

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

**February 17, 2009**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, February 17, 2009 at 7:00 p.m. in the Wethersfield Police Department Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

**1. CALL TO ORDER**

As Chairman Joseph Hammer was excused from the meeting; Commissioner 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: Peter Gillespie, Town Planner  
Denise Bradley, Assistant Planner.

Commissioner Roberts noted that there were 6 full members and 2 alternate 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 PUBLIC HEARING APPLICATION NO. 1647-09-Z. Vincenzo Minniti Seeking a Special Permit in accordance with Section 3.5.A.4 of the Wethersfield Zoning Regulations to park a commercial vehicle in a residential zone located at 144 Crest Street.**

**Vincenzo Minniti, 144 Crest Street**, spoke on behalf of the application. Mr. Minniti said that he is 19 years old and the owner of Minniti Landscaping. He said he understands that there have been complaints about his commercial truck and his landscaping trailer being parked in his driveway. He said that there are 2 vehicles parked in the driveway. One is non-commercial van, and the other is registered as a commercial vehicle with the Department of Motor Vehicles. Mr. Minniti said that he has found a place off site to park his trailer, a self storage business on the Berlin Turnpike.

Mr. Minniti said that he understands the main concerns with the complaints are safety and property values. He said that there have been letters submitted supporting him, and he read aloud from a letter written by Edmund Nogas, 143 Crest Street. Mr. Nogas wrote that he is a lifelong Wethersfield resident, living across the street. Mr. Nogas has no problem with the noise or pollution from the truck, as they are the same as from other vehicles.

Mr. Minniti distributed a site plan of the property, and said that there is no safety issue because the vehicle is parked in the driveway and not out on the road. He said the vehicle is a large pick-up truck with a dump body mounted on the back. He said he can back the truck into the driveway so the equipment end is away from the street. That way, the vehicle looks like any other non-commercial pick-up truck. Mr. Minniti also said that he would be willing to park the non-commercial van somewhere else, because it is not used very much. He said that may reduce the concerns about the possible effect on property values. He also said that the commercial truck is too large to park in back of the house.

Commissioner Oickle asked what are the obstacles to parking the truck behind the house. Mr. Minniti said that are several, including a retaining wall on one side, and things like underground utilities.

Commissioner Knecht asked when the truck is usually parked there. Mr. Minniti said that is usually there overnight. He said that one of the concerns of the neighbors may be noise, since the truck has a diesel engine and it is louder than a standard engine and needs to be idled longer to warm up.

Commissioner Oickle asked what is the weight standard for a commercial vehicle. Peter Gillespie said that he believes it is 10,000 pounds. Mr. Minniti said that the vehicle is a 2008 Ford F-350, and weighs about 12,000 – 13,000 pounds.

Commissioner Oickle asked if there are other problems around town with commercial vehicles parked in residential areas. Mr. Gillespie said yes, that the Zoning Enforcement Official will follow-up on complaints, but does not go looking for them.

Commissioner Oickle said he drove down Crest Street earlier and saw several commercial vehicles parked up the street, and another property with several older vehicles parked on it with shrouds over the vehicles.

Commissioner Knecht asked where Mr. Minniti does most of his business. Mr. Minniti said most of his customers are in Wethersfield, with some in Newington and Rocky Hill.

Commissioner Hughes asked if equipment like a snow plow is sometimes disconnected and left in the driveway. Mr. Minniti said yes. Commissioner Hughes also asked whether he has a sander and where he puts his sand. Mr. Minniti said that he has a sander, which he keeps behind the house during the off season. He said he sometimes has less than 1 yard of sand in the driveway, but it is not there very long. Commissioner Hughes asked if he has a leaf box, and if yes, how big is it and does it come out over the cab of the vehicle. Mr. Minniti said that he does not yet have a leaf box.

Commissioner Munroe asked if a commercial name is on the truck, because most of the complaints about commercial vehicles involve ones with a name on them. Mr. Minniti said no, only on the trailer. He said he will have to put lettering on the truck soon to comply with motor vehicle laws.

Commissioner Oickle asked if approving this special permit would set a precedent. Peter Gillespie said that no legal precedent is set because special permits are issued based on individual circumstances. However, he said that the perception is that it sets a precedent. Mr. Gillespie also said that there have been other cases like this where the Commission has given the applicants a time limit to find another place to park the vehicle.

Commissioner Roberts noted for the record that the Town had received 7 letters about this application. Five of the letters were against it, and 2 were in support of it.

Commissioner Oickle asked how the neighbors would know about the application. Peter Gillespie said that the applicant placed the required notice in the Hartford Courant. In addition, about 35 neighbors were notified by letter because of the requirement to notify neighbors within 300 feet of the property.

Commissioner Jurasin asked how long applicants in this situation have been given to find another place to park. Peter Gillespie said he believes about 6 to 9 months. Mr. Minniti said that any extension would help in these tough economic times. He said he is paying his bills now, but is not sure where he will get the money to pay for another parking place for the truck.

**Motion:** Commissioner Jurasin motioned to close the public hearing.

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

**Vote:** 8 - 0 - 0

Aye: Roberts, Knecht, Jurasin, Petrelli, Munroe, Oickle, Hughes, Drake  
Nay: None  
Abs: None

**Public hearing closed.**

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

- the term of the permit shall be 6 months, to give the applicant time to find an appropriate place to park the commercial vehicle.

Commissioner Hughes went on to say that the Commission requests that the applicant give due respect to the neighbors during the 6 month period, by doing things such as parking the vehicle so that the end with equipment on it is away from the street, storing equipment in back of the house and removing any commercial logo from the vehicle when it is parked.

**Second:** Commissioner Jurasin seconded the motion, provided that Commissioner Hughes was amenable to changing the term of the permit to 9 months. Commissioner Hughes agreed to

change the term of the permit to 9 months.

**Discussion:** Commissioner Oickle suggested that parking the equipment end of the vehicle parked away from the road be added to the motion. Commissioner Roberts said that this is a legitimate concern, but probably should be a request of the Commission and not part of the motion.

**Vote:** 8 - 0 - 0

Aye: Roberts, Knecht, Jurasin, Petrelli, Munroe, Oickle, Hughes, Drake

Nay: None

Abs: None

**Application approved conditions.**

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

**4.1 - C.G.S. § 8-24 Review No. 12-08-MR** - Review of a request from Sean McGrath for the purchase of Town property abutting his property at 57 Barstow Drive.

Peter Gillespie said that this request was the result of a property survey done by Mr. McGrath, in which his fence was found to be on Town property. The Town Engineer has expressed a concern about whether this land is part of the wetland area of Wintergreen Woods. Mr. Gillespie said that this land appears not to have been designated as park land by the Town.

Commissioner Petrelli said that the land has been this way for about 25 years, and asked if it would already belong to Mr. McGrath by adverse possession. Commissioner Roberts said that an adverse possession could not occur unless the Town had acknowledged it.

**Motion:** Commissioner Oickle motioned to recommend that the Town Council sell the 10 foot wide parcel to Mr. McGrath at 57 Barstow Drive.

**Second:** Commissioner Roberts seconded the motion, provided that Commissioner Oickle was amenable to adding the following to the recommendation:

- any expenses associated with the sale of the parcel be paid by the buyer.

Commissioner Oickle agreed to this addition.

**Discussion:** Commissioner Oickle said that the Commission should, separately from the preceding motion, recommend to the Town Council that they consider designating the property to the east of the right of way as park land.

**Vote:** 8 - 0 - 0

Aye: Roberts, Knecht, Jurasin, Petrelli, Munroe, Oickle, Hughes, Drake

Nay: None

Abs: None

**Purchase request recommended to the Town Council.**

**4.2 C.G.S. § 8-24 Review No. 13-08-MR** - Review of a request for the acceptance of parcel 271-046 (Middletown Avenue) as payment in lieu of taxes.

Peter Gillespie said that the parcel is private land located in the Meadows, east of Interstate Highway 91. He said the land owner inherited the land and wants to give it to the Town as payment in lieu of taxes.

Commissioner Oickle asked what the Town would do with the land. Peter Gillespie said he believes it is likely that the Town would eventually give it to the Fish and Game Club.

Commissioner Roberts asked what is the assessed value of the parcel. Mr. Gillespie said it is assessed at about \$3,500 and he did not know how much back taxes were owed.

**Motion:** Commissioner Jurasin motioned to recommend that the Town Council accept the parcel as payment in lieu of taxes.

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

**Vote:** 8 - 0 - 0

Aye: Roberts, Knecht, Jurasin, Petrelli, Munroe, Oickle, Hughes, Drake

Nay: None

Abs: None

**Acceptance request recommended to the Town Council.**

5. **MINUTES** – Minutes of the January 20, 2009 meeting.

Commissioner Roberts noted suggested revisions to the draft minutes.

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

**Second:** Commissioner Jurasin seconded the motion as amended.

**Vote:** 8 - 0 - 0

Aye: Roberts, Knecht, Jurasin, Petrelli, Munroe, Oickle, Hughes, Drake

Nay: None

Abs: None

**Minutes approved as amended.**

6. **STAFF REPORTS**

Peter Gillespie said that the Plan of Conservation and Development is almost 10 years old and needs to be revised. He said capital improvement funds need to be set aside to ensure the plan can be updated. He said that the Commission will likely need to review the 5 year capital improvement plan for the next meeting.

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

There was no public comment.

**8. CORRESPONDENCE**

**8.1** A letter dated February 5, 2009 from Greg Lichatz to the Planning and Zoning Commission regarding Application No. 1637-08-Z (221 Wolcott Hill Road).

**8.2** An invitation to the 61<sup>st</sup> Annual Connecticut Federation of Planning and Zoning Agencies to be held on March 19, 2009.

**8.3** An invitation to attend the CBA Education and Training to be held on March 28, 2009.

**8.4** The Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter.

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

**10. ADJOURNMENT**

**Motion to adjourn** at 8:02 PM – by Commissioner Hughes.

**Seconded** – by Commissioner Dean.

**Vote:** 8 - 0 - 0

Aye: Roberts, Knecht, Jurasin, Petrelli, Munroe, Oickle, Hughes, Drake

Nay: None

Abs: None

**Meeting adjourned.**

Respectfully submitted,

Kevin T. Sullivan, Recording Secretary