

**WETHERSFIELD ZONING BOARD OF APPEALS**

**PUBLIC HEARING**

**December 19, 2011-REVISED**

The Wethersfield Zoning Board of Appeals held a public hearing on December 19, 2011 at 7:00 PM in the Police Station Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

**PRESENT:** Thomas J. Vaughan, Jr., Chairman  
Daniel Logan, Vice Chairman  
Eugene Ziurys, Jr.  
Mark Rudewicz  
Frank Dellaripa, Alternate  
Kevin Rogers, Alternate

**ABSENT:** Matthias DeAngelo, Clerk  
Morris R. Borea

**Also Present:** Brian O'Connor – Chief Building Official

Chairman Vaughan, Jr. opened the meeting at 7:00PM. There was no one from the audience who wished to speak.

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**Application No. 6079-11. DiCioccio Bros, Inc.,** seeking a Use variance in an Agriculture Zone to construct a 5,000 square foot building for offices, equipment and truck storage for a landscaping business on Parcel Map 280, Lot 4, Elm Street, West side, AG Zone (§4.1.B)

Attorney Michael Romano, 41 New Britain Avenue, Rocky Hill, CT appeared before the Board on behalf of DiCioccio Bros, Inc. seeking a Use variance to construct a 5,000 square foot building for offices, equipment and truck storage. Attorney Romano introduced Mr. DiCioccio and his sons who run the business as they were in the audience but would not be speaking tonight.

Attorney Romano stated that he feels this is more of a “name variance” and not a “use variance”. He stated that this company is a landscaping business. He stated that nowhere in the Town’s Regulations is landscaping defined. He stated that everyone has their own ideas and opinions of what a landscaping business is, adding that he feels that all the landscaping activities are permitted in an AG Zone; therefore they should not even need this “use variance”.

Attorney Romano presented to the Board three exhibits showing the Board that this business is a “landscaping business”. He also presented to the Board the Towns zoning regulations regarding agriculture zones and an article defining “farms”. He feels that presenting these exhibits shows that the landscaping activities should be permitted in the AG Zone.

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Attorney Romano stated that they meet all other minimum requirements in Section 4.1.C. He presented to the Board pictures of farming equipment that is permitted and not limited. He stated that the DiCioccio Bros, Inc. equipment is no different than this farming equipment that is permitted.

Attorney Romano introduced Jack Guilmartin, JL Surveying, 212 Old Brickyard Lane, Berlin, CT to speak more about this plan and how it came about. Mr. Guilmartin stated that this parcel has 7.45 acres of land. He stated that two pieces are wetlands; one small in the middle and one in the rear. He stated that some of this land is currently being used by Anderson Farms for corning; which would continue even if this variance is approved.

Mr. Guilmartin informed the Board that when this was first starting to take shape he went to the Town Staff to see what was needed. He was told that he would first need to go to DEEP. He received approval from DEEP and was told that this application would have no impact on the endangered species (adding that they check for wildlife, plant life, etc.). He stated that they also received approval from the Wethersfield Inland Wetlands Watercourse Agency and the Wethersfield Design Review Advisory Committee.

Mr. Guilmartin stated that this would be a 4,000 footprint building; 100' back and 25' side yard. There would be a paved parking lot in front which would be handicapped accessible and parking in the rear; then gravel beyond that parking lot, and nothing beyond that except planting of arborvitae plants for purchase by a company who has already expressed interest in this. He stated that the building will be set up approximately 3' higher than abutting properties.

Mr. Guilmartin stated that DiCioccio Bros, Inc. employs eight full time employees and one part time bookkeeper. He stated that during January to April four of the employees get laid off and then rehired during the spring season. He stated that the hours are from 7:00AM to 4:00PM. He stated that only four vehicles would be entering or exiting the property, and that there would be no retail sales and no customers going down to the property. There would be no storing of bulk storage on site; no stock piling of material; adding that they go and pick up material as the items are needed. He stated that the building is to store small equipment and trucks; and that maintenance would be done 100% inside the building. He stated that snowplowing trucks would be stored there; but only four employees have the necessary license to use the bigger equipment. He explained that the application states that the building is 5,000 square feet; and the reason for this is there is potential for the 2<sup>nd</sup> floor to be developed into an office and conference room. He stated that the building will have landscaping down the north side but the south side abutting Anderson Farms would not have any landscaping. He added that there will be no change to Anderson Farms; they can use the land the same way that they do now. He explained that there would be no parking lot lights and no signs. He wanted to stress that no customers would be going down to the property. He added that the employee's cars would be parked on the gravel area. He stated that they do not plan on

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expanding as this is a family run business.

Craig Laliberte, Architect, 27 Oakledge Drive, Ivoryton, CT appeared before the Board to make a presentation of what the building would look like. He stated that the building would have a barn structure; there will be raised planting boxes up the entrance to the stairs. There will be two 12' x 10' overhead doors, and two large loading doors with lights. The exterior will be a masonry block structure, roofing will have asphalt shingles. The main entrance will be on Elm Street with windows. The height from the lower parking to the highest ridge is 30'.

Chairman Vaughan, Jr. questioned if this was approved by the Historic District. Mr. Laliberte stated that it was not; Mr. O'Connor stated that this is not in the Historic District so no approval is needed.

Mr. Laliberte passed out to the Board a flyer that was handed out to all abutting neighbors. He stated that only one neighbor was never home and they were unable to get the flyer to them. He stated that 74.8% of the property would stay agricultural.

Attorney Romano wanted to make a final comment. He stated that something was passed around about the Elm Street Land Preservation; he stated that he finds it funny that anyone that is living there is non-conforming; yet with this applicant it is a permitted use and yet they are against it. Attorney Romano gave to the Board a letter from a person in favor of this application.

Chairman Vaughan, Jr. stated that this was a very good presentation and that Attorney Romano touched bases on all the major concerns, such as hours, customers and vehicles.

Commissioner Dellaripa questioned who the property owner is. Mrs. Judy Settino was in the audience and stated that she is the power of attorney for her mother, Suzanna Zawisza who owns the property but is in a nursing home. She stated that they can no longer keep the property and are looking to lease the property with option to buy.

Vice Chairman Logan questioned if it would only be DiCioccio Bros, Inc. working out of the building. Mr. Guilmartin stated that this was correct they will not be subletting to anyone; only DiCioccio Bros, Inc. and Anderson Farm would be farming with the land.

There were no further questions or comments from the Board.

Commissioner Dellaripa read two letters into the record in favor of this application. One from State Representative Russ Morin and one from MaryAnn Baio, 95 Cedar Street, Wethersfield, CT.

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The following audience member wished to speak in favor of this application:

1. Mr. Steve Fleishman, M&M Produce, Hartford, CT – He stated that he is with the Company that hopes to purchase arborvitaes from DiCioccio Bros, Inc.

Chairman Vaughan, Jr. questioned why a land use variance is needed. Mr. O'Connor explained that the business use is not permitted in an AG Zone, and therefore a use variance is needed.

The following audience members wished to speak in opposition to this application:

1. Attorney Ed Murphy, 215 Elm Street, Wethersfield, CT – stated that he feels the building with offices would increase traffic and destroy the integrity of the neighborhood. He stated that he does not see where a hardship was presented, and without finding a hardship you cannot grant a variance.
2. Representative from Great Meadows Conservation Trust, Glastonbury, CT - He stated that they preserve the Great Meadows. He feels that permitted use does not apply; he feels the proposed use is commercial and not agricultural. He also feels there is no hardship; as they do not own the property.
3. Ms. Heather Dowd, 251 Elm Street, Wethersfield, CT – She stated that she has been living in her home on Elm Street for 20 plus years, she feels that this is opening the door to other businesses and is worried that with the grading changes flooding may affect her property. She added that the “Elm Street Gateway to Wethersfield” was turned down because they did not want businesses in the area; and this is a business.
4. Rick with the Wethersfield Conservation Commission – He stated that the land is not being used for the purpose it was intended. He stated that the “Interchange Zone” was shot down by this Town because they did not want businesses in the Elm Street area; and this is a business. He feels they should find another more suitable site.
5. Margaret; representing her mother Beatrice Moors, 118 Elm Street, Wethersfield, CT – She stated that she feels that the increased grading will have an impact on other properties. She stated that the street is not wide enough for one car to get thru; and now there will be trucks.

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6. Mr. Woodworth, 5 River Road, Wethersfield, CT – Stated he is with Great Meadows Conservation Trust. He stated that personally he hates speaking against bringing new business to the Town; but feels this is not a suitable site. He read a letter into the record about Wethersfield’s heritage and rich soil. He stated that this would be setting a precedent for future businesses.
7. Mr. Pulford, 23 Grandview Terrace, Wethersfield, CT – Stated that if you look at a Google map; they have many more than four trucks. Stated that this is not a suitable site.
8. Ms. Karen McLaughlin, 138 Elm Street, Wethersfield, CT – Stated that she is a business owner also. She stated that she never received the flyer that they say they gave to all abutting neighbors; however, she did receive a flyer from the Elm Street Land Preservation Trust. She stated that she knows they have dump trucks; adding that she does not understand why a 4,000 square foot building needs to be built on Elm Street. She is concerned of the increase in traffic and noise. She is confused when they say that the operations end in the fall but yet they have dump trucks with snowplows on them.

Mr. DiCioccio, owner of DiCioccio Bros, Inc. came up to speak stating that there would not be more than four trucks leaving the property on any one day. He also stated that Elm Street is 100’ from Interstate 91 – so how can you be complaining about there being noise.

9. Mr. Jim Dowd, 21 Half Penny Lane, Wethersfield, CT – Stated that he is co-owner of 251 Elm Street. He stated that the Attorney’s presentation was nice, but, they have a receptionist but no office?? And yet they will eventually make the second floor an office with a conference room??

Attorney Romano wanted to clarify that there is a building with office space, but 74% of the property is still agricultural.

Mr. Guilmartin wanted to clarify about the grading; stating that this would not bring water back onto other properties.

Chairman Vaughan, Jr. questioned Attorney Romano that if the applicants do not get this variance what is their next step? Attorney Romano stated besides appeal, he does not know. There is no other zone where you can put all three together; building, offices, and growing arborvitaes. He stated that the problem is that landscaping is not defined. Chairman Vaughan, Jr. questioned if they grow their own stock now. Attorney Romano

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stated that they do not.

Chairman Vaughan, Jr. read portions of the letter into the record from Peter Gillespie; Town Planner, Mike Turner; Town Engineer and Brian O'Connor; Building Official. In that letter stating that this application could have possibly been approved by either staff or as a Special Permit by the PZC. Chairman Vaughan, Jr. questioned why it wasn't. Mr. O'Connor stated that it was his decision and he felt that this application needed a use variance as it did not fall under an agriculture business.

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WETHERSFIELD ZONING BOARD OF APPEALS  
Chairman Thomas Vaughan, Jr.

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Commissioner Dellaripa, Acting Clerk

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PUBLIC MEETING**

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The Wethersfield Zoning Board of Appeals held a public hearing on December 19, 2011 at 7:00 PM in the Police Station Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

**PRESENT:** Thomas J. Vaughan, Jr., Chairman  
Daniel Logan, Vice Chairman  
Eugene Ziurys, Jr.  
Mark Rudewicz  
Frank Dellaripa, Alternate  
Kevin Rogers, Alternate

**ABSENT:** Matthias DeAngelo, Clerk  
Morris R. Borea

**Also Present:** Brian O'Connor – Chief Building Official

**DECISIONS FROM PUBLIC HEARING**

**Application No. 6079-11. DiCioccio Bros, Inc.,** seeking a Use variance in an Agriculture Zone to construct a 5,000 square foot building for offices, equipment and truck storage for a landscaping business on Parcel Map 280, Lot 4, Elm Street, West side, AG Zone (§4.1.B)

There was much discussion by the Board Members.

Vice Chairman Logan stated that he does not have a problem with this application because they are using 75% of the property for agriculture purpose which is what the zone requires.

Chairman Vaughn, Jr. stated that he is concerned about the neighbor's thoughts; but added that a lot of things are permitted in this zone; and is it better to have this than some of the other things that are allowed.

Commissioner Rudewicz stated that as much as he supports DiCioccio Bros, Inc. and their work; he does not feel that it meets the threshold of a hardship.

Commissioner Dellaripa stated that he does not have an issue with the barn structure or the use of this property at all.

Upon motion made by Vice Chairman Logan, seconded by Commissioner Dellaripa and a poll of the Board it was voted that the above application be approved with stipulations. The motion failed to carry by a vote of 3-2 (with Commissioner Ziurys, Jr. and Commissioner Rudewicz opposed.) Therefore this application was **DENIED**.

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**APPROVAL OF MINUTES**

Upon motion made by Commissioner Dellaripa, seconded by Commissioner Rudewicz and a poll of the Board it was voted that the minutes of October 24, 2011 **BE APPROVED.**

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**ADJOURNMENT**

The meeting was adjourned at 8:50 PM.

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CHAIRMAN VAUGHAN, JR.

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Commissioner Dellaripa, Acting Clerk

I hereby certify that the above is a true copy of the minutes of the Zoning Board of Appeals on

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Commissioner Dellaripa, Acting Clerk