

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

**November 16, 2010**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, November 16, 2010 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 7:04 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			
Thomas Dean (alternate)	✓*		
Dave Edwards (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 Dean arrived at 7:28 p.m.

2. OLD BUSINESS

There was no old business discussed at this meeting.

3. NEW BUSINESS

**3.1 PUBLIC HEARING APPLICATION NO. 1715-10-Z Paula Rubinow** Seeking a Special Permit for an addition, a 3-car garage and outdoor merchandise sale or display in accordance with Section 5.3.A.9. of the Wethersfield Zoning Regulations at 271 Main Street.

The Applicant, Ms. Rubinow, and her contractor, Paul Randazzo of Percon, Inc., appeared before the Commission.

Paula Rubinow is seeking to construct a 24' x 24' single-story addition and 20' x 40' three (3) car garage at 271 Main Street. The plan is for a 20' x 40' three (3) car garage, a 24' x 24' single story addition, and to demolish the existing garage that is in disrepair. The house currently rests 6.7 feet from the property line and the garage currently at the site is about 2.7 feet from the property line. Mr. Randazzo noted that concerns of building massing at this site were made by the Historic District Commission (HDC) and that this proposed Application conforms to those concerns.

Commissioner Oickle inquired and Mr. Randazzo indicated that the design was an attempt to be further away from the property line. Mr. Randazzo noted that the design conforms to the maximum square footage allotment of 850 square feet for a garage, allows for the turn radius necessary for vehicles to enter into and exit from the garage, and addresses the building massing concerns the Historic District Commission (HDC) had prior to their acceptance of the proposed Application.

Commissioner Oickle made an inquiry regarding trees at the site.

Ms. Rubinow indicated that a Dogwood tree on the property was taken down due to its rotting (as confirmed by Ms. Rubinow's brother, who is an arborist).

Mr. Randazzo indicated that there are two (2) maple trees behind the existing garage. He noted that roots of the two (2) maple trees caused uplifting of the garage floor that currently exists at the site. He also indicated that the concrete floor of the existing garage does not conform to today's specifications.

Ms. Rubinow indicated that a structural engineer inspected the garage that currently exists at the site and noted that wires are holding up the garage.

Commissioner Oickle made an inquiry regarding a piece of the fence in the rear yard as missing.

Ms. Rubinow indicated that a neighbor's tree fell on her fence during storm/hurricane and that she has not had the chance to have that section of fence repaired.

Commissioner Oickle inquired and Ms. Rubinow noted that the second floor of the proposed garage will be used for storage of the decorations used at the site and that there will be no dormer or windows on the upper portion of the proposed garage.

Commissioner Homicki described Mr. Gillespie's November 11, 2010 Memorandum to the Commission regarding this Application as thorough, complete and very well submitted. He inquired of Mr. Gillespie if any other Staff commentary is necessary for the review of this Application. He mentioned that the twelve (12) foot side yard requirement and its application to this matter is the most critical issue in front of the Commission at this time.

Mr. Gillespie noted that this Application went through the Historic District Commission (HDC) and that the conditions attached to the HDC's approval of this matter are included with this Application submission. He indicated that there were minimal site improvements to this Application, and that therefore, additional Staff review was not necessary.

Commissioner Roberts inquired whether the 850 square foot requirement for accessory buildings applies to the footprint or does whether the requirement takes into consideration that the second story of the proposed building would be used for storage.

Mr. Gillespie stated that the 850 square foot requirement pertains to that portion of the building used for parking of vehicles and does not include the portion utilized for storage.

Ms. Rubinow stated that this year marks the tenth (10<sup>th</sup>) year of her business, Main Street Creamery, being in existence. She noted that there have been challenges over the years and would like to stay in business for at least another ten (10) years. She stated that the proposed garage and addition are for personal use only.

Ms. Rubinow described her proposal for an outdoor merchandise sale/display of local artists' goods during the hours of 12:00 noon to 5:00 p.m. and during the months of May through October (weather permitting). She would like to set up a few tables for the artists (i.e. painter, photographer) to sell their goods for approximately three (3) days per week (one weekday and both days on the weekend). The tables would be set up on a patio that would be constructed in place of and in the area of the existing garage.

