report.

Commissioner Oickle noted the work at 565 Wolcott Hill Road is at a standstill.

Commissioner Standish inquired about the blight at 310 Hartford Ave.

## **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:**

Mr. Gillespie and Ms. Bradley indicated there are two (2) applications for the next meeting.

Commissioner Dean motioned to cancel the 2<sup>nd</sup> meeting in August, Commissioner Hughes seconded and all were in favor.

There was discussion about the Wetlands approval to extend Whippoorwill Road into Ireland Estates.

**10. ADJOURNMENT:**

**Motion:** Vice Chairman Harley motioned to adjourn the meeting at 9:00 pm.

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

Aye: Roberts, Harley, Hughes, Oickle, Homicki, Dean, Allard, Standish;

Nay: none;

Vote: 8-0.

Meeting adjourned.

Respectfully submitted,  
Lindsay Schmitt, Recording Secretary