

# WETHERSFIELD PLANNING AND ZONING COMMISSION

## PUBLIC HEARING AND MEETING                      June 7, 2016

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, June 7, 2016 at 7:00 p.m. in the Wethersfield Town Council Chambers located at the Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

### 1. CALL TO ORDER

Vice Chairman Antonio Margiotta called the meeting to order at 7:01 p.m. welcoming all to the Planning and Zoning meeting. He explained the process and procedures of the public hearing and Commissioner/Clerk Richard Roberts commenced the roll call.

#### 1.1. ROLL CALL AND SEATING OF ALTERNATES (5 members required for a quorum).

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	√		
David Edwards, (alternate)			√
Daniel Silver (alternate)	√		
Yolanda Antoniak (alternate)	√		

Also present, Mr. Peter Gillespie, Economic Development Town Planner, Ms. Denise Bradley, Assistant Town Planner and Mary Lou Wall, Recording Secretary.

Members of the public were present.

Vice Chairman Margiotta noted that there were eight (8) members present. Commissioner Thomas Dean joining shortly thereafter making nine (9) members present. Vice Chairman Margiotta said that the application for the Emerson Williams School will be moved forward to the next meeting of the Wethersfield Planning and Zoning Commission.

### 2. Old Business

None

### 3. NEW BUSINESS

**3.1 APPLICATION NO. 1912-16-Z Wethersfield Cove Yacht Club** seeking a Site Plan and Design Review in accordance with Section 3.6 (Accessory Buildings & Structures) of the Wethersfield Zoning Regulations to add fifteen (15) dock slips to the existing twenty (20) at 270 Hartford Avenue.

Mr. Jack Guilmartin, Survey Manager for JL Surveying 212 Old Brickyard Lane, Berlin, CT. 06037 indicated to the Commission that he is a resident of Meggat Park and a member of the Wethersfield Cove Yacht Club and that he was present representing the Wethersfield Cove Yacht Club. Mr. Guilmartin stated the desire to conclude this application from 2010 and that every Commission and all departments necessary to approve this application have given their approval to the Wethersfield Cove Yacht Club. There are two phases to this project and this application is for the first phase of the projected improvements, which is to expand the docks. The applicant wants to complete this as soon as possible indicating that the club members will be doing all of the work at the Wethersfield Cove Yacht Club. Mr. Guilmartin gave a detailed account of how and what work will be done. He also gave the Commission input regarding the neighbor's concernment interest to the application and all of those concerns have been fully satisfied. A discussion on the parking commenced describing the parking policy for the members and visitors.

Conversation ensued with questions from Commissioner Oickle regarding overflow of boats and how easily they can be moved, wall and pavement repair. Commissioner Roberts questioned the amount of slips, since there was a discrepancy and asked the applicant to define what tubs are. Commissioner Antoniak asked when the work will start if approved and Commissioner Silver and Commissioner Homicki asking if any of the revisions to the plans need to go back to DEEP or ACE.

Mr. Guilmartin addressed all the questions indicating there is no overflow since most of the boats go to the old Pratt and Whitney building in Rocky Hill that is heated, which is a huge warehouse. There are a total of 20 slips (19 slips and one transient) and applicants want thirty-three (33) plus two (2) transient, a total of 35. The tubs are enclosed plastic floats, like upside down boats, a solid plastic unit, three (3) feet wide and up to eight (8) feet long and the tubs are screwed into the bottom of the dock. Once approved, the applicant will start the work immediately.

The revised plan shows the parking, which the DEEP and US ACE want to see but do not care about parking concerns. The revision to the plans do not need to go back to DEEP or US ACE. Town Planner Gillespie confirmed that his office did receive a revised plan and the parking comments have been addressed. The wall was built by prisoners in 1953 and it has some decay and the club will be working with the DEEP on doing some repairs.

Vice Chairman Margiotta wanted the record to reflect the following correspondence, as follows:

- a. Letter from the Department of the Army, New England District, Corps of Engineers, 696 Virginia Road, Concord, Massachusetts 01742-2751 dated August 14, 2015 signed by Robert J. DeSista, Chief, Permits and Enforcement Branch Regulatory Division (Corps Permit Number: NAE-2015-01368), to Wethersfield Cove Yacht Club, Attention Mr. Bernie Dudek, 270 Hartford Avenue, Wethersfield, CT. 06109 with copies to CT DEEP, OLISP (both via email) and John Guilmartin, JL Surveying (also via email)
- b. Letter from Wethersfield Harbor Management Commission, Town of Wethersfield, 505 Silas Deane Highway, Wethersfield, CT. 06109 dated May 28, 2012 signed by Thomas Ragonese, Chairman, Wethersfield Harbor Management Commission, to Mr. Jack Guilmartin, 9 Meggat Park, Wethersfield, CT. 06109 with copies to Charles Forsdick, Harbormaster, Charles Viani, Deputy Harbormaster, Kathleen Bagley, Director, Parks and Recreation.
- c. Letter from Town of Wethersfield Inland Wetlands and Watercourses Commission, 505 Silas Deane Highway, Wethersfield, CT. 06109 dated January 17, 2013 signed by Don Moisa IWWC Agent, to the Wethersfield Cove Yacht Club, C/O Jack Guilmartin, 9 Meggat Park, Wethersfield, CT. 06109 with copies to Peter Gillespie, Town Planner, Michael J. Turner, Director of Public Works Town Engineer and Steve Lattarulo, Acting Building Official.
- d. Letter from Town of Wethersfield Historic District Commission signed by John Maycock, Clerk, 505 Silas Deane Highway, Wethersfield, CT. 06109 dated February 25, 2015 (RE: Application No. 4339-15), to the Wethersfield Cove Yacht Club, 270 Hartford Avenue, Wethersfield, CT. 06109
- e. Letter from Connecticut Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT. 06106-4127 dated April 6, 2016 signed by Susan L Bailey, Environmental Analyst 3, Office of Long Island Sound Programs, Bureau of Water Protection and Land Reuse (Permit #201509425-SB) with copies to Owners of franchised oyster ground/lessee of leased oyster ground, Adjacent Property Owners; Bernie Dudek, Wethersfield Cove Yacht Club, and emailed to US ACE c/o Lindsay Flieger: Bernie.dudek@snet.net; Commissioner of DOT and Bureau of Waterways; Municipal CEO; Conservation, Shellfish, Planning, Zoning and Harbor Management Commissions; Department of Agriculture/Aquaculture Division; Harbormaster. To Wethersfield Cove Yacht Club, c/o Bernie Dudek, 270 Hartford Avenue, Wethersfield, CT. 06109.
- f. Memo from Peter D. Gillespie - Economic Development Manager/Town Planner & Denise Bradley - Assistant Planner, Town of Wethersfield dated June 2, 2016 special

attention under Site Plan Comments (five (5) comments), to the Wethersfield Planning and Zoning Commission.

Planner Gillespie indicating a corrected package was received in the Planning and Zoning Department.

Commissioner Richard Roberts made a **Motion to Approve Application No 1912-16-Z Wethersfield Cove Yacht Club** seeking a Site Plan and Design Review in accordance with Section 3.6 (Accessory Buildings & Structures) of the Wethersfield Zoning Regulations to add (15) dock slips to the existing twenty (20) at 270 Harford Avenue, as submitted reflecting the revised plans received by the Planning and Zoning Department.

Commissioner George Oickle **Second**

**AYE** - Commissioners Allard, Antoniak, Dean, Homicki, Hughes, Margiotta, Oickle Roberts, Silver

**NAY** - None

**ABS** - None

**Motion Passed 9-0**

**3.2 PUBLIC HEARING APPLICATION NO. 1914-16-Z Legacy SD LLC/RSM** seeking a special Permit in accordance with Section 5.2 (Permitted Principal Uses) of the Wethersfield Zoning Regulations for a change of Use to locate the Russian School of Math at 860-862 Silas Deane Hwy.

Mike Panek President of Phoenix Realty Management and Legacy Management SD LLC, 860 Silas Deane Hwy., previously came before Commission to redevelop and redesign a new façade and parking on back of the building in 2015 and that work has been completed and would like a change of use for the Russian School of Math. The applicant indicating that the RSM has been in business since 1997 in thirty-five (35) locations in twelve (12) states across the country and wishes to relocate from Rocky Hill to Wethersfield since there is more space needed to accommodate 8-12 students per class K- High School. There will be 3200 square feet and another 3800 square feet of unused space; totaling 7000 square feet of space. The hours of operation shall be from three (3) to eight (8) p.m. Monday through Friday and weekends nine (9 a.m.) to five (5 p.m.) with offset starting times i.e. three (3 p.m.), three fifteen (3:15 p.m.) etc., which will control parking access. Generally, this is off time for neighboring tenants. The parents drop the students off and pick the students up and are not permitted to wait. The applicant wishes to open its doors for the summer session. The Fire Marshal in a

letter dated 6/3/2016 indicating that it meets code; all comments have been addressed. The applicant did speak to the building department, Steve Lattarulo, Building Official, stating they have been given a preliminary approval and that the plans submitted meet code.

Commissioner Hughes asked about the number of students and teachers.

Commissioner Homicki asked Town Planner Gillespie if property owner comes back regarding parking will we be revisiting this; Town Planner Gillespie indicated that staff would deal with this and since this tenant is not using all the spaces and it is an in and out driving operation, he has no concern. Mr. Panek pointed out that there are 19 spots left for other tenants and no buses come in and out of location, just parents so there is no congestion. Commissioner Antoniak asked about lighting and signage. The approved plan from last year did require lights in the back and side and front. The applicant stated that the site is well illuminated. Commissioner Hughes noted that their present location in Rocky Hill seems to operate well and he is not concerned, observing the schools current operation.

Mr. David Paley, handles the operation in RMS in Rocky Hill, CT indicated that there are 300 students and they operate out of five classes and with one teacher per class; so there will be a maximum of 8 employees on site. Mr. Paley gave a brief description of what the school does for its student.

The applicant stated that all the work was completed including work to the neighboring tenants property to make the property look good. They will need signage above the doors since, there is not room for a sign in the front of the building, which will require going to the Design Review Advisory Board.

Vice Chairman Margiotta read a memo from the Town Engineer, Mr. Derrick Gregor, Department of Public Works Engineering Division Town of Wethersfield dated June 3, 2016 to Peter Gillespie, Town Planner, which added two notes to the “Site, Grading, E.C. and Landscape Plan” prepared by Close, Jensen and Miller dated 7/24/15, revised 8/24/15, they are:

1. Add a note to the plan stating that any broken or damaged sidewalk along the frontage of this property shall be replaced by the developer during construction
2. Revise the Erosion and Sedimentation Control Narrative to replace “Zoning Enforcement Officer” with “Wetlands Agent”.

Vice Chairman Magiotta asked for any comments from the public. There were no public comments.

Commissioner Hughes made a **Motion to close hearing**

Commissioner Oickle **Seconded the Motion**

**AYE** - Commissioners Allard, Antoniak, Dean, Homicki, Hughes, Margiotta, Oickle, Roberts, Silver.

**NAY** - None

**ABS** - None

**Motion Passed 9-0**

Commissioner Richard Roberts made a **Motion to Approve Application No. 1914-16-Z Legacy SD LLC/RSM** seeking a Special Permit in accordance with Section 5.2 (Permitted Principal Uses) of the Wethersfield Zoning Regulations for a change of Use to locate the Russian School of Math at 860-862 Silas Deane Hwy, with two (2) comments from June 3, 2016 Letter from the Town Engineer, Mr. Derrick Gregor:

1. Add a note to the plan stating that any broken or damaged sidewalk along the frontage of this property shall be replaced by the developer during construction
2. Revise the Erosion and Sedimentation Control Narrative to replace “Zoning Enforcement Officer” with “Wetlands Agent”.

Commissioner Hughes **Seconded the motion**

**AYE** - Commissioners Allard, Antoniak, Dean, Homicki, Hughes, Margiotta, Oickle Roberts, Silver.

**NAY** - None

**ABS** - None

**Motion Passed 9-0**

Commissioner Thomas Dean recused himself from the next hearing. Vice Chairman Margiotta calls for the next Application.

**3.3 PUBLIC HEARING APPLICATION NO. 1915-16-Z John Cusano/Dutch Point Credit Union** seeking a special Permit in accordance with Section 6.1 (Landscaping Requirements) to modify Applications for 1216-95-Z 195 Silas Deane Hwy.

Mr. John G. Stewart 571 Hopmeadow Street, Simsbury, Connecticut 06070-2416 Landscape Architect for CR3 Landscape Architecture. He noted that the purpose of application was a result of an enforcement Action by Justin LaFountain ZEO/PMO dated 12/14/15 and 3/21/16, whereas the trees were removed from the landscaping as identified on site plan in 1995. The applicant stated the reasons for removal of landscaping was due to disease, mechanical issues, snow plows and storm damage. Mr. Stewart described the plans and indicated that he met with Mr. Gillespie, Town

Planner, and went over the plans in great detail. He indicated that some have been replaced and some were removed due to concern with security. They were obscuring the building near the drive through.

Commissioner Allard asked the height of plantings at site line. The applicant indicated that they are low, junipers, lilies so as not to obscure the building. Commissioner Antoniak asked about the back of building. Commissioner Oickle asked if they are planning on replacing equivalent to what was taken out. Discussion ensued with an explanation of the plantings satisfying the Commissioners questions. Commissioner Roberts asked Town Planner Gillespie, if the proposal substantially complies with our current regulations. Town Planner Gillespie stated in the back and south side of the building, they have replaced what was lost over the years and that the site is probably one of the more heavily landscape sites in town. Due to security reasons, the applicant is using a different approach with regard to the front of the building. Town Planner Gillespie indicated that he thinks it does comply and it has trees of significance. Commissioner Hughes pointed out that years ago this was an A. W. Root Beer and the present building is well maintained and therefore, overall comfortable with the application.

Vice Chairman Margiotta asked for comments from the public. There were no public comments.

Commissioner James Hughes made a **Motion to close hearing**

Commissioner Dan Silver **Seconded the Motion**

**AYE-** Commissioners Allard, Antoniak, Homicki, Hughes, Margiotta, Oickle, Roberts, Silver

**NAY** - None

**ABS.** - Commissioner Dean

**Motion Passed 8-0-1**

Commissioner Richard Roberts made a **Motion to Approve Application NO. 1915-16-Z John Cusano/Dutch Point Credit Union** seeking a special Permit in accordance with Section 6.1 (Landscaping Requirements) to modify Applications for 1216-95-Z 195 Silas Deane Hwy. as submitted.

Commissioner Anthony Homicki **Seconded the motion**

**AYE** - Commissioners Allard, Antoniak, Homicki, Hughes, Margiotta, Oickle Roberts, Silver

**NAY** - None

**ABS.** - Commissioner Thomas Dean

**Motion Passed 8-0-1**

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

Executive Session to discuss pending legal matters. At 8:20 p.m.,

Commissioner Homicki made a **Motion to adjourn to Executive Session.**

Chairman Margiotta invited Town Attorney Jack Bradley, Town Manager Jeff Bridges, Town Planner Peter Gillespie and Assistant Planner Denise Bradley to participate in the Executive Session.

Commissioner Hughes **Second**

**AYE** - Commissioners Allard, Antoniak, Homicki, Hughes, Margiotta, Oickle, Roberts, Silver.

**NAY** - None

**ABS.** - None

At 8:45 p.m.,

Commissioner Homicki made a **Motion to Leave Executive Session** and return to the regular meeting.

Commissioner Roberts **Second.**

**AYE** - Commissioners Allard, Antoniak, Dean, Homicki, Hughes, Margiotta, Oickle, Roberts, Silver.

**NAY** - None

**ABS.** - None

#### **5. MINUTES** - May 3, 2016 and May 17, 2016

Commissioner Roberts made a **Motion to Approve Minutes May 3, 2016.**

Commissioner Oickle **Seconded the Motion** with a revision to page five (5), 4<sup>th</sup> paragraph from the bottom of page the word houses was misspelled.

**AYE** - Commissioners Allard, Antoniak, Dean, Homicki, Hughes, Margiotta, Oickle, Roberts, Silver

**NAY** - None

**ABS.** - None

**Motion Passed 9-0**

Commissioner Roberts made a **Motion to Approve Minutes May 17, 2016.**

Commissioner Silver **Seconded the Motion.**

**AYE** - Commissioners, Allard, Dean, Hughes, Margiotta, Oickle, Roberts, Silver

**NAY** - None

**ABS.** - Commissioners Antoniak, and Homicki

**Motion Passed 7-0-2**

**6. STAFF REPORTS**

Town Planner Gillespie reported that a new Town Engineer has been hired, Derrick Gregor, former Assistant Town Engineer in Manchester. Mr. Gregor was invited to attend future meetings.

Planner Gillespie reported that the ZEO, Mr. Justin LaFountain, had provided a Monthly Zoning Report and Property Maintenance Report for the months of April and May dated June 3, 2016 to Jeff Bridges, Town Manager, Wethersfield Planning and Zoning, noting approximately 100 cases in that period of time with many involving tall grass violations. Commissioners discussed and pointed out other issues to investigate.

Town Planner Gillespie noted that he will add the Ridge Road Apartment Development Project to the June 21, 2016 agenda for a public hearing in an effort to consider a resolution of the pending legal appeal.

Commissioner Homicki made a **Motion to adjourn the meeting at 8:51 p.m.**

Commissioner Hughes **Seconded the Motion.**

**AYE** - Commissioners Allard, Antoniak, Dean, Homicki, Hughes, Margiotta, Oickle, Roberts, Silver.

**NAY** - None

**ABS.** - None

**Motion to Adjourn 9-0**

Respectfully Submitted By,

Mary Lou Wall, Recording Secretary