

APPROVAL OF MINUTES:

- 2 Approval of Minutes – May 9, 2011 Regular Meeting – APPROVED
May 23, 2011 Workshop Meeting - APPROVED

PUBLIC HEARING:

- 2 1. Special Permit/E&E Realty (Dunkin Donuts)/841 East Center Street #406-11 - CONTINUED TO JULY 11th
- 6 2. Special Permit/DeAntonio/404 Main Street, Yalesville #403-11 – APPROVED
- 8 3. Special Permit/Arrivisme, LLC/238 Hall Avenue #404-11 - APPROVED
- 9 4. Special Permit/Perretta/209 Center Street #405-11 - APPROVED

NEW BUSINESS:

- 10 5. Site Plan/VASCO Properties/399-435 North Colony Street #209-11 - APPROVED

RECEIPT AND ACTION REQUESTED:

- 11 6. Special Permit Revision/Choate Rosemary Hall/East Main Street #212-11 – APPROVED

BOND RELEASES AND REDUCTIONS:

- 12 7. Special Permit/Choate Rosemary Hall/Christian Street #401-10 - RELEASED
- 12 8. Site Plan/MDT Realty/50 North Plains Highway #210-08 – RELEASED
- 12 9. 4 Wind Swept Hill Road - NOT RELEASED
- 12 10. 1358 Durham Road - RELEASED

CORRESPONDENCE:

- 12 11. Board of Education/School-aged Children - RECEIVED

REPORTS OF OFFICERS AND STAFF:

- 12 12. Proposed I-5 Regulations - RECEIVED
- 13 13. Proposed IX Regulations - RECEIVED
- 13 14. Administrative Approvals – APPROVED AS NOTED
 - a. Change of Use/CCMD Investments/176 North Main Street #310-11
 - b. Site Plan Revision/Mountain Brook/North Lane #210-11
 - c. Change of Use/Quinnipiac Associates/9 South Colony Street #311-11
 - d. Change of Use/Finoia/68 South Turnpike Road #312-11
 - e. Site Plan/Regency House/181 East Main Street #211-11
- 13 15. ZBA Decisions/May 23, 2011 - RECEIVED
- 13 16. ZBA Agenda/June 20, 2011 - RECEIVED
- 13 17. Workshop Meeting
- 13 18. Notes
- 13 19. Zoning Compliant Report - RECEIVED
- 13 Receipts

PLANNING AND ZONING COMMISSION
Town of Wallingford
REGULAR MEETING
Monday, June 13, 2011
MINUTES

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, June 13, 2011, 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. JP Venoit (Secretary), Mr. Jim Fitzsimmons, Ms. Marci Baxter and Rocco Matarazzo (alternate).

Absent: Mr. Patrick Birney (Vice Chairman), Mr. Armand Menard (alternate)

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 18 people.

Approval of Minutes:

May 9, 2011 – Regular Meeting

Mr. Fitzsimmons made a motion to approve the Minutes of May 9, 2011 as submitted. The motion was seconded by Mr. Venoit and passed. Ms. Baxter abstained from voting.

May 23, 2011 – Workshop Meeting

Mr. Fitzsimmons made a motion to approve the Minutes of May 23, 2011 as submitted. The motion was seconded by Ms. Baxter and passed. Mr. Venoit abstained from voting.

PUBLIC HEARINGS:

7:00 p.m.

1. Special Permit/E&E Realty (Dunkin Donuts)/841 East Center St. #406-

11

Mr. Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Linda Bush, Town Planner to the Planning & Zoning Commission dated June 7, 2011 (Att. 1A); Linda Bush, Town Planner to E&E Realty Company, LLC dated February 28, 2011 (Att. 1B); Carmen Rao, Fire Marshal, Site Plan Report dated February 16, 2011 (Att. 1C); Interoffice Memorandum from Linda Bush, Town Planner to Vincent Mascia, Senior Engineer W&S dated March 8, 2011 (Att. 1D); Scott Meyers, Meyers Associates, P.C. to Town of Wallingford dated March 7, 2011 (Att. 1E); Department of Engineering to Wallingford – Planning & Zoning Commission dated March 11, 2011 (Att. 1F); Mark Gervais to Planning & Zoning Commission dated received March 14, 2011 (Att. 1G); Paul Holmes, CT Department of Transportation to Scott Meyers, Meyers Assoc. dated March 23, 2011 (Att. 1H); Mark Gerv to Linda Bush, Town Planner dated March 24, 2011 (Att. 1I); Wallingford Department of Engineering to Scott Meyers, Meyers Assoc. dated April 28, 2011 (Att. 1J); Bruce Hillson, Traffic Engineering Solutions to Linda Bush, Town Planner dated April 8, 2011 (Att. 1K);

Department of Engineering to Linda Bush, Town Planner dated April 14, 2011 (Att. 1L); Department of Engineering to Sharat K. Kalluri dated April 26, 2011 (Att. 1M); Department of Engineering to Scott Meyers dated April 28, 2011 (Att. 1N); Traffic Report Traffic Engineering Solutions to Linda Bush, Town Planner dated June 3, 2011 (Att. 1O); Sharat Kalluri, WilburSmith Assoc. to John Thompson dated April 28, 2011 (Att. 1P); Sharat Kalluri, WilburSmith Assoc. to John Thompson dated June 10, 2011 (Att. 1P); Ernest Lagoja to Meyers Assoc. dated June 13, 2011 (Att. 1Q); Elevations (Att. 1R).

Presenting the application was Scott Meyers, Meyers Assoc., Manual Rocha, Owner/Applicant.

Mr. Meyers gave some background on the application. He has met with Town Staff since the last meeting and has developed a new plan to address all of their concerns. The new layout has a Dunkin Donuts that is set back further from the road and is smaller than what was originally proposed. The building would be 1,687 sq.ft. with a drive-thru window. The site will have entrance only and separate exit only access. The parking will be on the westerly property line on a 45% angle to allow a 13 foot access isle as well as a designated 9 foot wide drive-thru lane. There would be ten parking spaces to the rear of the building. The site would have a total of 22 parking spaces. The bypass lane would be the same as on the previous plan. The Applicant is working with the westerly property owner on an agreement for access. Mr. Meyers indicated that the DOT has allowed them to crown the road at 2% to allow the Applicant to provide a grass strip along the widening on the opposite side of the roadway. There would then be a concrete walk that is similar to the existing walk. There would be a guild rail provided between the walk and the parking for the plaza across the street. The grass strip at the start would be about 1 ½ foot wide and at the end it would be about 5 feet wide. The slope that would be at the widening of the road would be planted with low lying shrubs. The curb would be an 8 inch curb not a 6 inch curb which would allow them to make the slope from the walk to the top of the existing curb much flatter. There would be no need for a retaining wall.

The new building design is more colonial then the original design. Some of the signage has been removed as well.

Mr. Thompson stated that in general the Applicant has made significant progress from the original plan.

Mr. Kalluri, Wilbur Smith Associates, discussed the peer review that he did for this project. He clarified that his peer review was done based on the data provided by the Applicant. Mr. Kalluri indicated that he did review the traffic study done by Mr. Hillson back on February 4th. Mr. Hillson has not submitted comments on Mr. Kalluri's latest report that went out on Friday. Mr. Kalluri summarized his report. He stated that in general Dunkin Donuts is not a p.m. traffic generator. He has reviewed transactions from three other locations of Dunkin Donuts from March. Only at one of those locations did the transactions go over 200 at that peak hour. Mr. Kalluri feels that the four hundred in and out trips were fairly conservative. He discussed the queuing of the site. The average queue is 10-12 cars on site with a maximum of 15 cars. Mr. Kalluri stated that the information provided suggests that there would be at least a two car length distance between the back of the queue from the traffic light at Woodhouse Avenue to the traffic that is entering into this site.

Mr. Kalluri is concerned about the 18 foot bypass being able to allow larger vehicles or trucks to fit through without blocking thru traffic. He would prefer to see a 20 foot bypass lane. The DOT manual requires that the bypass lane be carried at least 100 feet past the entrance drive. He is not sure in this case how far past the entrance drive that the bypass would continue.

Mr. Kalluri would like to see some protection on the roadway side of the slope to protect pedestrians. The roadway is 18 feet wide and there is no shoulder on the road. He believes that the new plan presented this evening has a 2% slope which is an improvement from the original plan that was reviewed.

Mr. Fitzsimmons pointed out that the report provided by Mr. Hillson refers to Service Level E and that is not good. Mr. Kalluri agreed that Service Level E is typically not acceptable. He stated that there are situations where you do have to face Service Level E on a left turn movement onto a side street where no mitigation can be done. Mr. Kalluri feels that the queue is more important than the Service Level E in this situation. He pointed out that the Applicant has spaced the drive-thru window back further from the street to create spacing between the left turn lane and the drive-thru window which is approximately six car lengths. Mr. Kalluri believes that the light at the Woodhouse intersection would act as a meter and would be better in this situation than if there were not light in that area.

Mr. Kalluri expressed concern for delivery vehicles coming into the site and blocking normal operations on the site. He stated that if a truck takes a wide turn it would block that 18 feet that is proposed in that bypass lane.

Mr. Kalluri stated that the report from Mr. Hillson indicates that the queue back from the traffic light would be two car lengths short of the driveway to this site. At peak hour there would be two car lengths available for vehicles to exit the site and become a part of that queue. Mr. Kalluri indicated that Mr. Hillson's report stated that the queue within the DD does not block the drive-thru area. The numbers provided stated that in the morning hours there would be 132 cars turning left and in the evening there would be 26 cars turning left. From the drive-thru to the exit of the site there is room for six cars to queue. Mr. Kalluri would be more concerned with the queue from the drive-thru window back to the roadway. Traffic leaving the site would be regulated by the drive-thru window.

Mr. Thompson stated that the parking stalls are 19 feet from the property line and there is a 13 foot travel way adjacent to that and a 9 foot lane for drive-thru traffic.

Mr. Thompson stated that the sidewalk that is proposed is at the elevation of the existing parking lot across the street from this site. The sidewalk would then slope down to the top of an 8 inch curb and then directly into the adjacent roadway. Mr. Thompson stated that his office is concerned about the overall configuration of this walk but the walk and a lot of the approvals for this rests with the CT DOT. Mr. Thompson believes that what is being presented is acceptable to the DOT. He still has some concerns with constructability and he believes there are still issues to be resolved.

The DD would not be a 24-hour facility; they would close at 10-11 p.m. The owner, Mr. Rocha, indicated that he would be able to control the delivery schedule into the site. No deliveries would be made during peak hours of operation.

Mr. Fitzsimmons asked about screening for the abutting properties. Mr. Meyers reviewed the open space and landscaping plan. He indicated that there is currently a line of trees on the property line to the easterly side. The proposal is to plant 25 white pines in that area in the 6 foot buffer. Along the rear of the property they would place some additional trees for buffer. Chairman Seichter would like to see some other trees planted instead of white pines.

Mr. Meyers indicated that all of the signage would conform to the regulations.

Chairman Seichter asked for public comment. Speaking from the public was:

Dennis Ceneviva, representing 846 East Center Street LLC, stated that his client is not opposed to an appropriate reuse of this property. He does not feel that this use is appropriate for this location. Attorney Ceneviva referred to sections of the regulations that should be considered in this case. He feels that other local streets should have been considered in the traffic analysis, not just Woodhouse Avenue. Attorney Ceneviva stated that this is a Special Permit and there may be situations where the general use is permitted but the specific proposal for a specific site may not be appropriate and that is how he feels in this case. He pointed out in the regulations where the requirements for traffic lanes in parking lots are more than what is being proposed on this site. Attorney Ceneviva stated that the bypass with the taper begins in front of his client's eastern driveway and ends after the western drive. This would make the left turn out of this his site much more difficult during peak hours of DD. He doesn't feel it is fair to modify the roadway which would negatively impact the existing business tenants at 846 Center Street. Attorney Ceneviva submitted a petition dated June 13, 2011 signed by 396 people opposing this application.

Todd Gerardo, 155 East Main Street, expressed concern for truck traffic in and out of the site.

Brian Ross, 88 Franklin Street, is concerned for school children and pedestrians walking in the area.

Debbie Gross, 114 Long Hill Road, asked if the traffic study took into consideration other local roads such as Long Hill Road. She pointed out that this DD would be very close to I91 and would attract commuters. She currently has difficulty at times taking a right out of Long Hill Road and feels that the added traffic would create a real issue at that intersection. Mr. Thompson indicated that there was no analysis of Long Hill Road and East Center Street. Mrs. Gross expressed concern for snow plowing and sidewalk clearing in the winter time. Snow will create an issue where the roads would be even narrower in front of this site.

Diane Saunders, 72 Northford Road, questioned the scope of the traffic study. She would like the PZC to consider the potential impact of traffic on and off of I91. She believes this would be an ideal place for commuters traveling that route. Ms. Saunders stated that this area is currently very congested and it is very difficult to exit East Side Market and travel left. Ms. Saunders expressed concern for emergency vehicle access through this intersection with this added traffic. She pointed out in the morning there are school buses and trucks that travel that intersection and that is much different then the distance of cars. Ms. Saunders stated that a pick-up truck or large SUV is 21 feet bumper to bumper and these 19 feet parking spaces may not be enough. She would like to see the traffic study expanded.

Bob Parisi, 23 East Main Street, is concerned about the bypass lane, the snow shelf, the sidewalk and the parking lot. He pointed out that the entrance and exit to this site is almost directly across from the first entrance to East Side Market. He is concerned for traffic entering and exiting both lots onto East Main Street at the same time. Mr. Parisi is concerned that westbound trucks will not fit through the proposed bypass area. He expressed concern for the wintertime snow plowing and snow shelf. He is concerned for school children and pedestrians in the area. Mr. Parisi stated that there is already so much activity in that four corner area this would be too much added traffic for the area to handle. He doesn't feel this is the right location for a DD in east Wallingford.

Mr. Rocha, Applicant, stated that there is no kitchen at this facility. Everything is trucked in to the site and all of the deliveries are done in the early morning hours. There would be one delivery made to this site each day by 5 a.m. He stated that he is looking to just serve the people in that area. He is not

looking to bring in people off of I91. There would not be any signs on the highway. This plan was not directed toward drawing business off of I91. The facility would create approximately 20 jobs for the area.

Mr. Meyers stated that the 18 feet for the bypass lane came directly from the State and that is what has always been on the plan. The widening at the east side is approximately 6 feet and it tapers down as you travel west and will blend with the existing roadway there. They are proposing a curb, a grass slope and then the sidewalk at the top. They will be maintaining the existing grade at the top of the walk they and just shift it two feet northerly to provide the least amount of grass slope from the curb to the edge of the new walk. There will be a grass slope that would be approximately 1 ½ feet wide at the east side to 5 feet wide at the west side.

MR. FITZSIMMONS: MOTION TO CONTINUE PUBLIC HEARING #406-11 TO JULY 11, 2011 AT 7 P.M.

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

7:30 p.m.

2. Special Permit/DeAntonio/404 Main Street, Yalesville #403-11

Mr. Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Linda Bush, Town Planner to the Planning & Zoning Commission dated June 7, 2011 (Att. 2A); Robert Amantea, Design Development Group LLC to Wallingford Planning & Zoning Commission dated April 26, 2011 (Att. 2B); Linda Bush, Town Planner to Lawrence DeAntonio dated May 4, 2011 (Att. 2C); Department of Engineering to Planning & Zoning Commission dated April 29, 2011 (Att. 2D); Department of Engineering to Planning & Zoning Commission dated May 23, 2011 (Att. 2E); Department of Engineering to Robert Amantea dated May 10, 2011 (Att. 2F); Robert Amantea to State of CT DOT dated May 12, 2011 (Att. 2G); Carmen Rao to Louis DeAntonio dated May 23, 2011 (Att. 2H); Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated May 6, 2011 (Att. 2I); Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated June 9, 2011 (Att. 2J); Erin O'Hare, Environmental Planner to Linda Bush, Town Planner dated June 9, 2011 (Att. 2K).

Presenting the application was Robert Amantea P.E. Design Development Group, the Applicant Larry DeAntonio, and John Torella, Architect.

Mr. Amantea stated that the proposal is to construct twelve units in two buildings. The existing building in the front would be remodeled and contain two units. The existing building where the proposed driveway is, would be removed. There would be a parking area behind the existing building, along the north boundary line and driveways for each unit. There would be a possible future connection to the existing condos to the south.

The application has received IWWC approval.

All of the stormwater would drain easterly from Main Street. There would be a detention system with an overflow system that runs to the Quinnipiac River. The sanitary sewer would run easterly and tie into the sanitary storm trunk line thought the property to the south.

Mr. Torella submitted elevations (Att. 2L) and architectural renderings (Att. 2M) for the record. The units would all be two and ½ stories with living area on two floors.

Ms. Bush feels that all of her concerns have been addressed. She suggested that if this application were to be approved it have a condition attached that the existing building have the exterior renovated prior to the granting of any building permits for the new buildings. She stated that the unit numbers on the revised plans should be corrected because they are not in the correct sequence. The other change that she would recommend would be that the landscaped island to the east of Building 3 be narrowed to allow enough room for cars in Building 4 to back out. Ms. Bush believes that there was an original bond amount of \$5,000. She would also like to have the building dimensions on the final plans.

Mr. Amantea stated that there could be additional screening or fencing added to the plan with the direction of the Planning Department. He stated that there are a total of 24 exterior parking spaces and 12 interior. The snow shelf areas were pointed out on the plans.

Ms. Bush feels that the approval should be conditioned on the variance that would be required for the front porch on the existing building. She would also like to confirm the 15% building coverage.

Chairman Seichter asked for public comment. Speaking from the public was:
Richard Romano, owner of the apartment complex to the north would like to see fencing installed along the property line.

Mr. DeAntonio stated that the building on his site has been there since 1962 long before his apartments were built. The property line is very close to Mr. Romano's building and there is no room for people to walk there dogs in that area.

Chairman Seichter stated that the Planning & Zoning Commission does not have power to imposed conditions on this applicant for a property that is not part of this application. Ms. Bush agreed.

Christopher Juliano, 405 Main Street, thanked the Planning & Zoning Commission and Linda Bush, Town Planner for addressing his concerns from last month. He asked if the situation of notification has been addressed since the last meeting. Ms. Bush spoke to the applicant to be sure that notification was sent out to all of the owners of the surrounding condos. The proper notice was given.

MR. FITZSIMMONS: MOTION TO CLOSE THE PUBLIC HEARING.

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

MR. FITZSIMMONS: MOTION TO APPROVE A SPECIAL PERMIT FOR DEANTONIO TO PERMIT A 12 NEW MULTI-FAMILY DWELLING UNITS AND THE RENOVATION AND EXPANSION OF AN EXISTING 2-FAMILY HOME AT 404-408 MAIN STREET AS SHOWN ON PLANS ENTITLED "SPECIAL PERMIT, INLAND WETLANDS APPLICATION, LAWRENCE DEANTONIO, 404-408 MAIN STREET, DATED 3/7/10, REVISED TO 6/11, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. COMMENTS FROM THE TOWN ENGINEER DATED 4/19/11**

2. **COMMENTS FROM THE FIRE MARSHAL DATED 5/24/11**
3. **COMMENTS FROM VINCENT MASCIA, SENIOR ENGINEER DATED JUNE 9, 2011.**
4. **POSTING OF A \$26,000 SANITARY SEWER PERFORMANCE AND MAINTENANCE BOND**
5. **POSTING OF A \$5,000 S&E BOND AS REQUIRED BY THE TOWN PLANNING OFFICE.**
6. **NO BUILDING PERMIT SHALL BE ISSUED UNTIL THE EXTERIOR WORK ON THE EXISTING BUILDING IS COMPLETED.**
7. **ADDITIONAL FENCING AND SCREENING TO BE PROVIDED ALONG THE SOUTHERN PROPERTY LINE AS DISCUSSED AT THE MEETING WITH CONSULTATION OF THE TOWN PLANNER.**
8. **THE PORCH ON THE EXISTING HOUSE WILL REQUIRE A VARIANCE. IF A VARIANCE IS NOT GRANTED A REVISED PLAN MUST BE SUBMITTED TO THE PLANNING & ZONING COMMISSION.**
9. **UNIT NUMBERS ON THE FINAL PLAN BE CORRECTED.**
10. **LANDSCAPING ABUTTING BUILDING 3 BE MODIFIED TO PROVIDE BETTER BACK UP ROOM FOR BUILDIGN 4**

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

3. Special Permit/Arrivisme, LLC/238 Hall Avenue #404-11

Mr. Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Linda Bush, Town Planner to Planning & Zoning Commission dated June 7, 2011 (Att. 3A); Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated May 6, 2011 (Att. 3B); Christopher Juliano to Mr. Carmine Cavallaro dated April 29, 2011 (Att. 3C); Christopher Juliano to Mr. Carmen Rao, Fire Marshal dated May 2, 2011 (Att. 3D); Carmen Rao, Fire Marshal dated May 3, 2011 (Att. 3E); Linda Bush, Town Planner to Arrivisme, LLC dated May 27, 2011 (Att. 3F); Christopher Juliano to Linda Bush, Town Planner dated June 1, 2011 (Att. 3G); Department of Engineering to Planning & Zoning Commission dated May 23, 2011 (Att. 3H); Paul T. Holmes to Christopher Juliano dated May 31, 2011 (Att. 3I).

Presenting the application was Christopher Juliano, Juliano Assoc.

Mr. Juliano has received preliminary approval from DOT for this project. He has received and addressed comments from Town Staff. Mr. Juliano briefly reviewed the plan. The existing property is currently mixed use. The existing out building and the existing garage would be removed. Five new units would be constructed. The existing commercial unit would be converted to residential. In total there would be nine residential units. There would be five new townhouse units and the rest would be apartment style units. The existing parking lot would be used for the apartment units and there would be a new parking lot for the five townhouses. Units 1-3 are single car units, Units 4 & 5 are two car units. There would be a total of 20 parking spaces required. Mr. Juliano believes that all of the staff comments have been addressed.

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

MR. FITZSIMMONS: MOTION TO CLOSE THE PUBLIC HEARING.

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

MR. FITZSIMMONS: MOTION TO APPROVE A SPECIAL PERMIT TO PERMIT A 9-UNIT, MULTI-FAMILY DEVELOPEMTN AT 238-270 HALL AVENUE AS SHOWN ON PLANS ENTITLED "SITE LAYOUT AND LANDSCAPING PLAN, HALL AVENUE COMMONS ADAPTIVE REUSE, LAND OF ARRIVISME, LLC 238-270 HALL AVENUE, DATED 3/31/11 SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

- 1. COMMENTS FROM THE WATER & SEWER DIVISION DATED MAY 6, 2011**
- 2. POSTING OF A \$5,000 SANITARY SEWER PERFORMANCE AND MAINTENANCE BOND**
- 3. COMMENTS FROM THE FIRE MARSHAL DATED MAY 3, 2011**
- 4. POSTING OF A \$5,000 S&E BOND**
- 5. NO BUILDING PERMIT IS TO BE ISSUED BEFORE ALL UNREGISTRED VEHICLES ARE REMOVED FROM THE SITE.**

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

4. Special Permit/Perretta/209 Center Street #405-11

Mr. Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Linda Bush, Town Planner to Planning & Zoning Commission dated June 7, 2011 (Att. 4A); Linda Bush, Town Planner to Lisa Anne Perretta dated May 31, 2011 (Att. 4B); Department of Engineering to Planning & Zoning Commission dated May 23, 2011 (Att. 4C); Carmen Rao, Fire Marshall dated May 12, 2011 (Att. 4D); Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated June 9, 2011 (Att. 4E).

Presenting the application was Vincent Perretta.

Mr. Perretta stated that the second floor of this property would be converted to two dwelling units. Currently the second floor is commercial space.

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

MR. FITZSIMMONS: MOTION TO CLOSE THE PUBLIC HEARING.

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

MR. FITZSIMMONS: MOTION TO APPROVE A SPECIAL PERMIT TO PERMIT PERRETTA TO CONVERT OFFICE SPACE ON THE SECOND

**FLOOR OF 209 CENTER STREET TO TWO APARTMENTS,
SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:
1. COMMENTS FROM VINCENT MASCIA, SENIOR ENGINEER
DATED JUNE 9, 2011.**

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

NEW BUSINESS:

5. Site Plan/VASCO Properties/399-435 North Colony Street #209-11

Mr. Venoit, Secretary, acknowledged the correspondence received for the record from: Linda Bush, Town Planner to Vasco Properties dated May 27, 2011 (Att. 5A); Department of Engineering to Planning & Zoning Commission dated May 23, 2011 (Att. 5B); Carmen Rao, Fire Marshal dated May 13, 2011 (Att. 5C); Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated June 10, 2011 (Att. 5D); Carmen Rao, Fire Marshal dated June 10, 2011 (Att. 5E).

Presenting the application was Attorney Joan Molloy, Applicant, David Valenti and Engineer Tim Mulcahy.

Attorney Molloy stated that the application is to construct an addition to the existing building on the site. The addition would include showroom areas as well as service areas. A portion of the existing building would be removed.

Mr. Mulcahy, PDS Engineering and Construction, briefly reviewed the plan. The proposed plan would enhance the traffic flow and increase the green area for the existing facility. All of the existing site drainage will be utilized. The impervious coverage on the site would be decreased considerably.

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

Attorney Molloy submitted a colored elevation sheet (Att. 5F) and an illustration of lighting for the building (Att. 5G).

Ms. Bush pointed out that the existing driveway aprons along Rte 5 are still shown on the drawings. She assumes that they are going to be taken out and seeded. Mr. Mulcahy stated that they would be. Ms. Bush stated that the signage for the site would be approved separately. Attorney Molloy understands that the Commission is not approving the signage as shown on the plans.

MR. FITZSIMMONS: MOTION TO CLOSE THE PUBLIC HEARING.

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

MR. FITZSIMMONS: MOTION TO APPROVE A SITE PLAN TO PERMIT ADDITIONS AND RENOVATIONS AT VALENTI AUTO SALES TO PRODUCE A 25,130 SQ.FT. AUTO DEALERSHIP AS SHOWN ON PLANS ENTITLED "VALENTI AUTO SALES, DEALERSHIP

**EXPANSION, 399-435 NORTH COLONY STREET, DATED 5/6/11,
REVISED TO 6/6/11, SUBJECT TO THE FOLLOWING
CONDITIONS OF APPROVAL:**

- 1. COMMENTS FROM THE FIRE MARSHAL DATED JUNE 10, 2011**
- 2. COMMENTS FROM WATER & SEWER DATED JUNE 10, 2011**
- 3. POSTING OF A SANITARY SEWER PERFORMANCE AND MAINTENANCE BOND FOR \$10,000**
- 4. ALL SIGNAGE ON THE PROPERTY IS TO BE APPROVED SEPARATELY**

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

RECEIPT AND ACTION REQUESTED:

- 6. Special Permit Revision/Choate Rosemary Hall/East Main Street#212-11**

Mr. Venoit, Secretary, acknowledged the correspondence received for the record from: Richard Saltz, Choate Rosemary Hall to Linda Bush, Town Planner dated May 27, 2011 (Att. 6A).

Presenting the application was Richard Saltz, Chief Financial Officer, Jack Miller, Choate, Steve Nicks and Mike Hens.

Chairman Seichter indicated that prior to the Commission taking any action it would have to make a determination whether this is to be considered a minor or major revision.

Ms. Bush stated that when the Commission approved the Environmental Center last fall there was a condition of approval that construction could only take place on Monday through Friday. Because of the weather and other issues, the project is behind schedule and they would like to work on the weekends. Ms. Bush indicated that her office has not received any complaints due to activity at this site. Choate indicated that it has notified all of the property owners on Old Durham Road.

Ms. Baxter feels that this would be a minor revision to the plan. Mr. Fitzsimmons and Mr. Venoit agreed. Chairman Seichter stated that this change would be considered a minor revision by the Commission.

Choate would like to work Saturdays and Sundays when necessary. The site work is behind schedule due to the excess amount of rain this year and also because of the amount of ledge that was found on site. The project has a completion date of September 2012. They have conducted sound readings of the activity on the site and have not found any excessive levels. There would not be site activity every weekend, only when necessary.

Mr. Fitzsimmons stated that he doesn't want to see any site work done on Sundays. Mr. Matarazzo would like to see the use of heavy equipment restricted on the weekends. Chairman Seichter does not want to see any work done on Sundays and he would like to see Saturday work restricted to 8 a.m. to 1

p.m. Ms. Baxter would like to see any weekend work restricted to on site work only. She does not want to see truck traffic in and out of the site on the weekends.

Chairman Seichter asked for public comment. Speaking from the public was Deb Reynolds, 844 Old Durham Road. Ms. Reynolds does not want to see any work being done on the weekends.

MS. BAXTER: MOTION TO APPROVE A REVISION TO THE SPECAIL PERMIT ISSUED TO CHOATE ROSEMARY HALL TO PERMIT ON-SITE CONSTRUCTION TO OCCUR ON SATURDAYS SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

- 1. HOURS OF OPERATION ARE TO BE RESTRICTED TO 9 A.M. TO 5 P.M.**
- 2. WORK SHALL BE ON SITE ONLY. THERE SHALL BE NO TRUCK TRAFFIC GOING ON OR OFF THE SITE.**

THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED WITH A ROLL CALL VOTE. MS. BAXTER – YES, MR. FITZSIMMONS – YES, MR. VENOIT – YES, MR. MATARAZZO – YES, MR. SEICHTER - NO

BOND RELEASES AND REDUCTIONS:

7. Special Permit/Choate Rosemary Hall/Christian Street #401-10 (Att. 7)
Ms. Bush indicated that the bond should be released.

8. Site Plan/MDT Realty/50 North Plains Highway #210-08 (Att. 8)
Ms. Bush indicated that the bond should be released.

9. 4 Wind Swept Hill Road
Ms. Bush indicated that the bond is not ready to be released.

10. 1358 Durham Road (Att. 10)
Ms. Bush indicated that the bond should be released.

MS. BAXTER: MOTION TO RELEASE THE BOND FOR SPECIAL PERMIT #401-10, SITE PLAN #210-08 AND 1358 DURHAM ROAD AS RECOMMENDED BY THE TOWN PLANNER.

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

CORRESPONDENCE:

11. Board of Education/School-aged Children (Att. 11)
Received by the Commission

REPORTS OF OFFICERS AND STAFF:

12. Proposed I-5 Regulations (Att. 12)
Received by the Commission.

13. Proposed IX Regulations

Received by the Commission.

14. Administrative Approvals – APPROVED AS NOTED

- a. **Change of Use/CCMD Investments/176 North Main Street #310-11**
- b. **Site Plan Revision/Mountain Brook/North Lane #210-11**
- c. **Change of Use/Quinnipiac Associates/9 South Colony Street #311-11**
- d. **Change of Use/Finoia/68 South Turnpike Road #312-11**
- e. **Site Plan/Regency House/181 East Main Street #211-11**

15. ZBA Decisions/May 23, 2011 (Att. 15)

Received by the Commission.

16. ZBA Agenda/June 20, 2011 (Att. 16)

Received by the Commission.

17. Workshop Meeting

18. Notes

19. Zoning Compliant Report (Att. 19)

Received by the Commission.

Receipts

1. Site Plan (additions to existing manufacturing use)/J. Torello/1260-1262 Old Colony Road #213-11

Ms. Baxter made a motion to adjourn. The motion was seconded by Mr. Venoit and passed unanimously by a voice vote. The meeting adjourned at approximately 11:10 p.m.

Respectfully submitted,

Sonja Vining,
Recording Secretary

Att. 1 through 19