

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

June 4, 2013

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, June 4, 2013 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

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):

Chairman Harley called the roll as follows:

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

Also present: Denise Bradley, Assistant Planner

Chairman Harley noted at the time of roll call there were six (6) full members and two (2) alternate members in attendance. All members present to participate.

Members of the Public were present.

As of 7:10 p.m., there were three (3) alternate members in attendance.

(*Commissioner Dean arrived at 7:10 p.m.; **Vice Chairman Roberts arrived at 8:55 p.m.)

2. OLD BUSINESS:

There was no Old Business discussed at this meeting.

3. NEW BUSINESS:

3.1 APPLICATION NO. 1795-13-Z: Ralph Keleher Seeking Site Plan and Design Review for a change of use to permit a fitness studio at 474 Silas Deane Highway.

Ralph Keleher, 67 Apple Hill, appeared before the Commission and described his Application. He is looking to operate a personal training studio business (Team Strength & Power d/b/a Crossfit of

Wethersfield) at 474 Silas Deane Highway. A total of three (3) classes would run at the site. Each class would have five to eight (5-8) people. Classes would begin at 6:00 a.m., 4:30 p.m. and 6:30 p.m. and would last approximately one (1) hour. Two or three (2 or 3) parking spaces located in front of Premier Cleaners would be occupied for the Applicant's business. He noted Premier Cleaners is providing six (6) parking spaces for the Applicant's business in the front of the building with overflow parking in the rear of the building. The Applicant noted the landlord has consented to painting lines for designated parking at the site, which would include a designation of two (2) handicap accessible spaces in the front portion of the building.

Chairman Harley inquired and Ms. Bradley indicated there are approximately ten (10) paved parking spaces in the front portion of the site.

Chairman Harley inquired and the Applicant noted approximately one thousand (1,000) square feet of space in the building is used by his business

Commissioner Oickle inquired and the Applicant noted that requiring him to have ten (10) additional parking spaces for his business at this site would create a financial hardship on him as the business owner, as well as on the property owner.

Commissioner Oickle inquired and Ms. Bradley indicated the entire site would require twenty eight (28) parking spaces under current zoning requirements. However, the site could only accommodate approximately twenty (20) parking spaces.

Commissioner Oickle inquired and the Applicant noted the property owner has begun cleaning up debris left by a former tenant in the back portion of the site. The Applicant noted the Fire Marshal and the Town Building Inspector provided the landlord with a list of items requiring remedial response (installation of fire door in basement, walls closed off, window opening in storage area needed to be closed off, railing restored), and those matters have been completed.

Chairman Harley questioned if an overlap would occur with the Applicant's business operation hours and the peak times of the dry cleaner's operation. The Applicant indicated that the dry cleaning business does not generate a large amount of vehicle traffic at the site, as the dry cleaner's business is mostly commercial clients that require commercial van use from the business for pickup and delivery of dry cleaning.

Chairman Harley noted the uses (dry cleaning and Applicant's) do not seem to require the amount of parking regulated by zoning for a five thousand (5,000) square foot building.

Commissioner Fazzina inquired if the former business (Wethersfield Rental) had any adverse issues with parking.

Commissioner Hughes noted he is not concerned with the lack of pavement in the rear of the site and would be satisfied with the establishment of ten (10) additional parking spaces in the rear of the site.

Commissioner Vassel inquired if the CL&P lease agreement was all set, and Chairman Harley indicated (Ms. Bradley confirmed) that CL&P would have to be involved if twenty (28) parking spaces were required as a condition for this Application.

Commissioner Oickle indicated he prefers the rear lot be paved.

Chairman Harley inquired and the Applicant indicated his belief of there being no pavement past the

northern portion of the driveway with a good portion of the rear lot being gravel.

Commissioner Vasel indicated a striping plan showing that ten to twelve (10-12) vehicles can fit in the rear lot is needed.

Chairman Harley suggested that Town Staff could work with the Applicant to achieve the best parking plan for the site without triggering CL&P involvement. Ms. Bradley noted that Inland/Wetland and Watercourses Commission involvement would be triggered if improvements to the site need to occur further into the CL&P portion of the property.

Motion: Commissioner Hughes made a motion to approve **APPLICATION NO. 1795-13-Z: Ralph Keleher** Seeking Site Plan and Design Review for a change of use to permit a fitness studio at 474 Silas Deane Highway, with the following stipulations:

1. Applicant shall provide, and approve with Town Staff, a defined, parking space striping plan for the parking areas that will include handicapped parking spaces and handicapped parking signage;
2. Compacted surface material, as approved by Town Staff, shall be utilized in the non-paved areas of the parking area;
3. Interior improvements satisfying code requirements requested by the Building department and the Fire Marshall shall be made by the Applicant; and
4. The proposed sign shall be approved by the Design Review Advisory Committee.

Second: Commissioner Standish seconded the motion.

Aye: Harley, Hammer, Hughes, Edwards, Fazzina, Vasel, Standish;

Nay: Oickle;

Abstain: Dean;

Vote: 7 – 1;

This Application was Approved with Stipulations.

3.2 APPLICATION NO. 1796-13-Z: Sprint Spectrum LP Seeking Site Plan and Design Review to modify an existing telecommunications facility and associated improvements at 100 Great Meadow Road.

Jennifer Young Gaudet, New England Manager at HPC Wireless Services, L.L.C., appeared on behalf of Sprint Spectrum, L.P. (“Sprint”), 1 International Boulevard, Suite 800, Mahwah, NJ 07495, and requested permission (under the provisions of Section 10.1 D of the zoning regulations) to modify its installation at 100 Great Meadow Road to keep up with technology. The current facility consists of six (6) panel antennas (two per sector) and one (1) GPS antenna mounted to the penthouse façade. The related equipment cabinets are installed within the penthouse. The proposal is to replace the six (6) existing antennas with three (3) antennas (one per sector) and to replace the GPS antenna with a comparable GPS antenna. Six (6) remote radio heads (RRHs) (two per sector) and three (3) notch filters (one per sector) would be installed below the three (3) antennas on the same pipe mount.

The modification proposed would be implemented in two (2) phases as to assure that the new installation is functioning properly prior to removal of the old installation. The two (2) phase

implementation process would result in nine (9) antennas being present for a period of a few months. In each sector, a third (3rd) antenna will be added near the existing antennas with the addition of RRHs and notch filters being mounted to the pipe on which the new antenna is placed. The six (6) antennas currently in place will be removed post interim period of redundant operation, leaving three (3) antennas and the associated RRHs and notch filters. Sprint's electronic equipment is contained within the building penthouse and is not visible from the outside of the building. Sprint will replace two (2) cabinets and add one (1) cabinet, all within its existing equipment area.

Commissioner Oickle inquired and Ms. Gaudet indicated the three (3) replacement antennas will be slightly longer but not taller than the existing six (6) antennas.

Chairman Harley inquired and Ms. Gaudet indicated AT&T, Clearwire, and perhaps Verizon, are other wireless providers who have antennas located at 100 Great Meadow Road.

Commissioner Dean inquired and Ms. Gaudet indicated the total surface area of the new antennas will be approximately the same as the total surface area of the existing antennas being replaced, as the new antennas are a bit wider and two (2') feet longer. The existing antennas are approximately six (6') feet in length and about one (1') foot wide. There will be no increase in electromagnetic force, as Sprint will be operating at the current frequencies they now use, which is considered well below the maximum FCC standard. She offered to provide data to support electromagnetic force analysis. The new technology would provide data services (i.e. delivery of pictures, playing games, mapping).

Motion: Commissioner Oickle made a motion to approve APPLICATION NO. 1796-13-Z: Sprint Spectrum LP Seeking Site Plan and Design Review to modify an existing telecommunications facility and associated improvements at 100 Great Meadow Road.

Second: Commissioner Fazzina seconded the motion.

Aye: Harley, Hammer, Oickle, Hughes, Edwards, Fazzina, Dean, Vasel;

Nay: None;

Vote: 8 – 0;

This Application was Approved.

3.3 Request for Site Plan Approval Extension for 291-295 Ridge Road.

Kevin Burns, Esq. of Cohen, Burns, Hard & Paul, 81 South Main Street, West Hartford, CT, appeared on behalf of his client (who is the Applicant Mr. Tartaglia, Manager of 291 Ridge Road, L.L.C. & Special Purpose 5011, L.L.C.) to request an additional ninety (90) days from the July 1, 2013 deadline for commencement of construction and other existing Planning & Zoning Commission approvals for 291-295 Ridge Road. He noted that his client has received a meaningful proposal from Lifestyles Unlimited, Inc. of South Windsor [a nationally-recognized developer of assisted living facilities (i.e. Emeritus of Rocky Hill)], for the possible purchase of the 4.5 acre rear parcel for the purpose of developing a memory care facility of four (4) stories/seventy-two (72) units, which falls within the anticipated use allowable pursuant to the existing approvals. Upon return of the Applicant, who is currently out of the country, an option would be negotiated by Lifestyles with the Applicant to complete the contract with subsequent follow through on diligence.

Chairman Harley noted and Ms. Bradley concurred the special permit approval (not the zone change approval) is the focus of the extension of time request.

Commissioner Oickle inquired and Atty. Burns indicated that although the existing approval was for an eighty (80) unit, assisted living facility and the proposed new owner desires to build a seventy-two (72) unit memory care facility, the zoning classification and format in terms of the square footage of the building would remain the same. The façade coverage and height would not be the same.

Chairman Harley clarified that the Site plan approval process would be necessary if there is a change to the previously approved site plan.

Commissioner Hammer inquired and Ms. Bradley indicated this Commission first extended the subject deadline (commencement of construction) three (3) years and then again for another ninety (90) days, resulting in the current deadline date of July 1, 2013. Ms. Bradley indicated there is no language in the regulations suggesting a limitation to the number of instances the Commission can extend the subject deadline (commencement of construction).

Commissioner Oickle commented unfavorably regarding the site's upkeep. He noted there are unfavorable concerns of neighbors regarding the ongoing unexecuted plans for the site.

Atty. Burns indicated the reason for extending the construction deadline is because his client has a written proposal from Lifestyles Unlimited that has to be reduced to a stock option (original Applicant was foreclosed upon) and not extending the construction deadline would inhibit the marketability of the property and perhaps the ability of the Town to collect tax revenue from the site.

Chairman Harley indicated and Commissioner Oickle concurred the approvals have a certain value to the property. He noted it was unlikely construction at the site would commence ninety (90) days after the current July 1, 2013 deadline and stressed the Commission would likely be revisiting the deadline to commence construction issue.

Commissioner Oickle indicated housing, as proposed by Lifestyles Unlimited, Inc., is needed in Wethersfield.

Commissioner Fazzina stated it is optimistic to believe and that the Commission understands that ninety (90) days will not be the only extension given, when the circumstances described this evening and those known historically are considered.

Commissioner Hughes described a scenario of allowing a new buyer with no financial issues purchasing the site and being subjected to all the permitting requirements rather than continuing the course of providing time extensions to the construction commencement deadline to a financially insolvent entity. In response, Atty. Burns requested the Commission to consider Lifestyles Unlimited, Inc. viability as an entity with no financial insolvency issues.

Attorney Burns indicated the stockade fence in disrepair was corrected (per e-mail received) to the satisfaction of Mike Turner, Town Engineer. He asked for the Commission to clarify any conditions in an approval of the requested extension which they feel necessary to keep the site appearance satisfactory.

PUBLIC COMMENTS:

Ryan Fenton, President of The Ridge at Wethersfield Condominium Association, 295 Ridge Road, Wethersfield, CT, appeared before the Commission and noted fellow Board members were present at this meeting. He requested that the property be developed, as it abuts the aforesaid Condominium Association. He also requested that the property be developed according to the terms of the permits issued and requested that a condition to an approval include a signed agreement with the buyer. He suggested a condition of requiring a schedule of concrete target dates pertaining to the project.

Commissioner Oickle inquired and Mr. Fenton indicated the stockade fence was not satisfactorily repaired, as it is being held together by zip ties and material appearing to be chicken wire. He noted there were no changes to the structure of the fence, but there is a fresh coat of paint on the fence. He also mentioned there has been no maintenance of the rear lot.

Chairman Harley mentioned proof such as a letter of intent or other validation sufficient to the Condominium Association may not be available at this time. He inquired and Mr. Fenton indicated the extension of time would provide ample opportunity for the Applicant to provide such proof.

Commissioner Fazzina indicated the proposed time extension would not be ample time to commence construction.

Mr. Fenton asked what happens if the extension of time lapses, and Commissioner Fazzina indicated the site plan approval process would need to be restarted. Mr. Fenton indicated if the proposed use was similar in size in scope, had the existing approvals including use, then additional time extensions may be necessary. Mr. Fenton noted the new Applicant site plan details and terms would have to be reviewed at that time and reviewed by the Association.

Commissioner Hughes inquired and Mr. Fenton indicated that Mr. Tartaglia reached out to the Association on Friday, May 31, 2013.

Attorney Burns read the first paragraph of the offer letter into the record: "Lifestyles Unlimited, Inc., is pleased to make an offer to purchase the fee simple interest in the approximately 4.5 acre property identified as Lot 16 of the Condominium known as the Ridge of Wethersfield of Wethersfield, CT, the property also known as 291 Ridge Road. It is our intention to develop the property with a four (4) story memory care facility containing a total of seventy-two (72) units."

Commissioner Hammer inquired of the expected timing for completion of all of the following elements: 1) a signed and binding contract; 2) schedule a firm closing date; 3) prepared plans; and 4) presentation of plans to a builder already secured

Jeff Lefkovich, President/CEO, Lifestyles Unlimited, Inc., appeared before the Commission and noted that an executed contract could likely occur in thirty (30) days. He noted more than ninety (90) days would be needed to commence construction. He estimated a closing of a sale in this matter to occur in as much as seven (7) months. He mentioned market studies and a preliminary site plan with drawings have been completed for the site and that he has met with Buck & Buck Engineers who completed work at this site. He indicated there is no intent to disrupt the work already done for this property, as the plan is to position the building where the existing building lies on the site plan in consideration of the firm's program and philosophy even though the proposed building is slightly larger. He noted there is not much else to do. He mentioned the physical layout of the building and landscaping of the property

would complement the existing property. He noted the firm is anticipating a reply from Mr. Tartaglia. He would then bring his team to the next meeting to explain what the firm is about and to describe memory care and the role it plays.

Commissioner Hammer inquired and Mr. Lefkovich indicated there should be a signed contract by October 1, 2013. Mr. Lefkovich noted the firm would essentially have to reapply, as the building design would change. Mr. Lefkovich also noted the firm's design philosophy would be embraced.

Commissioner Dean inquired and Mr. Lefkovich indicated that if an expiration date of October 1, 2013 was granted, it would be his intent at that time to provide a firm development schedule outlining all the developmental stages (i.e. plan development, sale of property, land use regulatory applications). The development schedule creation would occur simultaneously with a market study requirement imposed on the firm in order to satisfy financing resources. The firm would maintain regular contact with the Town through the entire process.

Commissioner Fazzina inquired and Mr. Lefkovich indicated that not granting the extension of time would adversely impact financing sources and thus prolong the process.

Chairman Harley suggested Commission discussion implied that the Commission is okay with the type of land use now proposed.

Commissioner Hammer indicated that psychologically, a lender or whomever the firm deals with, would be more comfortable if the firm approached with an amendment to a site plan approval rather than starting from square one and obtaining a site plan approval. Mr. Lefkovich agreed with this interpretation.

Commissioner Dean indicated this is the first real serious proposal since 2009 and does not want the momentum lost in proceeding with its development in the parameters of the approvals issued.

Commissioner Hughes inquired and Mr. Lefkovich indicated granting the time extension will help continue the firm's process of expeditiously developing the property. Mr. Lefkovich noted a communication system to monitor progress at the site could be established for the community.

Timothy O'Sullivan, Treasurer of The Ridge at Wethersfield Condominium Association, appeared before the Commission and noted he is not in favor of this Application. He indicated the plans for the site are changing drastically and would like more information on the intended plan. He mentioned the Board and residents have a large say as to the outcome of the site. He noted his experience as a builder and described the repair of the stockade fence as patently unsafe with the use of paint as an insufficient means of correcting the problem.

Commissioner Hammer and Chairman Harley mentioned their inclination to approve an extension of time for 60-90 days with the notation that significant progress is expected of the firm when it returns to the Commission. A failure to provide the progress details would make the Commission alter their decision.

Commissioner Fazzina suggested the condition of requiring milestones in the process.

Commissioner Hammer suggested the firm be prepared to speak to their progress when they return to the Commission.

Commissioner Dean suggested a ninety (90) day extension with the clear understanding that the Commission expects a signed agreement (option/purchase) for the site, coupled with a development schedule that presents the milestones needed to achieve from project start to completion.

Commissioner Standish suggested the inclusion of a condition that the seller secures the stockade fence in a meaningful way, and approved by Town Staff.

Commissioner Fazzina indicated the stockade fence is hiding a blighted building and that no amount of paint would hide.

Ms. Bradley indicated there was an enforcement order regarding the fence, and the owner responded by painting it.

Attorney Burns indicated that Mike Turner, Town Engineer, could revisit the site and make any recommendations regarding the fence to which Attorney Burns indicated a response would be made accordingly.

Commissioner Hughes suggested Mr. Tartaglia replace the entire fence. An eight (8') foot tall fence was suggested.

Motion: Commissioner Fazzina made a motion to approve a ninety (90) day extension of time from the July 1, 2013 deadline for commencement of construction, as noted in Section 10.1.D.5.B. of the Wethersfield Zoning Regulations for **APPLICATION NO. 1636-09-Z: 295 Ridge Road**, pursuant to all the terms and conditions of the original approval, and with the following conditions:

1. A development schedule containing dates and details of milestones in the construction process shall be provided to Town Staff and to the Commission;
2. A signed Agreement (option, sale, or otherwise), or an update regarding the status of any agreement (option, sale, or otherwise) shall be provided to Town Staff and the Commission;
3. A panel-style vinyl fence (with size/height to be determined by Town Staff) shall be installed prior to July 1, 2013, in place of the existing stockade fence; and
4. Clean up of the area located behind the fence shall be made to the satisfaction of Town Staff.

Second: Commissioner Hughes seconded the motion.

Discussion:

Chairman Harley and Commissioner Dean concur that replacement of the fence is necessary.

Commissioner Dean mentioned Commission actions do not undermine or denigrate the ability of Town Staff to fully enforce the town's blight ordinances.

Commissioner Hammer inquired and Attorney Burns indicated he is willing to recommend to his client that any steps necessary are to be taken to make the property look good, appease the residents, and that he will encourage his client of everyone working together on this matter.

Commissioner Standish mentioned the Applicant is to understand the Commission will require prior approval of the above-mentioned conditions when considering additional time extensions.

Commissioner Vasel suggested the size of the fence as less than eight (8') feet tall. The Commissioners then agreed that the size/height be determined by Town Staff.

Aye: Harley, Hammer, Oickle, Hughes, Edwards, Fazzina, Dean, Vasel;

Nay: None;

Vote: 8 – 0;

Request for extension of deadline Approved as specified.

4. OTHER BUSINESS:

4.1 Pre-Application Review – 1267-1309 Silas Deane Highway (Goff Brook Shops).

Susan Hays, Esq. of Updike, Kelly & Spellacy, P.C., 100 Pearl Street, Hartford, CT, appeared before the Commission on behalf of Goff Brook Shoppes of Wethersfield (Joseph Moruzzi, property owner).

The property owner is considering making changes to the property to create business, maintain and/or invite tenancy. These changes include: constructing a free-standing building of approximately two thousand (2,000) square feet with a drive-thru to house a fast food restaurant. This building would be located on the north side of the property as noted on the proposed drawing.

The change considered for the south side of the property is for the construction of a free-standing, four thousand (4,000) square foot building which will be a well-known Connecticut breakfast and lunch establishment as noted on the proposed drawing.

The property owner is in negotiations with a national, famous restaurant that requires an outdoor patio. As such, construction of an outdoor patio (as an extension to the space now leased by World Buffet restaurant) is requested in the area delineated on the proposed drawing. .

The property owner is requesting an addition to the rear of the building (Office Depot), and the property owner is in negotiations with a grocery chain for that location.

There would be a new parking and landscaping layout in the plaza parking area with one ingress/egress driveway [instead of the two (2) driveways currently at the site].

Commissioner Oickle inquired and Attorney Hays indicated the proposed patio is approximately fifty-five (55') feet away from the property line [one hundred, fifty-five (155') feet away from residents].

Commissioner Hughes inquired and Attorney Hays indicated there is sufficient turning radius in the back corner of the site and that the dumpsters are accessible along the greenway.

The Fire Marshal was okay with proposed site plan layout.

Commissioner Standish inquired and Attorney Hays indicated the State Traffic Authority will be consulted with changes to the site, as they will impact traffic light operation.

Commissioner Fazzina suggested the outdoor dining area be fenced in.

Commissioner Dean indicated the plan proposed is encouraging vision in use of the property.

5. MINUTES – May 7, 2013 Planning & Zoning Commission Meeting Minutes:

May 7, 2013 Planning & Zoning Commission Meeting Minutes:

Motion: Commissioner Oickle made a motion to approve the Minutes from the May 7, 2013, Planning & Zoning Commission Meeting, with the following correction: Text lines 26-29 on Page 7 should be moved to the top of Page 9 in the location just prior to “2. Old Business”.

Second: Commissioner Hughes seconded the motion.

Aye: Roberts, Hammer, Oickle, Hughes, Edwards, Dean, Standish;

Nay: None;

Vote: 7 – 0;

Chairman Harley, as well as Commissioners Fazzina and Vasel, did not participate in the vote.

Minutes of the May 7, 2013 Meeting of the Planning & Zoning Commission were approved, as corrected.

6. STAFF REPORTS:

Ms. Bradley indicated there were minor changes made regarding a previously approved site plan and design review [**APPLICATION NO. 1788-13-Z: Kathleen Bagley Seeking Site Plan and Design Review to install a picnic pavilion at 154 Prospect Street (Mill Woods Park.)**], and the Commissioners (other than Commissioner Fazzina, who had recused himself from the matter) were in agreement that Town Staff could approve/provide oversight with regard to those changes. Ms. Bradley also indicated there is a proposal for a two (2) family use [single family with accessory use] at the 245 Main Street property (formerly known as the Masonic Temple) that would involve the construction of a garage and variance requests. After a brief discussion, the Commissioners recommended any issues regarding use for the site should be determined under the jurisdiction of the ZBA, and all other reviews for the property/site should be determined under the jurisdiction of PZC. A brief discussion regarding continual Applications pertaining to cell tower modifications in existing facilities led to a decision as to whether said matters should continue to be handled by PZC. Commissioner Dean suggested that perhaps Town Staff could be directed to approach the Commission with a proposed regulation to deal with the administration of this issue.

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

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

8. CORRESPONDENCE:

There were no additional items of correspondence discussed during this meeting.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:

There were no pending applications discussed during this meeting.

10. ADJOURNMENT:

Motion: Commissioner Oickle motioned to adjourn the meeting at 9:12 p.m.

Second: Commissioner Fazzina seconded the motion.

Aye: Harley, Roberts, Hammer, Oickle, Hughes, Edwards, Fazzina, Dean, Vasel, Standish;

Nay: None;

Vote: 8 – 0;

Meeting adjourned.

Respectfully submitted,
Ellen Goslicki, Recording Secretary