Ms. Rubinow indicated that favorable articles regarding Main Street Creamery have appeared in *Yankee Magazine*, *The Boston Globe* and *The New York Times*. She also read a favorable letter about Main Street Creamery that was written by a first-place winner of a Connecticut state-wide essay contest. The contest had over one (1,000) thousand applicants. She indicated that the essay was written by a child who described Main Street Creamery as a notable place in Wethersfield where he liked to go to with his family. She noted that the favorable articles and the essay demonstrate what she is about and what she contributes to the Town.

Chairman Roberts stated that the following three (3) letters written in support of this Application be submitted for and made part of the record: Letter dated October 13, 2010 from Odette S. Krasnow, 7 Lydia Drive, Rocky Hill, to the Wethersfield Planning & Zoning Commission; Letter dated October 16, 2010 from Lisa J. Kirsche, 86 Coleman Road, to the Wethersfield Planning & Zoning Commission; Letter from Margaret Downie & Matthew Atwater, 400 Hartford Avenue, to the Wethersfield Planning & Zoning Commission.

**PUBLIC COMMENTS:**

Mr. William Dest, 53 McMullen Avenue, appeared before the Commission in support of this Application. He is a regular customer of Main Street Creamery. He considers the Applicant to be a good ambassador to Old Wethersfield. He believes the Applicant's plan for artists to display their goods will help promote tourism to the area. He also believes that the Applicant has continually provided top-shelf improvements to her property.

Ms. Dolores Sullivan, 36 Knight Street, appeared before the Commission in support of this Application. She indicated that the Applicant is smart and brings culture, charm and friendliness to the community in the operation of her business. She expressed her desire for the Applicant to be allowed to continue with her endeavors.

Ms. Sherry Callahan, 21-23 Jordan Lane, appeared before the Commission in support of this

Application. She indicated that she has patronized the Applicant's business for ten (10) years with her granddaughter. She stated that the Applicant is supportive of the community and has a high regard for its children. She described the Applicant's property as quaint, charming and complimentary to the era of the historic buildings in the area.

Mr. Roger Rubinow, of 9 Eastlake Place, Middletown, appeared before the Commission in support of this Application. He noted that he admires all the efforts that the Applicant, his daughter, has brought to the Community through the operation of her business. He also noted that customers travel from far and wide to visit the Applicant's business and to view earmarked maps she has displayed for purposes of letting the public know where visitors to Town are coming from. He believes that the atmosphere of the business is considered friendly. He and the Applicant submitted an artist's drawing of the proposed addition and garage for purposes of visual clarification. Mr. Rubinow noted that the proposed design of the structures is intended to preserve with the historic integrity of the existing house.

Commissioner Oickle made an inquiry as to whether the proposed addition would be used as an in-law apartment.

Mr. Rubinow indicated that the proposed addition is for his daughter's use, and he and his wife might spend some time at the residence should the Applicant be out of town for an extended period.

Commissioner Roberts indicated and Mr. Rubinow and Commissioner Oickle concurred that the Application is not being presented as an accessory apartment request and that the request is for an expansion of the current residence.

Mr. Howard Rubinow, brother of the Applicant, noted that the Dogwood tree was removed from the site due to its rotting, as surrounding trees were preventing it from getting the appropriate amount of sunlight necessary for it to thrive.

Commissioner Oickle inquired and Mr. Howard Rubinow indicated that the presence of the stump from the Dogwood tree previously located at the site is preventing the planting of a new tree. Mr. Rubinow mentioned that it is unknown at this time as to whether a new tree will be planted in place of the Dogwood tree.

Mr. John Console, 38 Ivy Lane, appeared before the Commission in support of the Application. He stated that the Applicant has met all the requirement of the Historic District Commission. He noted that it is refreshing to see that residents are putting additions on their homes and improving their properties. He stated that the buildings' massing issues have been addressed, and that a fine contractor is completing the work. He believes that going forward; the community has to be mindful of businesses closing and to embrace a continued effort to support existing small businesses while drawing small businesses into Town. He would like to see vitality in Old Wethersfield that is similar to that of Main Street in Essex, Connecticut.

John O'Brien, 310 Hartford Avenue, noted that he was in attendance at this meeting to read a letter, at the request of its author, into the record. The letter Mr. O'Brien read into the record is dated November 15, 2010. This letter is addressed to the Wethersfield Planning & Zoning Commission and is from Ms. Kathleen Williams, 15 Hartford Avenue. The letter is in opposition to the Application. She is concerned with increased business at the site with the addition of nine (9) additional display areas and vendors. She is concerned with the safety of pedestrians and the ability of emergency vehicles to safely

operate in the area of the site. She believes the proposal will not enhance the overall community; rather, it will erode the quality of life of the neighbors and decrease property values. She noted that in March 7, 2006, the Applicant sought approval of the Commission to expand her menu and utilize the rear of the site for outdoor seasonal activities. Ms. Williams stated that the Applicant, at that time, was given the benefit of the doubt by the Planning & Zoning Commission. She believes that the Applicant has openly and constantly violated the conditions approved. She stated that on October 30, 2010, the Applicant closed her operation for the season by concluding with a special event, without a permit, that involved having pony rides in the rear yard of the business. She believes that the Applicant is not permitted to use the residential portion of her property to promote business. She stated that there has been no attempt by the Applicant to limit her customers' activities to the appropriate zone of her property. She believes that many more violation exist relative to: parking, signage, number of birthday parties allowed, plantings, seating arrangements, noise, and lack of special permits. She contends that frustration and increased controversy have resulted. She believes that nine (9) new businesses would result under the umbrella of one (1) business. She questioned what the hours of operation are, what types of vendors there will be, and whether a parking variance has been sought by the Applicant. She referred to Section 5.1.D.1. (pedestrian-oriented development from mixed use development) and questioned its role in this proposal. She questioned whether fire apparatus could enter and exit effectively and whether vehicles could enter and exit properly. She questioned whether landscaping requirements are met with this Application. She contends that the Applicant's property is in the Village Business district rather than in a commercial zone. Therefore, she contends that community character and ambience of the historic district must prevail over general commercial zone standards. She noted that she'd like to hear the sounds of nature, complete crossword puzzles in peace, and not hear the noise associated with commercial zone activities. She requested that public safety, open space and landscaping be considered when reviewing this Application.

Mr. Tom Shokite, 11 Hartford Avenue, appeared before the Commission in opposition to this Application. His residential property abuts the Applicant's. He submitted photographs for the record. He believes that the proposed garage will minimize the amount of sunlight that would shine into his back yard. He believes that the garage proposed as built 4.2 to 2 feet from the property line would be too close to his property thus presenting ice and snow perils on his property. He is concerned about flooding in his yard. He noted that the minimum side yard requirement is twelve (12) feet. He doesn't believe that the Village Business District would benefit by the Applicant's obtaining a variance to build the proposed garage and addition. He believes his view would be camouflaged and that his property value would decrease if the Application is granted. He noted that children are often left unsupervised in the Applicant's rear yard and that they are very noisy. He stated that his privacy has been compromised, as children are cutting through his property to get to the Applicant's business. He provided pictures to the Commissioners to prove his point.

Commissioner Oickle inquired if Mr. Shokite had any evidence that his property value has or will decrease as a result of the Applicant.

Mr. Shokite indicated that it is his personal opinion that his property value would decrease if the Application is approved.

Commissioner Oickle inquired of Mr. Shokite if taller shrubbery/fencing would help in camouflaging the proposed structures and promoting privacy on his property.

Mr. Shokite indicated that he was not sure if the methods described by Commissioner Oickle would help in terms of promoting privacy. Mr. Shokite mentioned that he hopes that the hole in the Applicant's fence will be fixed and reasoned that it may keep kids from cutting through his yard.

Commissioner Homicki noted that in the 2004 and 2006 hearings, the Commission was sensitive to the split zone situation of the rear lot and the use and activities that could arise during the course of its use. Commissioner Homicki inquired if Mr. Shokite had any discussions with the Applicant or if any complaints were made to the police or Town Manager's Office relative to the issues Mr. Shokite has raised in his opposition statement this evening. Commissioner Homicki also inquired as to the frequency of matters and how bad the situation is.

Mr. Shokite indicated that he wouldn't want to make a complaint with the police about the Applicant. He indicated that he has not voiced any of his concerns with police or other Town agencies.

Commissioner Homicki made an inquiry regarding flooding in Mr. Shokite's yard. He noted that the contractor could elaborate as to the drainage system proposed for the site.

Commissioner Homicki made an inquiry relative to the presence of vendors at the site.

Mr. Shokite indicated that there is a concern of how many vendors will be present at a given time and how often they'll be at the site. He indicated that he is not overly concerned with the parameters the Applicant has presented with regard to the hours of operation, number of vendors and the three (3) days requested for the vendors. He is more concerned with the side yard requirements relative to the proposed garage and the proximity the proposed structure would be to his property. He would like to proposed garage to be as far back from the property line as possible.

Mr. Paul Randazzo, Percon, Inc. indicated that one (1) section of the six (6) foot fence is missing, and it will be replaced. He noted that proposed structures will still allow Mr. Shokite's backyard to continue to have sun all day. He indicated that the 50-60 foot high Maple trees currently at the site will remain and will provide privacy with their abundance of leaves. He noted that there is a lot of clay intensive soil in Old Wethersfield, and there is a lot of sand in the back yard at the site. He indicated that drainage downspouts can be routed to drywells on the other side of the Applicant's middle yard to alleviate drainage concerns. He noted that he will not excavate and place a foundation at the site without a proper stake out of the property. He offered a possible solution to being too close to the property line. His suggestion is to turn the garage parallel with the property line. He reasoned that it would be easier to get in and out of the garage, that the structure would be moved only a couple of feet, and that the neighbor would be satisfied because proposed structure would be further away from the property line.

Commissioner Fazzina inquired of the gutter system for the proposed garage.

Mr. Randazzo indicated that there will be a gutter system in the front and back of the proposed garage and that there is adequate clearance from the roof of the garage to the ground for snow and ice to fall in the Applicant's property and not fall into Mr. Shokite's property.

Commissioner Oickle inquired as to the number of artists she would have at one (1) given time.

Commissioner Homicki inquired and Ms. Rubinow concurred that no complaints have been made to the police or to Town agencies regarding activity at her business.

Mr. Gillespie indicated that he has not received any complaints in the last few years regarding the Applicant's business.

Vice Chairman Harley indicated that he would like to see the proposed garage moved a bit further away from the property line. He noted that he is not looking for the Applicant to change the distance away from the property line to twelve (12) feet.

Ms. Rubinow indicated that she'd agree to move the proposed garage but she does not want to go back to the Historic District Commission to request the change because the Commission is strongly urging the change. She indicated that the HDC liked the idea of having the structure closer to the property line because it would be virtually not visible from Main Street.

Vice Chairman Harley indicated that he understood Ms. Rubinow's concerns. He requested feedback from Mr. Gillespie regarding how this matter could be handled.

Vice Chairman Harley referred to the March 2006 approval, which allowed for some parties. He noted that in the approval, patrons were to remain in the commercial section of the property. Vice Chairman Harley made an inquiry as to what measures the Applicant will take to ensure that patrons do not use the residential section of the site.

The Applicant mentioned arborvitae shrubbery plantings as a remedy in the prevention of customers entering the residential section of her property. She noted mentioned that those plantings would block the view of many additional plantings located further back into the site. The Applicant noted that she is open to suggestions regarding this issue.

Commissioner Oickle concurs with Vice Chairman Harley in favor of rotating the proposed garage out a couple of feet more, as well as obtaining input from Mr. Gillespie about this change without consulting the HDC.

Commissioner Oickle made an inquiry to Commissioner Hughes regarding emergency vehicle access.

Commissioner Hughes and Mr. Gillespie noted that the Fire Marshall did not comment on this issue.

Commissioner Hughes indicated that, generally speaking, buildings in Old Wethersfield are close together. He noted that the parameters used when responding to calls in rear lots could be applied at the Applicant's site. He believes, albeit challenging, a fire could be fought from the street.

Chairman Roberts referred to the November 15, 2010 letter to the Commission from Ms. Kathleen Williams of 15 Hartford Avenue that was read into the record this evening by Mr. John O'Brien. Listed a lot of claims that were supposedly violated. One issue raised in her letter pertains to the 25% of the Business District portion of the Applicant's property having to be landscaped. Chairman Roberts stated that the plans submitted do not have any calculations showing compliance with the landscaping regulation. He indicated that when viewing the plan entirely, it does appear to comply. He noted, however, that when section B of the site is viewed in of itself, he cannot conclude that the 25% landscaping requirement is met.

Mr. Gillespie noted that the side yard requirement for a freestanding garage is five (5) feet.

Chairman Roberts requested clarification of regulation 5.3.A.9. (outdoor merchandise sales & displays not more than 14 days per calendar year). He believes it applies to sales and displays for the principal business and not for vendors at a business.

Mr. Gillespie indicated that although the regulation pertains to outdoor sales and displays for the principal business, the Commission can use discretion in this Special Permit portion of the Application as it reviews the Applicant's request. Since no other regulation exists for outside vendors selling their merchandise at a principal business, Staff believed that this issue should be placed under the proviso of 5.3.A.9.

Ms. Rubinow suggested that the approval for the outdoor merchandise sales & displays be granted for one (1) season (May-October 2011). The approval could include allowing four (4) people to each have one (1) table [which would equal a total of four (4) tables] set up to market their goods.

Mr. Randazzo suggested a solution to parallel the back line of the garage with the fence. He inquired if the Planning & Zoning Commission would super cede or advise the zoning enforcement official and/or the Historic District Commission with issues relative to placement of structures with regard to side yard requirements. He considers the Planning & Zoning Commission as the governing authority in recommending set back lines and site plans.

Mr. Gillespie believes that there is some flexibility (refer to language: "except where modified by the Commission") regarding how Section 6.1.D.1. (Overall Landscape Requirements) is applied. Mr. Gillespie noted that the regulation applies to the portion of the building used for non-residential use. He noted that the entire parcel is 14,158 square feet and 10,808 square feet exists in the Village Business Zone. He concluded that based on the information provided, the 25% landscaping requirement is being met, as there are green areas around both sides of the building, green areas scattered around the building and in the back of the building. Mr. Gillespie indicated that many of the other items referred to in the November 15, 2010 letter from Ms. Kathleen Williams are discretionary items for the Commission and can be considered during the special permit review.

Chairman Roberts inquired if Mr. Gillespie had any suggestions on how to address and resolve matters pertaining to the potential re-location of the proposed garage and the potential conflict with what the HDC did or did not approve.

Mr. Gillespie indicated that the corner of the proposed garage potentially meets the five (5) foot requirement and, therefore, by orienting it slightly so it is parallel to the property, the change can be considered a minor change. The change would be virtually naked to the eye to what was approved by the Historic District Commission. He noted that he would advise the HDC and its staff person accordingly. He also noted that this minor change would ultimately have to be accepted by the HDC.

Chairman Roberts inquired and Commissioner Dean indicated that despite his late arrival at this hearing, he has reviewed the documentation prior to his attendance at this meeting. Commissioner Dean stated that he is familiar with the matter and would participate in the vote if the Commission so desired.

Motion: Commissioner Homicki made a motion to close the public hearing of **PUBLIC HEARING APPLICATION NO. 1715-10-Z Paula Rubinow** Seeking a Special Permit for an addition, a 3-car

garage and outdoor merchandise sale or display in accordance with Section 5.3.A.9. of the Wethersfield Zoning Regulations at 271 Main Street.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Oickle, Homicki, Hughes, Dean, Edwards, Fazzina

Nay: None

Vote: 8 – 0

**COMMISSION COMMENTS:**

Commissioner Homicki believed that the issue pertaining to the number of artists is secondary to the side yard issue. He noted that a five (5) foot side yard requirement should be approved for this Application, contingent upon the actions of the Historic District Commission.

Vice Chairman Harley indicated that he is concerned with whether weigh in by the HDC is necessary if the five (5) foot side yard requirement is approved. He noted that he does not want the Applicant to be adversely affected if the side yard requirement change could not be made administratively.

Commissioner Oickle indicated that in this matter, he believes it is under the jurisdiction of the Planning & Zoning Commission to establish set back lines. He also believes that the decision on this Application by this Commission should not contain a contingent statement.

Commissioner Dean concurs with Commissioner Oickle. Commissioner Dean noted that none of the stipulations of the November 10, 2010 approval from the Historic District Commission regarding this Application deal with the issue of side yard requirement.

Chairman Roberts indicated that there is an absence of approval validity if the PZC makes an approval conditioned on getting an approval from another Commission that it (PZC) has no control over. He also noted that the Applicant has no control over a Commission that uses discretion.

Motion: Commissioner Harley made a motion approve **APPLICATION NO. 1715-10-Z Paula Rubinow** Seeking a Special Permit for an addition, a 3-car garage and outdoor merchandise sale or display in accordance with Section 5.3.A.9. of the Wethersfield Zoning Regulations at 271 Main Street, with the following conditions:

1. Construction of the garage shall include a five (5) foot set back from the property line;
2. Repair/replace the portion of the fence that is in disrepair;
3. Garage downspouts shall be routed to drywells on the other side of the Applicant's middle yard;
4. The Merchandise Sale/Display permit is for one (1) season (May through October 2011) and shall occur, weather permitting, during the hours of 12:00 noon to 5:00 p.m. and on one (1) weekday (Monday through Friday) and on both days during the weekend (Saturday and Sunday). Set up and existence of no more than four (4) tables is permitted at the site for the purposes of merchandise sale and display. Music and/or loud entertainment is not permitted;
5. All terms and conditions of previous approvals remain in full force and effect, other than those specifically modified by this Commission.

Second: Commissioner Homicki seconded the motion.

Aye: Roberts, Harley, Oickle, Homicki, Hughes, Dean, Edwards, Fazzina

Nay: None

Vote: 8 – 0

**This Application was approved with conditions.**

Vice Chairman Harley stated that comments/complaints pertaining to permit and/or noise violations need to be made to the appropriate authorities at the time of their occurrence.

**3.2 APPLICATION NO. 1718-10-Z Town of Wethersfield** Seeking a site plan amendment in accordance with Section 6.1 of the Wethersfield Zoning Regulations for a proposed parking lot expansion at Mill Woods Park, 154 Prospect Street.

Ms. Kathleen Bagley, Wethersfield Parks and Recreation Director, appeared before the Commission. She described the plan to expand the parking lot in Mill Woods Park to accommodate the increased parking needs due to the installation of the new little league field that is located adjacent to the softball field. She indicated that there are currently sixty-five (65) parking spaces at the site. After the expansion, there will be a total of one-hundred four (104) parking spaces, five (5) spaces of which will be designated for handicapped persons.

Chairman Roberts inquired if any drainage work is planned for the wet picnic area.

Ms. Bagley indicated that a slope at the site will allow for drainage to occur naturally at that location.

Commissioner Oickle made an inquiry regarding curbing at the site, and Ms. Bagley noted that curbing exists at the site.

Mr. Gillespie noted that drainage grading is incorporated into the design of the parking lot.

Commissioner Oickle made an inquiry regarding preservation of trees at the site.

Ms. Bagley noted that the trees have been carefully reviewed and that some trees have a prohibitive root system. She indicated that any trees that have to be taken down will be replaced.

Commissioner Edwards made an inquiry regarding how appropriate the lighting is and will be at the site.

Ms. Bagley indicated that there will be appropriate lighting with the expansion plan for the parking lot.

Commissioner Homicki complimented the in-house creation effort for this project.

Ms. Bagley indicated that this project may be done in phases and that the Town is ready to do a portion of this project. She noted that the budget for the project is One Hundred Eighty Thousand (\$180,000.00) Dollars. She also noted that grants have been sought and that in-house plan creation efforts have resulted in cost savings

Motion: Commissioner Oickle made a motion approve **APPLICATION NO. 1718-10-Z Town of Wethersfield** Seeking a site plan amendment in accordance with Section 6.1 of the Wethersfield Zoning Regulations for a proposed parking lot expansion at Mill Woods Park, 154 Prospect Street.

Second: Commissioner Harley seconded the motion.

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

Vote: 8 – 0

**This Site Plan Amendment was approved.**

**3.3 PUBLIC HEARING APPLICATION NO. 1719-10-Z** Julie Mackie Seeking a re-subdivision and a Special Permit in accordance with Section 3.9 of the Wethersfield Zoning Regulations for the creation of a rear lot at 15 & 19 Jordan Lane.

Mr. James E. Sheehy, Licensed Surveyor, 87 Randy Lane, appeared before the Commission on behalf of the Applicant. He prepared the plan for the Applicants. He indicated that the site is located at the corner of Jordan Lane and Hartford Avenue and is in the Wethersfield Historic District. Mr. Anderson sold the two-family home, built in 1890, to Mrs. Pallazo in the year 2000. Mrs. Pallazo then re-subdivided the parcel. Mr. Sheehy noted that he met with Town Staff members, Mr. Gillespie, Ms. Bradley, Mr. Turner and the Fire Marshal in September 2010 and reviewed the site plan. He indicated that Mr. Turner provided commentary, and that the appropriate changes were made into the proposal now before the Commission. He noted that this Application is a rear lot proposal that meets all of the requirements subject to it. He indicated that both lots would obtain sewers from the Metropolitan District Commission. He also indicated that he provided a footprint of two (2) houses on the plan for purposes of being able to visualize what could go on the property. He noted that if the PZC approved the proposal, he would have to then go to the Historic District Commission (HDC) for the architectural plans for the buildings. He also noted that the Applicant does not plan to be the developer of the lots and that said lots would be put up for sale. He indicated that the Developer would be responsible for obtaining HDC approval going forward.

Chairman Roberts inquired and Mr. Sheehy indicated that he received a copy of a Memorandum pertaining to this Application from Peter Gillespie and Denise Bradley dated November 11, 2010.

Chairman Roberts requested commentary from Mr. Sheehy regarding existing trees with a caliper of 12 inches or more (see November 11, 2010, Memorandum Appendix A – Site Plan Requirements, Section 2.D.).

Mr. Sheehy indicated he would be agreeable to a Stipulation in an approval of this Application which would require the owners of the lots to return to the Commission with detailed site plan requirements, as referred to in the Memorandum from Peter Gillespie & Denise Bradley to the Planning and Zoning Commission dated November 11, 2010.

Mr. Sheehy noted that in the first lot, there are at least a dozen trees that cannot be saved. He indicated that in the rear lot, there are 3 or 4 apple trees that are not in good shape.

**PUBLIC COMMENTS:**

Ms. Sherry Callahan, 21-23 Jordan Lane, appeared before the Commission in opposition to this Application. She is concerned that the safety of the neighborhood children would be at risk should this Application be approved. She doesn't like the idea of a road passing through the property. She believes that the trees at the site need to be preserved. She indicated that area neighbors agree with her concerns and are against this Application as well.

Ms. Kris Gardner, a citizen who looked at the 399 Hartford Avenue property, appeared before the Commission in opposition to this Application. She believes a terrible precedent will be set by allowing a road to run through the property. She indicated that there are gorgeous trees at the site and asked that the Commission please consider how this plan will change matters.

Ms. Carol Bruce, 381 Hartford Avenue, appeared before the Commission and stated that she is in favor of having one (1) parcel of this beautiful property developed.

Mrs. Julie Mackey, Applicant, appeared before the Commission. She indicated that she and her two sisters own the site. She indicated that the rear lot meets the requirements of the zone. She noted that a commercial lot exists directly across the street from the site. She stated her desire to protect as much of the land as possible in terms of this Application.

Mr. Sheehy noted that two (2) Spruce trees and a 36' Oak tree will be saved.

Chairman Roberts indicated that it is difficult to react to what is necessary at the site when it is not known what exactly is going to be built on the site.

Commissioner Homicki inquired and Mr. Sheehy concurred it would be agreeable with the Applicant for there to be a condition to an approval of this Application that states that the new property owner bordering Ms. Callahan's property (at 21-23 Jordan Lane) be required to go to the Historic District Commission regarding the installation of a landscape buffer along the property line.

Mr. Gillespie stated that a landscape covenant can be added as a condition to an approval of this Application.

**DISCUSSION:**

Commissioner Oickle indicated he would be voting against this Application. He believes it increases density in an area that doesn't need it. He stated there are excellent specimen trees that will be eradicated. He noted that in terms of the rear lot, the Planning & Zoning Commission can use discretion regarding the impact on the adjoining neighbor.

Commissioner Hughes suggested that only one (1) house be built in the rear lot which would result in a large setback at the site. He noted, however, that should the parcel be subdivided, he likes the idea of having a shared driveway in the plan.

Vice Chairman Harley indicated that the plan meets the size and scope requirements within the buildable square.

Chairman Roberts stated that the plan's framework is in harmony with the uses and development of the neighborhood.

Commissioner Homicki indicated that a positive presentation has been made with regard to this Application.

Mr. Gillespie noted that screening can be added as stipulation to an approval of this Application.

Motion: Commissioner Harley made a motion to close the public hearing of **PUBLIC HEARING APPLICATION NO. 1719-10-Z Julie Mackie** Seeking a re-subdivision and a Special Permit in accordance with Section 3.9 of the Wethersfield Zoning Regulations for the creation of a rear lot at 15 & 19 Jordan Lane.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Oickle, Homicki, Hughes, Dean, Edwards, Fazzina

Nay: None

Vote: 8 – 0

Motion: Commissioner Homicki made a motion approve **PUBLIC HEARING APPLICATION NO. 1719-10-Z Julie Mackie** Seeking a re-subdivision and a Special Permit in accordance with Section 3.9 of the Wethersfield Zoning Regulations for the creation of a rear lot at 15 & 19 Jordan Lane, pursuant to the following conditions:

1. A restricted deed covenant shall be filed on the Town Land Records which clearly provides that the Town of Wethersfield shall not be required to maintain or take ownership of said access strip as a public street;
2. A landscape maintenance agreement shall be filed on the Town Land records to insure that the property owner maintains the access strip for adequate emergency vehicle access;
3. A landscape buffer may be required by the Commission where necessary within the lot and along the access strip to ensure that the development of rear lots will be in harmony with surrounding areas and protect existing homes;
4. The Town street entrance to the rear lot shall be posted with a house number identification sign with numbers at least 6” high;
5. The Town will require the filing of an individual plot plan for each lot with the Engineering Department prior to the filing of these plans on the Land Records and in addition to this re-subdivision;
6. A site development plan approval is required by the Planning and Zoning Commission prior to the issuance of a building permit for each lot.

Second: Commissioner Dean seconded the motion.

Aye: Harley, Homicki, Hughes, Dean, Edwards, Fazzina

Nay: Roberts, Oickle

Vote: 6 – 2

**This Application was approved with Conditions.**

Motion: Commissioner Homicki made a Motion to add the following matter to the agenda:

**APPLICATION NO. 1506-05-Z Bellsite Development LLC** seeking a Change of Zone from Office District Zone to Special Residential Development Zone at the southwest corner of Folly Brook Boulevard and Spruce Street.

**APPLICATION NO. 1507-05-Z Bellsite Development LLC** seeking site plan and design review to develop twelve (12) age restricted housing units at the southwest corner of Folly Brook Boulevard and Spruce Street.

The Applicant is seeking an extension of time to comply with the site plan requirements, as stipulated to, in the approval of its **Application Nos. 1506-05-Z & 1507-05-Z** at the Planning and Zoning Commission meeting held on Tuesday, January 17, 2006.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Oickle, Homicki, Hughes, Dean, Edwards, Fazzina

Nay: None

Vote: 8 – 0

**A three (3) year extension of time is approved.**

#### 4. OTHER BUSINESS

Commissioner Oickle suggested that the Commission may need to help provide some clarification to the Zoning Officer/Building Official regarding enforcement of issues such as fence height, swimming pool fencing distance and accessory apartments.

#### 5. MINUTES – Minutes from the October 19, 2010 Meeting.

There were no corrections made to the Minutes from the October 19, 2010 meeting.

**Motion:** Commissioner Oickle motioned to approve the minutes, as submitted.

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

Aye: Roberts, Harley, Oickle, Homicki, Dean, Fazzina

Nay: None

Vote: 6 – 0

Commissioner Hughes and Commissioner Edwards did not participate in the vote, as they were not present for the Planning & Zoning Commission Meeting of October 19, 2010.

**Minutes approved as submitted.**

#### 6. STAFF REPORTS

Mr. Gillespie asked for guidance from the Commission regarding the review of Wethersfield welcome and directional signage. Mr. Gillespie indicated that the directional signage appears to be larger than

what currently exists in Town and described the welcome signage to be smaller than what currently exists in Town.

Mr. Gillespie informed the Commission that a status report has been requested by the Town Attorney regarding the surety bond issue pertaining to **APPLICATION NO. 1651-09-Z Phil Collelo** Seeking a Special Permit for a Change of Use to operate a cosmetology school (Nirvana Salon Academy) at 326 Silas Deane Highway. The required Site Plan has not been submitted for the property.

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

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

**8. CORRESPONDENCE**

8.2 A copy of the Monthly Economic Development Report.

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

9.1 PUBLIC HEARING APPLICATION NO. 1716-10-Z Phillip Santavenere Seeking a Special Permit in accordance with Section 6.10 of the Wethersfield Zoning Regulations for earth removal and filling at 336 Jordan Lane. Mr. Gillespie and the Commission agreed that this matter is to be scheduled for review at the next meeting of the Planning and Zoning Commission.

**10. ADJOURNMENT**

Motion to adjourn at 10:20 PM – by Commissioner Oickle.

Seconded – by Commissioner Homicki.

Aye: Roberts, Harley, Oickle, Homicki, Hughes, Dean, Edwards, Fazzina

Nay: None

Vote: 8 – 0

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary