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**PLANNING AND ZONING COMMISSION
Town of Wallingford**

**REGULAR MEETING
Monday, February 8, 2010
MINUTES**

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, February 8, 2010, 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 Fitzsimmons (Chairman), Ms. Marci Baxter (Vice Chairperson), Mr. James Seichter, Mr. Patrick Birney, Mr. Jon-Paul Venoit, Mr. Armand Menard (alternate), Ms. Stacey Voss (arrived during the meeting).

Absent were: Mr. Chris Smith,

The Town staff persons attending were: Linda Bush, Town Planner, Assistant Town Engineer Rob Baltramaitis and Recording Secretary Sonja Vining.

Chairman Fitzsimmons called the meeting to order at 7:06 p.m. The Pledge of Allegiance was given to the Flag. Chairman Fitzsimmons introduced the Commissioners and the Town staff persons to the audience of approximately 33 people.

ELECTION OF OFFICERS:

MR. BIRNEY: MOTION TO NOMINATE MR. SEICHTER AS CHAIRMAN.

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANOUSLY BY A VOICE VOTE.

Mr. Seichter thanked Mr. Fitzsimmons for his service as Chairman of the P&Z.

Mr. Seichter acted as Chairman for the balance of the meeting.

MR. VENOIT: MOTION TO NOMINATE MR. BIRNEY AS VICE-CHAIRMAN.

THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY BY A VOICE VOTE.

MR. BIRNEY: MOTION TO NOMINATE MR. VENOIT AS SECRETARY.

THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY BY A VOICE VOTE.

APPROVAL OF MINUTES:

Mr. Fitzsimmons made a motion to approve the Action Minutes from the Regular Meeting of January 11, 2010 as submitted. The motion was seconded by Mr. Birney and passed.

January 11, 2010– Regular Meeting – Minutes

Mr. Fitzsimmons made a motion to approve the Minutes of the Regular Meeting of January 11, 2010 as submitted. The motion was seconded by Ms. Baxter and passed.

January 25, 2010 – Workshop Meeting – Minutes

Mr. Fitzsimmons made a motion to approve the Minutes of the Workshop Meeting of January 25, 2010 as submitted. The motion was seconded by Mr. Birney and passed.

PUBLIC HEARINGS:

7:00 p.m.

1. Special Permit / Mesite Family Limited Partnership / North Colony Road (continued) #412-09

Mr. Venoit, Secretary acknowledged the correspondence received for the record from: Chief Douglas Dortenzio, Department of Police Services to Mr. John Thompson dated January 19, 2010 (Att. 1A); Department of Engineering to Chief Douglas Dortenzio dated January 21, 2010 (Att. 1B); Department of Engineering to Chief Douglas Dortenzio dated January 12, 2010 (Att. 1C); Department of Engineering to Planning & Zoning dated February 8, 2010 (Att. 1D); Fitzgerald and Halliday, Inc. to Jim Fitzsimmons dated February 8, 2010 (Att. 1E).

Voting on the following applications would be Chairman Seichter, Mr. Fitzsimmons, Ms. Baxter, Mr. Birney and Mr. Venoit.

Presenting the application was Attorney Dennis Ceneviva, the Applicant Robert Mesite, and John Mansini from BL Companies.

Attorney Ceneviva stated that the Applicant has received a variance from the Zoning Board of Appeals for landscaping as shown on the plans. He noted that the Traffic Management Plan had been submitted by BL Companies. Since the last meeting they have looked at two aspects of the traffic; the normal operations and the “honeymoon” period. Attorney Ceneviva stated that it is being recommended in the plan that the northbound left turn lane into the site have the island extended so there would be more capacity as cars are heading north to the site. The turn lane would be extended to a 200-foot depth. The amount of traffic that could be handled would increase to an amount that is approximately 75% over the normal traffic that is expected for the site. Attorney Ceneviva stated that the Police Chief made it clear that a grand opening plan could not be developed that would require the need for off duty police officers. BL Companies has developed a plan that would use DOT recognized traffic personnel who would assist in moving the traffic along to prevent congestion.

Mr. Mansini reviewed the revised plan. He indicated that a crosswalk for the carhops was added to the southerly end of the building and also out to the dumpster area. Mr. Mansini has looked

extensively at the slip lane. It started out as a 24-foot wide one-way drive area with a 90-degree intersection with the isle behind the canopies. They have changed the geometry of the isle so people could not go the wrong way without running over that isle. Signage would also be installed to make it clear that it is a one-way. The slip lane is very important to the site because of the truck path movement. The slip lane allows them to direct the traffic to the drive-thru queue without having to loop into and behind the majority of the canopy parking spaces.

Mr. Mansini stated that a lot of time and effort has been spent on this traffic plan since the last meeting. The on site traffic management plan will require some personnel that will help with the parking. When Mr. Mansini met with the Police Chief it was made clear that this site would not be able to count on police to help manage the traffic in and out of the site. Mr. Mansini indicated that he is confident that this Traffic Control Management Plan will work. They are not anticipating the need to have certified traffic control people due to the fact that they added left turn storage and blocked the right entrance. They feel that this plan can accommodate the “honeymoon” traffic but if the storage in the left turn were exceeded there would be an authorized person in place to move the traffic along. There cannot be any car sitting in one of the three northbound lanes blocking traffic because they are waiting to turn. The DOT has to approve the Traffic Control Plan submitted by BL Companies. The cutting of the island is only for the “honeymoon” period, after that the island would be restored. Mr. Mansini explained what a “certified DOT traffic person” is. He has interviewed two of those certified people and is confident that they could provide the service that this site would need. Mr. Mansini stated that the on-site traffic people would not have to be those “certified DOT traffic people” only the off-site people would be.

Mr. Fitzsimmons is concerned about Drawing TCP-3. He doesn't believe that people would follow the detour all the way to South Broad Street and then back to this site. He feels that most people would turn around in Home Depot or Lowe's rather than follow the detour. Mr. Mansini didn't disagree but he had to provide a plan that could stand-alone on it's own merit. The detour signs would all be on state roads with a series of right turns. Mr. Mansini indicated that the detour would only be utilized when the left turn lane queue is exceeded.

Mr. Baltramaitis, Assistant Town Engineer, stated that the DOT would have to approve the off-site traffic control plan and the potential detour. He reviewed his most recent memo dated February 8, 2010 (Att. 1D). Mr. Baltramaitis feels that, based on information that has been received since the last meeting, the “honeymoon” period would most likely last from 30-60 days and traffic would peak at about 75% over a normal operation condition. Mr. Baltramaitis has done some research on the intersection of Route 5 at Home Depot and from what he can determine a U-turn at that location is permitted. Included in his memo are some suggested conditions of approval that talk about the off-site traffic control plan and how it would be implemented and for how long. Mr. Baltramaitis pointed out that the Engineering Department is recommending that the Applicant conduct a post Sonic development study to see what the actual Sonic traffic volumes are compared to what was projected. That study would help determine if a permanent off-site mitigation was needed. The study would also determine what could be built with the remaining portion of the site.

Ms. Manning, Fitzgerald and Halliday, Inc., reviewed her memo dated February 8, 2010. She feels that there needs to be some more details on the implementation of who is to determine when the “honeymoon” period is over. Ms. Manning feels that the slip road would benefit on-site circulation but she would like to see it narrowed to 12 – 15 feet wide. She would like to see the truck delivery times restricted to non-peak hours during the “honeymoon” period. Ms. Manning appreciated the

fact that addition crosswalks were added but would still like to see the middle crosswalk relocated further to the north.

Mr. Birney asked Mr. Baltramaitis what permanent off-site mitigations might be required. Mr. Baltramaitis stated that the temporary increase of the left turn storage by modifying the island might be found to be necessary for normal operating conditions and would need to be made permanent. Another off-site improvement could be the elimination of the southern driveway. Mr. Birney pointed out that this Commission is being asked to approve the plan in front of them, which has three buildings and associated parking. He asked how the Commission could approve the plan with the understanding that it can't be built tomorrow. In his opinion the Commission is delegating the further development of the plan to Town staff. Mr. Birney stated that the Commission, this evening, would be approving a one-structure development with space being allocated for traffic. Mr. Baltramaitis feels that the intent of the condition is to help determine when the "honeymoon" period ends. He pointed out that this is not a phased development.

Mr. Venoit asked that Mr. Baltramaitis elaborate on Comment #1 from the Engineering Department February 8, 2010 memo. Mr. Baltramaitis stated that when the site was previously developed with the Yankee Silversmith the site received a Major Traffic Generator Certificate from the State Traffic Commission. This redevelopment as proposed would not require a Major Traffic Generator Certificate. The Applicant has requested that the state decertify this site. STC made it clear to the Engineering Department that they will not make that determination until the local agency has acted on the application.

Mr. Venoit asked that Ms. Manning elaborate on the proposed 18-foot slip road. Ms. Manning is concerned that because the slip lane is so wide that cars may try to speed through there. She would like to see it narrowed down to reduce speeds entering the site. Ms. Manning understands that it must be wide enough to accommodate trucks but she would like to see it taken down to at least 15 feet. Twelve feet is a normal traffic lane.

Ms. Bush, Town Planner, stated that if the Commission is concerned and doesn't want Town staff to be able to control the building permits, the condition could be modified so that when the post opening traffic plan is complete it would be submitted to the P&Z for approval before any building permits are issued. She also recommended that there be an S&E bond on this site in the amount of \$5,000.

Attorney Ceneviva agreed with Ms. Manning that there is an issue as to the administration of the plan. It would have to be determined when the "honeymoon" period was over. Those details would have to be worked out with Town staff. Attorney Ceneviva feels that condition #4 included in the Engineering comments dated February 8, 2010 would provide the protection that the Commission is looking for.

Mr. Mansini discussed the slip lane. He feels that the 18 feet is needed to allow trucks to maneuver but he stated that he could narrow the blacktop and have some of the area mountable for the trucks and it would appear that the paved area is narrower. Mr. Mansini could not commit to making it as narrow as 12 feet but he agreed to make it as narrow as possible while still allowing trucks room to maneuver.

Mr. Mansini indicated that the middle crosswalk is located in that same place on all Sonic sites. The walk is placed there because that is where the carhops come out of the door. They want the crosswalk located so the carhops can see the transactions as they take place. Ms. Manning pointed out that the parking spaces across from the walk they are discussing are carhop spaces and at other sites they are just general parking. Mr. Doug Hailey, Sonic Industries Inc., stated that the carhops are trained well and this site is not a high-speed traffic area. He stated that if the Commission feels that strongly about moving that crosswalk to the north it could be done. Mr. Hailey stated that there will be a “honeymoon” period but he doesn’t feel that traffic is going to be as big of an issue as everyone seems to believe.

Chairman Seichter asked for public comments.

Speaking from the public was:

Ken Weiner, 110 Washington Street, feels that there will be a “honeymoon” period but then it will level out to a normal flow. He asked that the Commission approve this application based on the phasing in of the remainder of the site. He feels that it will be important for the Commission to review that post-opening traffic study. Mr. Weiner believes that Sonic would be good for the town and provide much needed jobs in the area. He would like to see the Sonic approved this evening.

Harvey Jennings, 326 Grieb Road, feels that traffic is bad on Route 5 now and this will just make matters worse. He would like to see more consideration taken with regard of the traffic issues. He doesn’t feel that enough homework has been done.

Mary Macey, 344 Grieb Road, stated that a Sonic in that location would have a negative impact on traffic. She doesn’t feel that Wallingford needs another fast food restaurant. She would like to see a fine restaurant brought into town. Ms. Macey feels that is a bad location for a fast food restaurant.

Mr. Fitzsimmons stated that he is concerned with giving approval for all three proposed buildings at this time. He suggested doing a phasing plan with more details provided. The proposed office buildings are larger than the restaurant but the Commission has not discussed that because all of the focus has been on the Sonic. Ms. Bush suggested that the Commission could approve the three proposed buildings but before the building permits are granted for buildings 2 and 3 the Applicant would come before the Commission again and present the post-opening traffic study. The Commission could then give its approval rather than just staff. Ms. Bush feels that the biggest concern is who is to determine when the “honeymoon” period is over. She believes it would be logical that the Commission, with input from the Police Chief and Engineering, determine when that “honeymoon” period is over.

Mr. Fitzsimmons asked about the opening and if there would be a “soft opening” or just the “grand opening”. Mr. Mesite stated that there would be a “soft opening” and that would be for the purpose of seeing how the traffic flows and if the plan is working. He stated that once the traffic is on the site there would not be an issue. Mr. Mesite assured the Commission that this would be a very successful, smooth running operation. The Mesite Family has been in town for many years and would not bring a headache to Wallingford. Mr. Mesite doesn’t believe that traffic will be as bad as expected. He stated that this Sonic is going to be in Wallingford for a long time and he doesn’t want to have everything based on the first 2 months. Mr. Mesite stated that him and his family would make this work.

Attorney Ceneviva indicated that he would be willing to provide the Commission a monthly letter detailing the information generated from the beginnings of a post-impact study in order to get a sense of whether sales and traffic are stabilizing or decreasing, etcetera.

There was discussion about whether Ms. Manning would do a peer review of the post-opening traffic study. Attorney Ceneviva suggested that be left to the time when the study is prepared and reviewed. Mr. Birney indicated that he would like to see that included as a condition of approval.

Mr. Fitzsimmons would like to see a condition of approval be that any traffic improvements be in place for a "soft opening" as well as a "grand opening".

Speaking from the public was:

Jim Forte, 5 Promontory Drive, is concerned about the Commission approving three buildings before reviewing that post-opening traffic study.

MR. BIRNEY: MOTION TO CLOSE THE PUBLIC HEARING.

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY BY A VOICE VOTE.

MR. BIRNEY: MOTION TO APPROVE A SPECIAL PERMIT TO PERMIT A 1,728 SQ.FT. SONIC RESTAURANT, A 5,700 SQ.FT. BANK/RETAIL BUILDING AND A 17,734 SQ.FT. OFFICE BUILDING FOR MESITE AS SHOWN ON PLANS ENTITLED "SPECIAL PERMIT/SITE PLAN APPLICATION TO THE TOWN OF WALLINGFORD PLANNING AND ZONING COMMISSION FOR THE SONIC DEVELOPMENT, 1033 NORTH COLONY ROAD", DATED NOVEMBER 9, 2009, REVISED TO FEBRUARY 4, 2010, SUBJECT TO THE FOLLOWING CONIDITIONS:

- 1. AN S&E BOND IN THE AMOUNT OF \$5,000**
- 2. MOVING THE NORTHEAST CROSSWALK NORTH PAST THE QUEUING SPACE.**
- 3. REFERRING TO FEBRUARY 8, 2010 CORRESPONDENCE FROM MARY A. MANNING, LARGE TRUCK DELIVERIES SHOULD BE RESTRICTED TO OUTSIDE THE TRAFFIC CONTROL HOURS 11 A.M. – 7 P.M. DURING THE "SOFT OPENING" THROUGH THE GRAND OPENING TRAFFIC CONTROL PERIOD.**
- 4. THE RIGHT TURN CHANNEL SLIP, SLIP DRIVEWAY ENTERING THE SITE, IS PROPOSED TO BE CLOSED OFF WITH DRUM WITH 2 TYPE THREE BARICADE TO FURTHER DETOUR TRAFFIC.**
- 5. THE SUGGESTED CONDITIONS OF APPROVAL OF THE DEPARTMENT OF ENGINEERING DATED FEBRUARY 8, 2010 MODIFIED AS FOLLOWS: SUGGESTED CONDITION OF APPROVAL #4 SHALL READ AS FOLLOWS; NO BULDING PERMIT BE ISSUED FOR THE REMAINING PORTIONS OF THE DEVELOPMENT (RETAIL AND OFFICE**

- SPACES) UNTIL A PEER REVIEWED POST-OPENING SONIC TRAFFIC STUDY DESCRIBED WITHIN THE SUGGESTED CONDITIONS OF APPROVAL HAS BEEN PREPARED BY THE APPLICANT AND SUBMITTED TO AND APPROVED BY THE PLANNING AND ZONING COMMISSION IN CONSULTATION WITH TOWN STAFF.**
6. **VINCENT MASCIA'S CONDITIONS OF APPROVAL DATED JANUARY 8, 2010.**
 7. **A \$10,000 PERFORMANCE BOND IS TO BE POSTED.**
 8. **THE REDUCTION OF THE SLIP DRIVEWAY FROM 18 FEET TO 15 FEET IN ORDER TO ACCOMMODATE LARGE TRUCK TRAFFIC.**
 9. **ANY TRAFFIC IMPROVEMENTS ARE TO BE COMPLETED PRIOR TO "SOFT OPENING"**

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE.

Chairman Seichter announced for the public that item 3 on the agenda, **8:00 p.m. 3. Zone Change / Ichi Ban Properties / South Turnpike Road (No Action Requested) #506-09**, has no action requested so the Commission would not be hearing it tonight.

7:30 p.m.

2. Special Permit (Location of Use)/P. Taylor/Washington Street #409-09

Mr. Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Linda Bush, Town Planner, to Planning and Zoning Commission dated January 28, 2010 (Att. 2A); Kacie Costello, Assistant Town Planner to Perry Taylor dated November 19, 2009 (Att. 2B); Vincent Mascia, Senior Engineer to Linda Bush, Town Planner, dated November 23, 2009 (Att. 2C); Erin O'Hare, Environmental Planner to Kacie Costello, Assistant Town Planner dated November 24, 2009 (Att. 2D); Department of Engineering to Planning & Zoning Commission dated November 17, 2009 (Att. 2E); Erin O'Hare, Environmental Planner to Linda Bush, Town Planner, dated January 11, 2010 (Att. 2F).

Presenting the application was Attorney Timothy Lee and the Applicant Perry Taylor.

Attorney Lee stated that the Applicant is seeking location approval to allow an automotive use on the property. The Commission approved a site plan approximately five years ago for this property. As part of that site plan approval an industrial building was approved with a footprint of approximately 6,400 sq.ft. The automotive use would occupy approximately 2,400 sq.ft. of that industrial building. Mr. Taylor does not expect that the construction of that building would be complete for approximately one year. There are no site modifications proposed for this Location of Use. Attorney Lee acknowledged that he has seen the letter from Kacie Costello, Assistant Town Planner dated November 19, 2009 addressed to Mr. Taylor.

Chairman Seichter referred to that letter from Kacie Costello, Assistant Town Planner dated November 19, 2009 when he stated that the Commission has difficulty approving anything on this

site since there are currently ongoing violations. Attorney Lee reviewed the letter item by item. He stated that there is currently no equipment stored on the residential portion of the property. He indicated that the “no touch zone” has not been excavated it has been stabilized. Attorney Lee stated that there are some unregistered motor vehicles on the property that Mr. Taylor uses as part of his site work. He pointed out that before the Town can sign off on the automotive use and before the Town can issue a CO there has to be a finding that the property is in zoning compliance. Mr. Taylor would have to move some items on the site in order to provide the required parking spaces. The dumpster and screening would be added to the plan. The parking area for the existing building would be shown on the plan. The location of the earth material piles would be updated on the plan. Signage would be shown on the plan. Attorney Lee indicated that there is no one living in the RV on the property. The landscaping would be installed and shown on the plan.

Chairman Seichter asked if there was a revised plan available showing all of the items discussed. Attorney Lee indicated that there is not a plan ready at this time for the Commission to review. He asked that the application be table to next month so the plan could be completed.

Linda Bush, Town Planner, stated that her understanding of the “no touch zone” was that it was to be final grading, loaming and seeding. In her opinion when you store equipment on it, the grass would not be growing. Ms. Bush feels that Mr. Taylor should not be allowed to store equipment on it. It should be a grassed area. Attorney Lee agreed with the grading, loaming and seeded but not on the storage of equipment. He will discuss the issue with his client.

Chairman Seichter asked that for the next meeting Linda Bush, Town Planner, provide the prior conditions of approval for this site.

Mr. Birney asked if it was realistic to think that all of the items discussed would be addressed by the next meeting. He feels that it might be better to push it out a couple of months since there are so many issues and violations on this site. Attorney Lee indicated that Mr. Taylor would not be opposed to extending it 60 days. Linda Bush, Town Planner, is not sure, according to regulations, that they would be able to extend it the 60 days. It was agreed that at this time they would table the application to the March 8, 2010 meeting.

MR. BIRNEY: MOTION TO CONTINUE APPLICATION #409-09 TO MARCH 8, 2010 AT 7:00 P.M.

THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY BY A VOICE VOTE.

8:15 p.m.

4. Special Permit (Change of Use) / DeFrancesco / Leigus Road #401-10

Mr. Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Joe & Ida DeFrancesco to Wallingford Planning & Zoning Commission dated December 14, 2009 (Att. 4A); Joseph Micalizzi, Fire Marshal, Inter-Departmental Referral dated December 30, 2009 (Att. 4B); Linda Bush, Town Planner, to Joe & Ida DeFrancesco dated January 27, 2010 (Att. 4C); Department of Health, Inter-Departmental Referral dated December 30, 2009 (Att. 4D); George Yasensky, Department of Health, to Linda Bush, Town Planner, dated December 21, 2009 (Att. 4E); Vincent Mascia, Senior Engineer, to Linda Bush, Town Planner, dated February 4, 2010 (Att. 4F).

Presenting the application was Joe and Ida DeFrancesco.

Mrs. DeFrancesco stated that currently the house on Leigus Road is a two-story house on 5.6 acres of land. The proposal is to update the first floor as a family farm stand and retain the second floor as a residence. They are also seeking a variance to expand the variety of products that they would be allowed to sell at this farm stand. Mrs. DeFrancesco stated that the stand would be opened from about Easter to Halloween

Linda Bush, Town Planner, pointed out that all of the farm stands in Wallingford sell items that are grown on their farms as well as items that are grown on other farms in Connecticut. This farm stand would be no different. Ms. Bush felt that it might be appropriate to amend the current regulations to be in compliance to what is really out there. The real question in this case is if the Commission feels that this location is appropriate for the use. Mr. Fitzsimmons would be in support of amending the current regulations. He indicated that he would also be in support of the use in this location.

Chairman Seichter asked for public comments.

Speaking from the public was:

Mary Macey, 344 Grieb Road, feels that this stand would create a traffic problem on that corner.

Jim Forte, 5 Promontory Drive, doesn't feel that traffic would be an issue in this case. He indicated that on the previous application for this parcel the property lines and setbacks came into play. He asked that the Commission remember to follow those same guidelines when considering this application.

Harry Jennings, 326 Grieb Road, stated that he feels it is a good idea but a bad location. He feels that traffic would be an issue and is concerned with what would happen when traffic starts coming from the Workstage site.

Mr. DeFrancesco indicated that the farm stand would be on the first floor. Linda Bush, Town Planner, stated that the first floor is approximately 600 – 700 sq.ft. Mr. DeFrancesco stated that there would be some outside display of produce. There is currently a screened in porch on the front of the house that they would take the screens off and use for display. Mrs. DeFrancesco stated that there would also be a hoop house that would be used for display.

Chairman Seichter stated that he is familiar with the property and would be in support of the application. He doesn't feel that traffic would be an issue.

MR. BIRNEY: MOTION TO CLOSE THE PUBLIC HEARING.

THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY BY A VOICE VOTE.

MR. BIRNEY: MOTION TO APPROVE A SPECIAL PERMIT FOR DEFRANCESCO TO PERMIT A FARM STAND/RESIDENCE AT 109 LEIGUS ROAD, SUBJECT TO:
ii. THE CONDITIONS OF APPROVAL FROM THE DEPARTMENT OF HEALTH DATED JANUARY 12, 2010.

**iii. THE CONDITIONS OF APPROVAL OF VINCENT MASCIA DATED
FEBRUARY 4, 2010.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY BY A
ROLL CALL VOTE.**

Linda Bush, Town Planner, suggested that the P&Z initiate the amendment to the regulations. Chairman Seichter agreed that the P&Z should make that amendment to the regulations. Linda Bush, Town Planner, would work on language for the proposed amendment.

8:30 p.m.

**5. Special Permit (Fill & Excavation) / Choate Rosemary Hall /
Christian Street #402-10**

Mr. Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Vincent Mascia, Senior Engineer, Inter-Departmental Referral dated received February 4, 2010 (Att. 5); Linda Bush, Town Planner, to Choate Rosemary Hall dated January 27, 2010 (Att. 5A); Erin O'Hare, Environmental Planner, to Linda Bush, Town Planner, dated January 22, 2010 (Att. 5B); Joseph Micolizzi, Fire Marshal, Inter-Departmental Referral dated received January 13, 2010 (Att. 5C).

Presenting the application was Jeannine Gouin, Milone & MacBroom and David Terrell, Choate.

Mr. Terrell stated that the plan is to perform maintenance on two ponds located to the west of the art center and to the south of the science center.

Ms. Gouin indicated that there are two ponds that have filled up with sediment and need to be cleaned out and restored. There would be approximately 3,600 cubic yards of sediment to be excavated. Heavy equipment would be used for this work. The sediment would be brought to an existing field on the Choate property where it would be graded. The sediment has been tested and is clean. The fill in the field would be placed adjacent to an existing tree line. It would be approximately 550 feet away from the nearest residence. Ms. Gouin reviewed the hauling route on the map. The hours of operation would be 8a.m. – 5 p.m. They estimate that this project would take several weeks to complete but the actual hauling would most likely take approximately one week per pond. The work would be done in July and August. There will be a construction access pad provided for dust control in and out of the site.

Chairman Seichter asked what Ms. Gouin expected as far as odor from this sediment material. Ms. Gouin stated that the sediment from these ponds has a high degree of sand as opposed to organic material. She doesn't feel that odor should be an issue. This material would have fewer odors than more organic sediment would have. Ms. Gouin stated that, if necessary, they would place topsoil on top of the sediment to grow grass.

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

MR. BIRNEY: MOTION TO CLOSE THE PUBLIC HEARING.

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE.

MR. BIRNEY: MOTION TO APPROVE A SPECIAL PERMIT FOR CHOATE ROSEMARY HALL TO PERMIT THE EXCAVATION OF 3,600 YDS. OF FILL FROM THE PONDS ADJACENT TO THE ICHAN SCIENCE CENTER AND STOCKPILE THEM OFF HILLHOUSE AVENUE AS SHOWN ON PLANS ENTITLED "CHOATE ROSEMARY HALL POND, POND DREDGING AND RESTORATION, CHRISTIAN STREET AND NORTH ELM STREET", DATED NOVEMBER 2009, SUBJECT TO:

- 1. AN S&E BOND OF \$5,000.**
- 2. A LIMITATION OF HOURS OF OPERATION FROM 8A.M. – 5P.M. MONDAY THROUGH FRIDAY.**

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE.

9:00 p.m.

6. Zoning Regulation Amendment / PZC / Temporary Signs #901-10

Mr. Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Proposed Amendment Wallingford Zoning Regulations dated January 28, 2010 (Att. 6A)

Linda Bush, Town Planner, stated that the reason for this change is that when the temporary sign regulations were adopted there was a provision that the signs are taken in every night, but as part of that approval process, sandwich boards were removed as a permitted use. She indicated that the only kind of temporary signs most businesses would do would be banners and it is not practical to take in a banner every night.

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

MR. BIRNEY: MOTION TO CLOSE THE PUBLIC HEARING.

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY BY A VOICE VOTE.

MR. BIRNEY: MOTION TO APPROVE AN AMENDMENT TO SECTION 6.9.C.2 OF THE ZONING REGULATIONS TO REMOVE THE PROVISION REQUIRING TEMPORARY SIGNS TO BE REMOVED EACH NIGHT BASED ON THE REASONS STATED ON THE RECORD BY THE TOWN PLANNER.

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE.

NEW BUSINESS:

7. Site Plan / Verna Home Builders / Fairfield Boulevard #201-10

Mr. Venoit, Secretary, acknowledged the correspondence received for the record from: Vincent Mascia, Senior Engineer to Linda Bush, Town Planner, dated February 3, 2010 (Att. 7); Linda Bush, Town Planner, to Verna Home Builders, Inc. dated January 27, 2010 (Att. 7A); Joseph Micolizzi, Fire Marshall, Inter-Departmental Referral dated received January 13, 2010 (Att. 7B); Erin O'Hare, Environmental Planner, Inter-Departmental Referral dated received January 27, 2010 (Att. 7C); Erin O'Hare, Environmental Planner to Linda Bush, Town Planner, dated February 4, 2010 (Att. 7D); Map received January 28, 2010 by OCC Design.

Presenting the application George Cotter, OCC Design.

Mr. Cotter stated that in 2006 a 45,000 sq.ft. medical building was approved on this site. They would now like to change the building to an office/warehouse space. They have received wetlands approval for this site. The plan has been revised per comments received by Linda Bush, Town Planner.

Chairman Seichter questioned the fact that if this plan were to be approved there would be two approved uses on this site. Linda Bush, Town Planner, believes that to be true.

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

MR. BIRNEY: MOTION TO APPROVE A SITE PLAN FOR A 49,260 SQ.FT. OFFICE/WARHOUSE FOR VERNA AS SHOWN ON PLANS ENTITLED "SITE DEVELOPMENT PLANS FOR FLEX-SPACE FACILITY, 2 FAIRFIELD BOULEVARD, WALLINGFORD", DATED DECEMBER 11, 2009, REVISED TO JANUARY 28, 2010, SUBJECT TO:

- 1. THE CONDITIONS OF APPROVAL BY VINCENT MASCIA, SENIOR ENGINEER**
- 2. THE CONDITIONS OF THE FIRE MARSHAL**
- 3. A \$10,000 S&E BOND**
- 4. ALL SIGNAGE MUST CONFORM TO THE PROVISIONS OF THE ZONING REGULATIONS.**

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE.

8. Site Plan / Gavin / North Turnpike Road #202-10

Mr. Venoit, Secretary, acknowledged the correspondence received for the record from: Vincent Mascia, Senior Engineer to Linda Bush, Town Planner, dated February 3, 2010 (Att. 8); Linda Bush, Town Planner, to Jonathan Gavin dated January 27, 2010 (Att. 8A); Joseph Micolizzi, Fire Marshal, Inter-Departmental Referral dated received January 13, 2010 (Att. 8B); Erin O'Hare, Environmental

Planner to Linda Bush, Town Planner, dated January 22, 2010 (Att. 8C); Map from OCC Group received January 28, 2010.

Presenting the application was George Cotter, OCC.

Mr. Cotter indicated that what is proposed is a 13,500 sq.ft. retail space. This plan has already received wetlands approval. The site is approximately 8.8 acres of which there is approximately 5 acres of wetlands. This site was filled back in the 1960's. The area that would be developed is an upland area. The building would have parking in the front and access in the rear for truck deliveries. Mr. Cotter indicated that he has no problem with the suggested conditions of approval from Vincent Mascia. The building is elevated two feet above the flood elevation of the Quinnipiac River. Fill will be brought onto the site to construct the building and parking area.

Mr. Fitzsimmons expressed some concern for another curb cut in that portion of North Turnpike Road. Mr. Cotter indicated that the curb cut for this property is on the straight portion of North Turnpike Road and doesn't feel that there would be any site line issues. He believes that this building would be a mix of professional space and low intensity retail.

Mr. Cotter gave some history and details on work that has been done along the Quinnipiac River in that area to prevent flooding. There is a berm that is above the 100-year flood elevation that protects this property. The site has been designed so there would be not net lose of flood storage on the property.

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

- MR. BIRNEY:** **MOTION TO APPROVE A SITE PLAN FOR A 13,500 SQ.FT. RETAIL PLAZA FOR GAVIN AT 103 NORTH TURNPIKE ROAD AS SHOWN ON PLANS ENTITLED "SITE PLAN FOR PROPOSED COMMERCIAL PLAZA, LOCATED AT 103 NORTH TURNPIKE ROAD, DATED OCTOBER 2, 2009, REVISED TO DECEMBER 16, 2009", REVISED TO JANUARY 28, 2010, SUBJECT TO:**
- 1. COMMENTS FROM VINCENT MASCIA, SENIOR ENGINEER.**
 - 2. ANY SIGNAGE MUST COMPLY WITH ZONING REGULATIONS.**
 - 3. AN S&E BOND IN THE AMOUNT OF \$5,000.**

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE.

BOND RELEASES AND REDUCTIONS:

- 9. Special Permit / C&W / Main Street, Yalesville #415-05 (Att. 9)**
- 10. Site Plan / Orsini / 2 Northrop Industrial Road West #241-06 (Att. 10)**

Linda Bush, Town Planner, indicated that the bond for Orsini / 2 Northrop Industrial Road #241-06 is ready to be released.

MR. BIRNEY: MOTION TO RELEASE THE BOND FOR ORSINI / 2 NORTHROP INDUSTRIAL ROAD WEST #241-06.

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY BY A VOICE VOTE.

CORRESPONDENCE:

11. Juliano / Garages at Tracy Commons (Att. 11A, 11B)

Linda Bush, Town Planner, stated that they have decided to construct garages rather than carports at Tracy Commons. She indicated that there are no zoning differences between carports and garages. No Commissioners had any issues with that change.

12. Hartford Courant / Cul-de-sacs (Att. 12)

The Commission received the article dated January 20, 2010.

REPORTS OF OFFICERS AND STAFF:

13. Proposed Meriden Aquifer Protection District (Att. 13A, B, C)

Linda Bush, Town Planner, stated that Meriden just got it's Level A mapping approved so Wallingford has to amend it's zoning map to show part of the Meriden aquifer that is located within Wallingford and regulate any businesses in Meriden's aquifer the same as in the Wallingford aquifer. This has to be done by April 1st under state law so Ms. Bush suggested that it be put on next month's agenda.

14. Update – Flood Maps and Flood Regulations (Att. 14A)

Linda Bush, Town Planner, indicated that under federal law the Town is required to update the flood regulations and there are going to be major changes. The Town has until the end of September but she would like the Commission to look them over and perhaps discuss them at a workshop session.

15. ZBA Decisions – January 19, 2010 (Att. 15)

The Commission received and noted the decisions of the Zoning Board of Appeals made at the January 19, 2010 meeting.

16. Incentive Housing Zone Update

Linda Bush, Town Planner, stated that there is still money in the OPM account. OPM is concerned that if they approve the Town then, even though they stated they were not interested in the money, the Town would decide to take the money. OPM is going to wait until there is no money in the account so there would be no money to give.

17. Administrative Approvals

a. Change of Use / Krivca / Main Street, Yalesville #301-10

18. Notes

19. Zoning Enforcement Log (Att. 19)

The Commission received the Zoning Enforcement Log.

20. Census 2010

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. 10:37 p.m.

Respectfully submitted,

Sonja Vining,
Recording Secretary
Atts. 1 - 19