

**PLANNING AND ZONING COMMISSION  
Town of Wallingford**

**REGULAR MEETING  
Monday, July 13, 2009  
MINUTES**

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, July 13, 2009, at 7:00 p.m. in the Robert Earley Auditorium 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. David Fritz (Secretary), Mr. James Seichter, Ms. Stacey Voss (alternate), Mr. Chris Smith (alternate), and Mr. Jon-Paul Venoit (alternate).  
Absent was Mr. Patrick Birney.

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

Chairman Fitzsimmons called the meeting to order at 7:07 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 25 people.

Chairman Fitzsimmons presented Armand "Frenchy" Menard with a plaque from the Town of Wallingford recognizing his many years of service from March 1991 through May 2009. He was also presented with a plaque from the State of Connecticut General Assembly.

Chairman Fitzsimmons announced that the agenda items would be taken out of order this evening and the discussion of temporary signs would be the first item.

**1. Discussion – Temporary Signs**

Chairman Fitzsimmons stated that at the June meeting the issue of temporary signs was discussed. There have been discussions between the Mayor, Town Attorney, Town Planner and Chairman Fitzsimmons regarding this matter. The Planning & Zoning Commission has worked with the Town Staff in asking them to enforce current regulations as they pertain to signage. The Office of the Mayor agreed that when a temporary sign is placed in a public right of way at the request of the P&Z staff the office of Public Works would assist the Town Planning Department with enforcement. The discussion goes beyond signs that are placed in a public right of way. It would also pertain to signs that cause some type of hindrance or harm.

Linda Bush, Town Planner, stated that this spring she took an active enforcement roll in the enforcement of the temporary sign regulations. She visited many sites talked to business owners and

passed out information explaining what was prohibited. If the signs were on public property and were not removed Ms. Bush took them.

Chairman Fitzsimmons stated that the Planning and Zoning Commission and the Town Planner have been working with the Corporation Counsel of the Town regarding a potential Town Council ordinance committee regarding a revised sign ordinance to allow the Town to issue citations. The ordinance is still being worked on.

Speaking from the public was:

Jim Wolfe a Member of the Economic Development Commission indicated that the current sign regulations of the Town of Wallingford have been reviewed by the Commission. He indicated that the regulations covered every possible circumstance for signage. He stated that the regulations are well written and address the needs for signage. Mr. Wolfe did point out that the economy is very difficult for small businesses. He feels it would be a good idea to come up with a temporary regulation that fits the needs of small businesses in this tough economy. Other than the issue of the current economy he doesn't feel the need to change the regulations at all.

Bob Scurela, Maximum Fitness, described a specific incident that happened with a temporary sign for his business. He feels that Town Staff should not be able to pull signs arbitrarily and without notification or warning. Mr. Scurela stated that if he is not in compliance he has no problem doing whatever he has to be in compliance. He feels that discrimination is apparent when one sign on a street, North Plains Industrial Road, which was on private property, was removed and other signs were not. Mr. Scurela inherited the sign from the previous owner who stated that he had permission to place the sign there. The sign has been in the same location for six years. When the sign disappeared Mr. Scurela called Public Works and they didn't know anything about it. He feels that he should have received a phone call stating that the sign was not in compliance. Mr. Scurela stated that the pathway is open for hidden agendas. He is concerned with the issue of enforcement and feels that there is poor communication and notification. Chairman Fitzsimmons stated that what the Commission wants to focus on are the regulations. He indicated that the removal of signs would now be done at the request of the department by Public Works if they were on the public right of way. Chairman Fitzsimmons explained how enforcement works. Normally zoning enforcement is done when there is a complaint. Linda Bush, Town Planner, stated that the sign was on public property. She invited Mr. Scurela to visit her office and look at the site plan that would show that the sign was on public property. Ms. Bush has talked to the owner of Maximum Fitness and Attorney Farrell in the past and she told them that the sign was illegal. She was unaware that Maximum Fitness changed hands and she apologized for not notifying Mr. Scurela specifically. Mr. Scurela stated again that the issue he has is with how the regulation was enforced.

Richard Inzero owns a consignment shop at 144 Center Street. When his shop originally opened, 6 weeks ago, he put a sign in line with all of the other signs on Center Street. He stated that the problem his business has is that his sign cannot be seen coming up Center Street from Route 5. The sign is blocked by a tree in front of the store. Mr. Inzero stated that this is negatively affecting his business. He put a sandwich board type of sign in front of the store to let people know where he is and that he is open. He also has issues with parking in front of the store. People leave their vehicles there for 24 hours at a time. He has contacted the police but has not seen any tickets handed out. Mr. Inzero feels that there are many people on Center Street that have a similar problem with the

trees. The trees are overgrown and need grooming. They are hindering small business. Mr. Inzero has contacted the Public Works Department to do something about the problem. Chairman Fitzsimmons made it clear to Mr. Inzero that at no time would it be acceptable for him or anyone else to cut down a tree that is town or state property. Linda Bush, Town Planner, suggested looking into hanging signs rather than wall signs.

