

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

August 4, 2009

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, August 4, 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

Chairman Hammer called the meeting to order at 7:03 p.m.

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

Clerk Knecht called the roll as follows:

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

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

Chairman Hammer noted that there were 7 full members and 2 alternates 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 Annual Organizational Meeting of the Planning and Zoning Commission

Election of 2009-2010 Officers:

Commissioner Oickle made a motion to nominate and elect Commissioner Hammer as Commission Chairman for 2009-2010. Commissioner Knecht seconded, and the vote showed all in favor.

Commissioner Hammer made a motion to nominate and elect Richard Roberts as Commission Vice Chairman for 2009-2010. Commissioner Munroe seconded, and the vote showed all in favor.

Commissioner Roberts made a motion to nominate and elect Commissioner Knecht as Commission Clerk for 2009-2010. Commissioner Oickle seconded, and the vote showed all in favor.

Authorization of Commission Signatures for 2009-2010:

Commissioner Roberts made a motion to authorize Peter D. Gillespie to sign notices of the Commission for 2009-2010. Commissioner Harley seconded, and the vote showed all in favor.

Commissioner Roberts made a motion to authorize Michael J. Turner to sign notices of the Commission for 2009-2010. Commissioner Oickle seconded, and the vote showed all in favor.

Ex-Officio Members for 2009-2010:

Commissioner Oickle made a motion for Jeff Bridges, Town Manager, as Ex-Officio Member of the Commission for 2009-2010. Commissioner Jurasin seconded, and the vote showed all in favor.

Appointment to Capitol Region Council of Governments for 2009-2010:

Commissioner Dean made a motion for Earle Munroe as representative and Robert Jurasin as alternate to the Regional Planning Commission of CROG for 2009-2010. Commissioner Roberts seconded, and the vote showed all in favor.

Appointment to Economic Development and Improvement Commission for 2009-2010:

Commissioner Hammer made a motion to nominate and elect Phil Knecht as liaison to the Economic Development and Improvement Commission. Commissioner Roberts seconded, and the vote showed all in favor.

Review of Commission Rules and Procedures:

Commissioner Oickle made a motion to re-adopt Commission Rules and Procedures. Commissioner Roberts seconded, and the vote showed all in favor.

3.2 PUBLIC HEARING APPLICATION NO. 1672-09-Z Renee Realty, LLC Seeking a re-subdivision for the creation of two (2) new lots at 128 Highland Street. Hearing Closed. This matter is tabled from 07/07/09.

3.3 PUBLIC HEARING APPLICATION NO. 1673-09-Z Renee Realty, LLC Seeking a Special Permit in accordance with Section 3.9 of the Wethersfield Zoning Regulations for the creation of two (2) rear lots at 128 Highland Street. Hearing Closed. This matter is tabled from 07/07/09.

The above matters are being heard simultaneously, as decided at the 06/16/09 PZC Meeting.

Commissioner Harley and Commissioner Drake were not present for the 06/16/09 hearing. However,

they have familiarized themselves with the issues. Commissioner Drake is not present for this meeting.

Commissioner Jurasin and Commissioner Hughes have recused themselves from this matter.

A discussion among the Commissioners ensued.

Commissioner Hammer noted that 7 voting members were present. He also mentioned that according to Commission rules of procedure, 5 votes would be required for approval of these consolidated matters. As such, Commissioner Hammer inquired whether the Applicant was agreeable to the matter proceeding with a vote at this time. The Applicant expressed consent with the Commission to proceed with their vote.

Mr. Gillespie noted that the vote would apply to both applications, as said Applications have been consolidated. The 07/30/09 Memorandum to the Commission from him and Ms. Bradley, Assistant Planner, suggested (upon discussion of last meeting and after consulting with Town Staff) that the Commission consider 14 conditions regarding these Applications (1672-09-Z and 1673-09-Z).

The 14 conditions in the 07/30/09 Memorandum are summarized as follows:

- 1) Documents as to tree preservation, landscape maintenance agreement, and restrictive deed covenant and easements are to be filed on the Town Land Records after the subdivision plans are filed with the Town Clerk and prior to issuance of any building permits.
- 2) Consider a revision to the plans, noting that “reasonable efforts” to save the 18” pine, 18” maple, 10” cherry and 11” tree on Lot 3 near westerly and southerly property line shall be made
- 3) During construction certain tree protection methods be taken into consideration and approved by the Town Engineer.
- 4) Initial landscape buffer be provided along the Mull, Kelly and Mooney properties (bordering Lot #3) in the event they are needed when the site construction occurs.
- 5) Appropriate house identification sign is installed, per Town regulations, at the intersection driveway with Highland Street.
- 6) If deemed appropriate by the developer, Lot #1 can be tied in to the common driveway.
- 7) Water pressure flow tests are to be provided to the Town. The test results need to be approved by the Town Engineer and the Fire Marshall.
- 8) If the well and septic systems have not been properly abandoned, they must be properly abandoned to the satisfaction of the Health District.
- 9) Final grading for the individual homes is in substantial compliance with the approved subdivision plan.
- 10) Requiring all of the utilities for the road and some of the drainage be installed prior to the issuance of the certificate of occupancy and reviewed and approved by the Town Engineer.

- 11) Iron pins are to be set at all property corners prior to certificate of occupancy issuance.
- 12) No building permits are issued until the existing structure at 128 Highland is demolished to the satisfaction of the building official.
- 13) The Town will soon be repaving Highland Street. Therefore the Developer will be required to repair and re-patch the area affected by utility work on Highland Street in one continuous, curb to curb pavement repair in lieu of a series of smaller individual repairs.
- 14) Street tree requirements of the subdivision regulations shall be waived in lieu of the proposed plans to retain existing trees.

Mr. Gillespie suggested that in Item #4 of the 07/30/09 Memorandum, language should be added to clearly define the amount of additional landscaping needed if Town Staff determine that the preserved existing vegetation along Lot #3 does not provide a sufficient landscape buffer. Mr. Gillespie suggested that up to an additional ten, 6 ft evergreen trees would be sufficient to address the additional landscaping for those lots, if the Town determined that the preserved existing vegetation does not provide a sufficient landscape buffer along Lot #3.

Commissioner Oickle inquired as to who maintains the drainage systems.

Mr. Gillespie indicated that the homeowner maintains the drainage system until the point in which the system is tied into the Highland Street system.

Commissioner Hammer inquired and Mr. Gillespie confirmed that there are no further issues to discuss relative to the rear lot application (Application No. 1673-09-Z) in connection with special permit regulations.

Commissioner Hammer made an inquiry to Mr. Gillespie regarding the Tree Preservation Easement. Mr. Gillespie indicated that there exists a perimeter tree preservation area around the property which has certain trees, and there are also trees of a larger caliper throughout the site that are not within that perimeter area which are to be protected. The Easement would cover both tree areas, and it also refers to Memo item #2, as well as other areas in the plan where trees are to be saved.

Commissioner Dean inquired and Mr. Gillespie confirmed that the 14 provisions in the 07/30/09 Memo were reviewed and agreed to with the Applicant.

Commissioner Roberts inquired if all conditions provide protection for Town and neighboring property owners as if this matter were considered a regular subdivision. Any mechanism for maintenance bond so that things don't fall apart?

Mr. Gillespie indicated that the Town Engineer did not discuss a maintenance bond for these Applications. Mr. Gillespie noted that the conditions for this development are structured so that the developer's performance ties directly into the issuance of building permits. Certain activities with the creation of the development would occur sequentially.

Commissioner Munroe inquired as to whether drainage was adequately addressed, as he believes the

Agreements mentioned regarding drainage are effective post construction. He inquired as to whom is responsible for drainage concerns pre and post construction.

Mr. Gillespie responded by stating he believes that the drainage issues have been addressed in previous hearings with a result caveat in the plan. This caveat is that should the Town Engineer deem necessary, under drains would be installed in addition to the surface drainage system. Drainage calculations have been submitted to the Town engineers. In terms of responsibility of addressing drainage concerns, the developer is responsible for addressing said concerns until the property is transferred to a property owner.

Commissioner Jurasin inquired as to whether the under drain could be made a condition or noted on the plan, and Mr. Gillespie noted that the under drain is noted on the plan, per the Town Engineer. Mr. Gillespie also noted that the Town Inland/Wetland and Watercourses Commission reviewed and approved the erosion and sediment control plan for this property and provided measures.

Commissioner Oickle expressed his preference to this plan. He reasoned that the additional open space being provided was optimal versus having a public road with more houses being erected. He noted his appreciation of Mr. Gillespie and Ms. Bradley's 07/30/09 Memo.

Commissioner Roberts expressed his preference to this plan reasoning that tree and buffer protection offered in this plan will exist versus the four lot subdivision. Also, he relied on Town Staff and the Inland/Wetland and Watercourses Commission to address issues of drainage, those issues of which are to be in place before houses are erected. Issues of erosion will be mitigated once drainage and structures are properly in place. He also reasoned that creating a public street on this property would serve very little public purpose.

Chairman Hammer expressed his consent to the commentary of Commissioners Roberts and Oickle. Less impact on the property regarding the trees and construction and the Town will not have the obligation of maintaining or plowing this road.

Commissioner Dean commented on the thought and consideration brought to this matter from the Town Staff, the Inland/Wetland and Watercourses Commission, and the Applicant. He stated that many questions have been raised as to this development regarding water influx to adjacent properties. As such, he expressed a desire to see a final report post development construction regarding the drainage.

Chairman Hammer asked if there were any additional comments from the Applicant or public. There were no additional comments from the Applicant or the public at this time.

Motion: Commissioner Roberts made a motion to close Commission discussion of this matter.

Second: Commissioner Oickle seconded the motion.

Vote: 7 - 0 - 2

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

Nay: None

Abs: Hughes, Jurasin

Motion: Commissioner Oickle made a motion to approve, APPLICATION NO. 1672-09-Z Renee Realty, LLC, seeking a re-subdivision for the creation of two (2) new lots at 128 Highland Street, and

APPLICATION NO. 1673-09-Z Renee Realty, LLC, seeking a Special Permit in accordance with Section 3.9 of the Wethersfield Zoning Regulations for the creation of two (2) rear lots at 128 Highland Street, subject to the following stipulations:

1. Prior to filing of the approved subdivision plans, The following documents shall be submitted to and approved by the Town Attorney:
 - a. Restrictive deed covenant and easements regarding maintenance and shared use of access strip/driveways which clearly provides that the Town shall not be required to maintain or take ownership of said access strip as a public street.
 - b. A landscape maintenance agreement that insures that the property owners shall maintain the access strip/driveway so that vegetation shall be cleared and maintained for an area of at least 15 feet in width and 17 feet in height for the entire length of the driveway.
 - c. Tree preservation easement. Agreement shall also include language regarding the preservation of the trees identified on plans to be saved and located outside easement area.
 - d. After the subdivision plans are filed with the Town Clerk and prior to the issuance of any building permits all of the above referenced agreements shall be filed on the Town Land Records.
2. Revise the plans to add a notation that reasonable efforts shall be made to save the 18” pine, 18” maple, 10” cherry, 10” cherry and 11” tree on Lot 3 near westerly and southerly property line to the satisfaction of Town Staff and subject to 1 year replacement.
3. A plan and details for the protection of the existing trees labeled on the Site Development Plan “To Remain” shall be submitted to the Town Engineer for review and approval.
4. If Town staff determine that the proposed plan to preserve the existing vegetation along that portion of Lot 3 that abuts the properties of N/F Mull, Kelly and Mooney does not provide a sufficient landscape buffer Town staff are authorized to require up to an additional ten (10) 6’ high evergreens.
5. House number identification sign with numbers at least 6” in height shall be posted at curb cut prior to start of construction.
6. Driveway for lot 1 may connect with shared driveway, if so, maintenance agreement shall include Lot 1 and existing curb cut on Highland shall be abandoned to Town standards.
7. Prior to issuance of building permit water pressure flow test results provided to Town Engineer and Fire Marshal. Town Engineer and Fire Marshal authorized to require improvements for adequate fire protection and domestic water supply.
8. If well and septic system found to exist they shall be abandoned to the satisfaction of Health District.
9. Final grading plans for individual homes shall be in substantial compliance with approved subdivision plan.
10. Prior to issuance of building permits for Lots 2 and 3, driveway and utilities including fire hydrant, drainage swale on Lot 3, drainage pipes including catch basins, compact sub base and process stone/gravel shall be completed to satisfaction of Town Engineer and Fire Marshal. Developer shall work with Town Engineer to determine inspection schedule for driveway construction. Prior to issuance of a Certificate of Occupancy, the bituminous concrete paving and curbing shall be installed.
11. Iron pins shall be set at all property corners prior to any CO issuance.
12. No building permits for new single family dwellings will be issued for Lots 1 and 2 until demolition of 128 Highland is completed to satisfaction of Building Official.
13. As the Town will soon be repaving Highland Street the developer will be required to repair and

repatch the area affected by the utility work in Highland Street in one continuous curb to curb pavement repair in lieu of a series of smaller individual repairs.

14. The Commission shall waive the street tree requirements of the subdivision regulations in lieu of the proposed plans to retain existing trees.

Second: Commissioner Harley seconded the motion.

Vote: 7 - 0 - 2

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

Nay: None

Abs: Hughes, Jurasin

Commissioner Jurasin and Commissioner Hughes have recused themselves from this matter.

Applications approved with Stipulations.

3.4 APPLICATION 1674-09-Z Mary Ann Ziewacz Seeking Site Plan and Design Review for modifications to Application No. 1586-07-Z (stone wall) at 233 Highland Street. This matter is continued from the hearing of 06/16/09.

The Applicant, Mary Ann Ziewacz of 7 Stonegate Drive, appeared before the Commission with a proposal for a landscape plan which would include eradicating the stone wall, which is currently in disrepair, in front of the property. This stone wall extends to the driveway of the neighboring property, and an ongoing agreement exists with a neighborhood association of Stonegate Drive that wall is to remain and be maintained. The Applicant stated that she is presenting a plan in response to option #3 as described in a Memo that Town Engineer, Mike Turner, had prepared regarding the subject wall. The plan the Applicant described included removing the stone wall from Applicant's and adjoining neighbor, Ms. Sandra Tata's, lots. The Applicant's lot would be landscaped, and a 6-8 foot length decorative wall, using existing stone, would appear on the front corner of the lot (seen on the corner of Highland Street and Stonegate Drive). The Applicant prefers mulch to be placed in the area surrounding the utility box rather than having the existing stone erected behind (or around the sides) of the utility box. The Applicant provided computer rendered sketches. The Applicant indicated she has not discussed this matter with neighbors other than Ms. Tata, her adjoining neighbor.

Ms. Sandra Tata, 15 Stonegate Drive, appeared before the Commission and has no objection to the plan described by the Applicant. She noted that placement of a driveway on her property was unknown to her at this time.

Mr. Ted Ziewacz, 7 Stonegate Drive, appeared before the Commission and indicated that the wall at the corner of the property would be approximately 2 feet high and approximately 15 feet end to end on a total arc.

Ms. Nancy Andrews, 21 Stonegate Drive, appeared before the Commission and asserted that she has not seen the latest proposal of the Applicant. She noted that drainage is a concern since the wall has been dismantled. She is concerned about drainage issues in the future regarding this property. She indicated that the utility box could be moved at the owners' expense.

Commissioner Hammer indicated that the Turner option #3 is the most extreme option of leaving what

was left of the existing wall. He noted that the PZC meeting minutes of July 7, 2009 indicate that: "in order for Town Staff, the Applicant and the neighbor next door to the Applicant on Stonegate Drive, to coordinate with each other in order for the Applicant to submit 3 examples to the Commission to better understand the issue. These examples are: (1) a detailed site plan for wall restoration; (2) a detailed site plan in lieu of wall restoration; (3) photographs of the wall, in its entirety, as it currently exists." Commissioner Hammer believes #2 has been provided but #s 1&3 have not been provided.

Mr. Gillespie indicated that the Commissioners were having a hard time visualizing what it is that was being proposed (preferred option) and clarification from the Applicant on what was being proposed.

Commissioner Hughes inquired if this plan included dropping the entire level of the lot. He noted that he appreciated the effort put forth by the Developer. For clarity in making a decision on this matter and for Town Staff to ensure that the plan proposed by the Developer is carried out as described. He believes the lot will be dropped down to the height of the top of the utility box. Compared to the slope of the land during his site visit, he believes the lot will be dropped down approximately 2 feet. He'd like to view a proposal showing the slope of the land and how many linear feet the wall proposed would be.

Chairman Hammer asked if there were any additional comments from the Applicant or public. There were no additional comments from the Applicant or the public at this time.

Motion: Commissioner Roberts made a motion to continue the matter until the Commission's next meeting in order for the Applicant to have a landscape architect prepare, with their seal, a detailed plan for the area in which the wall in question exists and existed. This plan must include dimensions for the entire project, including any new walls erected from existing stone, as well as examples of vegetation that can be utilized around the utility box. The Applicant is to obtain the landscape architect and the Town Engineer's input on general drainage concerns for this project, as well as drainage concerns regarding the utility box and the adjoining neighbor.

Second: Commissioner Munroe seconded the motion.

Vote: 9 - 0 - 0

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

Nay: None

Abs:

This matter is continued for discussion at a future meeting.

3.5 PUBLIC HEARING APPLICATION NO. 1681-09-Z Peter Gural Seeking a Special Permit to conduct a retail business from a roadside vehicle without a principal building at 1881 Berlin Turnpike. Applicant, Peter Gural, of 759 New Britain Avenue, Rocky Hill, CT appeared before the Commission. He noted he is a State qualified food operator. The van he utilizes was built under the direction of Central Connecticut Health District (CCHD) and is made of stainless steel. The van contains sinks, running cold and hot water, drainage, steam tables, grill, griddle and a full aluminum body. He plans to lease space at the lot located at the corner of Arrow Road and Berlin Turnpike, the same lot currently leased to a hot dog truck operator/owner, James Gleason. A 15 foot wide, 6 feet deep area behind where Mr. Gleason currently leases his space would be cleared so that the Applicant's truck could be parked to provide his products to the public. The Applicant would conduct business under the name "Pete The Butcher" and would offer barbequed meat products for sale, those of which will be cooked on-site in the 18 and a half feet of cooking space offered in said 25 foot vehicle. The Applicant stated that having his

vehicle and the hot dog vendor at the same location provides the public with a food court type of offering. The Applicant desires to operate 7 days a week, from the mid morning to at least 8PM. The Applicant wishes to commence business at said location beginning on September 1, 2009.

Mr. James Gleason, 20 Saxon Road, appeared before the Commission. He currently operates his low traffic impact, hot dog cart business for summer season 2009, at the same location the Applicant would operate. Mr. Gleason is currently leasing the lot on a weekly basis, and the Applicant would park his cart behind Mr. Gleason's. Mr. Gleason noted that the Applicant approached him noting his intentions. The Applicant informed Mr. Gleason that he would not operate his business during the same hours as Mr. Gleason's. Mr. Gleason noted that the hours the Applicant is requesting to operate do in fact correspond with those of Mr. Gleason's. Mr. Gleason also noted that he and Applicant would compete with the sale of products such as beverages. He stated that the Applicant has not provided the Commission with definite hours of operation, duration, etc. He believes that a traffic hazards would result in having multiple vendors at the proposed site. Currently, Mr. Gleason landscapes the property. There is no mention of how the expenses for property maintenance would be handled. Mr. Gleason believes, at the very least, that the Applicant not be allowed to operate at said location prior to September 1, 2009.

Commissioner Oickle expressed concerns relative to drainage, safety, competition and Town image and enhancement. He believes there are many unanswered questions, and a permanent approval is not favorable. Further improvement of the Berlin Turnpike in Wethersfield may be compromised depending upon the use of the property.

Commissioner Harley is inclined to approve on a short-term basis, perhaps next spring.

Commissioner Hammer believes a flea market type of retail atmosphere is not what the Town desires.

Commissioner Jurasin mentioned that gravel cover is adequate but safety issues regarding parking and driveway ingress and egress are priorities. He would like to avoid unsightly signage and benches at this location. He stated that wheel stops may help designate parking areas. He also believes that some issues exist between the Applicant and the Landlord of the potential site.

Commissioner Knecht believes that niche food businesses such as Applicant's would not affect restaurants such as Elaine's. He noted that cleanliness, neatness and order with Applicant's business at said location would be imperative.

Commissioner Dean said that he echoes the concerns of Commissioners Oickle and Jurasin. He mentioned that the intent of the property owner is unknown regarding the operation of the site. He also stated that the unknown permanent use of this site is the real issue, and it's a fundamental land use plan issue for the Commission. There is no permanent site plan for this property.

Commissioner Munroe indicated that businesses such as Elaine's are covered by Town services. However, temporary facilities are not (except responding to emergencies). There is a large disparity in tax collection regarding the Applicant's business (temporary vs. permanent businesses).

Commissioner Roberts noted that the scenario at the Applicant's location is not what the Commission intended when commercial development regulations along the Berlin Turnpike were adopted. If the alternative of viewing potholes, trash and weeds at the site was to take someone with entrepreneurial skills who has a concern with protecting the safety of the general public and patrons of in the operation of their business, and it was within Town grasp to hold the business to compliance with the matters described herein, then it may be worth having someone such as the Applicant clean up the property and try to make some money.

Commissioner Hughes concurred with the commentary of Commissioners Dean and Oickle. He noted that the business of the current hot dog vendor was low impact, seasonal with defined hours. A food court atmosphere would warrant lot paving and a traffic study. The hours of operation proposed by the Applicant are of substantial impact to the site and to the entire area.

Commissioner Hammer inquired as to expected number of customers (turnover of customers). The Applicant noted that there could be as many as 20 customers served in one hour. Applicant also noted that his wife and son may provide some assistance with business operation.

Mr. Gillespie noted that agents or applicants of a property owner can submit an application to the PZC.

Motion: Commissioner Jurasin made a motion to continue the public hearing.

Second: Commissioner Roberts seconded the motion.

Vote: 9 - 0 - 0

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

Nay: None

Abs:

Motion: Commissioner Oickle made a motion to continue the hearing of APPLICATION NO. 1681-09-Z, Peter Gural Seeking a Special Permit to conduct a retail business from a roadside vehicle without a principle building at 1881 Berlin Turnpike, to the next PZC meeting. The Applicant is to prepare a more detailed, functional graphic describing: the square footage of the entire lot, the location of the Applicant's rental space, the location of the Applicant's subject vehicle in the rental space, details of lighting, signage, trash disposal and gravel placement at the location, and public accessibility to the location (ingress and digress). This detailed, functional graphic must be approved by the Town Engineer.

Second: Commissioner Roberts seconded the motion.

Vote: 9 - 0 - 0

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

Nay: None

Abs:

This matter is continued for hearing at a future meeting.

4. OTHER BUSINESS

4.1 Discussion 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.

The Applicant, Phil Collelo, appeared before the Commission. He explained that currently, he has a 3-year lease (1 year of good faith) with the Landlord. He has put approximately \$400,000.00 into this property with the intent to buy it, but he claims the Landlord drastically increased the asking price of the property. He is in a legal dispute with the Landlord. The Landlord currently listed the building for sale in the real estate market. The Landlord is advertising the property with parking for 10 spaces. Mr. Collelo stated that Town regulations do not permit 10 spaces for this property at this time because the lot is not paved. Mr. Collelo was not aware of this driveway issue until 2 days after his permit to do business was issued. He asserts the Landlord never advised him as such. Mr. Collelo indicated that he cannot submit a site plan for the property at this time.

Mr. Gillespie noted that the reason Mr. Collelo is before the Commission is that Town regulations require Mr. Collelo to submit a site plan for the property. Town regulations allowed Mr. Collelo to park 4 cars on the property. Also, a bond exists for this property.

Commissioner Jurasin favors extending the deadline to the end of the 3-year lease.

Commissioner Oickle stated that the property owner should comply with the regulation.

Commissioner Harley favors extending the deadline to the end of the 3-year lease.

Commissioner Dean inquired and Mr. Gillespie indicated that a landlord does not have to know of a change in land use from a tenant.

Commissioner Roberts inquired and Mr. Gillespie indicated that the level of parking service (4 cars) is standard for this property.

Mr. Gillespie noted that Town Attorney assistance may be needed to facilitate discussions with Town, Landlord and Tenant in order to resolve site plan and bond issues.

Motion: Commissioner Roberts motioned to extend the site plan deadline to November 30, 2009, 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.

Second: Commissioner Oickle seconded the motion.

Vote: 9 - 0 - 0

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

Nay: None

Abs: None

Site plan deadline is extended to November 30, 2009. Property Owner is to be contacted by Town Staff.

4.2 Mandatory Referral C.G.S. § 8-24 Review No. 19-09-MR – Request to erect fence on Town property at Randy Lane/Griswold Pond.

Multiple fences have been erected by residents bordering said pond. The fences have been erected to keep geese and other waterfowl from entering private property. These fences have been placed on Town property, but said fences do not prevent citizens from access to the right-of-way passages. Fifteen or more homeowners have erected these fences.

Thomas Wise, 77 Randy Lane, appeared before the Commission in support of a positive referral to the Town Council. He has resided at this location for 15 years. He noted he is also speaking for Adrienne & Tim Quinn, 63 Randy Lane, whom are currently on vacation and could not be present. For the past 12 years or so, he noted that he and his neighbors have had a fence along the north-south edge of Griswold Pond in attempt to prevent geese from entering their yards. He asserts that the fences, though installed on Town property in its right of way, provide some protection to our property and, to the best of his knowledge, have never restricted anyone from access to the right of way. He indicated that children have been fishing at the Pond from time to time, and the fence has never been an issue. He noted that perhaps the fences have been a blessing in some cases.

He quoted from the Goff Brook Pond Watershed Survey of April 2007. “Waterfowl such as geese and swans are always attracted to open water bodies. Generally, they will only stay for extended periods when they have unobstructed access to abutting uplands, particularly open lawn areas. Obstructions to access ways can be as little as a simple fence, a wire or planting arrangement within the first vertical foot along the edge of the water.” He stated that the fences are garden-type and are less than 30” tall. He reasoned that if the fences were not installed in the right of way, the area would quickly become overgrown with weeds and brush that would prevent access to the right of way but not need consent permission from this Commission. He stated that 15 or more homeowners border the 1860 Reservoir who have similar fences along their borders and that perhaps Bell Pond and Murphy Pond have a similar situation.

James Sheehy, 87 Randy Lane, appeared before the Commission in support of a positive referral to the Town Council. As resident of 33 years, he believes the fences have been around for about 12 years. He

learned that the best way to keep geese off his property was to erect a small fence. The fences are no more than 24" high, temporary in nature, and offer great protection to the lawns.

Commissioner Roberts inquired as to what material the fences are made of why fences cannot be placed on private property. From a planning point of view, the question is whether the Applicant is making an appropriate use of Town property.

Commissioner Jurasin noted that some residents are against the fences being installed on Town property.

Commissioner Oickle indicated that the fences are at least 20 feet away from the pond and that most neighbors allow public access for pond use. He stated that a fence running east to west between the 95 Randy Lane property owners, Thomas and Teresa O'Neill and the 87 Randy Lane property of Mr. James Sheehy was taken down by the Town. Some property owners maintain the public land leading to and beyond the other side of the fence.

Commissioner Hughes noted that 22 feet from the waterway is Town property.

Commissioner Dean noted that the Town could construct fences of this type if resources were available. He also noted that the Town Council determines the policy of this issue and inquired of Mr. Gillespie as to what the role of the Commission would be in making an advisory opinion to the Town Council. He questioned whether the improvement promote or discourage the public interest/use of said Town property.

Mr. Gillespie stated that the issue can be viewed as determining whether the improvement encourages or discourages public interest, access and use, as it relates to the plan of conservation and development.

Motion: Commissioner Roberts motioned to make a negative referral to the Town Council, pursuant to C.G.S. § 8-24 of APPLICATION No. 19-09-MR – Request to erect fence on Town property at Randy Lane/Griswold Pond.

Second: Commissioner Harley seconded the motion.

Vote: 9 - 0 - 0

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

Nay: None

Abs: None

Negative Referral of Application is made to Town Council.

5. MINUTES – Minutes of the July 7, 2009 meeting.

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

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

Second: Commissioner Harley seconded the motion.

Vote: 8 - 0 - 1

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

Nay: None

Abs: Jurasin

Commissioner Jurasin abstained from the vote, as he was not present for the July 7, 2009 meeting.

Minutes approved as corrected.

6. STAFF REPORTS. There were no reports made by Staff.

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

Mr. Gus Colantonio, 16 Morrison Avenue, inquired as to whether the Town's decision to remove the entire sidewalk on the south side of Morrison Avenue is legally permissible.

8. CORRESPONDENCE

8.1 Fall 2009 Land Use Academy Schedule.

8.2 A letter dated July 10, 2009 from Mary Ellen Kowalewski of the Capitol Region Council of Governments regarding the opportunity to comment on the draft Regional Plan of Conservation and Development.

8.3 Monthly Economic Development Report.

8.4 Wethersfield 375th Celebration Event Listing.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS

9.1 PUBLIC HEARING APPLICATION NO. 1679-09-Z Mark & Marianne Cronkhite Seeking a Special Permit in accordance with Section 3.5.1.B.4 of the Wethersfield Zoning Regulations to park a camper larger than permitted in a residential zone at 115 Spruce Street.

9.2 PUBLIC HEARING APPLICATION NO. 1680-09-Z Donald Weston Seeking a Special Permit to construct a residential addition on an existing commercial building with related site improvements at 75 Garden Street.

9.3 PUBLIC HEARING APPLICATION NO. 1682-09-Z Qaiser K. Yosufzai Seeking a Special Permit for outdoor product display (propane exchange) at 539 Nott Street.

9.4 PUBLIC HEARING APPLICATION NO. 1683-09-Z Town of Wethersfield Seeking a Zoning Text Amendment to Section 3.5.1.A.2., of the Wethersfield Zoning Regulations regarding commercial vehicles.

9.5 PUBLIC HEARING APPLICATION 1674-09-Z Mary Ann Ziewacz Seeking Site Plan and Design Review for modifications to Application No. 1586-07-Z (stone wall) at 233 Highland Street. This Hearing is a continuation from the Hearing of Tuesday, August 4, 2009.

10. ADJOURNMENT

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

August 4, 2009

Motion to adjourn at 10:40 PM – by Commissioner Dean.

Seconded – by Commissioner Roberts.

Vote: 9 - 0 - 0

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

Nay: None

Abs: None

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary