

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

**April 21, 2009**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, April 21, 2009 at 7:00 p.m. in the Wethersfield Police Department Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

**1. CALL TO ORDER**

Chairman Hammer called the meeting to order at 7:00 p.m.

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

Clerk Knecht called the roll as follows:

<b>Member Name</b>	<b>Present</b>	<b>Absent</b>	<b>Excused</b>
<b>Joseph Hammer, Chairman</b>	✓		
<b>Richard Roberts, Vice Chairman</b>	✓		
<b>Philip Knecht, Clerk</b>	✓		
<b>Thomas Harley</b>	✓		
<b>Robert Jurasin</b>			✓
<b>Frederick Petrelli</b>			✓
<b>Earle Munroe</b>	✓		
<b>George Oickle</b>	✓		
<b>Anthony Homicki</b>			✓
<b>James Hughes (alternate)</b>	✓		
<b>David Drake (alternate)</b>	✓		
<b>Thomas Dean (alternate)</b>	✓		

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

Chairman Hammer noted that there were 6 full members and 3 alternates in attendance at the time of roll call. All members present to participate.

**2. OLD BUSINESS**

There was no old business.

**3.0 NEW BUSINESS**

**3.1** A referral from the Wethersfield Zoning Board of Appeals in accordance with Section 10.4.F.4 of the Wethersfield Zoning Regulations regarding Application No. 6013-09 Seeking a Variance for the continued existence of a three (3) family residence at 672 Maple Street.

John Harvey, attorney with Barry, Harvey, & Later, P.C., spoke on behalf of the property owner. Mr. Harvey said that the Planning and Zoning Commission recently made a negative referral to the ZBA on this matter, because of the lack of supporting information presented. He said he has brought the matter back before the Planning and Zoning Commission to ask for reconsideration, because he has assembled supporting documentation.

Mr. Harvey said that the problem came up when the owner, David Failla, was recently upgrading the utilities on the house, and the Town building inspector recalled that the Zoning Board of Appeals denied

in 1981 a use variance request to authorize a 3-family house. This was before the property was purchased by the Failla family. The Faillas did not know about the use variance denial, and had purchased the house to use as a 3-family. Mr. Harvey said that the Faillas were never told by the Town until recently about the use variance denial, and have been paying property taxes based on 3-family use. He said even the Town's assessor's cards indicate the property to have a 3-family house.

Mr. Harvey said that the ZBA made its decision in the 1980s based on their finding that the 3-family use would affect the essential character of the neighborhood and depreciate property values. He described the neighborhood and said it is zoned as Class A residential zone, but the character is not such that a 3-family house that has been used that way for 30 years would affect the neighborhood. He said that he brought with him an appraisal that indicates a 3-family house there would have no effect on property values. Mr. Harvey also said that allowing the house to be used as a 3-family would not change the square footage of the house, or the use pattern, which have not generated any complaints. He said he submitted a letter from a neighbor that states the 3-family does not affect the neighborhood.

Mr. Harvey said that he requests the Planning and Zoning Commission reconsider their referral to ZBA, and the ZBA can consider the matter on the information they would have before them.

Commissioner Oickle asked if Mr. Failla was present, and he was. Commissioner Oickle expressed concern about whether the house would meet current building code for a 3-family, and, if not, whether Mr. Failla would be willing to make the necessary improvements. Mr. Failla said he would be willing to do whatever the Town wants for improvements.

Commissioner Roberts said that he respectfully disagrees with the argument that the house has been used as a 3-family for 30 years, so it should be grandfathered. He said it is a 30-year violation. However, he recalled that the only substantive issue from the previous meeting was whether the house met current building code. He said he has no problem with the situation if the house is brought up to code.

Commissioner Oickle said that he visited the property and was impressed with the quality of the work being done, and said he has no problem with a 3-family there if it meets code. He said that he sees no impact on the neighborhood with a 3-family there. He also said that impact is usually judged by something that's new or changing, and the house has been there 30 years.

Chairman Hammer asked about the public comment at the ZBA hearing. Mr. Harvey said that no one from the public was present to object. Chairman Hammer asked if a neutral referral would be an acceptable outcome for the property owner. Mr. Harvey said yes.

Commissioner Hughes asked about the use of the chimney in the garage, and if it indicates that the garage is occupied. Mr. Failla said that the chimney is no longer used, and the garage is not occupied.

Commissioner Munroe asked about the reference earlier in the meeting someone made to the 3-family being in use since the 1960s. Mr. Harvey pulled out and read in summary fashion from the 1981 ZBA meeting at which this matter previously came up. Mr. Harvey said that the minutes refer to an addition being put onto the home in the 1960s that made the house into a 3-family.

Commissioner Drake said that he has no problem with the 3-family being there, but asked how Mr. Harvey how, if the 3-family use of the home was denied, how a 2-family house would be allowed in a

Zone A area. Mr. Harvey said that he believes it was a 2 family house before the addition made into a 3-family. He said that indicates at least a 2-family house has been there since probably longer ago than the 1960s. He also said a good comparison can be made to how current Town regulations allow rooms to be rented out. He said a neighbor could rent two rooms out of their single family house, and have just as many people living there, cars, etc. as a 3-family.

Commissioner Drake asked how the 3-family issue was not discovered during the title search for previous sales of the property. Mr. Harvey said that he presumes the title search only looked at the tax records, and the researcher assumed there was no need to look further.

Commissioner Knecht asked how the house has been insured all this time. Mr. Harvey said the house has always been insured as a 3-family.

**Motion:** Commissioner Dean motioned to take no position on the matter and leave the decision to the Zoning Board of Appeals based on the evidence they have.

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

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean  
Nay: None  
Abs: None

**Neutral referral forwarded to Zoning Board of Appeals.**

**3.2 PUBLIC HEARING APPLICATION NO. 1659-09-Z Shop-Rite Hardware and Paint Seeking a Special Permit for outdoor product display at 574 Silas Deane Highway.**

Joseph Scarpantonio, store owner, spoke on behalf of the application. Mr. Scarpantonio said he is seeking a permit to keep some products on display out in front of his store. He said he has a lot of experience in this industry, and has done some research, and has found that it is customary for hardware stores to display goods. Mr. Scarpantonio showed pictures of how he places products against the front of the building, but behind the car stops for the parking spaces. He said he likes to place products like rakes in the summer, and snow shovels in winter.

Chairman Hammer asked if the products stay outside overnight, and if they get in the way of the parking spaces. Mr. Scarpantonio said he takes the products in at night, and the products do not affect the parking spaces. He said he does not want to reduce the amount of parking in the front of the building.

Commissioner Oickle said that he is not much in favor of displaying products outside, and is concerned about large items like snow blowers being put out that would really affect parking in front. Mr. Scarpantonio said he prefers that the Town give him clear rules to follow because he wants to comply with what the Town wants. If it means no snow blowers, he is fine with that. Parking spaces are valuable to him anyway.

Chairman Hammer asked if the front end of cars extend past the car stops when they are parked. Mr. Scarpantonio said cars once did that, but newer cars don't stick out past the car stop.

Chairman Hammer asked what kinds of restrictions would be acceptable. Mr. Scarpantonio said he had not thought about what wording to suggest, and believes the Town is more expert at that kind of thing. Peter Gillespie suggested that perhaps a limit could be placed on the number of different types of items, or the total weight of the items.

Commissioner Drake said he prefers not to establish limits as long as the products are not in the way. The issue should be between the owner and his insurance company.

Commissioner Roberts said that limits should not go by weight, as it would make enforcement more difficult. He suggested a limit of 3 types of items and nothing beyond the car stops.

Commissioner Dean said that he is more concerned with the issue raised by town staff about the percent of sign coverage in the front.

**Public Comment:**

Kim Notaro, 23 Northbrick Lane – Ms. Notaro said that she used to work in a business next door and never thought the displays were a problem.

Chairman Hammer asked about the handicap signage and barriers for the propane tanks noted by the Fire Marshal. Mr. Scarpantonio said that he has no problem putting up the signage and having the Blue Rhino propane vendor install improved barriers.

Chairman Hammer asked if a limit of 3 different types of products is workable. Mr. Scarpantonio said yes. He does not want to look like a flea market, but he does want to show people that there is a hardware store there, not a paint store.

Commissioner Knecht said that he has known 4 hardware stores in Town over 30 years, and all of them have displayed products in front of their stores.

**Motion** to close the public hearing - by Commissioner Roberts.

**Seconded** – by Commissioner Harley.

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean  
Nay: None  
Abs: None

**Public hearing closed.**

**Motion:** Commissioner Roberts motioned to approve the application, with the following conditions:

- No more than 3 different types of products shall be placed on display at any one time;
- Products shall not be placed to extend beyond the car stops;
- All outdoor storage shall not block egress from the building;
- The propane tank exchange cabinet shall comply with the requirements of NFPA 58 to the

- satisfaction of the Fire Marshal; and
- A sign shall be placed to mark the handicap parking space as required by the state.

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

**Discussion:**

Commissioner Drake asked why the display needed any limitations. Commissioner Roberts said that other businesses could follow suit and go overboard. Chairman Hammer said that this is a test run for the Commission, and the applicant can always come back in the future to ask for more items to be displayed.

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean  
Nay: None  
Abs: None

**Application approved with conditions.**

**3.3 PUBLIC HEARING APPLICATION NO. 1660-09-Z Wethersfield Laundry Associates LLC**  
Seeking a Special Permit to add a salon use to an existing business (Precision Wash & Dry) at 184-188 Silas Deane Highway.

Frank Sproviero spoke on behalf of the application. Mr. Sproviero said that he has been operated the laundry there for about 4 years, and he wants to add a 3-chair salon as a draw for customers.

Chairman Hammer asked if there is a difference in parking requirements between a laundromat and a salon. Peter Gillespie said that there is no difference because both are service businesses. He said the area is not overparked, so he does not envision any parking problems.

Chairman Hammer asked if there is any issue with proposing a use within a use. Peter Gillespie said that there is flexibility in the regulations, and no prohibitions. He said parking is the only consideration because they are additive. However, since there is plenty of parking he still envisions no problems.

Chairman Hammer asked if the health department is OK with this proposal, and are any licenses needed. Mr. Sproviero said that he contacted the section that regulates salons, and they have no problem with a salon inside of a laundry. He said the individual stylists working there must have licenses, but salons are not licensed.

Commissioner Oickle asked about the locations of the bathrooms, and if the Fire Marshal's comments can be resolved. Mr. Sproviero said that the bathrooms will be located on the opposite end from the salon, and the Fire Marshal's comments can be resolved.

Commissioner Oickle asked if a request could be made to the property owner to fix the potholes in the driveway to the shopping center. Mr. Sproviero said he would make that request to the property owner.

Chairman Hammer asked what are the hours of the Laundromat and will they be different with the salon.

Mr. Sproviero said the hours now are 6:00 AM to 2:00 AM. He said those hours are not planned to change, and the salon will likely operate only a part of that time period.

**Motion** to close the public hearing - by Commissioner Harley.

**Seconded** – by Commissioner Roberts.

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

**Public hearing closed.**

**Motion:** Commissioner Roberts motioned to approve the application with the following condition:  
The issues indentified in the Fire Marshal’s April 16, 2009 memo including; 1. Areas of the tenant space are not protected by automatic sprinklers 2. Extension cords are being used instead of electrical outlets and 3. Electrical work was installed without an electrical permit or inspections; shall be resolved to the satisfaction of the Fire Marshal.

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

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

**Application approved with conditions.**

**3.4 PUBLIC HEARING APPLICATION NO. 1661-09-Z William Wood** Seeking a Special Permit in accordance with Section 3.6.B.2 of the Wethersfield Zoning Regulations to construct a second garage at 27 Stillwold Drive.

William Wood, 27 Stillwold Drive, spoke on behalf of the application. Mr. Williams said that he has one garage already. He wants more space, so he is proposing a second garage. In each garage he would store one car. The total square footage of the two garages would be less than the Town limit for one garage.

Chairman Hammer asked if comments have been received about the application. Mr. Wood said that a few neighbors stopped by to ask about it, but they were all satisfied once he explained what he is proposing. Peter Gillespie said that the town has received no comments.

Commissioner Munroe asked why Mr. Woods would not just expand the existing garage or tear it down and build one larger one. Mr. Wood said the existing garage is in good condition, so there is no reason to tear it down.

Commissioner Roberts said that he has no problem with the proposal because the total square footage is

smaller than the limit for one garage.

**Motion** to close the public hearing - by Commissioner Roberts.

**Seconded** – by Commissioner Harley.

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean  
Nay: None  
Abs: None

**Public hearing closed.**

**Motion:** Commissioner Roberts motioned to approve the application as submitted.

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

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean  
Nay: None  
Abs: None

**Application approved.**

**3.5 PUBLIC HEARING APPLICATION NO. 1662-09-Z Sign Pro Inc.** Seeking a Special Permit to install an illuminated gas price sign (LED changeable) at 1785 Berlin Turnpike (Valero).

Kyle Niles, of Sign Pro, Inc., spoke on behalf of the application. Mr. Niles said the project entails converting to new signage, for a Valero station, and to install an LED gas price sign. He said that he understands all of the signage has been approved except for the gas pricer.

Commissioner Oickle asked if the gas pricer will flash. Mr. Niles said this sign will not flash.

Chairman Hammer asked how many LED signs are now in the state. Mr. Niles said he didn't know, but he has seen more of them around, and he is under contract to install 6 more.

Commissioner Oickle asked if the gas pricer complies with all Town regulations. Peter Gillespie said that it does. He also said that the application is before the Commission because of the precedent potentially being set by the LED sign.

Chairman Hammer asked if Valero can abide by restrictions, if they are set, such as no flashing, no color changing and fuel prices only. Mr. Kyle said that those restrictions would not be a problem.

Commissioner Munroe asked if the gas price will also be posted on the station canopy. Mr. Kyle said no, only on the Valero name will be on the canopy.

**Motion** to close the public hearing - by Commissioner Harley.

**Seconded** – by Commissioner Oickle.

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean  
Nay: None  
Abs: None

**Public hearing closed.**

**Motion:** Commissioner Oickle motioned to approve the application with the following conditions:

- The gas price sign shall display gasoline and diesel prices only; and
- The lights on the gas price sign shall not flash or change color, and shall remain stationary.

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

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean  
Nay: None  
Abs: None

**Application approved with conditions.**

**3.6 APPLICATION NO. 1665-09-Z Kim Notaro** Seeking Site Plan and Design Review for a change of use to operate a retail flower shop at 732 Silas Deane Highway (Former Nirvana Salon/Academy).

Kim Notaro, 23 Northbrick Lane, spoke on behalf of the application. Ms. Notaro said that she proposes to open a retail flower, plant and gift shop.

Chairman Hammer asked what is the size of the shop, and in which part of the building it would be located. Ms. Notaro said it will be about 1000 square feet in size, and will be in the left side of the building.

Commissioner Oickle said that the parking lot is in bad condition and would want to see that it gets fixed. Mr. Gillespie said that there are some issues that will need attention, such as a missing handicap parking space and confusing traffic flow. Commissioner Harley asked how these could be added as conditions when it would be the property owner that would be responsible. Ms. Notaro said that she believes the owner would be willing to fix these problems.

**Motion** to close the public hearing - by Commissioner Oickle.

**Seconded** – by Commissioner Roberts.

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean  
Nay: None

Abs: None

**Public hearing closed.**

**Motion:** Commissioner Oickle motioned to approve the application with the following conditions:

- There shall be a designated handicap parking spaces as required by the state;
- Directional traffic signage improvements shall be made to the satisfaction of Town staff; and
- Broken pavement in front of the space shall be repaired.

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

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

**Application approved with conditions.**

**4. OTHER BUSINESS**

**4.1** Proposed Land Use Application Form.

Peter Gillespie reviewed the new application forms being used. He said they are designed to reduce confusion and duplication, and add newer types of information such as e-mail addresses.

Commissioner Oickle asked why there is no fee for pre-applications. Peter Gillespie said they want to keep pre-applications as a service to encourage development. He also said that fees or a more formal pre-application process can construe approval, and there are legal problems with that.

Chairman Hammer asked how the fees compare to other Towns. Peter Gillespie said that the fee amounts are consistent with those of other Towns. He also said that he is not aware of any Towns that charge pre-application fees, for the same reasons discussed above.

Commissioner Roberts said that he likes not charging fees for pre-application to stay away from legal issues. Commissioner Drake said that he likes no pre-application fees for the incentive it gives people to take a look at Wethersfield.

**4.2** Draft ordinance for additional fees.

Peter Gillespie said that the draft ordinance would allow the Town to charge fees for expenses if the Town needs to hire a consultant to assist with complex applications or when the Town does not have certain expertise needed for review. He said that other Towns are doing the same, and that Town Council approval is needed to adopt the ordinance. Mr. Gillespie said that the ordinance would not empower Town staff to charge fees directly. The ordinance is written to require approval of the land use commission(s) involved before fees can be charged.

Chairman Hammer said that the need to charge fees under such an ordinance would likely not come up often, but having the ability to do so is a good idea.

Commissioner Dean said that the voting requirements section of the draft ordinance should be clear that not all of the land use commissions involved need to vote – only the ones involved. He also said that applicants being charged fees should have the opportunity to learn the findings prior to a public hearing. Peter Gillespie said that it is standard procedure already for the Town to share information like that, so adding it to the ordinance may not be needed.

**Motion:** Commissioner Roberts motioned to recommend to the Town Council that they consider adopting the draft ordinance.

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

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean  
Nay: None  
Abs: None

**Ordinance recommended to the Town Council.**

5. **MINUTES** – Minutes of the April 7, 2009 meeting.

Chairman Hammer noted that there were no suggested revisions to the draft minutes.

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

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

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean  
Nay: None  
Abs: None

**Minutes approved as drafted.**

6. **STAFF REPORTS**

There were no staff reports.

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

There was no public comment.

8. **CORRESPONDENCE**

**8.1**

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

**9.1 PUBLIC HEARING APPLICATION NO. 1658-09-Z Wethersfield Game Club, Inc.**  
Seeking a Zoning Text Amendment to Section 4.1.B of the Wethersfield Zoning Regulations regarding permitted uses in the Agricultural (AG) Zone.

**9.2 PUBLIC HEARING APPLICATION NO. 1663-09-Z Angelo Casanelli** Seeking a Special Permit in accordance with Section 3.6.B.2 of the Wethersfield Zoning Regulations to construct a garage larger than permitted in a residential zone at 10 McMullen Avenue.

**9.3 PUBLIC HEARING APPLICATION NO. 1664-09-Z Douglas and Theresa Benedetto** Seeking a Special Permit to construct an accessory outbuilding larger than permitted in a residential zone at 545 Highland Street.

**10. ADJOURNMENT**

**Motion to adjourn** at 8:40 PM – by Commissioner Oickle

**Seconded** - by Commissioner Roberts

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

**Meeting adjourned.**

Respectfully submitted,

Kevin T. Sullivan, Recording Secretary