

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

June 5, 2012

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, June 5, 2012 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 Harley called the meeting to order at 7:03 p.m.

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

Clerk Roberts called the roll as follows:

Member Name	Present	Absent	Excused
Thomas Harley, Chairman	✓		
Joseph Hammer, Vice Chairman	✓		
Richard Roberts, Clerk	✓		
Earl Munroe	✓		
George Oickle	✓		
Anthony Homicki	✓		
James Hughes			✓
Antonio Margiotta	✓		
Dave Edwards			✓
Thomas Dean (alternate)	✓		
Angelo Robert Fazzina (alternate)			✓
Alex Vasel (alternate)	✓		

Also present: Peter Gillespie, Town Planner/Economic Development Manager;
Denise Bradley, Assistant Planner

Chairman Harley noted that there were 7 full members and 2 alternate members in attendance at the time of roll call. All members present to participate.

Members of the Public were present.

Mr. Gillespie indicated it came to the attention to his office today that one (1) of the several neighboring municipalities was not provided notice, as required by statute, regarding Agenda Item **3.2 APPLICATION NO. 1760-12-Z: Town of Wethersfield** Proposed amendments to various sections of the Wethersfield Subdivision Regulations. As such, he suggested the matter be moved to the Agenda of a meeting in the near future.

Motion: Clerk Roberts made a motion to postpone the opening of the public hearing pertaining to Agenda Item **3.2 APPLICATION NO. 1760-12-Z: Town of Wethersfield** Proposed amendments to various sections of the Wethersfield Subdivision Regulations.

Second: Commissioner Homicki seconded the motion.

Aye: Harley, Hammer, Roberts, Munroe, Oickle, Homicki, Margiotta, Dean;

Nay: None;

Vote: 8 – 0;

This Application was postponed to the next meeting of the Planning & Zoning Commission.

Motion: Commissioner Oickle made a motion to take out of order Agenda Item **3.3 C.G.S. 8-24 Referral Town of Wethersfield:** Mitchell On the Park LLC – Lease Amendment for property located at 226 Prospect Street (former Mitchell School).

Second: Clerk Roberts seconded the motion.

Aye: Harley, Hammer, Roberts, Munroe, Oickle, Homicki, Margiotta, Dean;

Nay: None;

Vote: 8 – 0;

This Application was taken out of order and was the first Application heard during this meeting.

3.3 C.G.S. 8-24 Referral Town of Wethersfield: Mitchell On The Park, LLC – Lease Amendment for property located at 226 Prospect Street (former Mitchell School).

Jeff Bridges, Town Manager, appeared before the Commission to ask for a positive referral regarding the approval of an amendment to a current lease agreement the Town has with Mitchell On The Park, LLC, as it pertains to the property located at 226 Prospect Street. The Town owns the land, and the building is owned outright by Mitchell On The Park, LLC. The current lease is for sixty-four (64) years with the building owner, and due to financing and tax issues, the Town and the lessee have come to a mutually agreeable solution to extend the lease not only for the ground, but also in consideration of the provision in the sale contract and title that the building comes back to the Town at the end of the lease period. Therefore, the ground lease would be extended, and the reversion provision (ownership) in the deed would reflect a term identical to that of the ground lease [ninety-nine (99) years].

Commissioner Oickle inquired and Mr. Bridges indicated that post approval of the amendment proposed, future taxes would be paid in full and the tax arrearage would be paid off over the next ten (10) years. Mr. Bridges indicated that the current arrearage is for the grounds only and that the gradual payment of the arrearage was requested due to efforts for increased occupancy in the building and revenue for the building. Mr. Bridges also indicated that CHFA, as of 2008, became uninvolved with this building. The current owner bought the building and misunderstood their liability for taxes on the land. He noted the current owner understands the liability for back taxes and needs an extension of the current lease (amendment) to satisfy that liability and obtain financing for the building. Mr. Bridges indicated that there is Town Council support of the amendment proposed.

Vice Chairman Hammer inquired what the underlying rent is for the ground lease and Mr. Bridges indicated the rent is comprised of a portion of the income, the taxes on the building, as well as an additional rent of the taxes on the grounds. Mr. Bridges noted the portion of the income will be

unaffected should the amendment to the lease be approved and that length of lease and reversion are the only matters affected by an approval of the amendment proposed.

Commissioner Homicki inquired and Mr. Bridges indicated there have not been discussions with Mitchell On The Park, LLC, regarding how financing may be used for property improvement and/or the construction of additional units.

Commissioner Oickle inquired and Mr. Bridges indicated that through discussions, the Town Attorney and Counsel for Mitchell On The Park, LLC, have agreed to the terms of the amendment proposed.

Commissioner Oickle inquired and Mr. Bridges indicated that the Town chose to lease the land in the manner described in this Application, as well as in the past, rather than sell it outright due to the site's proximity to Mill Woods Park.

Motion: Clerk Roberts made a motion for a positive C.G.S. §8-24 report to Town Council on the extension of the lease on the ground to ninety-nine (99) years and making the reversionary clause and deed coincide with the ninety-nine (99) year lease of the ground regarding the following matter: **C.G.S. §8-24 Referral Town of Wethersfield**: Mitchell On the Park LLC – Lease Amendment for property located at 226 Prospect Street (former Mitchell School).

Second: Commissioner Oickle seconded the motion.

Aye: Harley, Hammer, Roberts, Munroe, Oickle, Homicki, Margiotta, Dean;

Nay: None;

Vote: 8 – 0;

Positive C.G.S. §8-24 Referral made to Town Council.

Motion: Commissioner Oickle made a motion to take out of order Agenda Item **3.4 APPLICATION NO. 1766-12-Z: Karen S. Brown** Seeking Site Plan and Design Review approval for Hair Salon/Spa at 526 Silas Deane Highway.

Second: Clerk Roberts seconded the motion.

Aye: Harley, Hammer, Roberts, Munroe, Oickle, Homicki, Margiotta, Dean;

Nay: None;

Vote: 8 – 0;

This Application was taken out of order and was the second Application heard during this meeting.

3.4 APPLICATION NO. 1766-12-Z: Karen S. Brown Seeking Site Plan and Design Review approval for Hair Salon/Spa at 526 Silas Deane Highway.

Ms. Karen S. Brown, co-owner of Salon Serenity, LLC, appeared before the Commission to describe the Application. She noted that Joy Carullo is also a co-owner. Ms. Brown noted there is a revision to the Site Plan due to the Health Department and Building Department

The previously submitted Site Plan depicted the pedicure chair and the manicure table as located in the main part of the salon. It was suggested by Tammy from the Health Department that the side room (as noted on the revised Site Plan submitted during this meeting, and described as “facial bed”) be designated as the area to place the pedicure chair and manicure table to run the necessary ventilation from that area through the bathroom and ultimately through the roof outside. As a result of the “facial bed” area, an additional station was added to make a total of six (6) stations as part of the Site Plan proposal. Also, two (2) additional hand washing sinks were added to the Site Plan proposal to satisfy Health Department requirements. One (1) of the sinks will be located in the ventilated room, and the other sink will be located in the main portion of the salon.

Clerk Roberts inquired and Mr. Gillespie indicated that the parking requirements are not affected by the Site Plan proposed and that the parking requirements are calculated by building square footage.

Commissioner Oickle inquired and Mr. Gillespie indicated that this Application is before the Commission due to a request for a change of use from retail to service at this site. Mr. Gillespie noted that the Applicants’ Plans are being reviewed with the Fire Marshal, Health and Building Department and that the Applicants are in compliance with those agencies thus far.

Commissioner Oickle inquired and Mr. Gillespie indicated there is a free-standing signage grid with room to add the Applicants’ business name. He also noted that the Applicants plan to return to the Design Review Advisory Committee with a wall sign for placement on the façade of the building at the Site. The Applicant noted the power equipment vendor’s sign is planned to be moved to the bottom portion of the free-standing sign (and possibly redesigned), and that the Applicants will have the middle portion of the free-standing sign.

Motion: Clerk Roberts made a motion to approve, as reflected in the revised Site Plan submission made at this meeting, **APPLICATION NO. 1766-12-Z: Karen S. Brown** Seeking Site Plan and Design Review approval for Hair Salon/Spa at 526 Silas Deane Highway.

Second: Commissioner Oickle seconded the motion.

Aye: Harley, Hammer, Roberts, Munroe, Oickle, Homicki, Margiotta, Dean;

Nay: None;

Vote: 8 – 0;

This Application, with its revision submission, was approved.

2. OLD BUSINESS:

2.1 Public Hearing App. No. 1762-12-Z: RJD Development, LLC Seeking Re-subdivision approval for the creation of five (5) new lots at 214 Goff Road. (Continued from May 1, 2012 meeting.)

Mr. Jim Cassidy, P.E., of Hallisey, Pearson & Cassidy [Civil Engineers & Land Surveyors], 35 Cold Spring Road, Suite 511, Rocky Hill, CT, appeared before the Commission regarding this Application. He noted Mr. Ron Drisdelle, of RJD Development, LLC, the owner and developer for the site, was also present.

Mr. Cassidy again described the 4.24-acre site, zone A-1, located on the east side of Goff road and with a location approximately 150 feet north of the intersection of Round Hill Road. The property is bounded by residents to the North on Goff Road and Forest Drive. It is bounded on the East by residents on Farms Village Road and to the south by residents on Round Hill Road. The site is approximately 526 feet wide along Goff Road and 355 feet deep from Goff Road to the back of the site. There is an existing one-story, single family residence on site with a detached 2-car garage (built in the 1940s) which will be demolished. The existing driveway would also be demolished. Twenty thousand (20,000) cubic yards of material will be removed from the site (the previous 7-lot subdivision Application had twelve thousand (12,000) cubic yards of material proposed for removal from the site. The residence is serviced by a septic system and a well. There is also a pavilion structure on the north side of the site. The driveway has a twenty-seven (27%) percent grade that plateaus to a grade of ten (10%) percent.

Mr. Cassidy noted the Applicant seeks to subdivide the site into five (5) A-1 zone lots with a 40 ft. setback for each lot and that each lot would be between thirty-two thousand and thirty-eight thousand (32,000-38,000) square feet. The site would be cleared in the front and re-graded with a seven to eight (7-8) foot elevation from Goff Road. The slope and plateau in the back of the site will remain.

Mr. Cassidy responded to issues addressed in the Memo dated April 30, 2012, to the Planning & Zoning Commission from Peter D. Gillespie, Economic Development Manager/Town Planner and Denise Bradley, Assistant Planner, regarding this Application for five (5) single-family lots. Mr. Gillespie had indicated at the May 1, 2012 meeting that Michael J. Turner, Town Engineer's comments had been incorporated into the memo referred to above.

The memo above indicates the Applicant proposes to construct curb cuts, utilities to service the five (5) lots, and that the subdivision will require significant alterations to the existing topography of the property to accommodate the construction of the new homes. The lots range in size from .77 to .89 acres. Approximately sixty (60%) percent of the site will require re-grading with portions of the rear of the lots remaining undisturbed. Specific trees have been field located in the areas highlighted as "Proposed Tree Line".

Mr. Cassidy noted that the sidewalk waiver originally proposed is now being withdrawn, and a four (4') foot wide concrete sidewalk [with a six (6') foot snow shelf] is proposed along the entire front of the site.

Mr. Cassidy indicated that drainage at the site will contain a system of four (4) drainage sub areas. The first sub area location is planned at the southwest corner of the site. The second sub area location is at the front of the site and to the west. The third sub area location for drainage is in an area on the east side of the site. The fourth sub area location for drainage is in a low spot on the southeast corner of the site. A detailed plan was provided to illustrate these areas.

Mr. Cassidy provided cross sections (3-D rendering) for each of the lots. The red line represents the existing ground (from the street line to the back property line). The green line represents the proposed grade for each post-development lot). The brown rectangle represents a typical colonial-style house with a 12' x 12' pitch at a forty (40') foot depth with nine (9) feet between each story.

The deepest cut is on Lot #1, which is the northerly most lot, and there would be a cut of twenty-two (22') feet to accommodate this lot in the back. The cuts decrease in lots 1, 2, 3, 4, and 5, when heading south.

Mr. Cassidy indicated a cut and fill earth work plan was given to Staff to demonstrate the plan for accomplishing a finished grade at the site. He noted there is an overall twenty-six (26,000) thousand cubic yard cut for this site.

Mr. Cassidy indicated the tree line has been modified to correctly reflect the earth cut line on the plan, as described by Mr. Oblak at the Planning & Zoning Commission meeting of May 1, 2012.

Mr. Peter Jessey of Shoreline Blasting Corporation, 206 Boston Post Road, Madison, CT, appeared before the Commission to answer questions regarding the blasting associated with this Application.

Commissioner Homicki inquired and Mr. Jessey indicated he has been in the business for twenty-six (26) years, has completed projects throughout the State of Connecticut, but has not completed a project in Wethersfield. Mr. Jessey noted the company has a great track record and projects have included blasting at a site while a neighboring school was in session. He noted the blasting business is heavily regulated by the State Fire Marshal and that his business is mindful of each Town/City having its own set of regulations.

Chairman Harley inquired and Mr. Jessey indicated that a pre-blasting survey is offered to properties within three hundred (300') feet of the area blasted. Others beyond three-hundred (300') feet can request a survey. Seismographs are used and all blasts are monitored. They are regulated to not exceed a 2.0 peak particle velocity (ground vibration), and it is his experience that the Fire Marshal of the Town/City is present during the blast.

Commissioner Oickle inquired and Mr. Jessey indicated that a pre-blasting survey is taken of a residence, inside and out, and field notes are taken of any cracks or other issues with the structure. Mr. Jessey noted that the survey is offered and the property owner has to accept that the survey can be done.

Commissioner Vassel inquired and Mr. Jessey indicated the peak particle velocity of 2.0 is at two hundred (200') feet. Mr. Jessey noted that the first blast is very small in order to get a feel for the pounds per delay and that two (2) or three (3) shots per day would occur due to the proximity of the lots at the site.

Clerk Roberts inquired and Mr. Jessey indicated that he has visited the site to look at its conditions and believes that blasting will be necessary to accomplish what the Applicant has proposed in the plan. Mr. Jessey indicated that the neighbors on Goff Road who are directly in front of the site, and one (1) or two (2) houses on each side of the five (5) of the lots, may have more of an impact from the blasting rather than the neighbors directly behind the site, as the neighbors directly behind the site are lower from and further away from where the houses are proposed.

Clerk Roberts inquired and Mr. Jessey indicated he is confident that blasting in the front portion of the site will not create unexpected drainage and water problems coming from the back portion of the site. Mr. Jessey reasoned that four or five (4' or 5') feet of rock is being taken from the area blasted, which is located in the front portion of the lot.

Commissioner Homicki inquired and Mr. Jessey indicated that his company is the responsible party for blasting claims and that the insurance policy is five million (\$5,000,000.00) dollars.

Commissioner Dean inquired and Mr. Cassidy indicated that in his professional opinion, the removal of the existing residence, the capping of the well, the blasting, and the earth removal will have no impact on the deep water being sucked up out of the existing well.

Commissioner Oickle asked Chairman Harley to refer to letters submitted with this Application.

Mr. Gillespie noted for the record the following items of correspondence: Memo from John M. Oblak to the Planning & Zoning Commission dated May 29, 2012 (with attachments – Article from *The Hartford Courant* p. B1, 6 May 2012; Subdivision and Zoning Regulations Excerpts §143-9, §143-43, and Site Plan Requirements; Photographs depicting Sidewalk End at 209/199 Goff Road Property); Memo dated June 5, 2012 from Michael J. Turner, Director of Public Works/Town Engineer to Peter Gillespie, Town Planner; Denise Bradley, Assistant Planner; Don Moisa, PW Inspector; Jim Cassidy, PE of Hallisey, Pearson & Cassidy. Mr. Turner indicated he reviewed the Engineer's drainage calculations and confirmed with the caveats that each lot will have an on-site system to handle off site drainage with

conditions attached to each building permit that there should not be any increased off-site drainage.

Commissioner Homicki inquired and Mr. Cassidy indicated he has reviewed the comments made by Michael J. Turner (see June 5, 2012 memorandum referred to above) and that there are no concerns with the comments.

Anthony Dignoti, Fire Marshal, indicated that in 2004, the Town Council established guidelines for blasting and that the Blasting Company and the Developer will have to meet those ten (10) guidelines. Mr. Dignoti will make sure those guidelines are met and then a permit will be applied for. Once the Blasting Company produces the permit, Mr. Dignoti will verify the permit, the business license, the vehicle license, and the insurance policy. There will be an evening meeting with the abutting property owners, Town Staff, etc., to explain the project particulars. Blasting is governed by the State and carried out by the Fire Marshal of each Town/City of occurrence. Mr. Dignoti has worked with Shoreline Blasting Corporation in the past in previous employment with the Town of Glastonbury and had no problems with that blasting company. He noted the blasting company is required to keep a log of everything they do with a particular project. Mr. Dignoti will check the log, take notes and make sure everything is in order. He noted The National Bureau of Mines has established the standard of 2.0 peak particle velocity.

Commissioner Oickle inquired and Mr. Dignoti indicated there are only two (2) of the ten (10) guidelines established by Town Council that are in addition to State requirements for blasting. Those two elements are: establishment of the 8:00 a.m. - 3:30 p.m. timeframe for blasting [he noted that flexibility in this guideline (i.e. 4:00 p.m. blast in the summer) may be in order at times], and meeting with abutting neighbors to discuss what to expect, etc.

PUBLIC COMMENTS:

Gail Griffin, 52 Desmond Drive, inquired if an environmental impact survey was done to determine if endangered/special species were present at the site.

Mr. Gillespie indicated that such a survey can be required, and it was not requested. He is unaware of any documented evidence that suggests unique or sensitive resources, so a survey was not specifically required.

Linda Rourke, 63 Crest Street, appeared before the Commission and is not in support on this Application. She believes that only one (1) house or perhaps two (2) houses should be built, if any, at the site, and that no blasting should be used in this process.

John Oblak, 60 Farms Village Road, referred to his letter submission of May 29, 2012. noted his belief that this Application will ultimately be approved by the Planning & Zoning Commission with certain conditions and that the neighborhood will have to live with the long-term consequence of the decision. He had questions relative to monitoring the project while it is underway, as well as post audit upon project completion for purposes of project performance requirements. In terms of blasting, he believes knowing what went wrong and if lessons were learned with the blasting that occurred at the Nott and Ridge Road intersection (as the blasting was to conform with State requirements and have gained approval by the Wethersfield Fire Marshal). He noted the geology herein is similar to that of the Nott Street and Ridge Road intersection.

Chairman Harley indicated that because he works in the Department of Transportation and remembers the project referred to above, he could only imagine that State requirements were met regarding the Nott Street and Ridge Road intersection blasting project referred to above, but he does not know specifics regarding what, if anything, may have gone wrong.

Mr. Oblak is concerned with drainage and asked Chairman Harley to explain “no net incremental drainage”, as those words were used by the Chairman at the May 1, 2012 meeting of the Planning & Zoning Commission. Chairman Harley indicated no net increase in drainage was what the engineer for the project explained at the May 1, 2012 meeting of the Planning & Zoning Commission. Mr. Oblak presumes that the Town Engineer would be concerned with the total amount of drainage and the rate of drainage as he reviews and approves the plans. He is concerned with drainage on the Farms Village

Road, as well as Round Hill Road and Goff Road. Mr. Oblak inquired if the approved plan will be accurate to such details as the tree line and other minutiae, as he is concerned with the accuracy reflected on the plan as the final plan is a point of reference for this Application. Chairman Harley indicated the accuracy in details would occur within a standard of care in which the Planning Office and Town Engineer review the plans.

Mr. Oblak questioned if constraints can be placed on subsequent owners of each of the five (5) lots referred to in this Application for no net incremental drainage in consideration of the proposed protection of the tree line at the entire site.

Mr. Gillespie indicated that the Commission in past practice, where tree removal has been of concern, tree preservation easements and/or conditions stated on the plans could accommodate protection of the tree line referred to above and/or limitations on removal of trees that are considered beyond the tree line referred to above.

Mr. Oblak inquired if the Town Engineer could be brought in to weigh in on the issue of whether drainage is impacted if a subsequent property owner of any of the five (5) lots referred to above if the subsequent property owner desires to remove trees from their property.

Chairman Harley indicated that when easements are reserved, the temporary property owner is required to have the easements properly reflected on the property deeds. If the preservation easement is maintained, the property owners would not be permitted to cut down the trees in the designated area.

Mr. Oblak is concerned with unforeseen occurrences regarding drainage resulting from altering the site proposed. He noted three (3) aspects of water drainage as 1) immediate surface runoff from a storm, 2) gradual release of groundwater from an unsaturated overburden, and 3) flood-like flow of groundwater from a saturated overburden as relative to the alteration in the topography of the site and inquired how the plan proposed would assess for no net incremental drainage relative to 10, 25 and 100 year storms. Chairman Harley noted that the Town Engineer would assess drainage relative to the storm intensity. Mr. Oblak and Chairman Harley agreed that surface water projects would apply to the site most frequently. Mr. Oblak inquired and Chairman Harley indicated there may be a way to put post-audit measurements in place to confirm and, if appropriate, suggest a remedial effect if there is a net increase in drainage.

Mr. Oblak inquired and Chairman Harley indicated that it is unknown to the Commission as to why there is an abrupt drop off of approximately one and a half (1 ½) feet at the 209 Goff Road property line resulting from the construction of the residence at 199 Goff Road. The aforesaid area is directly across from the site. Mr. Oblak provided this detail to demonstrate that more than a year passed before any barrier was erected to protect pedestrians in this area when it is dark outside and to provide guidance for vehicles entering the 209 Goff Road driveway. Mr. Gillespie indicated that he could research this matter.

Commissioner Oickle indicated that on Stocking Mill Road, a conservation type of easement (which does not allow trees to be removed) was placed on the back property on the brook. He mentioned that a condition regarding the non-removal of trees can be included in this Application and indicated that tree preservation would involve the monitoring of such a condition.

Lisa Tiger, 86 Forest Drive, appeared before the Commission and her concerns with drainage and erosion from the Application proposed. She inquired and Mr. Jessey indicated that the company could accommodate a pre-blasting survey for a property beyond the 300' blast, if requested. Pre-blast surveys do not address radon issues.

Clerk Roberts inquired and Mr. Jessey indicated that three hundred (300') feet is not the outer most limit for liability, as damage to property would have to be tied in to the completion of the blast.

Bill Graver, 63 Round Hill Road, appeared before the Commission and indicated he has concerns with blasting, soil erosion and drainage. He spoke of drainage overflow and flooding on Goff Road during rainstorms. He noted that in his fifty-two years residing in his home, he has never had any water in the basement and has never had drainage issues at said residence.

Gail Griffin, 52 Desmond Drive, indicated that tree removal from various lots bordering her property and neighborhood has directly affected water runoff and explanations claiming the sun would help dry up those areas lead to the installation of swales for water diversion. She suggested that ceding back to the Town the portion desired (as was done on Drummer Lane) for protection may be a way to prevent subsequent property owners from mistakenly removing trees.

Commissioner Margiotta inquired and Mr. Cassidy indicated that Mr. Welty's written report regarding the slope is forthcoming (geotechnical review), as requested. Mr. Cassidy stated Mr. Welty did not foresee any problems with having a two to one (2:1) slope in terms of stability due to the underlying material (rock). The recommendation, which is included in the plan, is to place an erosion and sediment blanket on the slope [containing twelve to twenty-four (12"-24") inches of soil], which allows temporary stabilization of the soil during the construction process and offers reinforcement for the vegetation that is planted on the soil.

Commissioner Margiotta inquired and Mr. Cassidy clarified that according to the recommendation of the Geotechnical Engineer whose written report is forthcoming, twenty-four inches of soil on top of the underlying material (rock) with an erosion and sediment blanket is adequate for the two to one (2:1) slope in terms of stability.

Chairman Harley inquired and Mr. Cassidy indicated the drainage system herein was designed, per Town regulations, for a ten (10) year storm event (on-site drainage system) and that it would be monitored post construction. Mr. Cassidy noted that if found inadequate, said drainage system would be modified to increase the system's capacity. An official inspection would occur during a storm event.

Chairman Harley inquired and Mr. Drisdelle indicated distance and lot depth could dictate and is not opposed to a one hundred (100') foot conservation easement along the back property line of the site. Mr. Drisdelle mentioned trees require maintenance and trimming, and that perhaps property owners would have to appear before a Commission to attend to those needs. He noted that some abutting property owners to the East took the liberty of taking down trees in areas that were encroached upon.

Clerk Roberts clarified that standard conservation easements allow people to cut down dead trees and ones that are likely to be a hazard to life or limb. They prevent from clear cutting sites, building things in the sites and altering drainage patterns, etc.

Mr. Cassidy indicated the green line depicted in the plan represents the existing tree line at the site. This green line is approximately one hundred and ten (110') feet from the property line.

Chairman Harley asked Mr. Cassidy to refer to the map indicating the drainage plan to show the audience that on the road below (Farms Village Drive), basically everything between the clearing and their back yards would fit in the one hundred (100') foot conservation easement described.

Commissioner Oickle inquired and Mr. Cassidy indicated the chamber system being used for managing storm water drainage at this site is called the Storm Tec MC 8500 with a base footprint of approximately seventy-five (75") inches with an overall height of fifty-four (54") inches. The unit is set into a bed of stones. The system allows for water retention and gradual release into the soil. Three (3) units will be used all together.

Commissioner Munroe inquired and Mr. Cassidy indicated that the existing neighborhood will not have a disruption with utility services, as they're tapping into the existing water service and there is an electrical wire at the site. Individual electrical lines will be run underground at the site. There will be no utilities shut down during blasting. Blasting will occur in a timeframe lasting approximately four (4) months. Mr. Cassidy indicated that a Holyoke Cheshire clay soil type is found at the front of the site and Cheshire clay Wethersfield loam soil type is found in the back of the site.

Commissioner Homicki inquired and Mr. Cassidy indicated that the elevation the driveways can accommodate sidewalks at the site. He noted the conservation easement is a compliment to the lots proposed.

Commissioner Margiotta inquired and Mr. Cassidy indicated he will seek a recommendation from Mr. Welty regarding additional materials such as plantings/soil, other than grasses, in excess of two (2) feet

of material, for sediment and erosion control of the slope.

Chairman Harley inquired and Mr. Gillespie suggested consultation with Applicant and Town Staff regarding language to be drafted and presented to the Commission as conditions to a motion for this Application. Issues addressed would pertain to blasting, including but not limited to a schedule/phasing for blasting, slope stabilization (completed post blasting, if appropriate), maintenance and long-term monitoring of the infiltration system, a plan for handling maintenance of the conservation easement portion of the site, and post-development surface run off,

Clerk Roberts indicated he would like professional input on whether an amount of one-hundred (100') feet is appropriate for a conservation easement in consideration of issues such as private property rights and/or drainage from the top of the hill to abutting neighbors.

Mr. Gillespie indicated that markers delineating the conservation easement site may be appropriate indicators for future property owners that a certain portion of the site is protected and not lost in the transaction of the property.

Since conversations with Town Staff and the Applicant are needed, and additional public input may be needed as a result of information learned by continued discussions between Town Staff and the Applicant, Clerk Roberts suggested that the hearing be kept open.

Motion: Commissioner Oickle made a motion to continue the public hearing of **PUBLIC HEARING APPLICATION NO. 1762-12-Z: RJD Development, LLC** Seeking Re-subdivision approval for the creation of five (5) new lots at 214 Goff Road. The continuation of this public hearing will occur during the next meeting of the Planning and Zoning Commission (June 19, 2012).

Second: Clerk Roberts seconded the motion.

Aye: Harley, Hammer, Roberts, Munroe, Oickle, Homicki, Margiotta, Dean;

Nay: None;

Vote: 8 – 0;

This Public Hearing is continued to the June 19, 2012 Meeting of the Planning & Zoning Commission.

2.2 PUBLIC HEARING APPLICATION NO. 1764-12-Z: Southern Comfort Fireworks Seeking a Special Permit for an outdoor retail fireworks display at 1267-1309 Silas Deane Highway (Goff Brook Shops). (Continued from May 1, 2012 meeting)

Mr. Ken Jones of Southern Comfort Fireworks, LLC, appeared before the Commission regarding this Application. He noted that the Applicant would like to have a tent temporarily installed and for the temporary sale period of June 20, 2012 through July 5, 2012 (with the tent being taken down by July 10, 2012) of legally-permitted (“safe and sane”, nothing aerial) fireworks at the site proposed.

Commissioner Oickle inquired and Mr. Jones indicated that he is not aware of any storefront vacancies at the shopping center site, as he has not visited the site. Mr. Gillespie indicated there is one (1) vacancy to the right of the *Office Depot* store.

Commissioner Oickle inquired and Mr. Jones indicated that a professional tent installation company installs the tent on site driving three (3') foot stakes into the ground and ties are used. There is someone present twenty-four (24) hours a day, every day for security purposes, and holes to the pavement created

by driving the tent stakes are patched after the tent is removed from the site.

Commissioner Oickle inquired and Mr. Jones indicated that selling the fireworks in a tent rather than in vacant commercially leased space lends is optimal due to the temporary nature of the business. Mr. Jones indicated that the tent draws more attention to the public, thus creating more sales.

Commissioner Oickle indicated the utilization of vacant commercial space is preferable. He also indicated that aesthetics, location and having a tent in that area are not optimal. He requested commentary of the Fire Marshal regarding this Application on issues such as tent versus commercial building, etc.

Commissioner Homicki requested the Chairman to mention the Fire Marshal's April 27, 2012 comments relative to this Application. Chairman Harley noted that Fire Marshal, Anthony Dignoti indicated that an aerial map, site plan details, Fire Marshal approval of the tent's location, crash protection to tent from vehicles may be required, NFPA 1124 compliance must be met, and that a fire safety and security detailed plan submission shall be submitted.

Mr. Anthony Dignoti, Fire Marshal, indicated more details in the Site Plan relative to where the tent would be placed are necessary. He would like more input for purposes of handling a fire event. He noted a preference of having a tent verses having the operation indoors, as a fire event would be easier to control. Retailers such as Stop and Shop and CVS sell legal consumer fireworks. There is confusion with vendors interpreting what fireworks are legal, so Mr. Dignoti indicated he would have to make sure that legally permissible fireworks are being sold at the site. He noted that tents have been temporarily set up for fireworks sales in East Hartford, and in other parts of the State.

Vice Chairman Hammer concurs with some concerns made by Commissioner Oickle. He noted his concerns with having a vendor who is not currently a tenant of the shopping center being allowed to set up at the site and the impact on the site in terms of aesthetics, precedent, traffic circulation in and around the Site, and loss of parking at the Site.

Commissioner Homicki inquired and Mr. Gillespie indicated that the pad site delineated in the Application submission is an area identified by the property owner to be marketed as a pad site opportunity. Commissioner Homicki noted that parking lot saturation at the Site can be a detriment. He noted that the comments made in the Fire Marshal's April 27, 2012, review of this Application are focused and clear relative to safety in consideration of the Application proposed.

Mr. Gillespie mentioned the possibility of having the tent proposed in this Application located on the left portion of the parking lot rather than the right side proposed. He suggested that if an approval is provided by the Commission, the approval could give Town Staff the ability to determine an alternate location on the property for purposes of traffic flow/safety issues.

Chairman Harley noted the tent would conduct sales for approximately two (2) weeks and that having the tent present for that duration is income stream for the property owner.

PUBLIC COMMENTS:

There were no comments made by members of the Public regarding this Application.

Motion: Vice Chairman Hammer made a motion to close the public hearing of **PUBLIC HEARING APPLICATION NO. 1764-12-Z: Southern Comfort Fireworks** Seeking a Special Permit for an outdoor retail fireworks display at 1267-1309 Silas Deane Highway (Goff Brook Shops).

Second: Clerk Roberts seconded the motion.

Aye: Harley, Hammer, Roberts, Munroe, Oickle, Homicki, Margiotta, Dean;

Nay: None;

Vote: 8 – 0;

Public Hearing was Closed.

Motion: Clerk Roberts made a motion to approve **PUBLIC HEARING APPLICATION NO. 1764-12-Z: Southern Comfort Fireworks** Seeking a Special Permit for an outdoor retail fireworks display at 1267-1309 Silas Deane Highway (Goff Brook Shops).

Second: Chairman Harley seconded the motion.

Aye: Harley, Margiotta;

Nay: Hammer, Roberts, Munroe, Oickle, Homicki, Dean, Vasel;

Vote: 2 – 7;

This Application was not approved.

Motion: Clerk Roberts made a motion to deny **PUBLIC HEARING APPLICATION NO. 1764-12-Z: Southern Comfort Fireworks** Seeking a Special Permit for an outdoor retail fireworks display at 1267-1309 Silas Deane Highway (Goff Brook Shops).

Second: Commissioner Oickle seconded the motion.

Aye: Hammer, Roberts, Munroe, Oickle, Homicki, Dean, Vasel;

Nay: Harley, Margiotta;

Vote: 7 – 2;

This Application was denied.

3. NEW BUSINESS:

3.1 PUBLIC HEARING APPLICATION NO. 1765-12-Z: Hysni Hoxholli Seeking a Special Permit to construct a detached garage that exceeds the maximum height and square footage requirements of the zoning regulations at 56 Collier Road.

Mr. Hysni Hoxholli, 56 Collier Road, appeared before the Commission and described this Application. He is seeking to build a garage larger than permitted and exceeding eighteen (18') feet in height. The proposed three (3) to four (4) car garage of 30' x 40' feet would have a cupola and is proposed to be constructed at the southwest corner of the site and five (5) feet from the property line. Three (3) sets of carriage style garage doors and three (3) dormers above the garage doors are noted as proposed for the plan. An entry door is planned in the front of the proposed garage's left hand corner and placed adjacent to one (1) of the garage door sets. He noted there is not enough room to extend the existing garage. He also noted that he utilizes the existing garage to house and utilize his van for providing safe transport to and from his residence for a handicapped member of his family. He mentioned that using the ramp for the van in the existing garage prevents him from parking other vehicles in the existing garage. He also

mentioned that a gravel stone driveway (and may eventually be paved) is proposed that would continue from the existing driveway at the site and proceed along the right side of the existing garage and end at the front doors of the proposed garage. He indicated the proposed garage would be used to store vehicles and equipment.

Commissioner Oickle inquired and Mr. Hoxholli indicated that an existing shed prevents the existing garage from being expanded. Commissioner Oickle expressed his reservations with the size of the garage proposed and noted if a paved driveway was implemented, there would be a large amount of paving to complete due to the location of the proposal being at the far end of the rear yard.

Mr. Hoxholli indicated that he is willing to reduce the size of the garage proposed.

Vice Chairman Hammer noted that the Applicant is requesting an additional amount of 1200 square feet of garage, which is in addition to what he already has (450 square feet). He also noted an additional 20' x 20' garage (400 square feet) could be built at the site.

Vice Chairman Hammer inquired and Mr. Gillespie indicated that the height proposed for the garage in the plan is typical with single-story garage height, but adding the cupola to the plan makes the height slightly higher. Mr. Gillespie believes the cupola is a nice feature proposed for the structure.

Mr. Hoxholli again indicated that he is willing to reduce the size of the garage to at least a 22' x 40' garage proposed.

Chairman Harley indicated that a 22' x 40' garage would translate into eight hundred (800) square feet over the limit of garage space allowed. He noted it is possible to build a three (3) car garage that is less than 22' x 40'.

Mr. Hoxholli indicated that he would build the garage and perhaps use pre-fabricated trusses.

Chairman Harley noted, for the record, correspondence dated June 4, 2012 from Annetta Demaio, 47 Collier Road. Mrs. Demaio indicated she is opposed to this Application and noted the plan is bad for the neighborhood.

Chairman Harley noted, for the record, correspondence dated May 26, 2012 from Thad & Janel Weaver, 66 Collier Road. They noted their opposition this Application, as describing the building proposed as exceptionally large and not in harmony with the neighborhood.

PUBLIC COMMENTS:

Henry Hornat, 39 Collier Road, appeared before the Commission and expressed opposition to this Application. His wife, Nancy, was also present at this meeting. He noted that an attached two (2) car garage and a shed exist on the site. He and his wife are opposed to any additional structures on the property because they believe the structures will be used for commercial purposes and therefore, ruin the nature of the neighborhood. He referred to Annetta Demaio's letter (mentioned by Chairman Harley as received) at her request, as she could not be present for this meeting.

Clerk Roberts inquired and Mr. Hornat indicated 1) activity at the site, 2) the Applicant's expression of wanting more storage space at the site, and 3) that the Applicant is a builder are reasons why Mr. Hornat believes the proposed garage would be used for commercial purposes. Mr. Hornat indicated (through mentioned of Mrs. Nancy Hornat) that a handicapped van has never been seen at the site, although they are aware of the Applicant having a handicapped child at the residence. Mr. Hornat indicated his sensitivity to the disability. He mentioned he does not understand why the Applicant would not buy a house that was suitable for handicapped accessibility and why the Applicant wants to change their neighborhood because of the situation.

Victor Colagiovanni, 34 Collier Road, appeared before the Commission and expressed his opposition to this Application. He indicated his property is located behind the site where the garage is proposed. He believes his property will be devalued if this Application is approved. He believes the proposed garage will be a commercial work site for the Applicant whom he described as a handyman by trade. He does not like the current appearance of the Applicant's property, including the shed that exists at the site and

does not want commercially-related business activities to occur in his neighborhood.

Maria Scussel, 16 Collier Road, appeared before the Commission and expressed her concerns of her property value being adversely affected by this Application. She believes the construction of a driveway, as proposed, to the rear of the lot will be in too close proximity to a neighbor's bedroom window. She believes the Applicant does not park vehicles in the existing garage and spoke of parking concerns occurring with the Applicant's parking of vehicles in the street. She is not in favor of this Application.

Thomas Ciccalone, 42 Collier Road, appeared before the Commission and requested a denial of this Application based on his belief that the proposal is not in harmony and/or character with the existing homes in the neighborhood.

Chairman Harley inquired and Mr. Hoxholli indicated that the garage proposed would be used for the storage of vehicles. Mr. Hoxholli noted that he will leave his minivan outside of his garage tomorrow (Wednesday) for the neighbors to see.

Commissioner Homicki inquired and Mr. Hoxholli indicated that he would be keeping the existing two (2) car garage and is asking for a three (3) car garage. Mr. Hoxholli indicated the existing shed would remain and that he did not consider moving the location of the proposed garage closer to the shed because there are trees at the site that would have to be removed. Mr. Hoxholli did not consider a landscape buffer for this Application.

Commissioner Oickle indicated he sensed concern with Commission members and neighbors regarding this Application. He suggested that this matter be deferred to Town Staff for a review of the site for input on screening, location and whether paving is necessary for the proposal.

Commissioner Homicki inquired and Mr. Gillespie indicated that the site has a slope towards the property line at Wethersfield Country Club, but there are no wetlands at the site.

Chairman Harley suggested to the Applicant that Town Staff be consulted and that the hearing be held open to allow the neighbors to see the proposal again. He mentioned to the Applicant to consider downsizing the structure proposed and inclusion of screening elements for the structure's overall appearance at the site.

Motion: Commissioner Oickle made a motion to continue the public hearing of **PUBLIC HEARING APPLICATION NO. 1765-12-Z: Hysni Hoxholli** Seeking a Special Permit to construct a detached garage that exceeds the maximum height and square footage requirements of the zoning regulations at 56 Collier Road.

Second: Vice Chairman Roberts seconded the motion.

Aye: Harley, Hammer, Roberts, Munroe, Oickle, Homicki, Margiotta, Dean;

Nay: None;

Vote: 8 – 0;

This Public Hearing Application was continued.

3.2 APPLICATION NO. 1760-12-Z: Town of Wethersfield Proposed amendments to various sections of the Wethersfield Subdivision Regulations.

This matter was taken out of order and continued [refer to pages 1-2 of this document (06/05/12 PZC Meeting Minutes)].

3.3 C.G.S. §8-24 Referral Town of Wethersfield: Mitchell On the Park LLC – Lease Amendment for property located at 226 Prospect Street (former Mitchell School).

This matter was taken out of order, and a positive referral was made to Town Council [refer to pages 2-3 of this document (06/05/12 PZC Meeting Minutes)].

3.4 Application No. 1766-12-Z: Karen S. Brown Seeking Site Plan and Design Review approval for Hair Salon/Spa at 526 Silas Deane Highway.

This matter was taken out of order, and the site plan and design review was approved [refer to pages 3-4 of this document (06/05/12 PZC Meeting Minutes)].

4. OTHER BUSINESS:

There was no other business discussed at this meeting.

5. MINUTES – May 15, 2012 meeting minutes.

Motion: Vice Chairman Hammer made a motion to approve the minutes, as submitted.

Second: Clerk Roberts seconded the motion.

Aye: Harley, Hammer, Roberts, Oickle, Margiotta, Dean, Vasel;

Nay: None;

Vote: 7 – 0;

Commissioner Munroe and Commissioner Homicki did not participate in the vote, as they were not present for the Planning & Zoning Commission Meeting of May 15, 2012.

Minutes Approved as submitted.

6. STAFF REPORTS:

Mr. Gillespie indicated that the Notice regarding **APPLICATION NO. 1767-12-Z: Capitol Region Education Council** Seeking a Special Permit to construct a school at property located at 176 Cumberland Avenue, is planned to go out on or around Friday, June 8, 2012.

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

There were no public comments made at this meeting relative to general matters of planning and zoning.

8. CORRESPONDENCE:

There were no public comments made at this meeting relative to general matters of planning and zoning.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:

9.1 APPLICATION NO. 1767-12-Z: Capitol Region Education Council Seeking a Special Permit to construct a school at property located at 176 Cumberland Avenue.

10. ADJOURNMENT:

Motion: Vice Chairman Hammer motioned to adjourn the meeting at 9:45 PM.

Second: Commissioner Homicki seconded the motion.

Aye: Harley, Hammer, Roberts, Munroe, Oickle, Homicki, Margiotta, Dean, Vasel;

Nay: None;

Vote: 9 – 0;

Meeting adjourned.

Respectfully submitted,
Ellen Goslicki, Recording Secretary