

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

October 20, 2015

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, October 20, 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 7:01 p.m.

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

Roberts called the roll as follows:

Member Name	Present	Absent	Excused
Thomas Harley, Chairman	✓		
Antonio Margiotta, Vice Chairman	✓		
Richard Roberts, Clerk	✓		
James Hughes			✓
George Oickle	✓		
Joseph Hammer			✓
Anthony Homicki	✓		
Thomas Dean	✓		
Ryan Allard	✓		
Leigh Standish (alternate)	✓		
Yolanda Antoniak (alternate)	✓		

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

Members of the Public were present.

Chairman Harley noted at the time of roll call there were nine (9) members in attendance.

2. OLD BUSINESS:

There was no old business discussed at this meeting.

3. NEW BUSINESS:

3.1 PUBLIC HEARING APPLICATION NO. 1881-15-Z Giuseppa (Josie) Cianci seeking a Special Permit in accordance with Section 3.6.B.2 (Accessory Building & Structures – Garages) of the Wethersfield Zoning Regulations for the continued use of a two car garage that exceeds 18’ in height at 125 Robbins Drive.

Atty. John Harvey appeared on behalf of the Applicant. He presented the Commission with a petition which had been circulated with the neighbors who are in favor of this Application:

1. Therese & Faustino Diluvio, 114 Robbins
2. Senad & Zahida Begovic, 35 Heather
3. Debra Rider, 22 Heather
4. Sean & Patricia McGrath, 57 Barstow

5. Janice Gorman, 135 Robbins Drive

Atty. Harvey indicated the Applicant applied for a building permit in March of 2015, the permit was issued and construction was 99% complete when a cease and desist order was issued. They are asking for Special Permit to keep the structure as is because of an oversight permitted by Town Staff. He described the open two (2) car garage engineered to support the structure without the use of columns. Atty. Harvey indicated the neighbors at 49 Barstow are in objection because their property sits above his client by six (6') feet. He quoted Zoning Regulation 3.1.6 which give the Commission authority to allow for such structures to be in place. He also indicated the existing one car garage will be removed and the kitchen expanded to add a second story to the house putting them in compliance with the 850 s.f. garage restrictions and overall the new garage will have minimal impact.

Commissioner Roberts inquired and Atty. Harvey indicated the garage is twenty-four (24') feet in height.

Atty. Harvey noted the window facing east will be boarded up and sided.

Vice Chairman Margiotta inquired and Atty. Harvey indicated they have not proposed any screening as there is already a six (6') foot fence.

Commissioner Homicki inquired and Atty. Harvey indicated there is only one known neighbor in opposition. Commissioner Homicki noted the foundation appears to be above grade and questioned if this was missed by the Building Department. He inquired as to the use and the Applicant indicated it is residential for storage.

Jan Gorman, 135 Robbins Drive spoke in favor of this Application indicating the garage looks over her back yard and she would rather see it completed so it blends in with the neighborhood. She feels it is quality work that went up quick referring to the Applicant as a good neighbor who takes good care of the property.

Laurie Zaskey, spoke on behalf her mother Barbara Zaskey, 49 Barstow Drive, in opposition to this Application. She indicated the structure went up quickly and was approved beyond the code regulations. She feels it is an eyesore that devalues properties in the neighborhood stating garages should only be eighteen (18') feet. She also feels over 30% of the land is being used by the house and garage and she will not accept anything less than to code.

Chairman Harley inquired and Mr. Gillespie indicated the property is at 21% lot coverage. The lot is 10,500 s.f., the existing house is approximately 53'x25' and the proposed garage is 30'x28' - combined they are roughly 2,200 s.f. and they do not exceed the 30%. Mr. Gillespie noted they have only exceeded the height restriction and square footage for garage space, but the old garage will be removed. The newly constructed garage is higher than the 22' shown on plans and this was overlooked by the Building Department. The Building permit application was submitted on March 24, 2015 and was denied pending wetlands approval which they received on June 18, 2015. On August 4, 2015 the Building permit was issued and followed by a Cease and Desist Order on September 9, 2015.

Commissioner Oickle inquired and Mr. Gillespie indicated the issue was brought to the attention of Town Staff from a neighbor complaint.

Kerrine Catucci, Rocky Hill, familial relation to 49 Barstow Drive, inquired and Mr. Gillespie indicated his calculations were based on site plans provided and certified by a licensed land surveyor. Ms. Catucci still feels the structures visually occupy 50% of the land.