Lucille Trzcinski, 25 Turnberry Road, stated that Linda Bush, Town Planner, is ultimately fair in everything she does. She works by the book. Ms. Trzcinski feels that the trees on Center Street are a disgrace and that they need to be taken down and replaced with the proper type of tree. She is not opposed to anything that is a flag sign. Sandwich board type of signs should not be allowed they only contribute to a disunified look.

Lisa Perreta is a small business owner on Center Street. She disagreed with the statement made by Ms. Trzcinski regarding sandwich board signs being not esthetically pleasing. Ms. Perreta was bothered by Mr. Inzero's situation. She feels that the Town needs to do everything it can to encourage and help small businesses succeed in Wallingford. Rather than thinking of more regulations she feels that the Town needs to think of ways to help small businesses in the downtown area. There are vacant buildings and businesses that move in and out all of the time. She stated that it is not a good idea to cause animosity between business owners and Town Staff. There should be an atmosphere where there is open dialog between business owners and the Town. Chairman Fitzsimmons stated that the Planning & Zoning Commission has a demonstrated a record of working with all town groups, departments and associations in developing regulations that provide a blueprint for people who want to do business in town. He stated that this Commission has taken a very active role in working with different groups. Chairman Fitzsimmons stated that there is a separate section of the regulations that relates to landscaping requirements. The maintenance of the trees would be a Public Works issue not a Planning & Zoning issue. The P&Z regulations are not just for Center Street but for all sections of town, which makes it difficult to satisfy everyone. Ms. Perreta suggested that the downtown area perhaps have its own set of regulations. All of the issues on Center Street require a collective effort from the Police Department, the Public Works Department, and the Mayor's Office. Chairman Fitzsimmons feels that the P&Z has taken a very proactive approach.

Mr. Fritz suggested that each block have a designated light pole with various business signs. He also suggested the hanging signs that were mentioned by Linda Bush, Town Planner, earlier. Uniformity throughout the area would give a better feel to the downtown area.

Trina Curtella from 69 North Turnpike Road stated that she did have a sandwich board sign that she was directed to take down. She is in a plaza that is set back about 50 feet from the road. She understands the need for regulations. Ms. Curtella used the temporary sign to bring customers in who would normally be driving by without even knowing her business was there. She is a new business that has only been open for three months and is trying to get customers in. She believes that something should be worked out to provide small businesses the opportunity to establish a good customer base and get their name out there.

John Letourneau is a small business owner on Center Street. He stated that signage has always been an issue downtown and the trees are a huge problem. He has talked to Public Works and cannot get

them to trim the trees. Mr. Letourneau believes that the Commission should be looking at why business owners have the need to use these temporary signs. He uses a flag in front of his business and stated that if it were not for that flag he would have lost thousands in business. Mr. Letourneau stated that the A frame signs are used in the same manner. These are important issues to businesses in the Town. He thinks that some sort of compromise should be reached. Mr. Letourneau stated that the regulations are there for when things get out of hand. He doesn't feel that it is out of hand when there is a small business owner who has a nice small sign that they take in and out every day. These businesses are forced to use these signs because you cannot see the signs through the trees. Mr. Letourneau believes there needs to be a compromise and balance. There is not a business in town that is not struggling. These signs are just one extra tool that is needed for the survival of these businesses.

Joe Gibertoni is a small business owner on Route 5 in Wallingford. He has looked at surrounding towns and what their regulations are regarding temporary signs. Wallingford is one of the toughest around. He suggested something similar to Cheshire where if you want a temporary sign you have to bring it to Zoning where they approve it and you are issued a two-week permit. A business owner is allowed only 6 permits a year. Temporary signs work and they are needed. He has been told many times by his customers that the only way they new his business was there was because they saw those temporary signs.

Walter Mikowski representing Carabetta, 200 Pratt Street, Meriden gave some figures regarding the Carabetta organization. He has met with the Assistant Town Planner and has filed an application to reduce some of the signage at Silver Pond. He referred to Ordinance 69E. Mr. Mikowski would like to see the Town work with the business owners to see if there is some compromise rather than strengthening the enforcement. He indicated that the banner signs at Silver Pond would be taken down. He stated that there are no less than nine other businesses that have banner signs at this time. Mr. Mikowski would like to have another forum to follow up with this issue. He feels that the restrictive nature of the regulations during these times should be considered by the Commission.

Chairman Fitzsimmons stated that there are other agenda items to get to this evening and normally something like this would be handled in a workshop. Ms. Baxter recommended that there be a workshop on this issue as soon as possible. Mr. Seichter does not feel that sandwich board signs are appropriate. He would like to see the regulations of Cheshire looked at further and possibly considered. He agreed that these issues should be discussed in a workshop sooner rather than later. Mr. Seichter would also like the Commission to consider the suggestions of Mr. Fritz made earlier. Mr. Venoit agreed that a workshop is necessary and would like to have some further discussion about enforcement.

Chairman Fitzsimmons thanked the public for their comments and participation. He would also like this issue discussed in a workshop. He suggested Monday, August 17<sup>th</sup> for the workshop. The ZBA has a meeting in Council Chambers but the P&Z can hold the workshop in Room 315. Chairman Fitzsimmons asked that the Cheshire regulations be available to the Commissioners to be discussed at the workshop. He stated that if anyone has any information they would like the Commission to review prior to the workshop it should be given to Staff who will forward it to the Commissioners.

The workshop regarding temporary signs will be held on Monday, August 17<sup>th</sup> at 7:00 p.m. in Room 315.

The Commission took a 5-minute recess.

## **APPROVAL OF MINUTES:**

June 8, 2009 - Regular Meeting – Action Minutes

Ms. Baxter made a motion to approve the Action Minutes from the Regular Meeting of June 8, 2009. The motion was seconded by Ms. Voss and passed.

June 8, 2009 – Regular Meeting – Minutes

June 19, 2009 – Special Meeting - Minutes

Ms. Baxter made a motion to approve the Minutes of the Regular Meeting of June 8, 2009 and the Special Meeting of June 29, 2009. The motion was seconded by Ms. Voss and passed. Mr. Seichter voted to approve the Minutes of the June 8<sup>th</sup> meeting but abstained from voting on the June 19<sup>th</sup> meeting.

Election of Officers – not taken up at this meeting

Voting on the following application would be: Ms. Baxter, Ms. Voss (alternate – voting in place of Mr. Birney), Mr. Seichter, Mr. Fitzsimmons and Mr. Fritz. All votes taken were roll call unless noted otherwise.

## **PUBLIC HEARING: 8:00 p.m.** (actual time 8:30 p.m.)

### **2. Special Permit / 890 North Colony Road, LLC / North Colony Road #405-09**

Mr. Fritz, Secretary, read the 8:00 p.m. public hearing legal notice. He acknowledged the correspondence received for the record from: Linda Bush, Town Planner to 890 North Colony Rd, LLC dated July 6, 2009 (Att. 2A); Inter-Departmental Referral from Joseph Micolizzi, Fire Marshal dated June 10, 2009 (Att. 2B); Inter-Departmental Referral from Erin O’Hare, Environmental Planner dated June 19, 2009 (Att. 2C); Langan Engineering to Linda Bush, Town Planner, dated July 10, 2009; Traffic study received June 22, 2009.

Presenting the application was Attorney Dennis Ceneviva and Project Engineer Tim Onderko, Langan Engineering.

The proposal is a modification of the Commission's approval that was granted on November 14, 2007. Attorney Ceneviva gave some history of the expansion of the site from back in 2004. Back in

2007 the Applicant was looking for approval for a 47,592 sq.ft. health service, medical office building. The needs of the owner and Midstate are such that they are looking to expand the building. The proposal is to add a 5,000 sq.ft. footprint to the easterly side of the existing building. The total proposed addition would be 15,054 sq.ft. The additional square footage for the building would require additional parking. The proposal is to take the detention basin that is on the southwesterly portion of the site and put it underground and build the parking over that location. There are a total of 839 spaces required for these combined lots with all of their uses. What is being proposed is 839 parking spaces. Attorney Ceneviva indicated that the application is now in front of the IWWC because of the impervious surface on the site. He stated that the IWWC was not excited with putting the open detention underground. Langan Engineering is looking at some options to satisfy the Wetlands Commission's concerns. Attorney Ceneviva understands that the P&Z might want to keep this issue open until there is approval from the IWWC.

Mr. Onderko, Langan Engineering, briefly reviewed the existing site. What is being proposed is a minor modification to the overall layout compared to the original development plan. The total area that will be disturbed equals approximately 1.2 acres. The expansion to the building and the realignment of some of the parking all take place within the limits of the existing parking lot. What is being proposed to take care of the need for extra parking is a 76-space lot on the southwest corner of the site. Currently an above ground detention basin exists in that area. The existing basin will be replaced with an underground detention system that connects into the old drainage network without any major modifications.

Mr. Onderko indicated that the traffic report submitted was modeled on the one that was completed in 2007. He stated that this past weekend they completed some parking counts on late Friday morning, Friday afternoon, and Saturday afternoon to see what kind of parking demand is being created by the medical office building since the first floor is open and fully occupied. They found that the parking generated for the first floor created a demand of about one space for every 275 square feet. The peak parking was at 11:00 a.m. on Friday. The first floor of the building has been open for three or four weeks.

Mr. Seichter feels that if the first floor has only been open for three weeks as people become more familiar with the facility there may be greater use. He is not sure that the study taken one weekend would be the best way to do it. He believes that the count in two months may be very different. Mr. Onderko stated that these are existing practices that have moved into the building from other locations in town. They were just trying to get some idea of what they would be dealing with. Mr. Onderko stated that even if 20% or 30% were to be added there would be sufficient parking to meet the demands of the building.

Attorney Ceneviva explained that some of the parking that is needed to meet the regulation for Stop & Shop is on the Midstate side of the entrance drive from North Main Street. Even though the application is still in front of the IWWC Attorney Ceneviva stated that he wanted to present to this Commission to give them an idea of what is proposed.

Mr. Fritz asked Rob Baltramaitis about the underground detention system that is being proposed. Mr. Baltramaitis indicated that in commercial areas it is very common to have underground detention because the land space is too valuable to use up for a detention pond. He stated that the

IWWC was concerned because surface detention basins offer a lot in the way of water quality that you would not necessarily get from an underground system. Mr. Baltramaitis is working with the Applicant to look at some ways to enhance the overall stormwater quality while still being able to provide the required parking.

Chairman Fitzsimmons is concerned that the project is just meeting the parking minimum. He feels that for a medical office building it is a very different use. He asked if the radiology unit is up and running on the first floor. Chairman Fitzsimmons stated that it is a very different medical office. Attorney Ceneviva did not have the answer but he will look into it and have an answer for the next meeting. Chairman Fitzsimmons feels that doing a traffic study in the middle of July is naturally going to bring in a very low number. He would like to see for the next meeting a plan for expanded parking needs. Attorney Ceneviva stated that Midstate is hoping to get a surgery center in the building. That center would take up a lot of space in the building. He feels there may be some surplus of parking for that space.

Chairman Fitzsimmons asked for public comment. There was no public comment.

Attorney Ceneviva stated that he looks forward to presenting for the Commission in August.

**MS. BAXTER: MOTION THAT SPECIAL PERMIT / 890 NORTH COLONY ROAD, LLC #405-09 BE CONTINUED TO AUGUST 10, 2009 AT 7:30 P.M.**

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

**RECEIPT AND ACTION REQUESTED:**

**11. Site Plan – Accessory Apartment / Mezzie / 68 Schoolhouse Road #210-09**

Presenting the application was Alex Mezzie.

Mr. Mezzie stated that he is asking for the approval of an existing in-law apartment that was built in 2001. Mr. Mezzie bought the house in 2006 and at that time he found out that the town had no record of the apartment. When the property was sold to Mr. Mezzie it was advertised as an in-law apartment.

Mr. Seichter pointed out that there was a building permit issued for this apartment. Ms. Baxter appreciates the fact that the Applicant is present trying to correct this issue. She would support this application.

**MS. BAXTER: MOTION THAT SITE PLAN – ACCESSORY APARTMENT / MEZZIE / 68 SCHOOLHOUSE ROAD #210-09 BE APPROVED FOR 530 SQ.FT. SUBJECT TO AN INSPECTION BY THE ZONING ENFORCEMENT OFFICER.**

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

(J.P. Voit left the meeting at this time)

**8:30 p.m.**

**3. Zoning Regulation Amendment / PZC / Accessory Apartments #908-09**

Mr. Fritz, Secretary, read the 8:30 p.m. public hearing legal notice. He acknowledged the correspondence received for the record from: Kacie Costello, Assistant Town Planner, Proposed Amendment Wallingford Zoning Regulations (Att. 3A).

Ms. Costello indicated that the issue has come up in the past that it wasn't clearly stated in the regulation that the total allowed area is measured from exterior wall to exterior wall. The proposed language is meant to clarify the intent of the regulation.

Chairman Fitzsimmons asked for public comment. There was no public comment.

**MS. BAXTER: MOTION TO CLOSE THE PUBLIC HEARING.**

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

**MS. BAXTER: MOTION THAT THE AMENDMENT TO SECTION 6.15B OF THE REGULATIONS, ACCESSORY APARTMENTS TO CLARIFY HOW THE SIZE OF ACCESSORY APARTMENTS MUST BE CALCULATED BE APPROVED BECAUSE IT IS A NECESSARY CLARIFICATION OF THE REGULATIONS THAT WILL ALLOW MORE UNDERSTANDABLE AND CONSISTANT APPLICATION OF THE ZONING REGULATIONS.**

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

**OLD BUSINESS:**

**4. Site Plan / Lohmann / Atwater Place**

Mr. Fritz, Secretary, acknowledged the correspondence received for the record from: Kacie Costello, Assistant Town Planner to Howard Lohmann, Jr., dated June 17, 2009 (Att. 4A); Marla Butts, DEP, Notice of Violation SCEL-2009-1004V to Howard and Gail Lohmann dated June 10, 2009 (Att. 4B); Linda Bush, Town Planner, Photos dated July 9, 2009 (Att. 4C)

No one was present to represent this application.

Linda Bush, Town Planner and Kacie Costello both have visited the site to see if the owners had made any progress. There have been no changes on the property since the last meeting. The Planning Office recommended to the Commission that it deny the site plan because the site is not in compliance with Wallingford Zoning Regulations today. The owner was directed to come into compliance at the last meeting and he has not done so.

Chairman Fitzsimmons visited the site and feels that the owner was given sufficient direction at the last meeting. He would support the recommendation of the Planning Office to deny this application. Ms. Baxter stated that since the owner has not made any attempt to come into compliance with the zoning regulations she would find it difficult to support this application. She would be in favor of a denying this application.

**MS. BAXTER: MOTION TO DENY THE SITE PLAN APPLICATION FOR A 19,000 SQ.FT. WAREHOUSE DEVELOPMENT FOR LOHMAN AS SHOWN ON PLANS ENTITLED "SITE LAYOUT AND LANDSCAPING PLAN, PROPOSED CONTRACTOR STORAGE UNITS, LOTS #8 & #9, RUSSELL JENNINGS COMMERCIAL PARK, #6 & 10 AT WATER PLACE", DATED 3/16/09, REVISED TO 5/18/09, BASED UPON ALL OF THE EVIDENCE. IT IS CLEAR THAT THE APPLICANT IS NOT IN COMPLIANCE AND HAS FAILED TO TAKE STEPS TO DO THAT SO THE COMMISSION CANNOT SUPPORT ANY APPLICATION FOR THE PROPERTY.**

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

#### **NEW BUSINESS:**

5. **Site Plan / J. Orsini / Lot 1C, Northrop Industrial Park Road West #209-09 (NO ACTION REQUESTED)**

#### **CALLING OF BOND:**

6. **Baker Residential / Fieldstone Farms #409-02**

Mr. Fritz, Secretary, acknowledged the correspondence received for the record from: Baker Residential to John Thompson, Town Engineer dated July 6, 2009 (Att. 6A); Vincent Mascia, Senior Engineer Water & Sewer Divisions to Baker Residential dated June 22, 2009 (Att. 6B); Special Permit to Baker Residential (Att. 6C); John Thompson, Town Engineer to Wallingford Planning &

Zoning Commission dated November 22, 2002 (Att. 6D); Surety Bond for Baker Residential dated May 6, 2003 (Att. 6E).

Linda Bush, Town Planner, indicated that she had conversations today with Chris Baker, Baker Residential, and Joe Conlan from Fieldstone Farm. Ms. Bush explained to them what her recommendation would be to the Commission. She does not want the Town to do the work. Baker has written a letter saying that they are going to start work on July 20, 2009. Ms. Bush recommended that if work were not commenced on July 20<sup>th</sup> the Planning Office would be authorized to call the bond on July 21<sup>st</sup>.

Present was Joe Conlan, Baker Residential.

Mr. Conlan stated that he did speak with Linda Bush, Town Planner, today. He explained that Baker is in the process of contracting the work this week. There has been a long delay in getting information from the Town Water & Sewer Divisions, which is the major reason for the delay of this work. Mr. Conlan wants to be sure that he is clear on what the Town means when it says, "start work". He expects mobilization to happen on Monday. He expects traffic control possibly to be started and silt fence to be installed where needed.

Mr. Seichter stated that at the last meeting there was representation made that if the work was approved it was going to be done by Memorial Day. He asked exactly what has caused the delay. Mr. Conlan recapped the timeline of events on this project, which brings it to this meeting. He received a letter dated May 12, 2009 from John Thompson, Town Engineer with two stipulations to the approval. He asked that the work not be started before the end of June because they did not want to interfere with bus traffic and, that the project not begin before approval was given by Water & Sewer.

Mr. Conlan hopes to contract this week and have the contractor mobilized after getting an excavation permit from the Engineering Department next week. Mr. Seichter asked Mr. Conlan if the Commission were to give Baker until August 1<sup>st</sup> to begin the work it would it be more than enough time. Mr. Conlan stated that would be acceptable. He is anticipating completing the work the week of August 17<sup>th</sup>.

Chairman Fitzsimmons asked for public comment. There was no public comment.

**MS. BAXTER: MOTION THAT IF THE ROAD WORK ON GRIEB ROAD HAS NOT BEGUN AS OF AUGUST 3, 2009 THAT THE TOWN OF WALLINGFORD CALL THE \$130,000 CONSTRUCTION SURETY BOND FROM TRAVELERS POSTED BY BAKER RESIDENTIAL. BAKER RESIDENTIAL TO DATE HAS NOT COMPLETED ANY OF THE ROAD WORK ON GRIEB ROAD REQUIRED AS A CONDITION OF APPROVAL OF FIELDSTONE FARM; THIS ROAD WORK WAS REQUIRED TO PROVIDE SAFE SIGHT DISTANCES ON GRIEB ROAD FROM THE TWO NEW ENTRANCES BUILT AS PART OF FIELDSTONE ROAD.**

**THE MOTION WAS SECONDED BY MR. FRITZ AND PASSED UNANIMOUSLY WITH ROLL CALL VOTES FROM MS. VOSS, MR. FRITZ, MS. BAXTER, MR. SEICHTER AND MR. FITZSIMMONS.**

Chairman Fitzsimmons asked Ms. Baxter, Vice Chairperson to complete the meeting as Chairperson. Chairman Fitzsimmons excused himself from the meeting and indicated that Mr. Smith would be voting for him in his absence.

## **DISCUSSION AND POSSIBLE ACTION:**

### **7. Changes to State Plan of Conservation and Development**

Secretary acknowledged the correspondence received for the record from: Mayor William Dickinson to the Planning & Zoning Commission dated July 6, 2009 (Att. 7).

Presenting was George Adair, Director of Public Utilities and Roger Dann, General Manager Water & Sewer Divisions.

Mr. Adair explained that in order to ensure the Town of Wallingford does not lose its eligibility for any State of Federal funds the PUC has an objective to ensure the Water & Sewer Divisions current and anticipated service areas will be consistent with the Conservation and Development policies plan for the State of CT. The PUC is satisfied that these changes accomplish the same thing as the service area map that was approved back in February and presented to the P&Z on January 12<sup>th</sup>.

Mr. Dann stated that the basic problem that the utilities face is that there is statutory language which indicates that certain activities have to have a determination that there is consistency with the State's Conservation and Development plan. The plan basically divides the policy of the State into two categories, one being developmental policies and the second being conservation policies. The current locational guide map for the Town of Wallingford was reviewed. Each category was represented on the map. The plan envisions that utility infrastructure would only be extended in those areas that are developmental areas and would not extend into conservation areas unless that was necessary to solve a public health issue. The problem is that if the utility infrastructure, as it exists today, is placed onto this map it falls into the green areas in many locations and has been in those areas for several decades in some cases. The need is to true up the map in some way with the existing utility infrastructure. Mr. Dann stated that the Town is currently pursuing an interim change to the plan itself. In the more formal process there is a designated roll for Town agencies such as Planning & Zoning. The language that applies to P&Z indicates that along with the application they shall include evidence in writing of the opinion of the Planning Commission of the municipality regarding the interim change request. The bulk of what is being requested is changes to the locational guide map. There were four categories on the locational guide map where there were changes proposed. Mr. Dann reviewed the map in detail referring to neighborhood conservation areas, growth areas and open space areas. He reviewed what the map would look like if all of these changes were accepted. Mr. Dann stated that these boundaries are essentially the same as the boundaries that were previously shown for the Water & Sewer service area boundaries.

Mr. Dann indicated that the process at this point is that they are appearing before the P&Z tonight and they will be in front of the Town Council on Tuesday night. The Council needs to approve the submission of the plan to the State and at that point the Mayor would most likely submit an application for the interim change. The approval of the interim change would take approximately 3-4 months.

Mr. Seichter pointed out a discrepancy on Section 3 of the map presented. There was an area that originally was shown as open space and is now shown as neighborhood conservation. Mr. Dann agreed that there was a discrepancy on the map but it will be corrected and be shown as neighborhood conservation, which is depicted in pink on the map.

The last revision of the State Plan of Conservation and Development was believed to be in 2005. Mr. Dann indicated that the map was incorrect at that time also. Ms. Bush gave some history on the State Plan and her experience at the last public hearing that she attended. She indicated that a couple of years ago the State started using this map as a State zoning map, saying that if you were in a green area you should not have municipal water and sewer. It affected Wallingford and many other towns and that is why they are trying to true up this map. So that's where our utilities are and where we want them to be not be shown as a conservation area.

Acting Chairperson Baxter asked for public comment. There was no public comment.

**MR. SEICHTER: MOTION THAT THE WALLINGFORD PLANNING & ZONING COMMISSION APPROVE THE INTERIM CHANGE REQUEST TO THE STATE PLAN OF CONSERVATION AND DEVELOPMENT, SUBMITTED TO THE OFFICE OF POLICY AND MANAGEMENT, BECAUSE IT MAKES THE MAP CONSISTANT WITH EXISTING DEVELOPMENT AND LAND USE.**

**THE MOTION WAS SECONDED BY MR. FRITZ AND PASSED UNANIMOUSLY WITH ROLL CALL VOTES FROM MR. SMITH, MS. VOSS, MR. FRITZ, MR. SEICHTER AND MS. BAXTER.**

### **8. Wallingford Rail Platform Location**

Mr. Fritz, Secretary, acknowledged the correspondence received for the record from: Mayor William Dickinson to Town Council Members dated June 11, 2009 (Att. 8); Railroad Station Chronology dated June 23, 2009 (Att. 8B), Richard Nunn, Chairman Economic Development Commission to William Dickinson dated May 5, 2008 (Att. 8C).

Linda Bush, Town Planner, stated that the Mayor is asking all of the Town Boards to support a relocation of the platform because the DOT wants to get input from the Town on the platform location. At some point the EDC suggested relocating the platform up by Merriam Motors. Ms. Bush recommended that the platform be kept more downtown. At this time the Town preferred site is the vacant Amtrak parcel on North Cherry Street at Parker. The problem with the present location is that traffic gets blocked up.

Mr. Seichter believes that this would be an appropriate spot for the relocation of the platform. He asked why the Merriam site was discounted. Ms. Bush recommended that the site not be considered because it is not downtown and it is a prime Route 5 location that could be generating taxes instead of being a tax exempt parking lot. The proposed lot is already a vacant lot that is already owned by Amtrak.

Ms. Bush pointed out that the traffic on Parker Street is much less than traffic at Quinnipiac, Hall and Route 5. The emergency services would prefer that the gates at Quinnipiac and Hall be down as little as possible. Ms. Voss is not sure that people in the IHZ zone will want to walk all the way down to Parker to get on the platform. Ms. Bush doesn't feel that is an issue, she believes that people will walk the distance if they are used to commuting.

Ms. Baxter would have liked to see the comments from the Police and Fire Departments. Ms. Bush indicated that the letters went to the Mayor's Office that's why the letter came from the Mayor's Office. Ms. Bush explained that the DOT could take the recommendation or not. Ms. Baxter asked about alternative sites discussed. She would have liked to see the potential alternative sites. Ms. Bush indicated that some sites considered were Tolles Road, John Street, Merriam Motors, and the Yankee Silver Smith site. The DOT made it clear they are not going to do a station south of the present platform.

Acting Chairperson Baxter asked for public comment. There was no public comment.

Mr. Baltramaitis explained that when this commuter line goes in there will be many more trains traveling through Wallingford. It is important that if there is a stop in Wallingford it be situated in a location where the streets can clear and not back up through the downtown area.

**MR. SEICHTER: MOTION THAT THE P&Z APPROVE THE MAYOR'S RECOMMENDATION THAT THE RAILWAY PLATFORM BE RELOCATED FROM IT'S PRESENT LOCATION TO THE CORNER OF NORTH CHERRY STREET AND PARKER STREET TO THE PARCEL THAT IS CURRENTLY OWNED BY AMTRAK.**

**THE MOTION WAS SECONDED BY MR. FRITZ AND PASSED UNANIMOUSLY WITH ROLL CALL VOTES FROM MR. SMITH, MS. VOSS, MR. FRITZ, MR. SEICHTER AND MS. BAXTER. MS. BAXTER INDICATED THAT SHE IS UNCOMFORTABLE WITH THE LACK OF INFORMATION THAT WAS PROVIDED.**

### **BOND RELEASES:**

Linda Bush, Town Planner, recommended that the bonds be released for 59 Pond Hill Road, 25 Research Parkway and the bond for 3 North Plains Industrial Road.

- 9. Greene-Woronick / 59 Pond Hill Road**
- 10. Cambridge Equities / 25 Research Parkway #415-97**
- 10a. Site Plan / DeVit / Church Street, Yalesville #241-01**

**MR. SEICHTER: MOTION THAT THE BONDS BE RELEASED FOR 3 NORTH PLAINS INDUSTRIAL ROAD, 25 RESEARCH PARKWAY AND 59 POND HILL ROAD AS RECOMMENDED BY THE TOWN PLANNER.**

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

**SURVEY WAIVER:**

**12. Bracale / Wayne Road**

Ms. Costello indicated that this is a request prompted by the new regulation requiring the A-2 Survey prior to the receipt of a building permit. The property owner has submitted a letter requesting a survey waiver for the construction of a pool house. Ms. Costello indicated that the sideyard setback for this structure would be five feet. The setback requirement for a pool is 10 feet from the sideyard.

Present was Anthony Bracale.

Mr. Bracale stated that the fence around the pool is five feet from the property line and the pool itself is 12 feet from the property line. Where the new structure would sit would be 12 feet from the property line.

There was some confusion in looking at the drawing submitted because it was not to scale. Ms. Baxter doesn't feel that enough information was provided for her to be comfortable making a decision. Mr. Bracale stated that the scale of the drawing was incorrect but if you visit the site it is clearly staked and the pool house would clearly be 12 feet from the property line. Ms. Costello did state that there are property pins on the site.

Mr. Bracale stated that he submitted a letter from his neighbor stating that he has no issues with the proposal and feels that the property pins are accurate.

Mr. Fritz suggested to the Applicant that he bring in a drawing that is to scale to make it more clear to the Commission. Mr. Bracale indicated that in the letter he submitted to the Commission he clearly stated what the dimensions would be for the pool house.

The general feeling of the Commission was that there needs to be more information provided with a drawing that is to scale before a decision can be made. Mr. Bracale indicated that he would come back with a more accurate drawing. Ms. Baxter indicated that the application could be tabled to the August meeting. Ms. Costello indicated that this application is on the ZBA agenda for next Monday.

She feels that there is a policy question regarding the new regulation. She asked how close of a distance or how far of a distance the Commission is generally looking for in terms of requiring these surveys. Mr. Seichter is not sure that at this point a dimension can be given out. Each case would be different depending on how the boundary line is depicted.

Mr. Bracale assured the Commission that the pool house would not be built on someone else's property. Getting a map that is true to scale will demonstrate that to the Commission.

Ms. Baxter stated that the next meeting would be on August 10<sup>th</sup>. The Applicant should provide a drawing that is to scale prior to that meeting and then at that meeting the Commission would make the determination if a survey will be required or not.

## **CORRESPONDENCE:**

### **13. Gervasio / Incentive Housing Zone**

Linda Bush, Town Planner, stated that there was a letter to the P&Z from John Gervasio (Att. 13) regarding the Incentive Housing Zone. She indicated that item 24 on the agenda should be the latest update from Home Connecticut (Att. 24).

### **14. EDC / I-5 Zone**

There was a letter from Richard Nunn, Chairman Economic Development Commission dated July 6, 2009 (Att. 14) letting the P&Z know that they do not support the retail uses in the I-5 zone but they would consider expanding the permitted uses in the I-5 zone to include several light industrial IX uses.

### **15. Mantzaris / Silver Pond Signs**

There was a letter from Adam Mantzaris, Corporation Counsel to FAH Silver Pond Limited Partnership dated June 4, 2009 (Att. 15).

## **REPORTS OF OFFICERS AND STAFF:**

Linda Bush, Town Planner, commented briefly on each item.

### **16. Administrative Approval**

#### **a. Alpha Dental Group / North Plains Industrial Road #310-09**

There is a dentist moving on to North Plains.

#### **b. UPS Freight / North Plains Industrial Road #211-09**

UPS has approval for an addition that has been there for years and years. Ms. Bush noticed it and they came in for approval.

**c. Splat Art Studio / North Colony Street #311-09**

A woman started an art studio as a home occupation and it has grown and now she is moving into a commercial area.

**17. Buttermilk Farms vs. PZC of Plymouth**

Linda Bush, Town Planner, provided the Commissioners with a copy of the Buttermilk Farms vs. PZC of Plymouth decision (Att. 17A). She encouraged each Commissioner to read the case. Ms. Bush indicated that the subdivision regulations would have to be amended. In the future the Town can no longer require sidewalks unless they are along new roads that are built as part of a new subdivision. If the Town wants improvements along existing town roads the Town of Wallingford must do them. The only improvements that would be permitted on an existing town road would be at an intersection. Ms. Bush has already proposed some changes to the subdivision regulations (Att 17B) because of the court decision. She has taken out all reference to sidewalks and all road improvements on existing streets.

Mr. Baltramaitis would like to reread the court decision but he believes that the court decision was based on a straightforward subdivision rather than an OSPRD or Special Permit.

Ms. Baxter asked that the case be referred to the Law Department for interpretation.

**18. Timeframes to Act on Applications (Att. 18)**

The Commission received "Timeframes to Act on Applications".

**19. ZBA Decisions – June 15, 2009 (Att. 19)**

The Commission received and noted the decisions of the Zoning Board of Appeals made at the June 15, 2009 meeting.

**20. ZBA Agenda – July 20, 2009 (Att. 20)**

The Commission received and noted the Agenda for the July 20, 2009 Zoning Board of Appeals meeting.

**21. Zoning Violation Log (Att. 21)**

The Commission received and noted the Zoning Violation Log. Kacie Costello, Assistant Town Planner commented briefly on several items included in the log.

**22. Proposed Zoning Amendment / Excavation and Stockpiling**

Ms. Bush suggested that the Commission discuss this item at the end of the workshop meeting.

**23. Notes**

Mr. Seichter made a motion to adjourn. The motion was seconded by Mr. Fritz and passed unanimously by a voice vote. The meeting adjourned at approximately. 10:46 p.m.

Respectfully submitted,

Sonja Vining, Recording Secretary

sv

Atts. 2A - 24