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**PLANNING AND ZONING COMMISSION
Town of Wallingford**

**REGULAR MEETING
Monday, July 12, 2010
MINUTES**

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, July 12, 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. Jim Seichter (Chairman), Mr. Patrick Birney (Vice Chairperson), Mr. Jon-Paul Venoit (Secretary), Ms. Marci Baxter, Mr. Jim Fitzsimmons, Ms. Stacey Voss (alternate), Mr. Armand Menard (alternate), Mr. Chris Smith (alternate)
The Town staff persons attending were: Linda Bush, Town Planner, Kacie Costello, Assistant Town Planner, John Thompson, Town Engineer and Recording Secretary Sonja Vining.

Chairman Seichter called the meeting to order at 7:05 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 25 people.

APPROVAL OF MINUTES:

June 14, 2010 - Regular Meeting – Minutes

Mr. Birney made a motion to approve the Minutes from the Regular Meeting of June 14, 2010 as submitted. The motion was seconded by Mr. Fitzsimmons and passed.

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

PUBLIC HEARINGS:

7:00 p.m.

1. Zoning Regulation Amendment/Perotta, Ringrose & Gillespie/I-5 #502-10

Commissioner Venoit, Secretary, read the Legal Notice and acknowledged correspondence received for the record from: Linda Bush, Town Planner, to Carol R. Perotta, Nancy L. Ringrose, and the Raymond Gillespie Irrevocable Trust c/o Joan Molloy, Esq. Dated June 1, 2010 (Att. 1A); Fire Chief, Inter-Departmental Referral dated May 12, 2010 (Att. 1B); Vincent Mascia, Senior Engineer, Interoffice Memorandum to Linda Bush, Town Planner, dated June 9, 2010 (Att. 1C); Trip Generation Figures dated 7/6/10 (Att. 1D); Elizabeth Verna to James Seichter, Chairman dated July 8, 2010 (Att. 1E).

Presenting the application was Attorney Joan Molloy, Barry Gillespie, Carol Perotta, Ray Gradwell, BLCompanies. Also present was Nancy Ringrose.

Attorney Molloy presented a packet of materials to the Commissioners titled "Summation of Previous Issues" (Att. 1F). She reviewed the document page by page.

Attorney Molloy indicated that the comments from the Fire Marshall should be addressed when a specific development is suggested. She stated that the memo from the Water & Sewer Divisions is a repeat of many issues that she has already reviewed. Attorney Molloy stated that there is no factual information included in the memo on the increased impact of traffic. She believes that it is based on generalized fears. Attorney Molloy believes that there needs to be an individual plan in front of these departments before calculations and impact can be discussed.

Attorney Molloy explained why she put in the rear parcel exemption. There are two pieces of property (Ringrose and Perrotta) within the zone, which have no direct frontage on a town road.

Attorney Molloy indicated that she chose a 20-acre minimum to ensure the Commission that there would not be just a bunch of little strip malls.

Attorney Molloy discussed the issue of the location of the housing as brought up in the letter from Linda Bush, Town Planner, dated June 1, 2010. She doesn't know how a sub-zone line would be created. Attorney Molloy stated that this would be a Special Permit so the Commission would have the opportunity to approve or deny the application.

Attorney Molloy suggested a pre-application review because developers want to get a sense of how their proposal will be looked at by the Commission.

Attorney Molloy stated that the Commission has received one letter of support for adding some changes to the regulations.

Commissioner Birney discussed the issue of Attorney Molloy using the date of 2005 in her presentation (Att. 1F), stating that nothing much has transpired since that date. Commissioner Birney pointed out that Mortgage Lenders was approved in November 2006 and then we had the recession that has slowed development in general. He doesn't feel that the 2005 to today date provides a good picture of what has transpired over the last five years.

Commissioner Birney asked Attorney Molloy why the Town would want to be exempt from the State Plan of Conservation and Development. Attorney Molloy explained her understanding that there is a legislative committee that the town can appear in front of to approve a plan that the State Plan of Conservation and Development would not allow.

Commissioner Birney asked if Attorney Molloy had any evidence to support her position that additional traffic would not create any addition issues with the watershed. Attorney Molloy stated that she could not provide anything until an actual plan is developed. She pointed out that an applicant would be required to meet the strict standards for developing in a watershed area. Currently those standards so not apply to the runoff from Route 68 or I-91 but future development would have to meet those standards.

Attorney Molloy went back and responded to Commissioner Birney's comment regarding using the year 2005. She gave some history from 2005. She feels that there has been a recession for the past two years, not since 2005. Attorney Molloy stated that had there been demand in those couple of years other people could have come in to do what the regulations permit. Her clients have been marketing their property for 40 years. The only time there was any interest was when there was a newspaper article that suggested that there might be some retail use in this area.

Mr. Barry Gillespie was told three years ago that everything was fine. Mortgage Lenders was coming into town and would bring lots of people and the Hilton Gardens was going to look beautiful. Mr. Gillespie stated that he has not been in town for three years and he was shocked when he came back. He saw vacant buildings with high grass and half finished buildings unkept. Mr. Gillespie has talked to many people and they all agree that what is being proposed by Attorney Molloy would be the best use for the town and the property. He grew up in Wallingford and has a strong attachment to the town. Mr. Gillespie would like to present the best that he can for the town and he feels that is what is being presented by Attorney Molloy. He stated that a vote in favor of the amendment would be a great thing but a vote against it would only leave one option for him and that would be affordable housing.

Ms. Carol Perrotta stated that they have worked on this issue for many years and gave some history. She pointed out that many jobs would be created. She believes that most residents in town support this amendment.

Chairman Seichter asked for public comment.

Speaking from the public was:

Peter Shiue, Wilton, CT, is a commercial real estate broker in New Haven. He expressed his support for an expansion of uses in this zone. Mr. Shiue discussed vacancy rates being at 20% when they should normally be at 11%.

Kevin Cornell, Midwood Management Corporation, stated that expanding flexibility does not equal a loss of control to this Commission, Staff or the Town. It would allow people to present opportunities to be acted upon. Currently if something does not fall within the very fine band of what is allowed in the I-5 zone it is simply not allowed. Mr. Cornell indicated that Midwood has always been interested in expanding the uses in the I-5. He supports the application.

George Adair, Director of Utilities, Town of Wallingford, focused on public water supply and the public watershed area. A substantial portion of the I-5 zone lies within the watershed area and there is a need to protect the town watershed. His staff has reviewed the proposed changes and the allowable uses. Mr. Adair is concerned that the uses proposed may tend to create much more intense activity than what is currently permitted in the I-5 zone. Mr. Adair discussed the State Plan for Conservation and Development. He stated that if water and sewer lines were to be extended to conservation areas the State would deem that to be inconsistent with the Plan and it could result in loss of funding. Mr. Adair stated that throughout discussions with the State they have expressed its concern that extension of utilities leads to densification and intensification of use. The State has expressed a special concern with watershed areas and any intensification of use in those areas would be considered counter to the spirit of the State Plan of Conservation. Mr. Adair stated on behalf of the PUC he request that the recommended change to the I-5 zone not be approved.

There was discussion about the traffic count that was prepared by Linda Bush, Town Planner, in comparison to the study put together by the Engineering Department.

Jim Wolfe, Economic Development Commission, stated that from 2005-2010 development has been slowed all across the country. He doesn't feel that should be used as a point of fact for development in the I-5 zone. The EDC looks for the best possible employment when new development comes to town and they don't chase retail. They would like to see the integrity of Barnes Park expanded through the I-5 zone.

Linda Bush, Town Planner, feels that some changes should be made to the I-5 zone. She thinks that IX uses should be permitted. She believes that since there are hotels in that zone there should also be some sort of restaurant type use to bring in travelers. Ms. Bush stated that the town has had this zone for approximately 25 years and nothing has happened. She doesn't feel that the town is going to get the type of office buildings that it envisioned 26 years ago. The property owners have a right to do something and she feels that expanding IX uses into the I-5 zone is something the town should look at.

Mr. Thompson, Town Engineer, clarified that the traffic generation prepared by his office was zoning independent.

Commissioner Fitzsimmons agrees that some change in the I-5 zone is appropriate but he doesn't feel that this proposal is it. He is concerned with the issue of getting the EDC on board with the Applicant's proposal. He also pointed out that this application, as proposed, does not have the support of the Water & Sewer Divisions and that concerns him. Based on the information that has been presented he would not be able to support the application as proposed. He believes that portions of the proposal are worth further discussion.

Commissioner Baxter agreed with Commissioner Fitzsimmons that something needs to be done but this proposal is not it. She feels that this proposal is too aggressive. Commissioner Baxter stated that the correspondence from the W&S Divisions weighs heavily on her decision. She would not be in support of the application as proposed.

Chairman Seichter agrees that the proposal is too aggressive. He discussed the four different quadrants and he is not sure how that issue would be addressed with this proposal. He would support putting in some IX uses in the I-5 zone. Chairman Seichter would also like to see the proposal have the approval of the W&S Divisions. He would not be in support of this application as proposed.

Attorney Molloy stated that the reasons given by the Commissioners have put the property owners in a no win situation. What was said in her view was, that if the EDC does not support the application than the Commission is not going to either. Attorney Molloy stated that the EDC is not going to change its mind. So in her view the Commission should tell the property owners that their property is going to be vacant for who knows how long. She discussed terms used in the Water & Sewer Divisions comments such as "may tend to increase", "goes against the spirit of the regulation", "could impact". Attorney Molloy doesn't know how she is supposed to deal with those very subjective terms. She has talked to the Water & Sewer Divisions to see specifically what she could do to make this proposal more acceptable to the Divisions but she does not get any specific direction. Attorney Molloy doesn't know how anyone will ever get over that hurdle. In her view the Commission, by not approving this amendment, is taking away the opportunity to truly address the concerns of the Town Agencies based upon fears. The Town has offered no solutions as to how someone would overcome those fears. The Commission and Town Staff have offered the property owners no solutions, no opportunities and no hope. Barriers have been created that cannot be crossed because they are too subjective and that is not fair to these property owners.

Attorney Molloy pointed out that the percentages used in her presentation could easily be changed. She used them as an example not hard fast numbers. She also discussed the issue of the quadrants as brought up by the Commission. She stated that the regulation has to be adopted before they can discuss what quadrants it would apply to.

Chairman Seichter feels that when a regulation is adopted you should know where it is going to apply, not adopt it and then figure out where to put it. He feels that most Commission Members would be willing to consider putting industrial uses into this zone. Chairman Seichter pointed out that this year there have been several workshops held to discuss this issue. He doesn't feel that it is a fair assessment that the Commission would not approve something that is not supported by the EDC. Not all of the Commissioners stated that. Chairman Seichter stated that the Commission is concerned with comments from the W&S Divisions but the Commissioners did not say that would be enough for them to vote no on any proposal. He doesn't feel that the Commission would only vote in favor of something that is supported by both the EDC and the W&S Divisions.

Attorney Molloy pointed out again that she cannot overcome the concerns of the EDC and the W&S Division until she has a specific proposal, and all she has right now are concepts.

Ms. Carol Perotta stated that she is extremely disappointed and doesn't feel that the Commission cares what the Applicants have to say. They have been working on this for three years and all of these questions and concerns should have come out in one of those workshops. She feels this is a logical sequence of what should happen to this property. Ms. Perotta feels that there is politics involved and the Commission is not being fair. The Commission is condemning her property and is not giving her a chance to really develop a plan.

Commission Birney had left the meeting during this application. Chairman Seichter asked that Commission Menard vote in place of Commission Birney on this application and the following applications.

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 DENY AN AMENDMENT TO THE ZONING REGULATIONS PROPOSED BY PERROTTA, RINGROSE & GILLESPIE TO CREATE THE I-5 GATEWAY DEVELOPMENT ZONE TO REPLACE THE INTERCHANGE ZONE REGULATIONS, BECAUSE BASED ON THE TOTALITY OF THE RECORD PRESENTED AND THE INFORMATION AND DUE TO NUMEROUS TOWN DEPARTMENTS AND COMMISSIONS OBJECTIONS IT IS NOT A GOOD FIT FOR WALLINGFORDS ZONING REGULATIONS.

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

7:30 p.m.

- 2. Special Permit (CVS)/Fulton Forbes/North Colony Road #408-10**
- 3. Special Permit (Location of Use)/Fulton Forbes/North Colony Road #409-10**
- 4. Site Plan/Fulton Forbes/North Colony Road #210-10**

Commissioner Venoit, Secretary, acknowledged correspondence received for the record from: Department of Engineering to Planning & Zoning Commission dated June 22, 2010 (Att. 2,3,4A); Fred Greenberg, BL Companies to Linda Bush, Town Planner, dated June 23, 2010 (Att. 2,3,4B); John Whitcomb, BL Companies to Linda Bush, Town Planner, dated June 14, 2010 (Att. 2,3,4C); Department of Engineering to Fred Greenberg, BL Companies dated July 1, 2010 (Att. 2,3,4D); John Whitcomb, BL Companies to Linda Bush, Town Planner, dated June 28, 2010 (Att. 2,3,4E); Inter-Departmental Referral from Fire Chief dated June 30, 2010 (Att. 2,3,4F); BL Companies to Linda Bush, Town Planner, dated July 12, 2010 (Att. 2,3,4G); Department of Engineering to Planning & Zoning Commission dated July 12, 2010 (Att. 2,3,4H); Proposed renderings, site maps and temporary access plan.

Chairman Seichter announced that Item 9 on the agenda would not be heard this evening, **Site Plan/Wallingford Emergency Shelter/Quinnipiac Street #213-10 (NO ACTION REQUESTED)**

Chairman Seichter introduced Mary Manning, Fitzgerald and Halliday, who did the peer review traffic study.

Presenting the application was Attorney Ceneviva, John Mansini, John Whitcomb and Fred Greenberg from BL Companies.

Attorney Ceneviva stated that these are three separate applications but they would all be put together into the same presentation. He stated that the primary change in the plan from the last presentation starts with the carwash site. The footprint of the lot has been expanded and the length of the carwash tunnel has been shortened. By increasing the carwash lot they were able to reduce the middle lot, 891 North Colony Road and that reduces the overall square footage of the proposed retail building on that lot by approximately 1,000 sq.ft.

Mr. Mansini reviewed on the plan, the changes that have taken place since the last meeting. He started with the carwash lot explaining that there is no patron parking in the front of the building except for handicap spaces. He explained how the carwash works and what services they would provide. He reviewed the flow of traffic if someone were to come in for service. The flow and circulation of the site has been changed so it is largely counterclockwise so there is less confusion. Most of the employees will park in the rear of the building. Mr. Mansini believes that he has addressed all of the staff comments as well as comments from the peer reviewer.

Mr. Mansini pointed out that there has been a sidewalk connection made between Route 5 and Building 2. The CVS and Building 2 have been connected with a handicap walk system across the site. The CVS storage area and the bypass lane for the drive-thru queuing has been marked with paint. There would be a one-way sign placed at the exit to the drive-thru to lessen confusion. There has been a significant amount of pavement in the rear of the CVS eliminated since the last meeting. That area will now be landscaped and have a handicap sidewalk. Mr. Mansini reviewed the placement of the dumpster enclosure.

Mr. Mansini gave some history of the existing carwash and the proposed carwash explaining how it will function differently. At no point will a customer be sitting in his/her vehicle. The employees will be driving the vehicles through the facility. Commission Fitzsimmons asked what the regulations require for parking for this type of detailing, carwash facility. Mr. Mansini could not answer that question specifically but in his opinion this site has more than enough parking spaces. Mr. Mansini was unable to provide any information regarding volume from the carwash for the peak months. He stated that there is more room for queuing cars on this site than on the existing site. If it got busy one entrance could be blocked off and that would allow cars to queue all the way around the building. When the carwash is built the two-way isle and main drive will be built at the same time so that entrance could be utilized.

Linda Bush, Town Planner, stated that the parking requirement on this site meets the auto repair regulations. She feels that parking on this site as proposed is adequate. Ms. Bush indicated that the fact that an employee would be driving the vehicles rather than the customer is rather unusual. She suggested that if the Commission chooses to approve this that it makes that a condition of approval so there is a record of it.

Mr. Mansini reviewed the elevation details for all three lots. Mr. Doug Murray, Developer for CVS, reviewed the elevation for the CVS stating that it is a Type A prototype for a retail district.

Mr. Mansini stated that there was a preliminary meeting with the DOT. After this application receives local Planning & Zoning approval they will be asked to apply for a DOT encroachment permit for the work that is proposed in the Route 5 corridor. This plan was submitted to the DOT and there was a meeting held to discuss and review the plan. This Applicant controls approximately 1,000 linear feet of frontage along Route 5 so they are able to do the widening required along their side. The DOT supports that lane being 12 feet wide and that is what the revised plan shows. The DOT supports the access to the light at the main drive. The access onto Pent Highway was discussed at the DOT meeting as well. The final location of that drive entrance would be subject to final review by the DOT. The State may want the entrance to be pushed a little further away from the rail crossing than where it is shown on the drawing today. During the review process by the DOT it was stated that this is the best plan that has been proposed for mitigating traffic on this section of Route 5.

Linda Bush, Town Planner, indicated that all of her concerns have been addressed.

Mr. Thompson, Town Engineer, stated that the meeting with DOT went extremely well and was very productive but there will be a lot of details that have to be worked out.

Ms. Manning discussed her traffic study peer review. She discussed the intersection at Pent Highway. Mr. Mansini stated that the corner radius at Pent Highway will be mitigated and by shaving the curb line they can realign the striping so that they can increase the storage for the two lanes going up to almost the westerly limit of the car dealership driveway.

Ms. Manning expressed some concern with the flow of traffic and pedestrians on the carwash site. Mr. Mansini reviewed it once again. He stated that if the queue got excessive the north entrance could be closed off and storage could go all around the building.

Ms. Manning asked if traffic, other than cars coming out of the bays, could be restricted so they could not head south in front of the bays. Mr. Mansini stated that he couldn't sign "no left turn" because the

handicap spaces are in that area. He feels that the number of people traveling south in front of those bay doors would be extremely limited, mainly the handicap vehicles.

Commissioner Fitzsimmons discussed accident data as provided by Fred Greenberg. He was hoping to get more details as far as accidents in that area. Mr. Greenberg stated that the data that was submitted was provided by the Wallingford Police Department. Commissioner Fitzsimmons discussed the issue of the railroad crossing in the area and how traffic for this site would be handled. Mr. Greenberg explained that the traffic signal is preempted by the railroad. He explained how the traffic signals work with the railroad crossing stating that Pent Highway would be cleared out and no one would be backed up over the crossing. Mr. Mansini pointed out that they would be increasing the stacking on Pent Highway.

Commissioner Fitzsimmons expressed concern about the shared turning lane in front of this site. Mr. Mansini gave several examples where these types of turning lanes have been used and been successful. He explained how the lane would work.

Commissioner Fitzsimmons still has some concerns about the traffic flow on the carwash site as well as traffic backup on Route 5. Mr. Mansini gave several examples of sites that work the same way that this site is proposed to function.

Chairman Seichter asked for comments from the public.

Speaking from the public was:

John Letourneau, 3 Regent Court, is in favor of this application. He feels that this application is a good thing for Route 5. He believes that the plan has been very well put together and the architecture is very comprehensive. Mr. Letourneau pointed out that this proposed plan provides for a large green space area along Route 5 and he hopes that it will continue up and down the street. He feels that all of the traffic issues and concerns that were brought up were addressed by this Applicant.

Commissioner Menard would like to see that northern entrance into the carwash site eliminated. That would allow for queuing all the way around the building and would eliminate an entrance on to Route 5.

Commissioner Baxter still has some concerns with the traffic flow on the carwash lot. She is concerned that the two-way turning lane being added is such a change to Route 5 that it could cause some problems. She believes that overall the changes to Route 5 and Pent Highway will be very positive and improve that entire area.

Attorney Ceneviva pointed out that these are three separate applications and would be voted on separately.

Commissioner Baxter indicated that she would feel comfortable moving ahead with two of the Applications. The Commission decided to move ahead with Applications #408-10 and #210-10.

Attorney Ceneviva granted an extension to continue the Public Hearing on Application #409-10 to August 9, 2010 at 7:00 p.m.

MR. VENOIT: MOTION TO CLOSE THE PUBLIC HEARING.

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

- MR. VENOIT: MOTION TO APPROVE A SPECIAL PERMIT FOR FULTON FORBES TO PERMIT A 14,600 SQ.FT. PHARMACY AT 865 NORTH COLONY ROAD AS SHOWN ON PLANS ENTITLED “PROPOSED RETAIL DEVELOPMENT, 865, 891 AND 895 NORTH COLONY ROAD (ROUTE 5)”, DATED 3/3/10, REVISED TO 7/9/2010 SUBJECT TO:**
- 1. A \$5,000 SEDIMENTATION AND EROSION CONTROL BOND.**
 - 2. THE RECOMMENDED CONDITIONS OF APPROVAL FROM THE WALLINGFORD DEPARTMENT OF ENGINEERING ON THE JULY 12, 2010 MEMO WITH THE CONSTRUCTION BOND BEING REDUCED TO \$6,000.**
 - 3. THE RECOMMENDED CONDITIONS OF APPROVAL FROM THE WATER & SEWER DIVISIONS DATED JUNE 11, 2010.**

Chairman Seichter indicated that since Commissioner Birney left earlier in the meeting, Commissioner Menard would be voting in his place.

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

- MR. VENOIT: MOTION TO APPROVE A SITE PLAN FOR A 14,476 SQ.FT. RETAIL STORE AT 891 NORTH COLONY ROAD FOR FULTON FORBES AS SHOWN ON PLANS ENTITLED “PROPOSED RETAIL DEVELOPMENT, 865, 891 AND 895 NORTH COLONY ROAD (ROUTE 5)”, DATED 3/3/10 REVISED TO 6/25/10, SUBJECT TO:**
- 1. A \$5,000 SEDIMENTATION AND EROSION CONTROL BOND.**
 - 2. THE RECOMMENDED CONDITIONS OF APPROVAL FROM THE WALLINGFORD DEPARTMENT OF ENGINEERING ON THE JULY 12, 2010 MEMO WITH THE CONSTRUCTION BOND BEING REDUCED TO \$3,000.**
 - 3. THE RECOMMENDED CONDITIONS OF APPROVAL FROM THE WATER & SEWER DIVISIONS DATED JUNE 11, 2010.**
 - 4. THE RECOMMENDATIONS FROM THE FIRE MARSHAL.**

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

Mr. Thompson asked the Commission what type of additional information they would like to see at the next meeting regarding the carwash site. Commission Fitzsimmons indicated that he would like to see the actual traffic flow at one of these types of carwashes. He will be visiting similar carwashes before the next meeting to see how they work.

(The Commission took a 5-minute recess)

8:30 p.m.

5. Special Permit (Go Kart)/Doucette/Quinnipiac Street #410-10

Commissioner Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Linda Bush, Town Planner, to Planning & Zoning Commission dated July 8, 2010

(Att. 5); Bill Doucette CT Motorsport Park Overview (Att. 5A); Fire Chief Inter-Departmental Referral dated May 12, 2010 (Att. 5B); Linda Bush, Town Planner, to William Doucette dated May 28, 2010 (Att. 5C); Vincent Mascia, Senior Engineer to Linda Bush, Town Planner, dated June 7, 2010 (Att. 5D); Doucette to Linda Bush, Town Planner, dated received July 6, 2010 (Att. 5E); Fire Chief Inter-Departmental Referral dated May 12, 2010 (Att. 5F); Department of Engineering to Planning & Zoning Commission dated June 10, 2010 (Att. 5G); Sketch CT Motorsport Park (Att. 5H).

Presenting the application was William Doucette.

Mr. Doucette stating that he is proposing to turn an existing parking lot into a go-cart track. He has previously owned and run an indoor go-cart track. He indicated that he ran a noise test that several members of the Commission attended and he believes that those concerns were addressed. Mr. Doucette indicated that there would be no construction on the site. Any maintenance done would be minimal. There would be a maximum 10-15 carts on the track at one time. The showroom would simply have a freestanding wall. There would be storage containers on site to store the vehicles and the gasoline.

Commissioner Baxter inquired about the showroom included in the plan. Mr. Doucette stated that the showroom would include retail sales of pictures of go-carts, accessories, etc. Commissioner Baxter stated that she missed the night that they held the noise demonstration. She has some concerns with the noise. Linda Bush, Town Planner, stated that she was present for the presentation where they had four carts running to demonstrate the noise that would be generated. She doesn't believe that the noise will be an issue. Chairman Seichter indicated that he was also present for the demonstration and traveled off the site to see if the noise would carry. He stated that the proposed track is behind the building and there are many buildings that would block the sound. He could not hear the noise of the go-carts off site. Commissioner Menard agreed with the observations made by Chairman Seichter. He doesn't see the noise off site being an issue.

Mr. Doucette indicated that the proposed hours of operations would be Monday through Friday 3-9 p.m., Saturday and Sunday 12-9 p.m.

Chairman Seichter asked for comments from the public.

Speaking from the public was:

Roberta Piedmont, Valley Street, stated that she is speaking for her neighbors as well as herself. She indicated that they were outside and you could hear the four go-carts running. She is concerned with what type of noise 10-15 go-carts would create going at high speeds. Ms. Piedmont has concerns about trash and engine oil being washed into the Quinnipiac River right next to the site. She is concerned with increased traffic coming onto Valley Street.

Chairman Seichter stated that when he was on Valley Street he did not hear the noise but there were only four carts that were running. He would like to run another test with 12 carts running to see what type of noise that generates. Mr. Doucette stated that he would like to run the test that the Commission is requesting but he does not have 12 carts at this time. To do the previous test he had to buy a couple of carts and it cost him approximately \$3,500. He offered to do another test with the four carts that he has available. Mr. Doucette indicated that he also had people on Valley Street listening for the noise from the carts and they did not hear anything.

Chairman Seichter pointed out that the Commission is in a difficult position. Mr. Doucette stated that the volume of the noise would not increase the duration would increase. He indicated that he measured

the noise level and the four carts measured 78 decibel, 15 feet away and the traffic on Route 15 was 78-80 decibel, 1000 feet away. He was unable to provide any documentation regarding the noise volume. Commissioner Fitzsimmons indicated that he could support the application as proposed. Linda Bush, Town Planner, pointed out that the Town does have a noise ordinance that is enforced by the Police Department and it has to do with zoning districts. Commissioner Baxter stated that this is a Special Permit application and the Applicant has to show that the proposal fits the area.

Mr. Doucette would be in operation from late April to mid November. There currently are no lights proposed for the track. There is one parking lot light in the vicinity of the proposed track.

MR. VENOIT: MOTION TO CLOSE THE PUBLIC HEARING.

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

MR. VENOIT: MOTION TO APPROVE A SPECIAL PERMIT FOR DOUCETTE TO PERMIT A GO-KART TRACK IN THE FENCED PARKING LOT BEHIND 346 QUINNIPIAC STREET AS SHOWN ON THE PLANS SUBMITTED, SUBJECT TO:

- 1. ANY TRACK LIGHTING WOULD NEED THE APPROVAL OF THE PLANNING & ZONING COMMISSION.**
- 2. THE TRACK HOURS OF OPERATION WOULD BE M-F 3-9 P.M. SATURDAY AND SUNDAY 12-9 P.M.**
- 3. THE RECOMMENDED CONDITIONS OF APPROVAL FROM VINCENT MASCIA DATED JUNE 7, 2010.**
- 4. THE KARTS MUST HAVE ENGINES WITH DECIBEL LEVELS 76 OR LESS.**

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

9:00 p.m.

- 6. Special Permit (Restaurant)/Wallingford Shopping, LLC/North Colony Road #411-10**

Commissioner Venoit, Secretary, read the Legal Notice and acknowledged correspondence received for the record from: Linda Bush, Town Planner, to Planning & Zoning Commission dated July 8, 2010 (Att. 6); Linda Bush, Town Planner, to Wallingford Shopping LLC dated June 1, 2010 (Att. 6A); Fire Chief Inter-Departmental Referral dated May 12, 2010 (Att. 6B); Erin O'Hare, Environmental Planner to Linda Bush, Town Planner, dated June 11, 2010 (Att. 6C); Fire Chief Inter-Departmental Referral dated May 12, 2010 (Att. 6D); Vincent Mascia, Senior Engineer to Linda Bush, Town Planner, dated June 11, 2010 (Att. 6E); Thomas Daly, Milone & MacBroom to Mr. James Seichter, Chairman dated June 8, 2010 (Att. 6F); Vincent Mascia, Senior Engineer Inter-Departmental Referral dated June 25, 2010 (Att. 6G); Fire Chief Inter-Departmental Referral dated June 18, 2010 (Att. 6H).

Presenting the application was Attorney Jim Loughlin and John Gilmore, Milone & MacBroom.

Attorney Loughlin stated that this is a Special Permit application that would reduce the square footage of the retail space at 970 North Colony Road. The retail store north of Friendly's would have 11,500 sq. ft. demolished. That area would be replaced with 3,700 sq.ft. of a free standing building. There will be a right turn in only lane into this site. There is no tenant lined up at this time. A restaurant use was used to design the plan and the parking with a drive-thru window on the rear of the building. Attorney Loughlin stated that a traffic study was provided that stated that the proposed use would have no significant impact on traffic during peak hours. The IWWC approved the application administratively.

Attorney Loughlin pointed out that this application would bring into conformance two non-conformities. Currently the setback of the building is non-conforming. When the new building is constructed it would be in full compliance. Currently the property is not in compliance with landscaping regulations. When the new building is constructed the landscaping would meet the regulations.

Mr. Gilmore, Milone & MacBroom, briefly discussed the existing conditions on this site along with some history of the site. More than half of the building will be demolished. The new building pad has been planed for a possible future restaurant. A restaurant has the highest parking demand and that is why they choose to use that in their plan. Mr. Gilmore reviewed the proposed site plan. There will be a northbound right entrance into the site only. The proposed building would be located approximately 75 -80 off of the current curb line of Route 5. Sidewalks would be installed along with lawn area and plantings. The entire site has 917 parking spaces so Mr. Gilmore believes there is plenty of parking. Mr. Gilmore stated that the memo from Vincent Mascia, Senior Engineer has been reviewed and he does not have any issues with the suggested conditions of approval.

Commissioner Baxter asked for the flow for the proposed drive-thru to be reviewed on the plan. Mr. Gilmore reviewed the plan indicating that there is room for approximately 12 cars in the queue. The exit for this site would be through the light on to Route 5.

Commissioner Fitzsimmons asked about signage since it is a plaza. There would be no ground sign. The main sign for the plaza has room for signage and there would be signage on the building as permitted.

David Sullivan, Milone & MacBroom gave a brief overview of the traffic study. He indicated that he had meetings with John Thompson, Town Engineer and the STC. The conclusion was that there would be not operational impact and no safety impacts created. Once a tenant is secured Mr. Sullivan would meet again with Mr. Thompson to discuss queuing.

Mr. Thompson indicated that he is satisfied with the findings of the traffic study. He pointed out that this plan would have to go through a DOT review.

Chairman Seichter stated that Ms. Voss would be voting on the next two applications rather than Mr. Menard.

MR. VENOIT: MOTION TO CLOSE THE PUBLIC HEARING.

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

MR. VENOIT: MOTION TO APPROVE A SPECIAL PERMIT TO PERMIT A 3,760 SQ.FT. RESTAURANT IN THE NW CORNER OF 970 NORTH COLONY ROAD AS SHOWN ON PLANS ENTITLED "WALLINGFORD SHOPPING PLAZA, PHILIPS INTERNATIONAL, 970 NORTH COLONY ROAD (ROUTE 5)", DATED 5/7/10, REVISED TO JUNE 7, 2010, SUBJECT TO:

- 1. SUGGESTED CONDITIONS OF APPROVAL FROM VINCENT MASCIA, SENIOR ENGINEER DATED JUNE 11, 2010.**
- 2. MUST OBTAIN A STATE HIGHWAY ENCROACHMENT PERMIT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.**
- 3. THE APPLICANT SHALL INSTALL ALL PROPOSED SIGNS AND PAVEMENT MARKINGS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**
- 4. THE PROPOSED HANDICAP PARKING SPACES BE SIGNED AND MARKED PER THE LATEST ADA STANDARDS AND CONNECTICUT BUILDING CODE REQUIREMENTS.**
- 5. UPON THE IDENTIFICATION OF A FINAL TENANT THE APPLICANTS TRAFFIC ENGINEER SHALL SUBMIT AN ANALYSIS FOR THEIR PROPOSED USE**
- 6. A \$4,000 CONSTRUCTION BOND BE ISSUED FOR THE WORK WITHIN THE PUBLIC ROW.**

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

9:15 p.m.

7. Zoning Regulation Amendment/PZC/§2.3A, Corner Visibility #906.10

Commissioner Venoit, Secretary, read the Legal Notice and correspondence received for the record from: John Thompson, Town Engineer to Kacie Costello, Assistant Town Planner dated June 22, 2010 (Att. 7A).

Ms. Costello stated that she has been working with John Thompson to develop some suggested language. This deals with planting and screening on corner lots. The proposed language was based on the language used in the subdivision regulations. The Engineering Department has agreed to review these cases on a case-by-case basis and make that sight line determination.

MR. VENOIT: MOTION TO CLOSE THE PUBLIC HEARING.

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

MR. VENOIT: MOTION TO APPROVE AN AMENDMENT TO SECTION 2.3a OF THE ZONING REGULATIONS TO PERMIT FENCES THAT DO NOT CAUSE SIGHT OBSTRUCTIONS AT STREET CORNERS.

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

NEW BUSINESS:

8. Site Plan/1070 North Farms Road, LLC/Northrop Industrial Park Road West #212-10

Commissioner Venoit, Secretary, acknowledged the correspondence received for the record from: Emile Pierides, BL Companies Statement of Use dated June 1, 2010 (Att. 8A); Fire Chief Inter-Departmental Referral dated June 21, 2010 (Att. 8B); Linda Bush, Town Planner, to John Orsini dated July 6, 2010 (Att. 8C); Vincent Mascia, Senior Engineer to Linda Bush, Town Planner, dated June 28, 2010 (Att. 8D); Department of Engineering to Planning & Zoning Commission dated July 9, 2010 (Att. 8E).

Presenting the application was Emile Pierides, BL Companies.

Mr. Pierides stated that this site is one lot in a nine lot industrial subdivision that was approved by the Commission back in 2003. There is a 50,400 sq.ft. mixed use industrial building on this site with 83 parking spaces and twelve loading docks. There would be 51.7% open space on the property. This plan received approval from the IWWC. There will be two curb cuts on the cul-de-sac. There will be an on site septic system.

MR. VENOIT: MOTION TO APPROVE A 50,400 SQ.FT. OFFICE/WHOLESALE BUILDING FOR JOHN ORSINI AT LOT 1d, #6 NORTHROP INDUSTRIAL PARK ROAD WEST AS SHOWN ON PLANS ENTITLED “PROPOSED INDUSTRIAL BUILDING, LOT 1D, NORTH FARMS ROAD AT NORTHROP ROAD”, DATED JUNE 1, 2010 SUBJECT TO:

- 1. A \$2,000 SEDIMENTATION AND EROSION CONTROL BOND.**
- 2. SUGGESTED CONDITIONS OF APPROVAL FROM VINCENT MASCIA, SENIOR ENGINEER DATED JUNE 28, 2010.**
- 3. SUGGESTED CONDITIONS OF APPROVAL FROM THE DEPARTMENT OF ENGINEERING DATED JULY 9, 2010.**
- 4. SUGGESTED CONDITIONS OF APPROVAL FROM THE FIRE CHIEF DATED JUNE 21, 2010.**

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

9. Site Plan/Wallingford Emergency Shelter/Quinnipiac Street #213-10 (NO ACTION REQUESTED)

BOND RELEASES AND REDUCTIONS:

10. Goldberg/213 Cheshire Road

Linda Bush, Town Planner, indicated that there were no bond releases.

CORRESPONDENCE:

11. DEP/Underpass Auto Parts (Att. 11)

The Commission received the DEP report on Underpass Auto Parts. Ms. Bush stated that she would be doing her aquifer inspection at the end of the month.

12. George Adair/Revised Watershed Boundaries (Att. 12)

Ms. Bush indicated that Mr. Adair would like the Commission to revise the Wallingford watershed boundaries on the zoning map and add the watershed boundaries of the City of Meriden South Central Regional Water Authority. Ms. Bush feels that this matter should be discussed at a workshop meeting. She suggested having a workshop meeting in September.

13. Engineering/Wallace Dam Fishway (Att. 13)

Ms. Bush stated that the Engineering Department wanted to make the Commission aware that they are doing a fishway at the Wallace Dam.

14. FEMA/Updated Floodplain Regulations (Att. 14)

Ms. Bush suggested that this FEMA material be discussed at the September workshop.

REPORTS OF OFFICERS AND STAFF:

15. ZBA Results – June 21, 2010 (Att 15)

Received by the Commission.

16. ZBA Agenda – July 19, 2010 (Att. 16)

Received by the Commission. Ms. Costello asked that the Commission look at items 1, 4, 5, and 6 and get back to her with any questions or concerns.

17. Carrozella vs. ZBA

Ms. Bush stated that Mr. Carrozella is appealing the decision that the Judge made in the Town's favor in Fieldstone.

18. Tayco vs. Planning & Zoning Commission (Att. 18)

Ms. Bush stated that she hopes Chairman Seichter will talk to the Law Department regarding Mr. Taylor.

19. Recent CT Land Use Case Law (Att. 19A, 19B)

Received by the Commission.

20. Zoning Enforcement Log (Att. 20)

Received by the Commission.

21. Notes

22. Ordinance Committee Meeting

Ms. Bush stated that there is an Ordinance Committee meeting on July 20th and she is hoping that Commissioners attend.

Commissioner Fitzsimmons made a motion to adjourn. The motion was seconded by Commissioner Baxter and passed unanimously by a voice vote. The meeting adjourned at 12:38 a.m.

Respectfully submitted,

Sonja Vining,
Recording Secretary
Atts. 1-20