

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

January 20, 2010

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, January 20, 2010 at 7:08 p.m. in the Wethersfield Town Library’s Basement Meeting Room located at 515 Silas Deane Highway (adjacent to Town Hall), Wethersfield, Connecticut.

1. CALL TO ORDER

Vice Chairman Roberts called the meeting to order at 7:08 p.m.

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

Vice Chairman Roberts called the roll as follows:

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman	✓*		
Richard Roberts, Vice Chairman	✓		
Philip Knecht, Clerk**	✓**		
Thomas Harley	✓		
Robert Jurasin	✓		
Frederick Petrelli	✓		
Earle Munroe	✓		
George Oickle	✓		
Anthony Homicki	✓		
James Hughes (alternate)	✓		
Thomas Dean (alternate)*		✓	
Dave Edwards (alternate)		✓	

*Chairman Hammer arrived shortly after the call of the roll.

**Commissioner Knecht arrived during the public hearing of Agenda item No. 3.1.

Also present: Peter Gillespie, Town Planner; Denise Bradley, Assistant Planner;

Vice Chairman Roberts noted that there were 7 full members and 1 alternate in attendance at the time of roll call. All members present to participate. Note: 2 full members arrived after the call of the roll. Therefore, 9 full members and 1 alternate were present to participate.

Members of the public were present.

2. OLD BUSINESS

There was no old business discussed at this meeting.

3. NEW BUSINESS

3.1 PUBLIC HEARING APPLICATION NO. 1694-10-Z Pierre Bennerup Seeking a 1-lot re-subdivision of property located at 249-263 Main Street (known as Lot 3, Church Street).

Mr. James L. Sheehy, L.S., 87 Randy Lane, appeared before the Commission on behalf of the Applicant. He is a licensed professional land surveyor. He noted that Applicant, Mr. Pierre Bennerup, was present

for this hearing. Mr. Sheehy noted that he prepared the map outlining the property owned by Comstock Ferre, delineating the lot#3, as described the Application. He indicated that the proposal is to create a residential lot in a B residence zone for a single family residence. He noted that currently, Comstock Ferre owns approximately 1.6 acres (which includes Lot#2, a parcel conveyed in May 2009). He pointed out the existence of the zone district boundary line and depicted the Village Business Zone to the North and depicted the B Residence Zone to the South. He noted that map shows the proposed lot would be entirely in the B Residence zone. He also noted that the lot at 7,500 square feet conforms to the required zoning in the area. He stated that on January 5, 2010, legal notice (sign at Church Street) was posted at the site. He noted that notification letters were set to property owners within a 300' radius of the site. The driveway in existence at the left side of the lot will remain as requested by the fire marshal. The setback for the building line is 27.25 feet, and the setback for the veranda line is 20.85. Mr. Sheehy indicated that the setbacks are in scale with others averaged in the neighborhood. He provided a footprint of a proposed 32x32 foot residence, with a 22x22 foot, 2-car garage to demonstrate how zoning requirements are met in this Application.

Chairman Hammer made an inquiry as to whether this Application would place Lot#1 out of compliance with setbacks for existing buildings, lot coverage, etc.

Mr. Sheehy responded that this Application does not place Lot #1 out of compliance as noted above.

Chairman Hammer inquired if the Application would not be in compliance with zoning if the average setback had not been completed.

Mr. Sheehy responded that the average setback calculated was more for purposes of the residence conforming to other residences in the neighborhood. He also noted that zoning regulations would not be compromised if the average setback was not utilized.

Mr. Gillespie noted that no special waiver is required regarding this setback.

Chairman Hammer inquired and Mr. Sheehy confirmed that future redevelopment of Lot#1 would be not compromised if the Application is approved.

Commissioner Jurasin inquired if item numbers 2 and 3 of Mr. Gillespie's Memo dated January 8, 2010 to PZC Members have been satisfied.

Mr. Gillespie noted that the easement would have to be done as a condition of approval. He also noted that the Town Fire Marshal and Town Engineer need to be involved in the final disposition of utility services to the back building of Lot#1.

Commissioner Jurasin made an inquiry regarding the Fire Marshal's January 11, 2010 Memo, Item #3. He noted that Mr. Sheehy addressed the comment in his January 10, 2010 Memo, and he inquired if Mr. Sheehy's response is satisfactory to the Commission.

Mr. Gillespie noted that if the conditions (Item #s 2 and 3) mentioned in his January 8, 2010 Memo are included in an approval, then Mr. Sheehy's response would be satisfactory to the Commission.

Chairman Hammer inquired as to how much parking is utilized in the proposed lot for existing Lot #1.

Mr. Sheehy indicated that the proposed lot was not used for servicing Lot #1 as parking because the proposed lot contains brush and trees.

The Applicant indicated that a plastic hoop house, which was demolished by permission of the Town approximately 2 years ago, was situated on the proposed lot. He also noted that zoning prohibited the use of parking at the proposed lot.

Chairman Hammer, Commissioner Munroe inquired and Mr. Sheehy concurred that the ownership of the driveway remains with Lot #1.

Mr. Howard Willard, 141 Main Street, spoke in favor of the Application. He would like to see a residence constructed that would resemble that of greek revival styled architecture, which would fit into the neighborhood. The gable end of the home would face the street and the house would be constructed deeper back into its lot.

Ms. Lucinda Hughes, 14 Meggat Park, spoke in favor of the Application.

Ms. Sharon Carducci of William Raveis Real Estate, listing agent of 245 Main Street (Masonic Hall) spoke in favor of the Application. Ms. Carducci's mother is the owner of 245 Main Street.

Mr. James Pawlak, 47 Church Street, spoke in favor of the Application.

Mr. Gillespie noted items to be added to the record. Memo dated January 20, 2010 from Mr. Turner; Letter in support from Ms. Lucinda Hughes; Comments from Town Engineer and Town Fire Marshal. He also noted that several phone calls were received by his office inquiring of this matter.

Motion: Commissioner Hughes made a motion to close the hearing regarding **APPLICATION NO. 1694-10-Z Pierre Bennerup** Seeking a 1-lot re-subdivision of property located at 249-263 Main Street (known as Lot 3, Church Street).

Second: Commissioner Petrelli seconded the motion.

Aye: Hammer, Roberts, Harley, Jurasin, Munroe, Petrelli, Homicki, Oickle, Hughes

Nay: None

Abs: Knecht

Vote: 8 – 0

Motion: Vice Chairman Roberts made a motion to approve, with conditions, **APPLICATION NO. 1694-10-Z Pierre Bennerup** Seeking a 1-lot re-subdivision of property located at 249-263 Main Street (known as Lot 3, Church Street). The conditions to this approval are: (1) that the Applicant is to work with Town Staff concerning the location or relocation of the utilities crossing proposed Lot #3 and servicing Lot #1, so that any necessary easements are prepared to Town Staff satisfaction; (2) that any location or relocation of those utilities, as required by Town Staff (including the Fire Marshal), be conducted by the Applicant and at the Applicant's expense; (3) all conditions must be met as necessary and prior to the conveyance of lot #3.

Second: Commissioner Oickle seconded the motion.

Aye: Hammer, Roberts, Harley, Jurasin, Petrelli, Munroe, Oickle, Homicki, Hughes

Nay: None

Abs: Knecht

Vote: 8 – 0

Commissioner Knecht abstained in the vote, as he was not present during a significant portion of the hearing of this matter.

Discussion:

Commissioner Munroe made an inquiry regarding the proximity and possible infringement of the northeast corner of the property to its abutting neighbor.

Mr. Gillespie noted that staff member, Brian O'Connor, would require the lot to be plotted if necessary. Commissioner Homicki described the Application as exemplary in terms of precision and thoroughness. Commissioner Oickle concurred with Commissioner Homicki and noted high regard to Mr. Sheehy's work product.

4. OTHER BUSINESS

4.1 Discussion of Commercial Vehicle Regulations.

Mr. Gillespie indicated that he and Staff fully researched commercial vehicle regulations in effect at several neighboring towns, and the results of the research suggest that the existing regulations need to be overhauled with new, more comprehensive regulations. These proposed regulations are noted in the January 15, 2010 Memo to the PZC from Mr. Gillespie.

Commissioner Oickle inquired if CROG provided assistance in the research effort.

Mr. Gillespie indicated that CROG assistance was not sought because he and Staff have other ways of finding out information.

Commissioner Oickle suggested that a survey in connection with the proposed commercial vehicle regulation amendments be conducted with a small group of individuals who own commercial vehicles both above and under the limits noted in the proposed regulations. He also suggested that the Council view the results of the survey.

Commissioner Jurasin suggested that the Chamber of Commerce be included in the survey mentioned above.

Mr. Gillespie noted that the survey is for informational purposes with contribution by Staff.

Vice Chairman Roberts indicated that the proposed regulations are really good. He noted that loopholes would be closed, egregious matters would be prohibited, or ZBA involvement would occur.

Mr. Gillespie noted that he was cognizant of existing regulations when drafting the proposed amendments.

Commissioner Knecht noted that the proposed amendments provide more clarification.

Mr. Gillespie indicated that certain proposed amendments would dictate an outright denial of privilege, other proposed amendments would dictate enforcement by the zoning officer, and other proposed amendments would dictate ZBA involvement.

Commissioner Petrelli inquired of the impact on regional agents who have vehicles with logos on their property.

Mr. Gillespie indicated that if the vehicle is considered the primary vehicle used in the course of business, then an administrative staff approval would be made by permit.

Commissioner Munroe made an inquiry regarding enforcement of the proposed regulations.

Mr. Gillespie indicated that the Town Manager is looking into a method of having the police department inform the zoning officer of violations. He stated that the zoning officer can issue fines for violations, as noted in ordinances.

Commissioner Homicki made an inquiry regarding the timeline for final submission of the proposed regulation amendments. He also noted that the proposed amendments are well crafted and a good baseline for commencement of the hearing process.

Mr. Gillespie noted that final submission couldn't happen any sooner than 45 days.

Vice Chairman Roberts suggested a review of what the language would be pertaining to permissible types of surface parking on property.

Chairman Hammer provided a few corrections to the verbiage of the proposed regulation amendments.

Mr. Gillespie will revisit the issues raised in this discussion and will commence the public hearing process.

5. MINUTES – Minutes from the January 5, 2009 Meeting.

Chairman Hammer and Vice Chairman Roberts, Commissioner Oickle and Commission Homicki noted corrections to the Minutes. The Minutes will be revised accordingly.

Motion: Commissioner Jurasin motioned to approve the minutes with the suggested revisions.

Second: Commissioner Oickle seconded the motion.

Aye: Hammer, Roberts, Knecht, Harely, Jurasin, Petrelli, Munroe, Oickle, Hughes

Nay: None

Abs: Homicki

Vote: 8 – 0

Minutes approved as corrected.

Commissioner Homicki abstained in the vote, as he was not present during the January 5, 2009 Meeting.

6. STAFF REPORTS

Mr. Gillespie and the Commission discussed a previous application heard in July 2007 for a proposed three-lot subdivision at 287 Two Rod Highway. The purpose of the discussion was an attempt to obtain clarification regarding the handling of some white pine trees deemed large and healthy, as well as some shrubbery at the site. He noted that the abutting neighbors believe that the subject trees were to be removed from the property. Mr. Gillespie referred to the Minutes of the July 2007 PZC Meeting and read excerpts from said Meeting that pertained to the tree and shrubbery issue.

Commissioner Oickle indicated that his recollection of the cleaning up at the site did not include removal of the several large pine trees but pertained solely to the clearing of the brush beneath said trees.

Commissioner Hughes indicated that he does not recall the taking down of the large white pine trees as part of the Application's outcome.

Vice Chairman Roberts noted that the taking down of large trees is typically not a proper condition of the approval of a subdivision.

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING

There were no public comments made regarding general matters of planning and zoning.

8. CORRESPONDENCE

There were no items of correspondence discussed at the meeting.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS

There are no pending applications to be heard at future meetings.

10. ADJOURNMENT

Motion to adjourn at 8:13 PM – by Commissioner Roberts.

Seconded – by Commissioner Petrelli.

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Petrelli, Munroe, Oickle, Homicki, Hughes

Nay: None

Abs: None

Vote: 9 – 0

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary