

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

**June 21, 2011**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, June 21, 2011 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

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	✓		
Joseph Hammer, Clerk			✓
Earle Munroe	✓*		
George Oickle	✓		
Anthony Homicki	✓		
James Hughes			✓
Antonio Margiotta			✓
Vacancy			
Dave Edwards	✓		
Thomas Dean (alternate)	✓		
Angelo Robert Fazzina (alternate)	✓		

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

Chairman Roberts noted that there were 5 full members and 2 alternate members in attendance at the time of roll call. All members present to participate.

Members of the Public were present.

\*Commissioner Munroe arrived at approximately 7:15 p.m. Therefore, there were 6 full members and 2 alternate members after 7:15 p.m. All members present to participate.

2. OLD BUSINESS:

There was no old business discussed at this meeting.

3. NEW BUSINESS:

**3.1 PUBLIC HEARING APPLICATION NO. 1738-11-Z: Anthony Salemi Seeking a Special**

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Permit in accordance with Section 3.5.2 of the Wethersfield Zoning Regulations to operate a home occupation (office) at 151 Eastern Drive.

Mr. Anthony Salemi, 151 Eastern Drive, appeared before the Commission and mentioned that his Application is in response to an enforcement action from Brian O'Connor, Chief Building Officer/Zoning Enforcement Officer.

Chairman Roberts referred to the June 17, 2011 Memo to the Planning and Zoning Commission from Peter Gillespie, Economic Development Manager/Town Planner & Denise Bradley, Assistant Planner, regarding this Application. He noted that the Memo indicates that (1) the business occupies 350 s.f. area; (2) the business operates five days per week, Monday through Friday; (3), and that the Applicant provided a site plan. Chairman Roberts also noted the Memo mentioned that this Application does not comply with the following requirement (according to Section 3.5.2.D.1) of: "It shall be carried on only by the inhabitants of the dwelling.", as there are employees for the business who are not inhabitants of the dwelling. Chairman Roberts asked the Applicant to respond by providing details of this business and how it operates at the site.

Mr. Salemi indicated that he has been operating a data collection and information services from his residence, 151 Eastern Drive, for approximately four (4) years and that said company provides underwriting information to the insurance industry. He mentioned the example of customers of an insurance company who would want to take out a life insurance policy and the need for the insurance company to obtain medical histories of the customers and to have someone schedule appointments for medical testing of those applicants. He noted that none of the clients meet at the site, as there is nothing being sold by the Applicant or his employees. He also noted that he employs three (3) people who are local residents and that these employees spend their workday on the telephone and by completing data entry work on the computer. He indicated that the employees park in the two (2) lane driveway at the site. He mentioned that the business hours are Monday through Friday from 9:00 a.m. to 5:00 p.m. The employees do not leave the site, other than to purchase lunch, during the workday.

Mr. Gillespie noted that other than the Applicant not being in compliance with the business being carried on by inhabitants only, the Applicant is in compliance with all other requirements of Section 3.5.2. of the Wethersfield Zoning Regulations to operate a home occupation (office) at the site. He also noted that the Zoning Officer was not comfortable with handling a response, administratively, to the complaint resulting in this Application due to the number of employees involved in the business at this site.

Chairman Roberts inquired of the nature of the complaint, and Mr. Gillespie indicated that a competitor of the business made a complaint. Mr. Gillespie noted that he did not receive any complaints regarding activity at the site and deferred to a petition document submitted by the Applicant with at least nine (9) property owners' signatures. These property owners who support this Application are in direct vicinity to the site.

Chairman Roberts inquired and the Applicant indicated that Applicant does not intend to extend the number of employees or the hours of operation for the subject business.

Commissioner Oickle inquired if an overflow of vehicles onto Eastern Drive or Crest Street is occurring from the business. Mr. Salemi responded that his Honda Civic is parked on Crest Street during the two (2) or three (3) work days in a given week when he is not traveling to New York. Mr. Salemi noted that approximately once per month, a copy paper delivery is received for the business from Staples Office

Products.

