

APPROVAL OF MINUTES:

- 2 Approval of Minutes – December 12, 2011 – APPROVED

PUBLIC HEARING:

- 2 1. Special Permit/Parker/731 Center Street (Apartment) #412-11 - APPROVED

NEW BUSINESS:

- 3 2. Site Plan/Rainey/347 Highland Avenue (Stable) #227-11 - APPROVED

RECEIPT AND ACTION REQUESTED:

- 5 3. Site Plan (Accessory Apartment)/Camire/41 Allison Avenue #201-12 – APPROVED
5 4. Site Plan (Accessory Apartment)/Greenlaw/7 Dogwood Lane #202-12 - APPROVED

BOND RELEASES AND REDUCTIONS:

- 5 5. Tracy Realty/1163 Old Colony Road #408-09 - RELEASED
5 6. Readco/284 South Colony Street #211-07 - RELEASED
6 7. Puszka/322 North Cherry Street Ext. #223-99 - RELEASED

REPORTS OF OFFICERS AND STAFF:

- 6 8. Administrative Approvals – APPROVED AS NOTED
 a. Change of Use/Demartino Colony Realty/South Colony Road #319-11
 b. Change of Use/Smythe/North Plains Industrial Road #318-11
6 9. Notes
6 10. ZBA Decisions, January 17, 2012 - RECEIVED
6 11. ZEO Report - RECEIVED
6 12. Annual Report – APPROVED
6 13. 8-24 Referral – Sale of 41 South Main Street – APPROVED

DISCUSSIONS:

- 6 14. Incentive Housing Zone
6 15. Interchange Zone

PLANNING AND ZONING COMMISSION
Town of Wallingford
REGULAR MEETING
Monday, January 30, 2012
MINUTES

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, January 30, 2012, at 7:00 p.m. in Council Chambers of the Town Hall Municipal Building, 45 South Main Street, Wallingford, Connecticut.

In attendance were Commissioners: Mr. James Seichter (Chairman), Mr. Patrick Birney (Vice Chairman), Mr. JP Venoit (Secretary), Ms. Marci Baxter, Mr. Jim Fitzsimmons, Mr. Armand Menard (alternate), Mr. Rocco Matarazzo (alternate)

Absent:

The Town staff persons attending were: Linda Bush, Town Planner, Kacie Costello, Assistant Town Planner and Recording Secretary Sonja Vining.

Chairman Seichter called the meeting to order at 7:10 p.m. The Pledge of Allegiance was given to the Flag. Chairman Seichter introduced the Commissioners and the Town staff persons to the audience of approximately 12 people.

Approval of Minutes:

December 12, 2011 – Regular Meeting

MR. FITZSIMMONS: MOTION TO APPROVE THE DECEMBER 12, 2011 MINUTES AS SUBMITTED.

THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED.

PUBLIC HEARINGS:

7:00 p.m.

1. Special Permit/Parker/731 Center Street (Apartment) #412-11

Mr. Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Carmen Rao, Fire Marshal Inter-Departmental Referral dated December 15, 2011 (Att. 1A); Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated January 17, 2012 (Att. 1B); Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated January 25, 2012 (Att. 1C).

Presenting the application was Cindy Parker.

Ms. Parker would like to add an apartment to her photo studio. The apartment would be approximately 750 sq. ft.

Ms. Bush pointed out that this application would make the property more conforming.

No one from the public spoke in favor of or opposed to the application.

MR. FITZSIMMONS: MOTION TO CLOSE THE PUBLIC HEARING.

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.

MR. FITZSIMMONS: MOTION TO APPROVE A SPECIAL PERMIT FOR PARKER TO CHANGE FROM ONE NON-CONFORMING USE, A PHOTO STUDIO, TO ANOTHER NON-CONFORMING USE, A PHOTO STUDIO AND A 750 SQ.FT. APARTMENT AT 731 CENTER STREET WITH THE FOLLOWING CONDITIONS OF APPROVAL:

- 1. COMMENTS FROM THE WALLINGFORD WATER & SEWER SENIOR ENGINEER DATED JANUARY 17, 2012.**
- 2. COMMENTS FROM THE WALLINGFORD FIRE MARSHAL DATED DECEMBER 15, 2011.**

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.

NEW BUSINESS:

2. Site Plan/Rainey/347 Highland Avenue (Stable) #227-11

Mr. Venoit, Secretary, acknowledged correspondence received for the record from: Attorney Jim Loughlin to James Seichter, Chairman dated December 5, 2011 (Att. 2A); Donald Rainey Application for Site Plan Approval Narrative received December 5, 2011 (Att. 2B); Donald Rainey Application for Site Plan Approval Manure Management Plan received December 5, 2011 (Att. 2C); Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated January 17, 2012 (Att. 2D); Erin O'Hare, Environmental Planner to Linda Bush, Town Planner dated January 19, 2012 (Att. 2E); Erin O'Hare, Environmental Planner to Linda Bush, Town Planner dated January 19, 2012 (Att. 2F); David Lohman, City of Meriden to James Seichter, Chairman dated October 7, 2011 (Att. 2G); Eric McPhee, State of CT to James Seichter, Chairman dated October 6, 2011 (Att. 2H); Eloise Hazelwood, Health Director to Linda Bush, Town Planner/Erin O'Hare, Environmental Planner received August 10, 2011 (Att. 2I); Carmen Rao, Fire Marshal dated August 10, 2011 (Att. 2J); David Lohman, City of Meriden to Linda Bush, Town Planner dated January 30, 2012 (Att. 2K); Carmen Rao, Fire Marshal dated December 6, 2011(Att. 2L).

Presenting the application was Attorney Jim Loughlin, Applicant Don Rainey and Chris Juliano, Juliano Assoc.

Attorney Loughlin stated that the boarding stable would have a total of eight stalls. Two of stalls would be occupied by Mr. Rainey's horses and six would be for public hire. There are a total of 23 acres total on site. There will be horseback riding throughout the 23 acres and fenced pastures. There is a manure management plan on file which conforms to the regulations. There are soil and erosion controls on the plans. The plan has been approved by the IWWC. Attorney Loughlin indicated that all of the concerns that were raised by staff have been satisfied. He asked that the application be approved subject to the conditions recommended by staff. Attorney Loughlin requested that this application fee be refunded to Mr. Rainey.

Mr. Juliano reviewed the S&E controls on the December 5th 2011 plans. The plans contain all of the S&E controls requested by the IWWC.

Mr. Fitzsimmons asked if there would be public use of the stables. Mr. Rainey indicated that there eventually would be public use of the stables. Mr. Fitzsimmons asked if there was enough parking available. Mr. Rainey stated that all of the parking would be contained on the property. There currently are eight parking spaces identified on the plan. Mr. Rainey does not have any plan for signage at this time. He understands that any signage would have to meet the regulations.

Attorney Loughlin explained that there is a wetland violation that is currently in the process of being remediated. He stated that Mr. Rainey learned by going through this process, that over a period of 20 years there have been wetland violations on this site. There was no set timeline for addressing the wetland violations. Mr. Juliano gave some further details on the issues that are being addressed by Mr. Rainey. He stated that by the end of the year all of the violations should be addressed.

Ms. Bush explained that this property is within the City of Meriden watershed. The property can be inspected by the Municipal Watershed Inspectors at any time.

Chairman Seichter asked the public for comments. There were no public comments.

Ms. Bush recommended a \$5,000 S&E bond unless one has been required by the IWWC.

- MR. BIRNEY:** **MOTION TO APPROVE A SITE PLAN FOR A PROPOSED 4,144 SQ.FT. HORSE BARN WITH EIGHT (8) PARKING SPACES FOR RAINEY AS SHOWN ON PLANS ENTITLED “PROPOSED COMMERCIAL HORSE BARN, HIGHLAND FARMS, LLC, 347 HIGHLAND AVENUE”, DATED 8/2/11, REVISED TO 11/2/11 AND 12/5/11 SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:**
- 1. CONDITIONS OF APPROVAL OF VINCENT MASCIA, SENIOR ENGINEER DATED JANUARY 7, 2012.**
 - 2. INCORPORATION OF THE DEEP GUIDELINES AND REGULATIONS THAT PERTAIN TO THE OPERATION OF A COMMERCIAL HORSE BARN.**
 - 3. INSTALLATION AND MAINTENANCE OF ALL S&E CONTROL DEVICES DURING ALL PHASES OF CONSTRUCTION.**
 - 4. REFUND OF THE SECOND APPLICATION FEE TENDERED BY THE APPLICANT TO THE WALLINGFORD PLANNING & ZONING COMMISSION.**
 - 5. CONDITIONS OF APPROVAL CONTAINED IN THE LETTER DATED JANUARY 30, 2012 FROM THE CITY OF MERIDEN, DEPARTMENT OF PUBLIC UTILITIES.**
 - 6. THE SUBMISSION OF AN APPROVAL FROM THE WALLINGFORD DEPARTMENT OF HEALTH.**
 - 7. A \$5,000 S&E BOND UNLESS THE IWWC HAS REQUIRED THE POSTING OF SUCH A BOND IN WHICH CASE THE BOND WOULD BE WAIVED.**

**THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY.
RECEIPT AND ACTION REQUESTED:**

3. Site Plan (Accessory Apartment)/Camire/41 Allison Avenue #201-12

Mr. Venoit, Secretary, acknowledged the correspondence received for the record from: Health Department Approval Form dated January 9, 2012 (Att. 3A); Carmen Rao, Fire Marshal dated January 11, 2012 (Att. 3B); Senior Sanitarian dated January 10, 2012 (Att. 3C); Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated January 17, 2012 (Att. 3D).

Presenting the application was William Camire.

Mr. Camire stated that his sister-in-law has some physical disabilities and will be moving into the apartment.

Chairman Seichter asked for public comment. There were no comments from the public.

MR. BIRNEY: MOTION TO APPROVE A 565 SQ.FT. ACCESSORY APARTMENT FOR CAMIRE AT 41 ALISON AVENUE SUBJECT TO INSPECTION BY THE ZONING ENFORCEMENT OFFICER.

THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY.

4. Site Plan (Accessory Apartment)/Greenlaw/7 Dogwood Lane #202-12

Mr. Venoit, Secretary, acknowledged the correspondence received for the record from: Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated January 17, 2012 (Att. 4A); Senior Sanitarian dated January 10, 2012 (Att. 4B); Carmen Rao, Fire Marshal dated January 11, 2012 (Att. 4C).

Presenting the application was Jason and Arthur Greenlaw.

Jason Greenlaw stated that his parents would be living in the in-law apartment. The apartment would be approximately 754 sq.ft. The on site septic system has to be expanded.

Chairman Seichter asked for public comment. There were no comments from the public.

MR. BIRNEY: MOTION TO APPROVE A 754 SQ.FT. ACCESSORY APARTMENT FOR GREENLAW AT 7 DOGWOOD LANE SUBJECT TO:

- 1. FINAL APPROVAL OF THE EXPANSION OF THE SEWAGE SYSTEM BY THE DEPARTMENT OF HEALTH.**
- 2. FINAL INSPECTION BY THE ZONING ENFORCEMENT OFFICER.**

THE MOTION WAS SECONDED BY RM. FITZSIMMONS AND PASSED UNANIMOUSLY.

BOND RELEASES AND REDUCTIONS:

5. Tracy Realty/1163 Old Colony Road #408-09 (Att. 5A)

Ms. Bush recommended that the bond be released.

6. Readco/284 South Colony Street #211-07 (Att. 6A & 6B)

Ms. Bush recommended that the bond be released.

7. Puszka/322 North Cherry Street Ext. #223-99 (Att. 7A)

Ms. Bush recommended that the bond be reduced to \$500.

MR. BIRNEY: **MOTION TO RELEASE THE BOND FOR TRACY REALTY/1163 OLD COLONY ROAD, READCO/284 SOUTH COLONY STREET AND PUSZKA/322 NORTH CHERRY STREET EXT. AS RECOMMENDED BY THE TOWN PLANNER.**

THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY.

REPORTS OF OFFICERS AND STAFF:

8. Administrative Approvals – APPROVED AS NOTED

- a. Change of Use/Demartino Colony Realty/South Colony Road #319-11
- b. Change of Use/Smythe/North Plains Industrial Road #318-11

9. Notes

10. ZBA Decisions, January 17, 2012 (Att. 10)

Received by the Commission.

11. ZEO Report

Ms. Costello indicated that the court decision for the OSPRD's has come in and that would be sent out to the members as soon as possible. She briefly discussed several items included in the ZEO Report.

12. Annual Report (Att. 12)

13. 8-24 Referral – Sale of 41 South Main Street (Att. 13A & 13B)

MR. BIRNEY: **MOTION TO APPROVE THE SALE OF 41 SOUTH MAIN STREET PURSUANT TO SECTION 8-24 OF THE CONNECTICUT GENERAL STATUTES.**

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.

DISCUSSIONS:

14. Incentive Housing Zone (Att. 14A & 14B)

Ms. Bush reviewed the discussion topics (Att. 14B) item by item.

1. Height of Buildings – Ms. Bush stated that the proposed IHZ would allow 4-story buildings to be financially advantageous for developers to build. She stated that if the buildings were limited to 3-stories the plan would still work.
2. Parking Garage – Ms. Bush stated that a parking garage is a better use of the land rather than parking lots. The guidelines within the IHZ would not allow for a New Haven style concrete block parking garage.
3. Commuter Rail Parking – Ms. Bush stated that DOT is looking at the site next to Judd Square and also at the North Cherry Street lot along with a location across the street from that. At the North Cherry Street location there would be a split platform.
4. Required Parking – Ms. Bush provided and reviewed a chart showing proposed IHZ parking, present zoning parking standards and a parking credit schedule chart.
5. Protection of Historic Buildings – Ms. Bush believes that there is only one building in the IHZ that would be considered historical. If that is a concern she suggested that one building footprint be taken out of the IHZ.

6. Width of Sidewalks – Ms. Bush doesn't believe there is an issue with the existing sidewalk widths. If there is no sidewalk in front of a proposed IHZ the regulations require that the developer put them in as long as it does not make the project financially infeasible.
7. Special Permit vs. Site Plan – Ms. Bush doesn't know what standards would be used in a Special Permit approval as opposed to Site Plan. She explained that if this approval is made a Special Permit the Town is out of the IHZ program. Connecticut State Law requires site plan only. If it is not part of the IHZ there cannot be design standards. CT State Law does not permit architectural standards under site plan review. If this is not done as part of the IHZ the town loses control over what the buildings look like.
8. State Control over Local Zoning – Ms. Bush pointed out that if the State gives the Town money for a project the Town has to build it to State standards. When the Federal Government gives the Town money for the Linear Trail it has to be done the way the Federal Government wants it done. For this project all the state would care about would be keeping the minimum density under the IHZ and that 20% of the units be affordable. The State does not care what the Town architectural standards or parking standards are. Ms. Bush stated that there are strings attached whenever you are dealing with the State or Federal government.
9. Children in the IHZ – Ms. Bush provided and reviewed a chart she put together with information she got from the Wallingford Transportation Department showing "School Age Children in Selected Multi-family Developments".
10. Required Infrastructure Improvements – Ms. Bush stated that the regulations say that the sidewalks and streetscapes have to be done as part of development.
11. Traffic – Ms. Bush provided a study showing existing traffic in the IHZ along with calculations on how much traffic would be added in the a.m. and peak hours. These increases would take place very gradually over a fifteen or twenty year period. Every time something is approved the traffic incrementally increases in this area.
12. Density - Ms. Bush provided a density study for the DA developments in town. In the IHZ there would be 20 – 25 units per acre.
13. Taxes – Ms. Bush provided and reviewed "Property Tax Examples".
14. IHZ Examples using Existing Wallingford Buildings – Ms. Bush provided and reviewed some existing "Mixed Use Examples".

Chairman Seichter discussed each item with the Commission.

Ms. Baxter and Mr. Matarazzo would be more comfortable with the buildings being 3-story rather than 4-story. All of the other members would find 4-story buildings acceptable.

Chairman Seichter agreed with Ms. Bush that the regulations provide design standards that would not allow a parking garage that the Town would not be happy with. Mr. Birney feels that having a parking garage built with design standards makes sense. No other Members commented.

The issue of Commuter Rail parking still has to be decided by the State.

Ms. Bush reviewed the parking credit system for the Commission.

Regarding the Hall Elton building, Mr. Birney feels that cutting that footprint out of the IHZ would make sense. Ms. Baxter agreed with Mr. Birney and also suggested that Ms. Bush check to be sure that there are no other buildings in the area that would be considered historical. Ms. Bush will look into it. Mr. Fitzsimmons doesn't want to see the building torn down but he wouldn't want the Town to limit

itself and completely cut out that footprint in case a developer wants to come in and possibly link a few sites and do some improvements to that building.

The Commission had no comments on the sidewalk widths.

Mr. Fitzsimmons would be concerned that if this were to be done as a site plan there would be no requirement for public input. He feels that with a special permit the Commission has a little more flexibility. Ms. Bush stated that the Town would be losing architectural control if it were to go with a special permit. She discussed the "Village District" concept with the Commission but she doesn't feel that downtown Wallingford would be considered a "village". Mr. Fitzsimmons stated that to have architectural control he would support a site plan over a special permit. Ms. Bush stated that if this were to be a special permit the architectural standards and infrastructure improvements could not be included. Chairman Seichter agreed with Mr. Fitzsimmons to support a site plan over a special permit. Mr. Birney feels that the Commission would have to have some real facts and talking points to present to the Town Council regarding this issue. Ms. Bush stated that a special permit is defined as a use that is permitted in a particular zone but may not be appropriate on every single parcel of land. Mr. Birney feels that if it were likened to a special permit process people would feel more comfortable with the discretion that the Commission would still have.

Ms. Bush stated that state law only requires a minimum density of 20. The plan is to have 26 to give developers incentive. If there is a concern with density the town can go down to 20. Mr. Birney is in favor of keeping the density at 26. The Commission agreed to keep the density at 26.

Ms. Bush explained that if the project goes under the IHZ the development is required to have 20% of the units as affordable to people making 80% or less of the median family income.

The Commission reviewed the proposed regulations.

Mr. Fitzsimmons discussed the section on professional consulting review fees. He would like to see this section cleaned up so it is very clear that any fees would be discussed and agreed upon in advance of the application. It should be made clear that if they do not pay it would be grounds for denial. Ms. Bush agreed to look at that section and try to modify the proposed regulations to make that issue clearer.

Ms. Bush agreed to make the suggested changes to the proposed regulations. She suggested that a public hearing could be scheduled for the end of February. The Commission scheduled a meeting for February 27th and will cancel their regular meeting on the 15th.

15. Interchange Zone

Mr. Birney made a motion to adjourn. The motion was seconded by Mr. Fitzsimmons and passed unanimously by a voice vote. The meeting adjourned at approximately 9:13 p.m.

Respectfully submitted,

Sonja Vining,
Recording Secretary
Att. 1 through 14B

