

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

**November 17, 2009**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, November 17, 2009 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**

Vice Chairman Roberts called the meeting to order at 7:02 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: 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.

Members of the public were present.

**2. OLD BUSINESS**

There was no old business.

**3. NEW BUSINESS**

**3.1 PUBLIC HEARING APPLICATION NO. 1691-09-Z:** John & Shireen Aforismo Seeking a Special Permit to host special events at 185 Broad Street (Renewal & modification to Application No. 1635-08-Z). This hearing was continued from 10/20/09. This hearing is continued to 12/01/09.

**Motion:** Commissioner Homicki made a motion to continue and table the Commission’s discussion of APPLICATION NO. 1691-09-Z: John & Shireen Aforismo Seeking a Special Permit to host special events at 185 Broad Street (Renewal & modification to Application No. 1635-08-Z) to the Planning and Zoning Commission meeting on Tuesday, December 1, 2009.

Second: Commissioner Hughes seconded the motion.

Aye: Roberts, Knecht, Harley, Homicki, Jurasin, Munroe, Oickle, Hughes  
Nay: None  
Abs: None

Vote: 8 – 0 – 0

**Application tabled to next meeting.**

**3.2 PUBLIC HEARING APPLICATION NO. 1692-09-Z** Lorraine Ficara Seeking a Special Permit in accordance with Section 3.5.2 of the Wethersfield Zoning Regulations to operate a home occupation (salon) at 81 Dudley Road.

Ms. Lorraine Ficara, 81 Dudley Road, appeared before the Commission. She noted that her application is for a hair salon to be situated in a small room with a separate entrance in the back of her residence. She indicated that she would be the sole employee.

Discussion:

Commissioner Roberts inquired as to what the salon would look like from street view. He also inquired as to the intended days and hours of operation.

The Applicant noted that the salon would not be seen from the street, as it is located at the rear of her residence. The room has a gazebo like appearance from the outside, and there are no plans for modification of the building's structure. Parking would be accommodated for a couple of cars at the back of the property. Clients would arrive from street, pull into the driveway and proceed to the rear of the property. No business signs would be posted at the property. The hours of operation would be 4 days per week during and not exceeding the hours of 8:30 a.m. to 8:00 p.m. During said business hours, one customer would be accommodated at a time. She indicated that 2 sinks and 2 chairs would be installed, as required by the Board of Health. She mentioned that a variance for customers to utilize a bathroom in her residence was required and approved by the Health Department. She noted that she would continue to abide by health code requirements for said bathroom. She noted that she aspires to take her current 4 day schedule to her residence and eventually work fewer than 4 days. She noted that she is looking to downsize from her and her husband's current salon business of 9 years, Ficara's Hair, 798 Old Main Street, Rocky Hill.

Commissioner Knecht inquired as to the number of chairs the proposed salon would require and which days of the week the Applicant would operate the business. He also inquired if a handicapped accessible entrance is planned.

The Applicant stated that one chair would serve for hair washing and styling and that the other chair would serve for color processing. The Applicant noted that she would take clients on Tuesday, Thursday, Friday and part of Saturday. She reiterated that she will be the sole employee. She also noted that regulations do not require a handicapped accessible entrance for the proposed business. She indicated entrance into the proposed salon is a few small steps upward, and a safe railing is present.

Commissioner Homicki inquired as to whether the Applicant's clients would pull into the back of the property. He also inquired if client parking would be in conflict with any other parking on the premises. He inquired if any buffer strips or any concerns exist with abutting neighbors. He inquired if any retail products would be sold at the property. He inquired as to her plan for trash disposal. He inquired as to what interior renovations would be required for business operation.

The Applicant stated that she will encourage her clients to pull into the back of her property.

The Applicant noted that in the front of the house, the driveway is double wide width. As such, she contends that she and her spouse would park nose to nose to the right to accommodate client parking and the passage of client vehicles.

The Applicant indicated that no shrubbery or fencing is of issue regarding this Application. She stated that a member of the attending audience was concerned about liability issues.

She indicated that she offers products for sale, at a very small scale, for the convenience of her customers in order to assist them with maintaining the style she has created for them.

She noted that, if allowable, she'd prefer to utilize her residential garbage collection system for trash removal purposes. She also noted that she does not dispose of harmful chemicals that would require specific containment, as regulated.

She noted that the plumbing of two sinks at the wall inside the residence, pursuant to code, would have to be established. She also noted that a small wall would be constructed to accommodate electrical needs of the business in compliance with electrical code.

She stated that a central air-conditioning system is present at the residence, and an additional vent could be directed into the proposed room. She reasoned that since windows surround the proposed room, an additional air conditioner could be added if necessary.

Commissioner Munroe made an inquiry regarding the operation of her existing hair salon business in Rocky Hill and how it relates to the proposed Application. He also inquired as to how the Applicant would advertise.

The Applicant noted that she will eventually close the hair salon in Rocky Hill by not accepting new clients. She plans to keep her current clientele and transition into her home location, as proposed in this Application. She noted that no means of formal advertising will be utilized, noting that the word-of-mouth concept could keep her small business going.

Commissioner Jurasin inquired of Ms. Bradley some clarification regarding the review of this Application, noting the November 13, 2009 Memo from Peter Gillespie and Denise Bradley regarding this Application as to zoning regulation Sections 3.5.2.3 and 3.5.2.5.

Ms. Bradley explained that Wethersfield zoning codes allow for minor home occupations to be approved by the zoning enforcement officer if they can meet 6 criteria. This Application meets 4 of the 6 criteria. The 2 remaining criteria, pursuant to the zoning regulations mentioned in the previous paragraph, necessitate Commission approval.

Commissioner Jurasin noted that any conditions placed on the Application rulings of home based salons must be consistent with those placed on previous Application rulings of home based salons. Conditions may have to do with hours of operation, number of seats, etc.

Commissioner Oickle inquired and the Applicant concurred that the number of customers serviced per day is 6 or 7. Commissioner Oickle stated that he would like to see her clientele numbers in her home occupation at 3 or 4 per day. The Applicant stated that currently, she services about 6 or 7 clients per day. She noted that the number of clients seen per day will decrease when she transitions her business to her residence. Commissioner Oickle noted concerns with on street parking. He also noted that in a similar application, the residence bordered wetlands, and therefore, more land was available and not encroached upon. Commissioner Oickle noted his concern with parking in this Applicant's more densely populated neighborhood environment. He made an inquiry regarding the number of bathrooms at the residence, and the Applicant noted that two other bathrooms are available to the residents besides the bathroom slated for client use.

Commissioner Munroe made an inquiry regarding neighbor response to this Application.

The Applicant noted that she spoke to abutting neighbors regarding her Application prior to posting the required sign and notice to the community, per regulations. She indicated she has received no negative response other than one of her abutting neighbors who is concerned with potential liability issues.

Commissioner Richards indicated that since a special permit would run with the land, and therefore restrictions and/or conditions (time limit, for example) may be imposed.

Commissioner Homicki noted the importance of hourly and yearly time limitations. He also noted the possibility of conflicts arising when a majority of business falls in the evening hours, as darkness and traffic concerns may cause public complaints or hazards.

Commissioner Oickle made an inquiry regarding lighting.

The Applicant noted that a light on the garage and a light on the back porch by the stairs to the proposed business are operable. She noted that in lieu of utilizing the current light installed on the garage (as it was bothersome to an abutting neighbor), a light could be installed on a lower portion of the garage to illuminate the parking area.

Commissioner Roberts noted a letter received by Helen and John Terry of 66 Dale Road, who are opposed to the Application.

Ms. Bradley noted that Mr. and Mrs. Terry are opposed to having a business in a residential area. They have been residents since 1952 and are concerned of increased traffic on Wolcott Hill Road, a road of which they consider as busy.

Ms. Bradley also noted that notice of the Application was provided to abutting property owners within 300 feet of the Applicant's residence. The sign was posted 10 days before the meeting, and a notice was printed in the *Hartford Courant*. Notification was provided to 40 residences.

Mr. Michael McKenna, 89 Dudley Road, appeared before the Commission. He noted that he has no problem with the Applicant running a business at the location and believes she has plenty of light to do so. His concern with the Application is that a section of the Applicant's driveway is on his property, and he believes that liability issues could arise should a client fall or be harmed on the Applicant's driveway portion that exists on his property. He noted far back section of the Applicant's driveway is as much as 2 feet on his property. He noted that he cannot sell the portion of land at issue because it is encumbered by mortgage.

Commissioner Oickle inquired and Mr. McKenna responded that he and the Applicant have not yet been able to resolve the property boundary dispute.

Commissioner Harley noted that the boundary dispute issue, being separate from the Application, is something that needs to be resolved irrespective of this Application.

Commissioner Homicki inquired of Mr. McKenna the satisfaction of the Applicant placing a fence of some kind on her property to clarify the property line.

Mr. McKenna reiterated that he is attempting to avoid liability issues associated with the Applicant's clients utilizing the portion of the Applicant's driveway which is located on Mr. and Mrs. McKenna's property.

Commissioner Knecht inquired if a legal agreement could be entered into with the Applicant and the McKennas. The legal agreement would relieve Mr. and Mrs. McKenna of liability.

Mr. McKenna noted that his Counsel mentioned the possibility of the parties entering into a liability waiver. Mr. McKenna believes that this solution may not provide adequate protection from liability. He reasoned that an injured party would not care about a liability waiver arrangement that he and the Applicant could have, thus placing his assets at risk.

Commissioner Roberts recommended that Mr. McKenna seek assistance from Counsel on this issue. He noted that perhaps a license agreement where the McKennas are giving the Applicant permission to use that certain part of the driveway that is on the McKennas' property on the condition that the Applicant indemnify the McKennas and hold them harmless for anything that happens on that piece of property. The McKennas would also be named as additional insureds on the Applicant's appropriate insurance policy, policies or any other coverage the Applicant may have.

Commissioner Jurasin noted that concurrence with the Applicant in the treatment of this liability issue is needed. He believes that the Commission cannot provide a condition, directly or indirectly speaking to liability, which conforms to the satisfaction of Mr. McKenna.

Commissioners Harley and Hughes noted that Mr. McKenna would proceed with the liability concern accordingly despite Commission action.

Commissioner Oickle inquired and Mr. McKenna indicated that shrubbery is not necessary, nor is it opposed along the border of the property.

The Applicant noted that the paved driveway was completed to meet the garage. She indicated that the

installation of the driveway, garage, etc., was approved by the Town in the 1950s. She also noted that cutting up the driveway would present drainage issues for the McKennas.

Commissioner Hughes inquired and the Applicant confirmed that a car could pass straight through the driveway if the 2 foot section noted by Mr. McKenna was no longer accessible to the Applicant. Access to the garage could be made, but an auto could not pivot and turn as it can at this time.

Commissioner Homicki inquired and the Applicant concurred that a portion of her driveway is on the McKennas' property. He noted that the liability issue is distracting from the Application. He inquired and the Applicant indicated that the Commission's re-visiting this Application at the next meeting would be optimal.

**Motion:** Commissioner Hughes made a motion to continue the hearing of the following Application to the next Planning and Zoning Commission meeting on Tuesday, December 1, 2009, regarding:  
APPLICATION NO. 1692-09-Z: Lorraine Ficara Seeking a Special Permit in accordance with Section 3.5.2 of the Wethersfield Zoning Regulations to operate a home occupation (salon) at 81 Dudley Road.

Second: Commissioner Harley seconded the motion.

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

Nay: None

Abs: None

Vote: 8 – 0 – 0

**Application continued to next meeting.**

**3.3 APPLICATION NO. 1693-09-Z** Peter Gural Seeking to modify Application 1681-09-Z to include towing cookers.

Mr. Peter Gural, 759 New Britain Avenue, Rocky Hill, CT 06067, appeared before the Commission. He thanked the Commission for allowing him to clean up 6800 square feet of 1881 Berlin Turnpike blighted property. He provided a photograph depicting the work he has completed for the cleanup of the site, and a photograph of the proposed towing cookers, which is the subject of this Application (a modification to the original application as noted above. He noted that his goal is to purchase the 1881 Berlin Turnpike property and clean the remaining portion of the land accordingly. He indicated that he'd like the Commission to allow him to tow the towing cookers behind the vending vehicle in order to obtain increased sales. He noted that the Central Connecticut Health District (hereinafter referred to as "CCHD") informed him that cooking on the towing cookers at the site was not permissible. He asserted that an inspector in Rocky Hill informed him that the towing cookers could be operated at a site if they were covered and reasoned that he has 10x10 tents, not umbrellas, for coverage at the site.

Discussion:

Commissioner Oickle inquired and the Applicant indicated that the agency referred to as the CCHD services the Towns of Berlin, Newington, Rocky Hill and Wethersfield. The Applicant noted that he has

spoken with CCHD representatives, namely: Mr. Edward Malik in Rocky Hill and Ms. Rebecca (Becky) Drew in Wethersfield.

Commissioner Roberts noted that written documentation from the CCHD in regard to this Application is required for Commission reference.

Ms. Bradley noted that written documentation with regard to this Application has not been received to date. However, she received a phone call on Monday, November 16, 2009, from the CCHD indicating that they are not in support of the Application. A letter is forthcoming. She noted that in essence, at this time, that the Commission would be looking at the issue of parking the towing cookers at the site.

Commissioner Hughes inquired and Ms. Bradley indicated that parking the towing cookers at the site would serve as an advertisement of the Applicant's cooking tools and/or marketing enhancement to the vending vehicle.

Commissioner Hughes also inquired as to the level of the parking lot relative to the securing of the towing cookers. He also inquired of the tents the Applicant referred to.

The Applicant noted that the towing cookers would not be unhitched from the vending vehicle due to the size and weight (at least 1,250 lbs. for the single axle, 3,500 for the double axle) of the towing cookers. He also noted that the tents are 10x10 with no logos. He indicated that the tents are not necessary for his operation, but he would gladly welcome the allowed usage of them.

Commissioner Jurasin inquired and Ms. Bradley noted that the original approval was for operation of the vending vehicle only. Ms. Bradley noted that since this Application was not administratively approved, Commission review is required.

Commissioner Oickle inquired of the impact on former tenant, Mr. Gleason, and his ability to utilize the site accordingly (until 12/31/09).

The Applicant noted that Mr. Gleason could be accommodated, but safety at the site may become a concern.

Commissioner Hughes inquired as to the level of smoke emitted by the Applicant's towing cookers onto the Berlin Turnpike travel lanes. He also noted that he would like to receive commentary from the building department, fire marshal, etc. regarding this Application and, if necessary, any agency review of said towing cookers in operation at the site.

The Applicant asserted that not too much smoke is emitted.

Commissioner Roberts inquired of the Applicant as to what approval is being sought.

The Applicant noted that he'd like approval to park his towing cookers and place two 10x10 tents at the site. He also expressed his desire that the Commission provide a favorable comment as to cooking on the cookers at the site, pending CCHD approval. He noted that many people embrace his cooking.

Commissioner Homicki noted that the Commission is not in a position to determine whether cooking on the cookers is allowed at the site. He noted that any cooking at the site must be approved by the CCHD.

He also noted that he does not have a problem with having the towing cookers on the premises solely.

Commissioner Oickle and Commissioner Roberts noted that they are not in favor the Application. They would like to see a more permanent structure at the site. Incremental applications are not optimal.

Commissioner Jurasin noted that he is in favor of the Application and stated that continual modifications to Applications at this site are not optimal.

**Motion:** Commissioner Harley made a motion to approve a modification to APPLICATION NO. 1693-09-Z: Peter Gural Seeking to **modify Application No. 1681-09-Z to include towing cookers.** The Applicant is permitted, at this time, to park the towing cookers at the property, as noted, but cannot cook on said towing cookers at the site.

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

**Aye:** Knecht, Harley, Homicki, Jurasin, Munroe, Hughes

**Nay:** Roberts, Oickle

**Abs:** None

**Vote:** 6 – 2 – 0

**Application Approved only as to the parking of the towing cookers at the site.**

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

**4.1 PRE-APPLICATION REVIEW** – Proposed Multi-Family Development at 2180 Berlin Turnpike (Collier Place). The Commissioners are awaiting more detailed sketches regarding this Plan.

#### **5. MINUTES** – Minutes from the November 4, 2009 Meeting.

Commissioner Munroe and Commissioner Oickle noted corrections to the Minutes. The Minutes will be revised accordingly.

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

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

**Aye:** Roberts, Knecht, Harley, Munroe, Oickle, Hughes

**Nay:** None

**Abs:** Homicki, Jurasin

**Vote:** 6 – 0 – 2

**Minutes approved as corrected.**

Commissioner Homicki and Commissioner Jurasin abstained in the vote, as they were not present during the November 4, 2009 Meeting.

#### **6. STAFF REPORTS** – There were no reports made by Staff.

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

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

**8. CORRESPONDENCE** – Ms. Bradley noted the November 30, 2009 Site Plan submission deadline, as previously extended, regarding 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]. Ms. Bradley will draft certified correspondence to Mr. Collelo regarding same.

**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 8:57 PM – by Commissioner Oickle.

**Seconded** – by Commissioner Jurasin.

**Vote:** 8 – 0 – 0

**Aye:** Roberts, Knecht, Harley, Homicki, Jurasin, Munroe, Oickle, Hughes

**Nay:** None

**Abs:** None

**Meeting adjourned.**

Respectfully submitted,

Ellen Goslicki, Recording Secretary