

**WALLINGFORD PLANNING & ZONING COMMISSION**

**WEDNESDAY, October 11, 2017**

**7:00 p.m.**

**Robert F. Parisi Council Chambers**

**Town Hall – 45 South Main Street**

**MINUTES**

**PRESENT:** Chair James Seichter; Commissioners James Fitzsimmons and Jeffrey Kohan; Steve Allinson, Alternate; Kacie Hand Town Planner.

Chair Seichter called the Meeting to order at 7:08 p.m. and the Pledge of Allegiance was recited.

**Approval of Minutes – September 11, 2017**

**Mr. Fitzsimmons: Motion to approve the September 11, 2017 Minutes as presented.**

**Mr. Kohan: Second**

**Vote: Unanimous**

Chair Seichter announced under "New Business", item #6, Site Plan (temporary tent, patio & workshop)/Paradise Hills/12 Windswept Hill Road - **#239-17**, would not be heard this evening.

**PUBLIC HEARING**

1. Special Permit Modification (Airplane hangar)/J. Gavin/108 Hanover Street (Meriden-Markham Airport) - **#410-17**

Mr. Kohan read the Legal Notice and noted all correspondence for the record: Inter-office Memorandum dated Sept. 17, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions to Kacie Hand, Town Planner; Inter-Departmental Referral dated Oct. 11, 2017 from Ed Rizzo, Chief Engineer; Inter-Departmental Referral dated Oct. 11, 2017 from Erin O'Hare, Environmental Planner; Memo from Fire Marshal Michael Gudelski dated Sept. 26, 2017 to Kacie Hand, Town Planner; Inter-Departmental Referral dated Oct. 11, 2017 from the Fire Marshal; Letter from Kacie Hand dated Sept. 25, 2017 to Jonathan Gavin, Gavin Air, LLC.

Appearing in front of the PZC was Jonathan Gavin, Wilma Petro, City of Meriden, Director of Strategic Sourcing and Airport Director and Robert Amentea, Engineer and Land Surveyor with Design Development Group, Meriden. Chair Seichter noted the attendance of four Commission

members with approval needing three positive votes, and gave the Applicant the option of either going ahead with the application presentation or deferring to the November meeting. The Applicant agreed to continue with the presentation at this meeting.

Mr. Gavin said the proposed airplane hangar is on the Meriden/Wallingford and is 62 sq. ft. by 62 sq. ft. He said the only utility will be electricity with no water and sewer connections planned and no fuel storage in the hangar. Mr. Gavin said there is a westerly facing door which will have two taxiways. He said there are two access gates at the hanger with code key entry. He said both Fire Officials from Meriden and Wallingford seem content with the access.

Mr. Kohan asked if there were any restrictions imposed by the City of Meriden. Mr. Gavin said there can be no maintenance performed and no flight instruction can take place. Mr. Fitzsimmons asked how many planes would be stored in the hangar. Mr. Gavin said two to three aircraft at the most will be stored in the hangar. He said the hangar will be just straight electrical, just what is outside, no offices and no fire suppression stored in the building. Mr. Fitzsimmons asked about fuel storage. Mr. Gavin said there will be no storage of fuel south on the Wallingford side.

Mr. Fitzsimmons asked about helicopter storage noting that in the 2006 approval, one of the conditions was there was to be no helicopter or rotor wing stored on the Wallingford side. He asked the Applicant if this was agreeable. Mr. Gavin said he would rather not agree to that condition, and didn't see a good reason why helicopters couldn't be stored in the hangar. Mr. Fitzsimmons said he understood one of the conditions of approval agreed to was that there would be no storage of helicopters. Ms. Petro noted that condition was with the City of Meriden for the specific 40 hangars on a different spot on the Wallingford side of the hangar.

Ms. Hand said this was a modification of a previous approval, so the conversation was that the previous conditions would stand. Mr. Allinson asked whether the aircrafts would be fully assembled or parts. Mr. Gavin said there are no plans to store any parts other than whole aircraft. Chair Seichter asked about the number of tie downs plus aircraft in hangars on the Wallingford property, pointing out that Ms. Hand's comments stated there would be 50, with the Water Division approving 60. Ms. Hand said the actual Special Permit limited the aircraft to 50.

Chair Seichter entertained Public Comment.

## **PUBLIC COMMENT**

Jim Wolfe, member, Economic Development Commission, stated that on Oct. 2, 2017, the EDC meeting, he made a motion to support Mr. Gavin's project to construct the hangar at the airport. He said Mr. Gavin has the full support of the EDC.

Ms. Hand noted Meriden-Markham Airport is in the aquifer protection area, so the PZC must ensure there is not a lot of fuel storage in the area. She said this has been addressed with the Water and Sewer Divisions.

Chair Seichter closed the Public Hearing at 7:22 p.m. and entertained a motion.

**Mr. Fitzsimmons: Motion to approve a Special Permit for J. Gavin Air LLC to construct one aircraft hangar in addition to those previously approved (Special Permit #413-06 – 40 aircraft hangars and 10 aircraft tie-downs) on the portion of the Meriden-Markham Airport that is located in the Town of Wallingford on Hanover Street (aka 213 Evansville Avenue, Meriden), as shown on previously approved plans entitled “Construct New Taxi Lanes and Hangars, Site Plan”, dated 11/25/03, updated to 2/11/04, and as updated on plans entitled “Proposed Hanger, Applicant City of Meriden, Meriden-Markham Airport, Evansville Avenue, Meriden-Wallingford CT”, dated Sept. 7, 2017, revised to 9-28-17, subject to:**

- 1. Final plans shall depict all previously approved hangars/tie downs, and reference3 previously approved application in notes;**
- 2. All conditions of the Special Permit #106-11 shall remain in effect;**
- 3. A \$2,000 Sedimentation and Erosion control bond; controls to be depicted on final plans;**
- 4. Rental and storage of helicopters in the hangars are to be prohibited;**
- 5. At any given time, there are to be NO MORE THAN 50 stored aircraft on the Wallingford side, either in hangars or tie downs;**
- 6. Comments of the Wallingford Fire Marshal dated 9/26/17;**
- 7. Comments of the Water and Sewer Division Sr. Engineer dated 9/21/17**

**Mr. Kohan: Second**

**Vote: Kohan-yes; Fitzsimmons-yes; Allinson-yes; Seichter-yes**

**Application approved**

2. Public Act No. 17-55 – Consideration of opt-out of the “Temporary health care structures” – accessory use requirements established by the Act

Mr. Kohan read the Legal Notice and noted all correspondence for the record: Memorandum from Janis Small, Corporation Counsel, to Town Planner Kacie Hand dated Oct. 5, 2017; Public Act. No. 17-155; Legislative Summary, Act Concerning Temporary Health Care Structures; Memo from Robert W. Scully, Supervising Sanitary Engineer, Environmental Engineering Program to Directors of Health dated July 26, 2017; Document entitled “ Connecticut Chapter of American Planning Association” SB-922 An Act Concerning Temporary Healthcare Structures; CT. Chapter of the American Planning Association Raised Bill 922 – An Act Concerning

Temporary Health Care Structures; Inter-Office Memorandum dated Oct. 10, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions to Kacie Hand, Town Planner; Letter from Eloise Hazelwood, Dept. of Health, dated Oct. 10, 2017 to Kacie Hand, Town Planner; Letter from Mayor William Dickinson Jr. to Planning and Zoning Commission, Attn: James Seichter, dated Oct. 6, 2017; List of Towns in CT which have opted out or are in the process of: list of CT Towns which are undecided; list of CT towns not opting out; Memorandum dated Oct. 11, 2017 to Kacie Hand, Town Planner from Erin O'Hare, Environmental Planner.

Ms. Hand explained the background of the temporary health care structure legislation. She said this legislation was passed and became effective Oct. 1, 2017. She said this is not a zoning regulation and requires municipalities to allow temporary health care structures which are subject to certain conditions, i.e., the caretaker could live in the house and the temporary structure would be limited to 500 sq. ft. and municipalities could require a bond of up to \$50,000, and could require the temporary structure to connect to sewer and water. She said setbacks and lot coverage requirements would have to be met as well as the obtaining of a building permit.

Ms. Hand said the intention is good, but the legislation runs into some challenges. She noted Wallingford already has accessory apartments which don't differentiate who lives there, but is a zoning regulation and is based upon how the property is laid out and how the apartment relates to the main house. She said the accessory apartment regulations allow up to a 780 sq. ft. accessory apartment but must be attached to the main house. She said with the State regulation, the structure must be temporary, and must be transportable. Ms. Hand said a municipality must actively elect to opt out and conduct a public hearing or they are automatically in the program. She also noted that if the PZC votes to opt out, this is subject to Town Council vote.

Ms. Hand went over her concerns, one of which requires a Town staff member, presumably someone on the Planning staff to require a doctor's note that the person meets the definition of a physical and mental disability. She said this is outside the purview of Planning & Zoning and presents a question of HIPAA rights. She said this documentation has to be submitted every year. Ms. Hand said another concern of who would reside in the structure is typically not something decided by zoning. She pointed out with this State regulation; the caregiver has to be unpaid and wondered how this could be verified. Ms. Hand said there is also a question of whether other occupants are permitted. She said the structure is required to be removed when the person residing there no longer lives there or no longer qualifies. She said this would be difficult noting the utility hookup requirement. She said there is also a 15-day approval period requirement, and the Applicant would have to notify neighbors within a three-day period in the 15-day approval period timeframe. She pointed out there is no recourse for the neighbor if they have concerns and doesn't give the Town much time to review the requirements.

Ms. Hand went over the list of other communities and what they are doing regarding this legislation. She noted a lot of communities are opting out and reviewing their accessory

apartment regulations. She said those communities not opting out are citing not a lot of demand and several communities are undecided. She said another concern is the temporary health care structure cannot have a foundation but has to connect to facilities. Ms. Hand said she met with the Town Attorney and the Health Director to go over this legislation. She told the PZC their only vote would be to opt out and would have to make a motion in that respect and see whether the motion passed or failed. She said this legislation would be difficult to enforce and difficult to apply.

Chair Seichter entertained Public Comment

### **PUBLIC COMMENT**

Gene LeTourneau, 1098 Durham Road, said he agreed with the HIPAA problem of this legislation, pointing no one would have the right to ask why someone needs the temporary building. He said in trying to envision the accessory building, all he could see would be a mobile home. He said the Town would have to allow this. Mr. LeTourneau recommended the PZC opt out seeing no enforcement. He also asked who would perform this care unpaid. He said he didn't see a need for this and is legislation trying to pacify some members of the public.

### **END OF PUBLIC COMMENT**

Mr. Kohan said he would be interested in the intention of the legislation. He said there must be something lacking in Town's regulations which prompted someone to do this. He said it was a good intentioned bill, but suggested finding out who sponsored it and their impetus.

Mr. Kohan said he was interested in the list of the towns, noting the list is a mixture of rural and populated areas noting Southington and Fairfield are not opting out and said he would not follow those two towns seeing no demand in these types of structures. He noted some towns that opted out are rural, but also pointed out Farmington and Hamden which are heavily populated, opted out. Mr. Kohan said he is leaning towards opting out and suggested modifying the accessory apartment regulation and see what type of medical needs may be in the bill itself and other documents that are not covered in accessory apartment regulation and include them.

Mr. Fitzsimmons said he also agreed that the accessory apartment regulations be reviewed. He noted he was in favor of the PZC opting out. He said he is in favor of providing affordable on-site medical and mental health care to private residents, but believed the Town's regulations currently allow for this. He said the PZC regulations have an accessory apartment section which may be a benefit in health care circumstances. Mr. Fitzsimmons also pointed out the idea of enforcement which could also create problems with HIPAA. He said based upon the information, this is a well-intentioned law which Wallingford has already addressed.

Mr. Allinson said he agreed with Commissioners Kohan and Fitzsimmons noting the law does try to give everyone an opportunity to have their loved ones close to them and provide for them, but the town already has an accessory apartment regulation which allows the neighbors to have

a voice, whereas this legislation requires mandatory granting no matter what the neighbors say and said this was a concern. He said if a company made a structure the PZC didn't like, there would be nothing that could be done and it doesn't give the PZC the opportunity to protect the neighborhoods. He also spoke about the burdens put on the Town to make this happen when there are already accessory apartments. He said he agreed with re looking at the accessory apartment regulations and was concerned about maintaining medical records in the Planning Dept. and the possibility of these records becoming public. He said he also favored opting out and the legislation was good, but wouldn't work in practice for Wallingford.

Chair Seichter said he agreed with the other Commissioners and summed up the statement made by Corporation Counsel Small that while the intent made be well-meaning, the act is poorly written and void of any understanding of what a municipality must establish to properly implement the requirements. Chair Seichter said this says it all with respect to the HIPAA requirements and how this would be administered; the extra layer and privacy issues which he said would create real challenges. He also said there would be a limited amount of time for a review process. He said there is also the issue of when the structure is no longer being occupied; it needs to be removed while there is a \$50,000 bond. He said the Town isn't going to pull the bond and go on private property and remove the structure.

Chair Seichter said there are accessory apartment regulations on the book and could take another look at these regulations to possibly modify them to address some of the issues this legislation is proposing to be addressed. He said this is basically a good idea that has unintended consequences. Ms. Hand said some municipalities require Special Permits for their accessory apartment. She spoke about possibly making these accessory apartments a by-right use. She noted that currently, Wallingford's accessory apartments are allowed by site plan. She said an accessory apartment or two is approved nearly every meeting and takes about 30 days.

Chair Seichter entertained a motion to close the Public Hearing at 6:57 p.m.

**Mr. Fitzsimmons: Motion to close the Public Hearing at 6:57 p.m.**

**Mr. Kohan: Second**

**Vote: Unanimous**

Chair Seichter entertained a motion on the application.

**Mr. Fitzsimmons: Based upon the totality of the record, motion to affirmatively decide in accordance with section (j) of Public Act No. 17-155, to OPT OUT of the provisions of Public Act No. 17-155 and of subsection (a) of Section 8-2 of the general statutes as amended by Public Act No. 17-155, regarding authorization for the installation of temporary health care structures, because of the following reasons:**

- 1. Comments of the Water and Sewer Divisions Sr. Engineer dated 10/10/17;**

2. **Comments of the Wallingford Health Dept. dated 10/10/17;**
3. **Comments from the Office of the Mayor dated 10/06/17;**
4. **Comments from the Wallingford Corporation Counsel dated 10/05/17;**
5. **Current Wallingford PZC regulations already provide for accessory apartments which may benefit in health care circumstances;**
6. **Compliance with HIPAA requirements for verification could be intrusive to the Applicant**

**This matter will be referred to the Wallingford Town Council for vote.**

**Mr. Kohan: Second**

**Vote: Kohan-yes; Fitzsimmons-yes; Allinson-yes; Seichter-yes**

### **OLD BUSINESS**

3. Site Plan (Multi-family conversion in CLB zone)/DeCarlo/143 South Main Street - **#221-17**

Mr. Kohan noted all correspondence for the record: TrueGrid manufacturer's specification sheet; TrueGrid document regarding Section 02795, porous flexible paving; drawing from TrueGrid.

Chair Seichter reminded the Applicant of the four Commission members where there are normally five members and gave the Applicant an opportunity to postpone this to the November meeting. The Applicant stated he was ready to move forward. Chair Seichter also noted this application was continued from the August PZC meeting of which he and Mr. Kohan were present. Chair Seichter asked Mr. Allinson and Mr. Fitzsimmons if they had reviewed the record and the Minutes of the August meeting. Chair Seichter said Mr. Fitzsimmons and Mr. Allinson stated they had reviewed the record and the August Minutes and felt comfortable sitting on the application.

Appearing in front of the PZC was Christian DeCarlo, owner of CN Jones Homes, LLC, owner of the property known as 143 S. Main Street.

Mr. DeCarlo said he is seeking to convert this property to three-family residential, three-units up and down with the first and second floors being two-bedroom apartments and the third floor, a one-bedroom unit. He said the staircases will be located on the inside of the property to maintain the current outward appearance. Mr. DeCarlo said the utilities will be in the basement along with laundry facilities. He said the parking will consist of the TrueGrid system which is a 100% permeable grid-type paving system, finished with a gravel layer so no pavement would have to be added to the property.

Chair Seichter asked about the TrueGrid and to what extent this would be placed on the property. Mr. DeCarlo said the existing driveway will remain pavement, but the additional parking would incorporate the TrueGrid system, so no additional pavement would be added. He

explained the TrueGrid which consists of a four to six inch base layer of processed stone and the actual grid is laid on top with stakes and anchoring material and then filled in with pea gravel. He said the gravel would be flat enough for snow removal. Chair Seichter asked about the turn-around. Mr. DeCarlo said this would be removed and installed with the TrueGrid going up to the existing driveway. Mr. Fitzsimmons asked if the Applicant or a company would be installing the TrueGrid system. Mr. DeCarlo said it can be installed either way. He said this also could be done by a landscape contractor who has done this before, or a company that installs pavers. He said this system is 100% permeable thus preventing runoff.

Mr. Fitzsimmons noted that runoff is a huge problem and asked if the Applicant would be installing the system. Mr. DeCarlo said the work would be done by people who work for his management company. He noted another company will bring the processed material and lay the pavement and level it off. Mr. Fitzsimmons asked Ms. Hand if she was aware of any other TrueGrid installations in Wallingford. Ms. Hand said she spoke to the Town Engineer and noted the one example she is aware of is the project the Engineering Dept. did at Vietnam Veterans Memorial Park as part of a grant. She said it is a newer technology which is expensive and noted there could be additional maintenance involved. Ms. Hand said from an environmental standpoint, it allows an in-between parking area.

Mr. Fitzsimmons asked about the current driveway grade. Mr. DeCarlo said the driveway slopes slightly from the front towards the garage and back up again to the actual garage entrance. He said the parking is primarily flat until the start of the garage where the land then slopes to the rear of the property. Mr. Fitzsimmons noted there was a drop in the land near the Wallingford Preservation Trust and then there are other houses and roads.

Mr. Allinson asked how far back towards the garage would the TrueGrid pavement go. Mr. DeCarlo said this would be almost even with the garage, depending upon the install which would amount to a foot or six inches in difference. Mr. Allinson asked about the grade where it meets the ground next to the garage. Mr. DeCarlo said the TrueGrid and gravel topping would line up with the existing driveway making it as level as possible, and then there would be an inch or two remaining to start the grass. He said that would prevent the grass from growing over the TrueGrid system.

Chair Seichter noted the TrueGrid system wasn't shown on the plans as to where it would go. He noted the requested information on drainage wasn't provided. Mr. DeCarlo said the TrueGrid system would be taking the place of doing the boring and testing. Chair Seichter said the PZC was looking for drainage and slope. He asked if the south sides of his property near the Historic Trust property didn't slope towards that property. Mr. DeCarlo said it is fairly level near the tree line. Chair Seichter asked when the TrueGrid system is installed, would there be an opportunity to level the area out. Mr. DeCarlo said processed stone could be installed to level the existing terrain to match the existing driveway.



Ms. Hand said in August there was questions raised by the Historic Preservation Trust regarding the property line. She noted that a survey has now been provided.

Chair Seichter entertained Public Comment

### **PUBLIC COMMENT**

Jerry Farrell Jr., 153 S. Main Street and President of the Historic Preservation Trust, thanked the PZC for encouraging conversation. He said Mr. DeCarlo provided him with his survey and noted their surveyor agreed with it. Mr. Farrell encouraged the PZC to accept Mr. DeCarlo's plan with the concrete blocks. Mr. Farrell said Mr. DeCarlo walked the property with him and said there isn't a grade issue for the Historic property, and in essence, there will be no paving with is pleasing. He also pointed out Mr. DeCarlo will be installing buffer landscaping.

Anneliese Sensini, 131 S. Main Street, said she owns the property behind and downhill from Mr. DeCarlo's property and is concerned with the driveway and the parking lot. She said she can only assume the TrueGrid will work. She noted the area where the parking lot will be located, leads directly into her yard which is also downhill from the DeCarlo property. She said she doesn't want to discourage Mr. DeCarlo from doing what he legally can do, but doesn't want to see more runoff which she said is a current problem. She asked if there would be recourse if there was an increase in runoff.

Chair Seichter said this would be an issue between Ms. Sensini and the property owner. He said if the application was approved, one of the conditions would be to have the Town Engineer review the plan and verify there would be no increase in runoff. He said this cannot be guaranteed.

### **PUBLIC COMMENT CLOSED AT 7:20 p.m.**

Mr. DeCarlo spoke about the TrueGrid noting there are other companies that make pervious pavers. He said TrueGrid allows him to mark out the parking and everything comes as a system unlike other systems. He said there will be 15 ft. to 20 ft. of green space before reaching the Sensini property. Chair Seichter noted that at the August meeting, significant issues were raised by the Public. He said he appreciated the Applicant getting together with the Applicant to work through the issues.

Chair Seichter entertained a motion on the application.

**Mr. Fitzsimmons: Motion to approve a Site Plan for DeCarlo to convert a single-family home to a three-family house at 143 South Main Street, as shown on plans entitled "Limited Property/Boundary survey, Improvement Location Survey, Land of CN Jones Homes, LLC, #143 South Main Street, Wallingford, CT", dated 8/29/17, revised to 9/7/17, and altered and signed and dated by the Applicant on 10/5/17, subject to the following conditions:**

1. Plans for TrueGrid materials and plans for installation to be reviewed and approved by the Wallingford Town Engineer prior to construction, during installation and final sign off to be provided by the Town Engineer prior to issuance of Certificate of Occupancy for the residence;
2. Final plans to be submitted by the Applicant showing outline by grading the area to be treated by TrueGrid or similar paving system;
3. All work related to the drainage and TrueGrid installation to be completed to be signed off by the Town of Wallingford, specifically by the Town Engineer and the Town Planner prior to issuance of Certificate of Occupancy;
4. Comments of the Wallingford Fire Marshal dated June 22, 2017;
5. Comments of the Wallingford Water & Sewer Divisions Sr. Engineer dated June 30, 2017;
6. Applicant shall post a \$1,000 S&E bond as recommended by the Town Planner

**Mr. Kohan: Second**

**Vote: Kohan-yes; Fitzsimmons-yes; Allinson-yes; Seichter-yes**

**Application approved**

4. Site Plan (use of lots for vehicle storage)/Gargano Lt. Partnership/ 9 & 11 First Street - **#232-17**

Mr. Kohan noted all additional correspondence for the record: Letter from Bridget Gallagher to Kacie Hand, Town Planner, dated Oct. 11, 2017.

Chair Seichter asked about the photos that were supposed to accompany the letter. Atty. Gallagher provided the photos to Ms. Hand, who distributed them to the PZC. Chair Seichter also noted the four PZC members in attendance where there are normally five members and gave the Applicant the opportunity to continue the application to the November PZC meeting. The Applicant gave approve to continue with the presentation.

Chair Seichter said in the Sept. PZC meeting, Mr. Allinson, who was not in attendance, indicated he has reviewed the application and Minutes and all the documents and feels comfortable sitting in on the application.

Appearing in front of the PZC was Atty. Bridget Gallagher, representing John Gargano, Limited Partnership and Michael Lambert, project engineer. Atty. Gallagher said this is a site plan application offered in connection with Mr. Gargano's business, Wallingford Auto Park on 485 N. Colony Road. Atty. Gallagher said the two building lots are in an R-6 zone. Atty. Gallagher said the Applicant did obtain a variance to be able to park vehicles. She said the access point for these lots will be from North Street, which will not be open to the public and will be employee parking only. She said the storage lot will also not be open to the public. Atty. Gallagher said notice was given to all the abutters and noted that Mr. Gargano worked out an agreement

which involves arborvitae. She said there is already an existing fence that was installed by Barbarino. Atty. Gallagher said one of the issues discussed at the September meeting was the concerns of cars parked in the access points and employees parked on North Street. She said Mr. Gargano has told the employees they cannot park on North Street and said these lots should alleviate the problem.

Mr. Lambert, project engineer, with Harry Cole & Son, went over the plan. He said the proposed plan on First Street is a 24 ft. wide paved access down to the end of their easement and there are two paved connection points going west to Wallingford Auto Park and two access points going to one of the parcels to be developed. He said the edge of the pavement will end at the property line and once onto 9 & 11 First Street, this will be gravel processed parking area to combat runoff volumes.

Mr. Fitzsimmons asked about the number of parking spaces. Atty. Gallagher said there will be approximately 84 spaces, some of them stacked which will be for inventory. She said 25 spaces will be used for employee parking. Mr. Fitzsimmons noted the variance granted on May 20, 2016 for this site which stated storage would be limited to no more than 150 vehicles. He asked why the variance was for 150 and the Applicant was requesting 84. Atty. Gallagher said there was no plan at that point and knew the number was far in excess. Mr. Gargano said he just did some quick measurements. Mr. Fitzsimmons said as a condition would the Applicant accept 84 spaces. Atty. Gallagher said 84 is depicted on the site plan and what the Applicant is applying for. Ms. Hand said with vehicle storage areas, how many cars that can be fit is usually shown on plans. She said more vehicles probably could fit in the area and this wouldn't be objectionable as long as the drive aisle stays clear, and the employee parking spaces are 9 by 18 and contained within the vehicle storage area.

Mr. Fitzsimmons applauded the Applicant in trying to address this parking issue. Atty. Gallagher said the Applicant could agree to the 25 spaces shown on the westerly side would remain fully compliant with the drive aisle staying free and clear. Ms. Hand said suggested conditions of approval would be the 15 actual employee parking spaces must be designated and have to be 9 by 18 and the 24-ft. drive aisle has to be maintained. Ms. Hand said the condition with the vehicle storage area, is that no vehicles should be kept or stored or parked outside the vehicle storage area, other than employee parking approved for employees.

Atty. Gallagher said another step her client has taken to reduce the parking issues is the leasing of property across from Wal-Mart. Mr. Gargano said the inventory has also been reduced by 40 cars. Ms. Hand said before inventory is rebuilt, she reminded the Applicant the existing site plan doesn't work so the site plan in the front would have to be addressed first. Mr. Allinson asked how the access from the street side to the back of the lot which won't be opened to the public would be accomplished. Mr. Gargano explained that a drive would be built from the back of the building to allow access to cars in and out. He said only employees would be allowed to access that area. Atty. Gallagher said an "employees only" sign could be erected. Mr. Allinson asked about the employee parking. Mr. Gargano said there are spaces for approximately 60 cars and

the problem was the overflow. He said with these changes, there will be plenty of room for employees to park in the existing area. Chair Seichter noted that with the drive coming in, there is still one car parked on one side and another car on the other side. He encouraged the Applicant to move the cars out. Mr. Gargano pointed out that the original design was to showcase one car one the left and right.. He said there is a stop sign and a yellow or white line there.

Chair Seichter asked if those two cars were allowed in the original approval. Ms. Hand said she didn't see any designated spaces within the driveway, but noted actually in the driveway on the plan. Chair Seichter said the PZC is trying to get people to comply with their site plans.

Chair Seichter entertained Public Comment. There was no Public Comment.

Chair Seichter entertained a motion on the application.

**Mr. Fitzsimmons: Motion to approve a Site Plan for Gargano Limited Partnership to construct a vehicle storage area and associated improvements in association with an approved Motor Vehicle Dealer/Repairer's License at 9 & 11 First Street and on the unaccepted Right-Of-Way known as First Street, as shown on plans entitled "Parking Lot Expansion, #9 & 11 First Street, Wallingford, CT", dated June 8, 2016, revised to July 31, 2017, subject to the following conditions:**

- 1. All site plan elements in association with First Street as shown on final plans as well as maintenance, are to be the sole responsibility of the owner of # 9 & 11 First Street;**
- 2. Any employee parking in the subject lots must be actual, accessible and zoning compliant parking spaces as discussed at this meeting;**
- 3. Comments of the Wallingford Town Planner dated August 31, 2017;**
- 4. Applicant shall be required to post a \$9,000 S & E bond as recommended by the Town Planner;**
- 5. Comments of the Wallingford Environmental Planner dated August 30, 2017;**
- 6. The parking spaces for 15 employees must be designated and comply with Town Regulations and the 24 ft. drive aisle must be maintained as discussed at this meeting;**
- 7. No vehicles are to be kept or stored outside the vehicle storage area**

**Mr. Kohan: Second**

**Vote: Kohan-yes; Fitzsimmons-yes; Allinson-yes; Seichter-yes**

**Application approved**

**NEW BUSINESS**

5. Site Plan (401 sq. ft. accessory apartment)/J. Hernandez/578 North Elm Street - **#238-17**

Mr. Kohan noted all correspondence for the record: Comments from the Fire Marshal dated Sept. 11, 2017; Comments from Erik Krueger Sr. Engineer, Water and Sewer Divisions, to Kacie Hand, Town Planner, dated Sept. 27, 2017; letter from Kacie Hand to Joel Hernandez dated Sept. 25, 2017.

Appearing in front of the PZC was Gene LeTourneau, Durham Road, and Joel Hernandez, 578 North Elm Street.

Mr. LeTourneau explained the application involves an in-law apartment. He said this apartment will be located in a finished walk-out basement which was in place when the home was purchased a few years ago. He said the bar area will be transformed into a kitchen along with the addition of a bathroom area. He said there are three means of egress, one through the laundry area, one out the back and up the stairs.

**No Public Comment**

Chair Seichter entertained a motion on the application.

**Mr. Fitzsimmons: Motion to approve a Site Plan for a 401 sq. ft. Accessory Apartment at 578 North Elm Street, as shown on floor plan sketch entitled "578 North Elm Street" subject to the following conditions:**

1. **Comments of the Water and Sewer Divisions Sr. Engineer dated Sept. 27, 2017;**
2. **Final inspection by the Town Zoning Enforcement Officer**

**Mr. Kohan: Second**

**Vote: Kohan-yes; Fitzsimmons-yes; Allinson-yes; Seichter-yes**

**Application approved**

**BOND RELEASES AND REDUCTIONS**

7. DiGioia/48 Jones Road

8. Site Plan/Davenport/14 Fairfield Blvd - **#242-15**

Ms. Hand said 48 Jones Road was not ready for Bond Release but 14 Fairfield Blvd was ready.

**Mr. Kohan: Motion to release the bond on 14 Fairfield Blvd as recommended by the Town Planner**

**Mr. Fitzsimmons**

**Vote: Unanimous**

**ELECTION OF OFFICERS**

9.2017 Election of Officers – TABLED

**REPORTS OF OFFICERS AND STAFF**

10. Administrative Approvals

- a. Site Plan/J. Orellana/136 Dudley Avenue - **#229-17**
- b. Site Plan/Town of Wallingford (Engineering Dept.)/37 Oak Street (Pragemann Park) - **#227-17**
- c. Site Plan/Collela/1056 Durham Road - **#230-17**
- d. Site Plan/M. Rocha (Dunkin' Donuts)/682 South Colony Road - **#228-17**
- e. Change of Use/New England Concession/950 Yale Avenue, Units 33 & 34 -**306-16**
- f. Change of Use/Peter Ford/25 (aka 24) Wallace Avenue - **#312-17**
- g. Change of Use/Amy Parisi/286 South Orchard Street - **#313-17**

The PZC had no questions. Ms. Hand noted the Survey Waiver administrative process is working well.

11. ZBA Decisions of Sept. 18, 2017

Ms. Hand noted there was a garage approved, a Special Exception for garage space and a porch setback approved. She said the variance application brought up at the last meeting has been continued. She said she issued a comment on behalf of the PZC and there has been further discussion with the Applicant to discuss further options. Ms. Hand said there is a new variance for an addition which involves several variances on 2 Carter Trail.

12. ZBA Notice October 16, 2017

13. Zoning Enforcement Log

There were no questions by the PZC. Ms. Hand noted there are no receipts for the November PZC meeting, and the only agenda item involves the Paradise Hills application. She said there was a discussion to schedule another workshop regarding the Town Center Zoning Regulations. Chair Seichter said he would like to take part in this discussion and cannot attend the November meeting. He asked Ms. Hand to send out a survey request for meeting dates. Ms. Hand discussed some dates with the PZC.

Mr. Kohan went over his trip report from the Regional Planning Commission meeting which he attended last month. He said there were three action items which were proposed zoning regulation changes. He said the Town of Orange proposed changing hotel development in a light development district; the Town of Hamden proposed determining the location of affordable units in multi-family housing development and the Town of Derby proposed establishing educational dormitory residences in R-3 zones. He said all the proposed zoning regulation changes were discussed and the Commission approved them. Mr. Kohan said on Thursday he will attend another Commission meeting where the Regional Plan of Conservation and Development will be discussed by Milone & MacBroom.

### **ADJOURNMENT**

Mr. Fitzsimmons made a motion to adjourn the Meeting at 9:06 p.m. Mr. Kohan seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary