

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING
March 21, 2006**

The Wethersfield Planning and Zoning Commission held a public hearing on Tuesday, March 21, 2006 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

CALL TO ORDER

Chairman Hammer called the meeting to order.

ROLL CALL & SEATING OF ALTERNATES

Chairman Hammer asked Clerk Knecht to call roll as follows.

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman	X		
Theresa Forsdick, Vice Chairman			X
Philip Knecht, Clerk	X		
Thomas Harley	X		
Robert Jurasin			X
John Hallisey			X
Dorcas McHugh	X		
Margaret Wagner			X
Anthony Homicki	X		
James Hughes	X		
Frederick Petrelli		X	
David Edwards			X

Also present:

- Peter Gillespie, Economic Development Manager/Town Planner
- Denise Bradley, Assistant Planner

PUBLIC HEARINGS

Chairman Hammer explained the procedure for public hearings and asked that the applicants and members of the public come forward to the podium to speak.

APPLICATION NO. 1514-06-Z. Peter & Angela Crispim Special Permit to construct a membrane structure in accordance with Section 3.6.B.2 at 73 Yale Street.

Mr. Gillespie said that a neighbor called today and said that the sign has been taken down for over a week. The hearing will not be held tonight. Chairman Hammer asked if the commission needed to take any action or if they could just continue the hearing. Mr. Gillespie said that it would be ok to continue the hearing. Chairman Hammer asked for a

motion.

Commissioner McHugh made a motion to continue the hearing until the next meeting.

Commissioner Homicki seconded the motion.

All members present voted in favor of the motion. (6-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Homicki, Hughes

Nay: None

Abst: None

APPLICATION NO. 1515-06-Z. Ricky Lavoie Special Permit to park a vehicle larger than permitted in accordance with Section 3.5.1.A.4 at 28 Westwood Drive.

Chairman Hammer opened the hearing and said that a letter had been submitted from Rita Van Owen of 42 Wells Farm Drive. She says that she is in opposition and that lately there have been several requests for permission to park a commercial vehicle in a residential area. She said that the commission has denied the requests or only approved short-term permission in order to avoid financial hardship, and that the commission should refuse these types of requests to maintain the character of the town.

Chairman Hammer said that the commission had given the applicant time to come back to them with information on the Gross Vehicle Weight and that there is a new memo. Commissioner Knecht read the memo into the record, which said that the Gross Vehicle Weight of the truck is between 7198 and 10,000 lbs. It also says that the applicant's insurance company requests that the truck be parked at this residence at night.

Chairman Hammer asked if this was the weight with the truck fully loaded. Mr. LaVoie said that it was. Chairman Hammer asked if there was any paperwork on this. Mr. LaVoie said that there was not because it is a 7200 lb truck with a fiberglass body added later. There is no paperwork for this. Chairman Hammer said that the special permit is required because there are more than four tires in the rear and not because of the 10,000 lb vehicle weight limit.

Commissioner Knecht asked how long the truck has been in the driveway. Mr. LaVoie said that this truck has been there for six months with no complaint. Chairman Hammer said that the regulations said that the special permit is needed for the number of tires in the rear but since the vehicle is less than 10,000 lbs., the applicant only needs the special permit for one reason. He added that the applicant is looking for some time until he has a chance to get his business going and that he has parked a similar truck there. The applicant said that he has parked a truck there for 25 years.

Chairman Hammer asked Mr. LaVoie how long he has owned the house. The applicant said since 1968. Commissioner Hughes asked if it was registered commercial or combination. The applicant said that he could have registered it with either one but that it was cheaper to register it combination. Commissioner Hughes asked if the applicant had registered it combination, regardless of the number of tires, would he be exempt. Mr. Gillespie said that he would not, the registration doesn't matter. If more than four tires are touching the road then it is a commercial vehicle. Chairman Hammer asked if there was signage on the truck. The applicant said that there was none.

Commissioner Knecht asked if the applicant was looking for a time period. Mr. LaVoie said that he needed a 24 hour period so it is best to keep the truck at his home. Chairman Hammer asked how long it would be until he found another place. The applicant said that he hasn't used it for six months and that the insurance company won't insure it if it is not at his house. Chairman Hammer said that if they gave a permit for some period of time with the understanding that it could be renewed at the end of that period of time, could the applicant still run the business if he was in the process again. Mr. LaVoie said that he would like more than 12 months. Chairman Hammer said that this issue is something that people feel strongly about one way or another. He said that it strikes him that no immediate neighbors voiced their objection and he thinks that the regulations state that they can allow commercial vehicles to be parked in a residential

zone. The commission just has to evaluate the circumstances, and one indication is whether or not the neighbors come out.

Commissioner Harley reminded the commission that one neighbor wrote a letter. Commissioner Hughes said that person was from Wells Farm Drive, not an immediate neighbor. Chairman Hammer said that the Careys wrote the other letter and they live across the street. He asked how long they have lived there. The applicant said 15 years and he has done work for them. Chairman Hammer said that he would correct his earlier statement that no one had come out to speak because they do have the letter.

Commissioner Hughes made a motion to close the public hearing.

Commissioner Homicki seconded the motion.

All those present voted in favor of the motion. (6-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Homicki, Hughes

Nay: None

Abst: None

APPLICATION NO. 1517-06-Z. Phil & Sheila Saxe Special Permit to operate a computer support service in accordance with Section 3.5.2 at 98 Prospect Street.

Commissioner Knecht said that he is a customer of the Saxes and asked if he should recuse himself. Chairman Hammer said that it was up to him. Commissioner Knecht said that he could be objective and would stay in on the vote.

Commissioner Knecht read the following into the record:

- Memo dated March 16, 2006 from Peter Gillespie and Denise Bradley to the commission with some background information on the application including previous ZBA approvals.
- An information sheet from the applicants.

Mr. Saxe introduced himself and his wife and said that they primarily do word processing and career counseling for clients from individuals to large corporations. Chairman Hammer said that they have stated that there would be no employees, but asked how many customers they have. Mr. Saxe said about 25-30 a week. Chairman Hammer asked if there was parking on the site.

Mr. Saxe said that there is parking on the site for four vehicles in the driveway and that they only take customers by appointment. They said that they haven't talked to the neighbors.

Chairman Hammer asked if they work five days a week with customers visiting on those days. Mrs. Saxe said that they work seven days a week and can have customers visiting on the weekends. She added that they have been doing it successfully and quietly for over 20 years.

Chairman Hammer said that the ZBA has given approval to this business six times. Mrs. Saxe said that over the 20 years one change has been that a lot more work is faxed or emailed so there is a lot less customer contact at the house. Commissioner McHugh asked if they were granted permission would they not have customers. Mr. Gillespie said that their approval always allowed for customers. The regulations say that a minor home occupation, which this is labeled, does not allow for customers, however this commission can grant an exception through the special permit process. Commissioner McHugh said ok. Chairman Hammer said that if they had no customers then they wouldn't have to come before the commission.

Commissioner Homicki said that past practice has been to allow for two year and four year intervals and asked if there

was a reason for that. Mr. Gillespie said that has been the ZBA practice and he can't say what the rhyme or reason is. He said that it has existed, but the commissioners can get rid of it.

Chairman Hammer asked if they approve it without a time limit, will it run with the land and will it be for this home occupation only. Mr. Gillespie said that it will run with the land but with all of the specifics of this home occupation runs with the land, not the owner.

Commissioner Hughes made a motion to close the public hearing.

Commissioner Homicki seconded the motion.

All those present voted in favor of the motion. (6-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Homicki, Hughes

Nay: None

Abst: None

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
March 21, 2006**

The Wethersfield Planning and Zoning Commission held a public meeting immediately following the public hearing on Tuesday, March 21, 2006 at 7:00 p.m. in the Wethersfield Police Department Meeting Room 250 Silas Deane Highway, Wethersfield, Connecticut.

Chairman Hammer then opened the public meeting portion of the meeting.

APPLICATION NO. 1515-06-Z. Ricky Lavoie Special Permit to park a vehicle larger than permitted in accordance with Section 3.5.1.A.4 at 28 Westwood Drive.

Commissioner Knecht said that the commission has a history in the last month of giving people in difficult situations some time. He said that the applicant should be given some time to find another location or work it out with the neighbors.

Commissioner McHugh said that this gentleman has lived there for over 20 years and has parked a commercial vehicle there with no complaint. She is generally not in favor of commercial vehicles in residential areas but his truck is well cared for and has no markings. This man has fallen on financial hardship, there was no outcry of neighborhood opposition and this is not a safety issue because the truck doesn't inhibit the site line. The lot doesn't permit the applicant to pull the truck into the rear yard. Commissioner McHugh recommended giving the applicant 18 months to two years and said that it was up for discussion.

Commissioner Knecht added that it doesn't affect the real estate values. Chairman Hammer said that there were issues raised about safety during the previous application but there was nothing presented this time. He agrees to give a period of time to the applicant and wondered if it would be reasonable to waive the reapplication fee. He asked Mr. Gillespie what the application fee is.

Mr. Gillespie said that a special permit is \$200 with a \$50 deposit for the sign and then an additional \$30. Chairman Hammer recommended waiving the fee.

Commissioner Harley said that he is in favor but he is struggling with the time period. Chairman Hammer remembered that the applicant had requested 18 months at the previous hearing. Commissioner Hughes confirmed this. Mr. Gillespie said that in the past, applicants have been granted 30 days and 6 months.

Commissioner Hughes said that the applicant is within the 10,000 lb. range, and the only issue is the four wheel issue. He said that he is familiar with the previous vehicle type that the applicant had owned and agreed that it was much larger than the present vehicle.

Commissioner Hughes made a motion to approve the application for two years with the fee waived upon reapplication.

Commissioner McHugh seconded the motion.

Chairman Hammer asked to discuss the time frame proposed. He said that if they gave the fee waiver and less time that the applicant can still deal with it and come back. He is sensitive to the fact that they have been stingier with other applications. Chairman Hammer added that he was thinking 12 months, but would defer to the commission.

Commissioner Knecht said that they should base every time limit on circumstances and that these are more severe.

Commissioner Harley said that he would like to document hardship on these applications and that he would like to see what the benchmark is for two years. Chairman Hammer said that there was only one objection letter.

Commissioner Homicki said that he is comfortable with the motion. There have been no specific detailed complaints and the applicant has been there for a while. He added that even if this is precedent setting, the observations are on the record.

Chairman Hammer asked Commissioner Hughes if it is possible to have a truck that looks similar with only four tires. Commissioner Hughes said that the applicant could have specified a truck with super single tires and could have registered the vehicle with combination plates instead of commercial which would have generated less tax revenue.

Chairman Hammer said that there is a motion to approve for two years with a waiver of the fee. Commissioner Harley said that he would like to see 18 months. Commissioner Hughes said that he thought that if the applicant had two years he may actually have enough time to remedy the situation. Commissioners Homicki and McHugh agreed that it should be two years. Commissioner Knecht asked if someone would check over the two years. Mr. Gillespie reminded him that there would be nothing to check if the applicant is granted permission.

Commissioner Knecht said that the applicant has a history of 20+ years with no complaint. Commissioner Harley said that the law is there and having had the truck before is not a legitimate reason to approve. If the applicant comes back in two years, will the commission grant him another two? Chairman Hammer suggested that the motion be amended to give the applicant two years but no fee waiver. Commissioner Hughes said that he had no problem amending the motion. The commissioners agreed.

Commissioner Hughes amended his motion to remove the fee waiver and grant the application for two years.

Commissioner McHugh seconded the motion. She agreed that if they decided on a shorter time frame, then they should put in the waiver.

Chairman Hammer noted that the expectation is that the applicant will look for an alternate place to keep the truck during that time.

Commissioner Knecht asked if they needed to stipulate that the maintenance of the truck is his responsibility. Commissioner Hughes said that he suspects that the applicant has spent \$30,000 on this truck and that he will take care of it.

All members present voted in favor of the motion. (6-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Homicki, Hughes

Nay: None

Abst: None

APPLICATION NO. 1517-06-Z. Phil & Sheila Saxe Special Permit to operate a computer support service in accordance with Section 3.5.2 at 98 Prospect Street.

Commissioner Homicki made a motion to accept application number 1517-06-Z to grant the special permit in accordance with Section 3.5.2 of the regulations at 98 Prospect Street for a period of four years.

Commissioner Hughes seconded the motion.

Chairman Hammer asked if Commissioner Homicki would like to include the following conditions from the ZBA approval:

1. Vehicles of clients shall be parked on the applicant's property.
2. No other persons shall be employed at the applicant's property.

Commissioner Homicki said that he would like to include those conditions.

Commissioner Hughes seconded that.

Commissioner Homicki said that the time period of four years is up for discussion. Chairman Hammer said that the applicant had asked for an unlimited time period. Commissioner Homicki added that they have been successful. Commissioner McHugh asked for a clarification. She said that she has no problem granting the special permit without a time period but is concerned that it runs with the property.

Mr. Gillespie said that the special permit runs with the land as all special permits do. Commissioner McHugh asked if the owners move, could someone else move in and establish a business there. Mr. Gillespie said that if it was similar in characteristics to that described in the letter submitted with the application. It would have to be specific to the business and how it is run, he is not terribly concerned about it.

Commissioner Knecht asked if the applicant sold the business and the house what would happen. Chairman Hammer explained that if it was the same business in the house then it could operate. Commissioner Knecht added that in his experience there is parking for one or two cars in the driveway and if there are more than two people, the clients need to make an appointment. He said that it is always quiet and that they do efficient work.

Chairman Hammer said that there are no great odds that someone would buy the house and business. Commissioner Homicki said that he wouldn't object to another low profile business at this location.

Commissioner Homicki made a motion to withdraw the four year time frame.

Commissioner Hughes seconded the motion.

All members present voted in favor of the motion. (6-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Homicki, Hughes

Nay: None

Abst: None

Discussion of Administrative Procedures.

Mr. Gillespie opted to pass on this matter.

Discussion of Progress Drive Subdivision/Wethersfield Technology Group.

Chairman Hammer explained that Progress Drive was part of a subdivision approval in the late 1980's, and under the

regulations and the approval, the developer was obligated to pave the road. To date, a binder has been put in but the work wasn't finished. Rather than having a bond which could be called, the town put a lien on the property to cover the work and the recourse was to bring it into foreclosure in order for the town to get the funds to finish the work. Any action of this type involves the town council.

Chairman Hammer also said that this owner is no longer the original owner, it is someone who owns a couple of lots. He said that the commissioners should know about it and it should be on their radar screen because they may be looking at it in the next month or so.

Commissioner Hughes asked if this is the road that CREC is located on. Chairman Hammer said that CREC went in in the 1990's. Commissioner Hughes asked if this subdivision went through the real estate boom and still didn't sell. He asked if it was a safety issue for CREC because there are no lights, etc. Mr. Gillespie said that it potentially could be.

Commissioner McHugh asked if the property has been sold and if the lot is in someone else's name. Mr. Gillespie said that it went through foreclosure and the present owner owns the remaining lots and assumed the lien. He added that there are five lots in total with four vacant and one occupied by CREC. Chairman Hammer added that there would be no recourse against CREC.

Discussion to open an outdoor patio at 1151 Silas Deane Highway, the Firehouse Bar & Grill.

Mr. Gillespie said he has been approached to put a patio in front of the restaurant between the greenhouse and the Silas Deane Highway. He said that the regulations are silent on the outdoor patio, he could argue that it is a structure in the front yard but there is no roof or covering. The provisions of section 7.4 of the regulations allow the commission to waive under certain conditions. He asked the commissioners to discuss whether to send it to the ZBA then have it come back to the PZC or just have the PZC handle it on their own. The provision allows for broad authority. Mr. Gillespie added that they would have them come in for a special permit for outdoor seating and apply for the waiver as well.

Chairman Hammer asked if there would be a structure or awning along with the patio. Mr. Gillespie said that they would need an enclosure or fence in accordance with the liquor ordinance but there would be no structural canopy. Commissioner Knecht asked if the liquor commission allows liquor outside.

Chairman Hammer said that it seems to serve no purpose to go to the ZBA. All of the commissioners agreed. Commissioner McHugh said that the criticism of government is that people have to jump through too many hoops.

Commissioner Homicki asked if the area is mostly state right-of-way and that they don't seem to have much frontage. Mr. Gillespie said that they have some land there.

Discussion of Commercial Vehicle Regulations.

Mr. Gillespie said that they were missing quite a few members so he would like to wait to begin this discussion. He said that they have a memo and asked to wait until the next meeting.

MINUTES

[Minutes of the March 7, 2006 Meeting](#)

All six members present were eligible to vote.

Commissioner McHugh made a motion to approve the minutes with a correction on p. 14

- A memorandum from Bonnie Therrien, Town Manager to Dolores Sassano, Town Clerk regarding effective meetings and parliamentary procedure. Should read from Dolores Sassano to Bonnie Therrien.

Commissioner Homicki seconded the motion.

All members present voted in favor of the motion. (6-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Homicki, Hughes

Nay: None

Abst: None

STAFF REPORTS

None

PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING.

No members of the public were present or offered any comment.

CORRESPONDENCE

- Invitations to the Taste of Wethersfield on Saturday April 1, from 7-10 p.m. at the Keeney Memorial Cultural Center.
- A letter from Kevin Johnson of Close, Jensen & Miller to Peter Gillespie dated March 7, 2006 regarding the withdrawal of Application No. 1512-05-Z - 1160 Silas Deane Highway.
 - Mr. Gillespie said that this was the Fun Zone property. Commissioner McHugh asked if they were close to filling the building. Mr. Gillespie said that the current interested party has retained an architect to see if it will suit their use.
- Invitation to the Connecticut Federation of Planning and Zoning Agencies 58th Annual Conference to be held at the Aqua Turf on March 23, 2006.
 - Chairman Hammer asked for a headcount for the function this Thursday. Denise Bradley, Thomas Harley, Philip Knecht, Joseph Hammer, Robert Jurasin, Earle Munroe, and George Oickle plan to attend. Mr. Gillespie mentioned that Mr. Jurain, Mr. Oickle and Mr. Munroe are all getting awards. He added that if those going were interested in carpooling, to notify him and he can arrange that.

OTHER BUSINESS

ADJOURNMENT

Commissioner Homicki made a motion to adjourn the meeting.

Chairman Hammer seconded the motion.

All members present voted in favor of the motion. (6-0-0)

Aye: Hammer, Knecht, Harley, McHugh, Homicki, Hughes

Nay: None

Abst: None

The meeting was adjourned at 8:00 p.m.