

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, October 21, 2008 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

**1. CALL TO ORDER**

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

**1.1 ROLL CALL & SEATING OF ALTERNATES**

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>Earle Munroe</b>	✓		
<b>Frederick Petrelli</b>			✓
<b>James Hughes</b>	✓		
<b>Anthony Homicki</b>	✓		
<b>George Oickle</b>	✓		
<b>David Drake (alternate)</b>	✓		
<b>Thomas Dean (alternate)</b>			✓

Also present: Peter Gillespie, Town Planner

Commissioner Roberts noted that there were 8 full members and 1 alternate in attendance at the time of roll call. All members present to participate.

**2. OLD BUSINESS**

**2.1 PUBLIC HEARING APPLICATION NO. 1636-08-Z 291 Ridge Road LLC/John Tartaglia** Seeking a Special Permit in accordance with Section 3.2.1- of the Wethersfield Zoning Regulations to construct an 80 unit Assisted Living Facility at 281 and 295 Ridge Road.---Continued from 10/7/08.

Chairman Hammer stated that this application will not be heard tonight, at the request of the applicant, due to illness. Therefore the hearing will be continued to the November 5<sup>th</sup> meeting.

**3. NEW BUSINESS**

**3.1 PUBLIC HEARING APPLICATION NO. 1637-08-Z. Greg Lichatz** Seeking a Special Permit in accordance with Section 3.6.C.2 of the Wethersfield Zoning Regulations for an accessory building (storage tent) larger than permitted in a residential zone at 221 Wolcott Hill Road.

Property owner Greg Lichatz spoke on behalf of the application. Mr. Lichatz said that he owns the property at 221Wolcott Hill Road, and owns flower businesses elsewhere. He said that the property

is 1.8 acres, and was formerly owned by Dr. Zaccaro.

Mr. Lichatz said that he recently purchased a Farm Tech tent, poured a concrete slab, and started to erect the tent on the slab. He said the tent is 12 feet tall, and has a footprint of 26 feet by 48 feet. Mr. Lichatz said that the tent is in the rear of the lot and cannot be seen from Wolcott Hill Road or Robbins Drive.

Commissioner Hughes asked what will be stored in the tent. Mr. Lichatz said he will store a boat, and other things like lawn equipment and jet skis. He said that tent is 20 feet from the property line, and the nearest neighbors are the Kennedys on Robbins Drive. He said that the boat is the main reason for the tent, since it is 35 feet long and must be covered, per Town requirements, since it is greater than 18 feet long.

Commissioner Oickle asked if the lawn equipment is from his flower business, and whether the tent is susceptible to blowing away. Mr. Lichatz replied that all of his flower business equipment is stored at the greenhouse. He said that the tent is very sturdy, even though it is not a permanent structure. He said the frame is anchored to the 8 inch thick slab. He opted for the tent because it would be about ¼ the cost of a permanent garage.

Commissioner Oickle said the tent seems relatively hidden, but asked if more screening is planned. Mr. Lichatz said that he plans to plant arborvites on the Robbins and Nott Street sides for screening.

Commissioner Munroe said that he recalls permission being granted previously to park an R/V on the property, and would that R/V be parked there again. Mr. Lichatz said no.

Commissioner Homicki asked if commercial vehicles such as snow plows be parked there. Mr. Lichatz said that no commercial vehicles would be parked there. He said that he does plan to park his personal pick-up truck there, which he uses to plow the property.

Commissioner Drake asked if all of the neighbors were notified. Mr. Lichatz said yes, 60 neighbors were notified.

Commissioner Oickle commented that he would like to see more of this kind of storage in Town, but the Commissioner needs to be concerned with how it's done. Commissioner Drake added that he is basically OK with the tent on this lot because the lot is big, but he wonders how the Commission would deal with it if it were proposed for a small lot. He said rules may need to be adopted.

Audience member Sally Helm Farrell, 10 Robbins Drive, spoke in favor of the application. Ms. Farrell said that she lives directly next door to Mr. Lichatz' property, and would have no problem with the tent. She feels that Mr. Lichatz has always been considerate of his neighbors, and the tent will enhance the existing wooded cover.

Audience member William Kennedy, 20 Robbins Drive, spoke next and said he is ambivalent about the application. He said the back end of his lot is right along the side of the tent. He said he can see the tent, and it is a little imposing. However, he is basically OK with it because bushes and other growth mostly cover it. He said the alternative would be numerous pieces of equipment covered separately with tarps, and he is ambivalent about whether Mr. Lichatz covers his equipment with tarps or one bug tent. He said that he feels, overall, that Mr. Lichatz has neatened the property. Mr.

Kennedy also said that he is a retired mechanical engineer, and the structure looks adequate to him.

Audience member Ed Scherer, 19 Robbins Drive, spoke against the application. Mr. Scherer said that he does not directly abutt the property, but in defense of the neighborhood, he feels that the tent far exceeds the town requirements. He says it is 6 times larger than the Town's requirements for a permanent utility building, and is longer than his house. He said he once owned a boat, but kept it parked elsewhere. He feels that the tent is not consistent with a residential use, and will reduce property values. Mr. Scherer said that he feels the tent is not a temporary structure, as it is anchored to a concrete foundation. He said that application is also deficient in detail. He said that the applicant went ahead with construction without a permit until he got caught, and to approve it now would reward the applicant for not doing things properly.

Audience member Frank Tyburski, 28 Robbins Drive, spoke next and spoke against the application. He said he was not notified of the application, but did find out about it. He invited everyone to go take a look at the tent, and they will see that it is an industrial building, is huge and outrageous. He said he would not object to it if it was designed for a residential area, but since it is not, he feels the whole structure should be removed.

Audience member Sally Helm Farrell spoke again, and said she feels those opposed to the tent are angry with the landowner, and have not considered the tent by itself. She said she respects that everyone has their own opinion about these things, but she feels the structure is not too huge, and it needs to be considered on its own merit.

Audience member Frank Tyburski spoke again, and said that Mr. Lichatz property has looked like the backyard of a general contractor, and that this tent is the wrong solution.

Greg Lichatz spoke again and said that the tent is not just for a boat, it is for antique cars, bikes and other things, too. He said he could have asked for a two story barn, or even subdivided and built a house, and those uses would be permissible under Town rules. He also said that he was told that he would not need a permit.

Commissioner Hughes asked for more details about the arborvitaes plantings. Mr. Lichatz said he plans 35 plants each on the north and south sides. He said plantings are not needed on the west side since there is a big open field on that side.

Commissioner Roberts commented that the west side of the tent may need plantings to screen the sight lines for homeowners living on the edge of the field.

Commissioner Drake said that accessory buildings cannot exceed 200 square feet. Peter Gillespie said that the Commission can grant approval via special permit for larger accessory structures. Mr. Lichatz asked whether multiple, smaller tents would need a permit. Peter Gillespie said that the requirement goes by total square footage, so that scenario would still require a permit.

Mr. Lichatz said that the tent uses tubing, and asked if that is considered a structure. Peter Gillespie said that he believes the applicable language reads such that tubing would be considered a structure.

Commissioner Knecht asked why Mr. Lichatz thought he needed no permit. Mr. Lichatz said that Farm Tech told him that permits would not be needed in Connecticut because the tent is a temporary

structure. He also said that his concrete contractor told him that building one of these tents should not be a problem.

Chairman Hammer asked the Commissioners if the hearing should be continued so everyone had a chance to see the site.

Commissioner Homicki said he is concerned whether the hearing is legal since one neighbor said they were not notified. Peter Gillespie said that neighbor is present so they must have heard about it. As long as the neighbors have heard about it, they do not need to receive the notice for the hearing to be legal. Commissioner Homicki said that he is OK with putting the hearing on hold, because he thinks acreage matters with this type of decision, and he wants to go see the site.

Chairman Hammer asked Mr. Lichatz if it is OK for the Commission members to go onto the property to look at the tent. Mr. Lichatz said yes.

Audience member Ed Scherer spoke again, and said that the purpose of the tent is to clean-up the property. The tent is not consistent with a residential use, so why doesn't Mr. Lichatz just clean-up the property so the tent is not needed -boats can be stored elsewhere. He said it is very easy to find in the Town requirements that a special permit is needed

**Motion:** Commissioner Oickle motioned to continue the hearing until the November 5<sup>th</sup> meeting.

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

**Vote:** 9 - 0 - 0

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

Nay: None

Abs: None

**3.2 PUBLIC HEARING APPLICATION NO. 1642-08-Z. Joseph Cottone** Seeking a Special Permit in accordance with Section 6.7 of the Wethersfield Zoning Regulations for the use of temporary outdoor athletic field lighting 411 Wolcott Hill Road (Wethersfield High School - Cottone Field).

Town Athletic Director Jay Cottone spoke on behalf of the application. Mr. Cottone said that the request comes as the result of a schedule change to allow the use of the high school for the Wethersfield Energy Summit II on November 8<sup>th</sup>. The new game date is Friday night, November 7<sup>th</sup>, and the Athletic Department seeks to rent temporary, portable lights for this one game. He said that all of the neighbors have been notified, including all of the residents on Westway and Church Street. He said that 2 tickets to the game were included in each notice. In addition, there will be no parking allowed on Westway or Church Street, and extra police will be on duty. He said that all of the football players and their parents are very excited about the night game.

Mr. Cottone described the lights in more detail saying they are the same as those used at Conard and Hall High Schools in West Hartford for their Friday night football games. They are 30 feet high, as compared to the permanent lights previously approved, which are 90 feet high. He said that the portable lights will create a lot of light spillage onto neighboring properties, as compared to the

permanent lights which will not. The temporary lights will be powered by portable generators, so there will be some noise, too, unlike the permanent lights. Mr. Cottone said that there will be 20 light towers, 14 to 16 of which will be on the field. The remaining lights will be used for surrounding walkways. He said the lights will all be removed from the field by the next day.

Commissioner Roberts asked how much brighter the temporary lights would be due to the greater spillage. Mr. Cottone said that the temporary lights will be considerably brighter, as they are the same as night construction lights. He believes the neighbors will be impressed with the difference when they see the permanent lights.

Commissioner Oickle asked how Hall High School got started using temporary lights. Mr. Cottone said that they rented lights for one game, and the Town liked it so much that they started renting them for regular home night games.

Commissioner Munroe asked if there would be a cost to the Town for renting the lights. Mr. Cottone said that the rental is being covered by the Athletic Department budget. He also said that if there is good attendance at the game, the funds from the ticket sales will cover the rental cost.

Next to speak was audience member Joe Frutuoso, of 492 Church Street. Mr. Frutuoso said that he is 100% OK with lights for athletics. He said his concern is that once a precedent is set, there will be more use of such portable lighting. He cited the West Hartford example as how future use will increase. Mr. Frutuoso said he just wants to know what controls will be put into place, since he believes this will happen again. He also said that even specially-designed permanent lighting will have a lot of spillage, noting that the lights at the New Britain baseball stadium are very bright and visible.

Next to speak was audience member Greg Lichatz, of 221 Wolcott Hill Road. Mr. Lichatz said that the lights were a great thing, and the Town should do it for the kids. He said Mr. Cottone is doing a great job, and he was not worried if temporary lights were to be used again.

Mr. Cottone said that he wanted to emphasize that the lights are a one-time use only. He said that it is the last home game of the year, and the football players raised \$55,000 for the program this year. He also said that baseball stadium lighting has a lot more light spillage than football lighting. Baseball lighting has to be angled up high, to illuminate high fly balls. Football lights do not need to do that, so they are focused on the field.

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

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

**Vote:** 9 - 0 - 0

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

Nay: None

Abs: None

**Discussion:** None.

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

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

**Vote:** 9 - 0 - 0

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

Nay: None

Abs: None

**Application approved.**

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

**4.1 C.G.S. § 8-24 Review No. 08-08-MR** – Review of proposed acceptance of parcels 141-019 and 140-001 from LaCava Construction to the Town of Wethersfield.

Peter Gillespie said that this matter stems from open space land leftover after past development, currently owned by LaCava Construction. The Town Engineer has been in contact with the neighbors about their interest in taking over ownership parts of the land. Mr. Gillespie said that 4 neighbors were interested, and some were not. Since some were not interested, there is an L-shaped parcel of land that will be owned by the Town. Mr. Gillespie said that since there was some question about the ownership of the L-shaped parcel, that is, whether it is owned by LaCava or the Town. He said that the solution will be that LaCava and the Town will simultaneously, release their interest in the land, and it will then clearly revert to the Town. Mr. Gillespie said that the land being divided up will be required to remain as open space, and no building will be allowed.

Commissioner Oickle said that he is glad to see resolution of the situation, and that Town Engineer Mike Turner should be commended for moving this project forward. He also said that he hopes this process will be a model for other open space land transactions.

Commissioner Hughes said he was surprised to see the proposal for the Town to take ownership of the L-shaped parcel, when he thought the Town had previously decided against it. Peter Gillespie said that it is the L-shaped parcel that is being considered at this meeting. He said that LaCava will quit-claim the land to the Town, and that the Town's predisposition about such land ownership has changed from the past.

Commissioner Roberts asked if there will be a cost to the Town for the survey work to break-up the parcels. Peter Gillespie said that Town staff can do the surveying.

Commissioner Homicki said that he has seen land deals like this many times in other towns, and agrees that it can be a precedent for future transactions like it. He also said that he felt the land could be conveyed without the covenant that it remain as open space. He said it could simply be combined with the primary parcel of the neighbors involved.

Commissioner Hughes said that he is in favor of the pieces of land going to the abutting landowners, but is concerned about the liability and cost of maintenance to the Town for the L-shaped parcel.

Commissioner Dean said that there is liability, but no different than with any other Town-owned land.

**Motion:** Commissioner Oickle motioned to recommend a positive referral to the Town Council, to transfer ownership of the parcels to the Town and to the abutting property owners based on the content of the memo from the Town Engineer dated October 14, 2008.

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

**Vote:** 7 - 2 - 0

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

**Application approved.**

**4.2 C.G.S. § 8-24 Review No. 10-08-MR** – Review of proposed purchase of a city owned lot on Goodwin Road.

Peter Gillespie said that the subject lot is a small parcel between 74 and 82 Goodwin Park Road, and was once intended as a road. He said that the owner of 336 Jordan Lane is interested in purchasing the subject parcel, as it would allow a shorter driveway into their parcel. Mr. Gillespie said that the parcel was offered to the owners of 74 and 82 Goodwin Park Road, but neither were interested.

Commissioner Oickle asked if the parcel could be subdivided or allow 336 Jordan Lane to subdivide. Peter Gillespie said that the subdivision aspect had not yet been evaluated. He thought it would be likely, but was not sure.

Commissioner Hughes referred to the memo from Mike Turner about the parcel remaining open space, and that it would not be able to have any structures on it. He said that the Commission could consider adding a condition of sale be that the parcel not be subdivided. He also asked why the Town was not planning to charge anything to the buyer. He said he strongly feels that there is value to this parcel. Commissioner Dean pointed out that the letter from the owner of 336 Jordan Lane just says they are interested, but does not specify that it should be free.

Commissioner Hughes said that he urged everyone to go to the site and take a look, as he believes there is potential for significant change associated with this parcel.

**Motion:** Commissioner Roberts motioned to table this item until the November 5<sup>th</sup> meeting.

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

**Vote:** 9 - 0 - 0

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

**4.3 PRE-APPLICATION REVIEW** - Wethersfield Arts Academy 411 Hartford Avenue.

Peter Barry, of Barry, Harvey & Later spoke on behalf of the project. Mr. Harvey said that the project is proposed for the Buck property at the intersection of Jordan Lane and Hartford Avenue. He said that the construction and reconstruction proposed will house the academy, and that the proposed use was approved by the Zoning Board of Appeals in a 2005 use variance. He said that neither barn on the property will be used as part of the art academy project. Mr. Harvey said that the Buck family has been in Town for 270 years, and the project would fulfill their dream of an art academy. He said a non-profit corporation has been established to run the academy, and a 30 year lease agreement has been arranged with the Bucks.

Next to speak was Gary Leavitt, project architect. He said that the project attempts to keep as much

of the history of the property as possible, and that the Historic District Commission has already approved. He said that some concern developed recently about the use of the property when Mr. Buck demolished 2 buildings because of structural safety concerns. Concern he lessened now that it is known that Mr. Buck's intentions are to reconstruct the buildings. In fact, Mr. Buck kept all of the original wood from the structures to reuse as much as possible during reconstruction.

Mr. Leavitt said that the project has been scaled down a lot from previous plans. He said there are now only 23 parking spaces proposed, and with the landscaping planned, there will be little visual impact. He said that the HDC once had concern about all of the paving involved, but is now happy with the latest, scaled-down plan.

Commissioner Oickle asked why trees were taken down, and if it indicated an interest in subdividing the parcel for the art academy. Mr. Leavitt said that the property will not be subdivided. The Bucks want to retain ownership, so the art academy land will be leased.

Next to speak was Attorney Henderson. He confirmed that the Wethersfield Art Academy is a non-profit corporation, with 501(c)(3) IRS tax status, and that it had signed a 30 year lease with the Bucks.

Commissioner Homicki asked if he understands correctly that the leased property would be tax exempt, but that profit from the lease would be taxable. Attorney Henderson said yes.

Next to speak were Sandy Vaseen and Doug Gillette, teachers for the Academy. Ms. Vaseen said that classical art would be taught and that classes would be small, usually 8 – 10 students. She said it would be a great place to create a portfolio for students aspiring to be professional artists. Mr. Gillette said that he and Sandy have collaborated for 15 – 20 years, that he is a long-time member of the Connecticut River Valley Artists Group, and he teaches at the Springfield Museum. He said that college art students are exposed to many different things, but an academy has a vested interest in taking its students to the professional level. Ms. Vaseen said that this teaching process is called "masters and students".

Commissioner Oickle asked if there are other such academies within a 5 mile radius. Ms. Vaseen said no.

Commissioner Hughes asked for operational information such as which days of the week the academy would open, and how many people would be on site. Mr. Gillette said that classes would likely start on weekdays, but would expand to evenings and weekends as the academy grew. He said classes usually have one teacher, and about 7 students.

Commissioner Roberts noted that this is a pre-application review, and asked as what type of permit is needed for the project. Mr. Harvey said that it would be a special permit application for the 2 buildings.

Peter Gillespie said that any operational limitations the Commission felt were needed would have to be included in the application. The future operations of the academy would be governed by the permit. For example, the Academy would probably want to hold events, and that any limitations on parking for events would need to be included in the permit.



Next to speak was Mrs. Buck. She said that the Academy, as a non-profit entity, would definitely want to hold fundraising events. Mr. Harvey added that there is plenty of on street parking.

Commissioner Homicki asked what is the projected construction and opening timeline, and does the Academy plan to reach out to Wethersfield high School students. Mr. Harvey said that they hope to begin construction in the spring and open in the fall of 2009. Ms. Vaseen said that they are very excited about the prospect of working with the high school students.

Commissioner Dean asked why the plan included paving when something like gravel would be more consistent with the historic character. Mr. Barry said that the Town zoning regulations require pavement.

Commissioner Oickle said that he would like to see sidewalks installed, but believes the project is too small to mandate them. He also asked if the road would be one-way, for the safety of the students. Mr. Harvey said yes.

Peter Gillespie said that it would be up to the PZC to define parking for events. Commissioner Oickle asked if the Academy could come back for special permits for their events. Mr. Gillespie said yes, but suggested that it would be inefficient to have the Academy come back each time they needed something like that. Mr. Harvey said that they have discussed with the owner of 30 Jordan Lane using their parking lot next door, but so far no agreement has been reached.

Chairman Hammer said that there is no application to vote on, but it is apparent that the Commission feels this project is well designed at this stage, will be good for Wethersfield and looks forward to receiving the application at a future date.

No votes taken.

5. **MINUTES** – Minutes of the October 7, 2008 meeting.

**Motion:** Commissioner Roberts motioned to table the minutes to the next meeting.

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

**Vote:** 9 - 0 - 0

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

Nay: None

Abs: None

6. **STAFF REPORTS**

Peter Gillespie said that the next meeting will be very busy and recommended that there be discussion of which projects to review. Mr. Gillespie outlined the projects pending. After a brief discussion, Chairman Hammer said that the mixed use zoning regulations would be deferred.

Mr. Gillespie said that Faucher application, for a garage 107 Robeth Lane, was withdrawn since the last meeting.

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

There was no public comment.

**8. CORRESPONDENCE**

**8.1** CT Land Use Academy Flyer

**8.2** 2009 Planning & Zoning Meeting Schedule

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

**9.1 PUBLIC HEARING APPLICATION NO. 1635-08-Z. John & Shireen Aforismo**

Seeking a Special Permit to host special events (Renewal of App. 1587-07-Z) at 185 Broad Street(Silas Robbins House Bed & Breakfast).

**9.2 PUBLIC HEARING APPLICATION NO.1638-08-Z. Town of Wethersfield** Seeking a Zoning Text Amendment to Sections 2.3, 5.2.A.2, 5.4.B and 5.10 regarding Mixed Use Zoning.

**9.3 APPLICATION NO. 1641-08-Z. Youghioghney Communications-Northeast, LLC**

Seeking Site Plan and Design Review to install a telecommunications antenna on an existing tower with associated equipment cabinets at the base located at 200 Folly Brook Boulevard.

**9.4 APPLICATION NO. 1640-08-Z. Youghioghney Communications-Northeast, LLC**

Seeking Site Plan and Design Review to install a telecommunications antenna on an existing tower with associated equipment cabinets at the base located at 1 Executive Square.

**10. ADJOURNMENT**

**Motion:** Commissioner Roberts motioned to adjourn the next meeting.

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

**Vote:** 9 - 0 - 0

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

Nay: None

Abs: None

Respectfully submitted,

Kevin T. Sullivan, Recording Secretary