Several persons began talking and Commissioner Harley called the room to order.

Ms. Catucci inquired and Mr. Gillespie indicated the runoff was approved to flow into the wetlands which is owned by the Town.

Vice Chairman Margiotta inquired and the builder, Zdenek Wimmer "Ziggy", indicated he will need to remove all roofing material flooring beams and they cannot be reused. It will cost between \$12,000 – 15,000 to rebuild the garage and he will be delayed by (3) days.

Commissioner Oickle inquired and Mr. Wimmer indicated the foundation materials cost \$10,000 and another \$10,000 for the structural materials. The Applicant indicated if the roof pitch were to be lowered the structure would require a lolly column and the pitch was created to avoid this as well as excessive snow accumulation. If he had been denied due to height, he would have planned to build an 18' structure but was left under the impression his proposed height was ok. The inspectors measured from the top of the structure to the yet unpoured floor but no poured floor. He noted his existing one car garage is 19.5' in height.

Vice Chairman Margiotta inquired and the Applicant indicated there will be no additional structures or cupolas on the roof and they are waiting to close up the structure.

Ms. Zaskey commented there is a discrepancy between the blueprints and the structure indicating this hearing should have happened in March of 2015.

Atty. Harvey indicated he sees no harm in completing the construction noting his client cannot throw away \$10,000. He also noted once the second story has been added, the main structure will be 30' and the garage will not be as visible.

Commissioner Oickle inquired and Atty. Harvey indicated the addition of a second story will block the view of the garage.

Chairman Harley inquired and the Applicant noted 49 Barstow Drive is two stories as well as a few other neighbors.

Ms. Catucci inquired and Mr. Gillespie indicated the Town Staff measure structure height from the average ground level.

Commissioner Homicki inquired and the Applicant indicated they raised the rear property two feet to make the garage level with the house. They plan to expand the main house in the spring.

Motion: Vice Chairman Margiotta made a motion to close the hearing on **APPLICATION NO. 1881-15-Z Giuseppa (Josie) Cianci** seeking a Special Permit in accordance with Section 3.6.B.2 (Accessory Building & Structures – Garages) of the Wethersfield Zoning Regulations for the continued use of a two car garage that exceeds 18' in height at 125 Robbins Drive.

Commissioner Oickle Seconded.

Aye: Harley, Margiotta, Roberts, Oickle, Homicki, Dean, Allard, Standish, Antoniak;

Nay: none;

Vote: 9-0.

Public Hearing Closed.

Motion: Vice Chairman Margiotta made a motion to approve **APPLICATION NO. 1881-15-Z Giuseppe (Josie) Cianci** seeking a Special Permit in accordance with Section 3.6.B.2 (Accessory Building & Structures – Garages) of the Wethersfield Zoning Regulations for the continued use of a two car garage that exceeds 18’ in height at 125 Robbins Drive with following the conditions:

1. The existing garage will be decommissioned once the new garage is complete.
2. All proposed lighting shall be full cut off.

Second: Commissioner Dean seconded the motion.

Discussion:

Commissioner Standish indicated the Commission should rule against the Special Permit and let the Zoning Board of appeals deal with it so as not to set precedence.

Commissioner Allard inquired and Mr. Gillespie indicated the notification process for PZC and ZBA is the same.

Commissioner Roberts inquired and Mr. Gillespie indicated that because it is a Special Permit they follow standard special permit criteria for lighting.

Commissioner Dean inquired and Mr. Gillespie indicated the only violation is the height, assuming the existing one bay garage is factored into the decision for removal.

Chairman Harley inquired and Mr. Gillespie indicated there is no need to stipulate a timeframe for permit application and demo completion since there are no special approvals needed to construct a second story.

Commissioner Oickle is not comfortable putting timeframes on building permits.

Commissioner Homicki does not see a problem in stipulating a timeframe for completion and is comfortable with a nine month period to get the permit process going.

Vice Chairman modified his motion to include a nine (9) month application period for permitting and decommissioning of the single car garage. Mr. Gillespie suggested upon issuance of Certificate of Occupancy for new garage, existing garage shall no longer be usable for garage purposes. He also suggested, per the Applicants testimony, the two (2) phase project will take twelve (12) months to complete.

Commissioner Dean Seconded the modification.

Commissioner Dean noted the violation is in relation to the height, not the footprint and therefore the Commissioner should let the other issue stand for future consideration.

Commissioner Allard would like to see a timeframe.

Chairman Harley would like to tie in the CO with the decommissioning and a one year timeframe to be sure the 850 s.f. does not become an issue. He inquired and Mr. Gillespie indicated the Zoning Official will step in to enforce the timeframe if it is not completed.

Commissioner Roberts noted if the CO is contingent on decommissioning the garage, the square foot issue goes away and if the Applicant as not applied for any building permits nothing can be done.

Vice Chairman Margiotta revised his motion to include the issuance of a Certificate of Occupancy of the new garage to coincide with the decommissioning of the existing garage.

Commissioner Dean Seconded the modification.

Aye: Harley, Margiotta, Roberts, Oickle, Homicki, Dean, Allard, Standish, Antoniak;

Nay: none;

Vote: 9-0.

3.2 Pre-Application Review of 207 Church Street (Clearing House Auction Galleries).

Jeffrey Horn, a Principle for Horn Engineering & Design in Rocky Hill, CT appeared before the Commission representing the ownership group for the property. Their interest is to acquire the auction house and a parcel to the rear then apply for a special permit to improve and renovate the existing clearing house structure. They are proposing a combined mixed use of offices with housing above as well as a rear parking lot where they plan to build a complimentary structure to provide additional housing on site with below grade parking which will accommodate the 100 year flood plain.

Commissioner Oickle questioned building in the flood plain but Mr. Horn noted there are already structures within the area including Beaver Brook Offices, a Veterinarian and the Post Office.

There was discussion as to legal access to the parking lot via Beaver Road.

Chairman Roberts inquired and Mr. Horn indicated the proposed structure to be around 55' tall with the Beaver Brook office building around 40'.

Mr. Horn indicated they would not go taller than four (4) stories and the housing would consist of two bedroom/two bathroom units with appropriate parking. He noted there may also be room for some three bedroom as well as one bedroom units as indicated by market studies.

Commissioner Oickle inquired and Mr. Horn indicated though not situated in the Historic District he

would stick with organic architecture keeping in character with the area. He has no plans to raise the existing 32' structure.

Mr. Horn indicated they would forfeit parking along the stream for greenspace and benches as well as bocce courts.

Commissioner Roberts inquired and Mr. Horn indicated they are proposing 3,000 s.f. of office space and 5,000 s.f. of residential, with a possibility for office condominiums. They are planning for 40% commercial in the front and none in the back but are also open to creative uses and would like to construct the rear building first in order to draw interest for the front portion. The living space will be approximately 85% usable with losses for hallways and utilities.

Mr. Horn presented some conceptual drawings of the proposed structure.

Chairman Harley inquired and Mr. Gillespie indicated the space is zoned Town Center (TC), in which the master plan permits mixed use. There are three (3) parcels which would be combine into one (1) and all have the same TC designation.

There was discussion about emergency access and gates to prevent traffic from crossing over to Beaver Road from Church Street.

Commissioner Roberts feels this is an ideal mixed use along the street with shops at ground level and people living above.

Mr. Horn indicated they could increase the commercial space in the rear if desired by removing parking.

Commissioner Oickle likes that it will add commercial retail near Old Wethersfield.

Mr. Horn indicated they are in early discussion with a few restaurants.

There was discussion for how residents would feel about mixed use.

Commissioner Oickle would like more details and Chairman Harley would like to see more information regarding traffic flow into the rear.

Commissioner Homicki questioned privacy for condos in the rear but noted they will add value to the tax base.

4. OTHER BUSINESS:

There was no other business discussed that this meeting.

5. MINUTES – October 6, 2015

Minutes were unavailable.

6. STAFF REPORTS:

Mr. Gillespie indicated they have been approached about a home occupation and a storage bin which they may consolidate into a single meeting.

He indicated this will be Mrs. Schmitt's last meeting as the Recording Secretary.

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:

10. ADJOURNMENT:

Motion: Commissioner Standish motioned to adjourn the meeting at 8:36pm.

Second: Commissioner Oickle seconded the motion.

Aye: Harley, Margiotta, Roberts, Oickle, Homicki, Dean, Allard, Standish, Antoniak;

Nay: none;

Vote: 9-0.

Meeting adjourned.

Respectfully submitted,
Lindsay Schmitt, Recording Secretary