Commissioner Oickle inquired and Mr. Salemi indicated that employees enter and exit the home office from a doorway that abuts the driveway at the site.

Commissioner Homicki inquired and Mr. Salemi indicated that the business, Amtec X1, Inc., is incorporated in the State of Connecticut, and recorded with the Town Clerk.

Commissioner Homicki inquired and Mr. Salemi indicated that the computers are located at the site and are not brought in by the employees.

Commissioner Dean inquired of the trash management plan and adequacy of trash receptacles for the site. Mr. Salemi indicated that he has an adequate amount of trash receptacles, as he rents an additional garbage bin from the Paines refuse service. He noted that his trash management plan includes recycling, as there is an abundance of material from paper shredding completed at the site.

Commissioner Dean inquired and Mr. Salemi indicated that no bodily fluid specimens are seen, handled, or tested at the site.

Commissioner Dean inquired and Mr. Salemi indicated that business has continued to be conducted at the site since the citation occurred. Mr. Salemi explained it was his understanding that once the citation was received, he learned from the Town that he could continue to operate as he has until the Commission makes a decision on this Application.

**PUBLIC COMMENTS:**

Mr. Salvatore Minniti, a resident of 144 Crest Street since 1998, appeared before the Commission in support of the Application. He noted that there are no traffic problems or other issues of concern at the site.

Vice Chairman Harley made an inquiry to Mr. Gillespie regarding what historically the duration of special permits has been for home based offices, and Mr. Gillespie indicated that the Commission has historically reviewed these matters on a case by case basis. Mr. Gillespie mentioned that the Commission has noted in some matters that renewals could be done administratively, unless and until a major change with enforcement occurs. Mr. Gillespie suggested that the Applicant's four (4) years of operation at the site with no complaints other than that of the competitor could be factored into any consideration this Commission would give with regard to this Application.

Vice Chairman Harley indicated that any decision made by the Commission regarding this Application runs with the land (site).

Commissioner Dean inquired and Mr. Salemi indicated that Mr. Salemi pays for the additional waste can obtained from Paines refuse service.

Commissioner Homicki inquired and Mr. Salemi noted that the business is viable and that he is agreeable to a term of three (3), five (5) or whatever number of years the Commission imposed as the term for the special permit requested.

Commissioner Homicki inquired and Mr. Salemi indicated that there is no possibility for expansion of this business at this site.

Chairman Roberts inquired and Mr. Salemi indicated he is agreeable to a special permit duration of three (3) years with an extension of two (2) additional years by Staff, as long as there are no changes in the operations of said business and if there are no neighbor complaints.

Motion: Commissioner Fazzina made a motion to close **PUBLIC HEARING APPLICATION NO. 1738-11-Z: Anthony Salemi** Seeking a Special Permit in accordance with Section 3.5.2 of the Wethersfield Zoning Regulations to operate a home occupation (office) at 151 Eastern Drive.

Second: Commissioner Homicki seconded the motion.

Aye: Roberts, Harley, Oickle, Homicki, Edwards, Dean, Fazzina;  
Nay: None;

Vote: 7 – 0;

Commissioner Munroe abstained from voting, as his arrival to this meeting occurred near the conclusion of the Applicant's presentation.

**Public Hearing was Closed.**

**DISCUSSION:**

Motion: Vice Chairman Harley made a motion to approve, **PUBLIC HEARING APPLICATION NO. 1738-11-Z: Anthony Salemi** Seeking a Special Permit in accordance with Section 3.5.2 of the Wethersfield Zoning Regulations to operate a home occupation (office) at 151 Eastern Drive, with the following conditions:

1. The duration of this special permit is for three (3) years;
2. Upon expiration of this three (3) year special permit, Town Staff may renew said permit for an additional time frame of two (2) years if : (a) there are no changes in the operations of said business; and/or (b) there are no neighbor complaints.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Oickle, Homicki, Edwards, Dean, Fazzina;  
Nay: None;

Vote: 7 – 0;

Commissioner Munroe abstained from voting, as his arrival to this meeting occurred during the Applicant's presentation.

**Application approved with conditions.**

**DISCUSSION:**

Commissioner Homicki indicated that this Commission will send and increased trend in home based occupations, as larger corporations will require less office space which will translate into increased home office space.

Chairman Roberts concurred with Commission Homicki and stated that the decision in this Application represents the balancing of neighborhood concerns with the reality that people need to make a living.

**4. OTHER BUSINESS:**

**4.1 Discussion regarding 100 Marsh Street – Community Banner Location.**

Mr. Gillespie and the Commissioners discussed some guidelines relative to creating a policy for allowing not for profit organizations to display an over-the-street banner to help create a welcoming environment for residents, employees and visitors in Wethersfield and to help promote Wethersfield. The banners would be installed by Town Public Works, and the Parks and Recreation Department would handle the scheduling in terms of approving an organization and how long that organization's banner can be displayed. Town Council would establish the fees based on information provided by Town Staff. Mr. Gillespie indicated that Town Staff researched some locations where the community banner concept has been successful and have drafted some guidelines. Some suggestions by the Commission include: using colorfast ink; inclusion of a free moving weight; establishing a requirement that the banner must be manufactured by a reputable dealer; establishing a deadline for accepting applications from organizations; observance of high demand with possibility of short review time; creating the understanding that the opportunity to display is not guaranteed; factoring in additional lead time due to capital outlay concerns. Mr. Gillespie reminded the Commissioners to direct any other comments regarding this issue to him as soon as possible and prior to the next meeting of the Town Council.

**4.2 Discussion regarding the Update of the Plan of Conservation & Development.** Mr. Gillespie asked the Commissioners to provide comments regarding the RFP and suggested that a subcommittee of three (3) Commission Members be established to oversee the effort in reviewing the RFPs and updating the Plan.

Vice Chairman Harley and Commissioner Homicki volunteered to be members of the subcommittee.

Mr. Gillespie indicated that there is a budget in place to get the process underway.

Chairman Roberts and Commissioner Oickle concurred that the RFP language was what they expected.

Commissioner Oickle offered some suggestions that included modifications to Section I with regard to sidewalk construction/planning, open space relative to use of farm land and where to categorize athletic fields in a proposal. He also noted that some other language for the RFP can include "scope of services may include and are not limited to".

Chairman Roberts noted that language suggesting consistency with the Town's Plan of Conservation and Development be included in a RFP to qualify in terms of grant eligibility, keeping a project on track and developed in a timely manner.

Commissioner Homicki indicated that this RFP is more thorough than the one completed in year 2000. He noted that the Fuss & O'Neill Report and the Traffic Study on the Silas Deane Highway, etc., should be included as an addendum.

Chairman Roberts suggested inclusion of Redevelopment Agency findings.

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Commissioner Dean noted there is data that can be sorted which was collected during the permitting process of the Commission and that the data is worthy of inclusion in a comprehensive study. The data would include: types of special use permits granted; the circumstances of which and where special use permits were granted; tracking locations; types of permitting; and business activities involved.

Chairman Roberts concurred with Commissioner Dean and indicated that when determining a new concept for a particular area, one has to look at what has been happening in the area in order for the new concept to be properly implemented.

Chairman Roberts and Commissioner Oickle noted they are glad the Town Council is funding the Plan of Conservation & Development.

Mr. Gillespie noted that the Commission Members who are absent for this meeting are invited to join the subcommittee. He also noted that the subcommittee needs to be mindful of a quorum.

Commissioner Oickle asked that all Commission members be notified of any meeting of the subcommittee.

5. MINUTES - Minutes from the May 17, 2011 Meeting.

Commissioner Oickle noted typographical errors on Pages 3, 5, 6 and 8 of the Minutes from the May 17, 2011 meeting of the Planning & Zoning Commission. The Minutes will be corrected to reflect that one (1) Alternate Member participated in the voting instead of two (2).

**Motion:** Commissioner Oickle made a motion to approve the minutes, as corrected.

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

Aye: Roberts, Harley, Munroe, Oickle, Edwards, Dean, Fazzina;

Nay: None;

Vote: 7 – 0;

Commissioner Homicki did not participate in the vote, as he was not present for the Planning & Zoning Commission Meeting of May 17, 2011.

**Minutes approved as corrected.**

6. STAFF REPORTS:

Mr. Gillespie referred to **PUBLIC HEARING APPLICATION NO. 1723-10-Z: Lucas Kyriakos** Seeking a Special Permit in accordance with Section 5.2.F.2 of the Wethersfield Zoning Regulations for an amendment to Application No. 1700-10-Z for outdoor dining at 222 Main Street (Lucky Lou's). The permit was for an outdoor patio. The owner reduced the size of the patio originally proposed. The patio has been constructed further away from the multi-family residence (26-28 Marsh Street), and placed closer to Main Street. The Historic District Commission approved of the change, and the project is now completed. Mr. Gillespie indicated that there was a ribbon cutting ceremony for a new business named Rugged Fitness (**PUBLIC HEARING APPLICATION NO. 1730-11-Z**), a Health and Fitness Studio, which is located at 1862 Berlin Turnpike (Atlas Tile Shopping Center). Mr. Gillespie also indicated that the building permit Application (which will be issued in a week or so) has been submitted, and a four (4) phase construction plan is currently being reviewed for the Panera Bread restaurant to be built in the Wethersfield Shopping Center (**PUBLIC HEARING APPLICATION NO. 1720-10-Z: LRC Group**

Seeking a Special Permit in accordance with Sections 5.2.F.2 and 5.2.F.3 of the Wethersfield Zoning Regulations to construct a restaurant with outdoor dining and a drive-thru window at 1129 Silas Deane Highway). Mr. Gillespie noted there has been interest in the following unleased/unoccupied buildings: 486 Silas Deane Highway (former location of Tim Horton's); 672 Silas Deane Highway (former location of Amici's Restaurant); and 245 Main Street (corner of Main Street and Church Street formerly known as Masonic Temple). Mr. Gillespie noted the streetscape work being completed in front of Town Hall on the Silas Deane Highway. The brick walkway will be continued and additional lighting in the area will be installed. A smaller brick drop-off area will result with the improvements. Some funding for said project was provided by small Town assistance grants received by the State of Connecticut, and another grant may be forthcoming.

Chairman Roberts inquired and Mr. Gillespie commented on his attendance at a recent Newington Planning and Zoning Commission meeting to read into the record various issues the Town of Wethersfield has, the list of which was put together by Town Staff, concerning the proposed development of Cedar Mountain in Newington.

Commissioner Oickle inquired of the stop order regarding **PUBLIC HEARING APPLICATION NO. 1688-09-Z** Frank Nicotera Seeking a Special Permit, in accordance with Section 3.5.3 of the Wethersfield Zoning Regulations, for an accessory apartment that exceeds the maximum square footage permitted at 179 Griswold Road. Mr. Gillespie indicated that he will obtain a status of this matter.

**7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING:**

There were no public comments made at this meeting relative to general matters of planning and zoning.

**8. CORRESPONDENCE:**

A letter from Mr. Donato Guerrero to Mr. Gillespie, Wethersfield Town Planner, regarding plantings that were approved for the site of 287 Two Rod Highway.

Request for Extension of Time of Date Hearing must open regarding Public Hearing Application No. 1737-11-Z; Don Hammerberg Associates.

**9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:**

**9.1 PUBLIC HEARING APPLICATION NO. 1737-11-Z: Don Hammerberg Associates** Seeking a Special Permit in accordance with Section 5.7 of the Wethersfield Zoning Regulations for a General Repairer's License, and in accordance with Section 5.6 of the Wethersfield Zoning Regulations, to construct an addition at 450 Silas Deane Highway.

**10. ADJOURNMENT:**

Motion to adjourn at 8:03 PM – by Commissioner Homicki.

Seconded – by Vice Chairman Harley.

Aye: Roberts, Harley, Munroe, Oickle, Homicki, Edwards, Dean, Fazzina;

Nay: None;

Vote: 8 – 0;

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary