

Wallingford Planning & Zoning Commission

Monday, January 9, 2017 – 7:00 p.m.

Robert F. Parisi Council Chambers

Town Hall – 45 South Main Street

MINUTES

PRESENT: Chair Jim Seichter; Vice-Chair J.P. Venoit; Secretary Armand Menard; Commissioners James Fitzsimmons; Rocco Matarazzo, (arrived at 7:28 p.m.); Gina Morgenstein and Larry Zabrowski, Alternates; Kacie Costello, Town Planner.

NOT PRESENT: Commissioner Jeffrey Kohan

Chair Seichter called the Meeting to order at 7:06 p.m. and the Pledge of Allegiance was recited.

Minutes – December 12, 2016 – Tabled

Chair Seichter said the Commission didn't receive pages 7 through 11 of the Minutes.

Chair Seichter said on page 1 the first Public Hearing, he did not write a memo; on page 5, under Public Hearing, midway through, the Public Hearing was NOT CLOSED; page 13, above the bold Public Hearing, was not continued to January 9, 2017; page 19, under #14 ZBA Decisions, Chair Seichter said he wasn't sure Ricks on 5 was approved for site approval; and on page 15 on the top, Chair Seichter said he believed Mr. Menard was in agreement with Mr. Fitzsimmons which was not to go to zero for the parking.

MINUTES TABLED

Chair Seichter announced under **New Business**, that item #5, Site Plan (outdoor dining patio)/Rick's on Five/765 North Colony Road - **#201-17** – would NOT BE HEARD TONIGHT – Applicant requested **NO ACTION BE TAKEN. Postponed to the February 2017 PZC Meeting.**

PUBLIC HEARINGS

1. Special Permit (Gas Station/Convenience Store)/Romar Properties/810 South Colony Road - **#414-16**

Secretary Menard noted all correspondence for the record: Inter-Departmental Referral received January 4, 2017, from the Fire Marshal; Inter-Departmental Referral received Dec. 23, 2016 from Steve Civitelli, Senior Sanitarian; Letter from Juliano Associates to Kacie Costello, Town Planner, received Dec. 21, 2016; Trip Generation Study (no date); Letter from State of CTDOT to Christopher Juliano of Juliano Associates, dated Dec. 15, 2016; Letter from State of CTDOT dated, January 5, 2017 to Christopher Juliano, Juliano Associates; Memorandum from Town of Wallingford Dept. of Engineering from Rob Baltramaitis, Sr. Engineer, to James Seichter, Chair, Planning & Zoning Commission, dated Jan. 6, 2017.

Chair Seichter announced Ms. Morgenstein will sit in for Mr. Kohan on all applications.

Appearing in front of the Commission was Christopher Juliano, P.E., Licensed Land Surveyor, Juliano Associates, and Robert Cone, Applicant. Mr. Juliano said he went over the plan last month to upgrade the existing gas station/convenience store which consists of adding two new pumps. He noted at the last meeting, the P&Z wanted the Applicant to ensure that all Town Engineer comments were addressed before he returned to the P&Z. Mr. Juliano noted that since that time, he has received DOT approval and received a letter from the Town Engineer stating that all of his comments were addressed.

Mr. Juliano went over the changes to the plan. He said the property is tri-angular shaped and situated between S. Colony St. and Rt. 5, and S. Main and S. Elm on the south side. He said the property is predominately paved and there are a few islands which are both within the Town and State Right-Of-Way. He said Mr. Cone would like to add two new pumps and slightly increase the size of the canopy. He said as a result of working with the Town and State, the size of the curb cuts will be decreased and increasing the size of the grass landscaped islands which are currently bituminous. He said the flow of traffic on-site will be better and underground galleys will be added to control runoff from the roofs of the building and the canopy as requested by the Town Engineer. Mr. Juliano noted that even with the two additional pumps, traffic will not be increased on Rt. 5, and probably on S. Main and S. Elm, since this isn't a destination spot.

Mr. Fitzsimmons reminded the Applicant and Representative that the green space cannot be used to display products. He noted in the past, there were gas stations on Rt. 5 which began selling mulch or Christmas trees. The Applicant and Representative said they understood and agreed. Mr. Fitzsimmons noted there would be no new height on the signage. Mr. Zabrowski asked about the traffic pattern and would there be arrows on the pavement indicating the direction of traffic. Mr. Juliano said there are traffic markings, directional arrows in and out and in the one-way area. Ms. Costello said she was satisfied and it appears the Town Engineer is generally satisfied, along with the other departments.

Chair Seichter entertained Public Comment at this time. There was no Public Comment. Chair Seichter entertained a motion to close the Public Hearing at 7:19 p.m.

**Mr. Venoit: Motion to close the Public Hearing for Special Permit (Gas Station/Convenience Store)/Romar Properties/810 South Colony Road at 7:19 p.m.
Mr. Fitzsimmons seconded the motion**

Vote: Morgenstein-yes; Fitzsimmons-yes; Venoit-yes; Menard-yes; Seichter-yes

Chair Seichter entertained a motion on the application.

Mr. Venoit: Motion to approve a Special Permit (gas station/convenience store) for Romar, to increase the number of fueling stations from 4 to 8 and make associated site modifications at an existing gas station/convenience store at 810 S. Colony Road, as shown on plans entitled "Land of Romar Properties LLC, #810 South Colony Road, Wallingford, Connecticut", dated 09/28/16, updated to 12/20/16, subject to:

- 1. Approval/sign off from CT DOT**
- 2. Green space cannot be used as a sales site;**
- 3. S&E bond to be determined up submission of final plans**
- 4. Water and Sewer comments dated Nov. 30, 2016;**
- 5. Fire Marshal comments dated Dec. 28, 2016**

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Fitzsimmons-yes; Venoit-yes; Menard-yes; Seichter-yes

- 2. Special Permit (addition and associated alterations to car dealership)/J. Blichfeldt – (Quality Subaru)/711 North Colony Road - #416-16**

Chair Seichter noted this is a continuation of a Public Hearing. Secretary Menard noted all correspondence for the record: letter from Kacie Costello, Town Planner, dated Dec. 30, 2016, to Joseph Blichfeldt; Inter-Departmental Referral from the Fire Marshal dated Dec. 20, 2016; Inter-Departmental Referral from the Chief Sanitarium, dated Nov. 14, 2016; letter from Juliano Associates, dated January 3, 2017 to Kacie Costello, Town Planner; Town of Wallingford Memorandum, Engineering to Planning & Zoning, dated January 9, 2017; Project Info received Dec. 16, 2016.

Appearing in front of the Commission was Christopher Juliano, P.E., Licensed Land Surveyor, Juliano Associates; Joseph Blichfeldt, Owner/Applicant and Gary Turney, Project Architect.

Mr. Juliano went over the site plan. He said what is being proposed is the expansion to the existing Quality Subaru site at 711 N. Colony Road. He said the existing facility was approved in 1997, and the existing bank property, which is currently under a lease for the balance of the subject parcel. Mr. Juliano said Mr. Blichfeldt would like to expand the facility as is required by Subaru. He said every so many years the car dealerships upgrade their facilities, maintain their

status and cars, they are almost forced to move forward with the upgrades. Mr. Juliano noted the front landscaping portion is in the State Right-Of-Way and 25 ft. which was approved in 1997. He said there is also the perimeter landscaping and the wooded area which also houses a detention basin. Mr. Juliano said the Applicant is planning to provide the required landscaping in accordance with the RF-40 zone, which means the front landscaping will expand by 25 ft. all across the front of the site. He said once the bank lease has expired, this portion of the front landscaping will be installed. He noted that since the Applicant is conforming to the RF-40 zone with the front landscaping, the landscaped area in the back right corner will be removed, and will be replaced with an underground galley, since it is a detention area. He said vehicles will be able to park on this area, so no parking will be lost. Mr. Juliano pointed out the property to the south was recently approved for a medical office building and noted their parking complies with the RF-40 zone so a slight adjustment was made with respect to the access easement through the property. He said the Applicant is lined up with their improvements.

Mr. Juliano said his office is doing the stakeout work for that company which will ensure the Applicant's improvements coordinate with theirs. Mr. Juliano addressed Town Engineer comments received today, that he would like to see this access easement pushed through to the north. He said he didn't see this as a problem and noted the property to the north wasn't a car dealership, but a fast food establishment. Mr. Juliano said once phase 2 is completed, there will be a straight shot through these properties. He said the Applicant provided to the P&Z a separate parking color layout plan which has been gone through and designated which cars are for customer parking, which cars are for display, vehicle bay and employee parking. He said phase 1 and 2 were differentiated so the Commission could see what the site will look like while the bank lease is still in place, and what will happen once the lease is removed within a three and five-year period.

Mr. Juliano spoke about grading and utilities and noting there is not much of an overall change to the utilities since this is an existing facility. He said some adjustments will be made to the sanitary sewer oil/water separator and the catch basin in the southeast corner. He said the significant change is the removal of the catch basin and installation of some underground galleys. He said the site is flat so there are no grades or earth movement involved.

Mr. Turney, Architect, noted currently, there is a small customer lounge area and the showroom and offices are up towards the front of the building. He said there are seven existing service bays and an outdoor covered but not enclosed area, used for new car deliveries. Mr. Turney said the goal was to expand service, sales and dramatically expand the customer lounge waiting area and provide a better scenario for new car pickup. He said all car manufacturers are requiring that dealerships move to the next generation of design. He said eight existing bays will be retained and seven new service bays will be created on the north side of the building; two bays will be used for car cleanup; service drive-in and drop-off is now an interior situation; the cars are able to drive in and met with a service advisor. He said the cars either get taken outside or come into an express area. He said customers will move to an interior lounge area, a

kids area, a quiet lounge, a café area and expanded sales/showroom. He said to expand these functions, offices currently located on the ground floor will be moved to a second story on the south side of the building.

Mr. Turney said the flow is better; noting the existing situation has people trying to get into service with new cars trying to be delivered out, all from the same location. He showed photos of the building as it currently looks and photos of the proposed new showroom and dropoff-service department. He noted the materials on the outside of the building are glass and ACM materials. Mr. Juliano said there aren't too many car dealerships on Rt. 5 which have this type of landscaping. He noted that since this dealership's setback is further than most others, he requested the P&Z allow two pads, one on each side, done in grass pavers. He said the reason for the pads is to display a car or two on each pad because of the setback. Mr. Fitzsimmons asked the Applicant to address the tree issue, noting the Commission received a copy of a letter from Mr. Juliano's office regarding their interpretation of the perimeter trees. He said the letter noted in order to achieve the required 30 perimeter trees, the proposed plan shows 26 trees in two rows along the frontage, with four trees placed along the southern property line to comprise the required 30 trees.

Mr. Juliano explained that along the northerly and westerly boundaries, there is an electric easement which runs down the north side and along the west side with the Wendy's property line and Amtrak behind the property. Mr. Juliano noted that he didn't believe the Electric Division was going to allow the planting of trees every 50 feet along their easement, so his office decided to take those perimeter trees and place them in the front. Mr. Juliano said on the south side, with the facility going in, along the edge, there will be a five-foot landscape and a few trees can be planted there. He said he spoke with Ms. Costello before the meeting and said there will be discussion with the Electric Division regarding the tree planting.

Mr. Fitzsimmons asked about the sidewalk being able to meet the landscaping requirement. Mr. Juliano said within our regulations, a building is supposed to have a five foot front landscaping area or a sidewalk. He said there is a sidewalk that is 9 ½ ft. off the front of the building and a small island to the right which separates the customer and handicap spots. Mr. Fitzsimmons asked about the request for two pads to display vehicles with grass pavers. Mr. Juliano said the pavers will look like grass and will be marked out. He said this allows Mr. Blichfeldt to be able to display vehicles closer to the road, so the public knows there is a dealership located there. Mr. Juliano said the pavers will be east of the trees and one on each side. Mr. Blichfeldt said the pavers would be no more forward than where cars are currently being parked. Mr. Fitzsimmons asked the Town Planner where the landscaping would match up with to the new orthopedic group building. Ms. Costello said this is also 50 ft. of landscaping and noted the regulation is doing what it is supposed to. Ms. Costello confirmed they also will be installing a sidewalk.

Ms. Morgenstein commented that she was excited that the bank had some open space with the Applicant's underground system in the back, but then realized it would be lost because there is

a front requirement. She asked how many parking spaces there would have been to the right. She asked if there wasn't the 50 ft. requirement, how many parking spaces would there be vs. what is being taken away in the back on the current property. Mr. Juliano noted in last month's plan, which had the 25 ft. and not the full landscaping, there was approximately 141 total parking spaces on site, keeping the front landscaping and the back corner intact. He said this plan is very similar, but flows better on-site. He said although the back landscaping will be removed, this will be an overall better plan and approximately the same number of vehicle spaces on-site but noted circulation will be better. Ms. Morgenstein asked Ms. Costello if she was comfortable with the trees at this point. Ms. Costello said this is a Special Permit so the Commission has some discretion in terms of the sidewalk in terms of the five-foot landscaping. She said she has no objection to this. Ms. Costello said in terms of the trees, she recommended as a condition of approval that the Applicant contact and discuss the potential of putting the perimeter trees in the perimeter with the Electric Division and they only be placed in the front if not permitted by the Electric Division. Ms. Costello said with the landscaping, there are a few things she can work out with Mr. Juliano, i.e. having a tree in every landscaped island. She said this is what the Regulations require. Mr. Juliano said why this wasn't done in the three spots was explained in his letter to Ms. Costello. She said neither she, nor the P&Z have the discretion of waiving the Zoning Regulations. Mr. Juliano, in answer to Ms. Morgenstein's question, pointed out the three islands without the trees: the island northeast of the building, the island in the front, noting the reason is that this island has to be eight ft. wide for the trees, and is only five ft.; and the third island is near drainage with shallow piping. He said in all three cases, trees could be put in these islands. Mr. Juliano said he would put the three trees where they belong so the Applicant wouldn't have to go to ZBA.

Mr. Menard said he had no problem with parking a few cars in the front noting the other dealerships in the area are located right on the street. He said it should be predicated that if the State comes in and widens the street and uses their frontage, it would have to be eliminated. Mr. Juliano pointed out the two pads would be located 25 ft. off the property line. He said the trees will be moved behind the pads, but this would be worked out. Mr. Blichfeldt said this won't be any further forward than where cars are presently being parked currently.

Ms. Costello reminded the P&Z they will have to decide the connection with the current property to the north, and noted the conversations and elevations referred to the building as two-story, but pointed out the plans refer to it as a one-story building. Mr. Juliano said this was an error, and the building is two-story as per architectural but said the building height was correct. Ms. Costello said the parking of the vehicle in the landscaping area was news to her and didn't believe this is consistent with Zoning Regulations which call for a front landscaped area with grass, not parking or vehicle storage. She said she understood other vehicles which pre-existed, are able to park their vehicles closer, but said we are constantly trying to enforce the grassed area with other dealerships on Rt. 5 and that they are not allowed to park on their grassed areas. She said if this is going to be allowed, there must be significant changes in the

Regulations. Ms. Costello said she was going to ask if light posts were necessary in that front landscaped area and if they are allowed, there should be a lighting plan to ensure the lighting doesn't trespass onto Rt. 5. Mr. Juliano said there are light poles in the front landscaping area now and they would be pushed back along with the parking. He said the Applicant will be 50 ft. away from the property line and noted the lighting is needed for security and would be consistent with what is currently there. He said the lights can be designed to eliminate light trespass. Mr. Juliano said if the Town Planner is not in favor of the grass pavers, he can understand this. Ms. Costello said there is another row of light posts closer to the road. Mr. Juliano said those existing poles are being removed.

Chair Seichter entertained Public Comment at this time.

PUBLIC COMMENT

Jon Wolworth, 28 Laurelwood Drive, spoke in favor of the application, noting the Applicant is fastidious and markets a great product. He said it is unfortunate the Applicant can't display a few cars in the front and said it is one of the finer properties in Town.

END OF PUBLIC COMMENT

Mr. Blichfeldt said part of the reason this is being done is that the manufacturer demands this. He said he also wants to make his property look nicer. He noted that if one looked at anything he has ever built, this property is on the low end and needs upgrading. Mr. Blichfeldt said there is planting landscaping and maintaining landscaping. He said he had planted all the landscaping except for the trees. He said he is trying to set the example, but if he is crushed, and can't be competitive, nothing will work. He said he believes he represents Wallingford as best as he can. He said when he tells people not to park on the lawn, he doesn't know anyone else who has a lawn. He said the lawn is maintained as are the trees. He said we are pulling back 25 ft. and for a car dealership that is like death. He said people drive up and down the road to look at the cars.

Chair Seichter closed the Public Hearing at 7:55 p.m. and entertained a motion to close the Public Hearing.

Mr. Venoit: Motion to close the Public Hearing for Special Permit (addition and associated alterations to car dealership)/J. Blichfeldt (Quality Subaru)/711 North Colony Road, at 7:55 p.m. Mr. Fitzsimmons seconded the motion

Vote: Morgenstein-yes; Fitzsimmons-yes; Venoit-yes; Menard-yes; Seichter-yes

Chair Seichter entertained Commission comments.

Mr. Fitzsimmons said he was in favor of the applicant showing on the final plans, the interconnection to the parcel to the north. He said he is pleased to see the transition of this

property and the property next door. He said regarding the Applicant's request for the vehicle display, he said this is one of the finest looking car dealerships on Rt. 5. He said he was fine with the request until he heard from Ms. Costello and still is. He said he doesn't know if it is appropriate, because it is a Special Permit Application, if the final plans could show the two vehicle display area because there would be significant control over what we have. He said he doesn't disagree with the Town Planner noting the P&Z has worked hard on these regulations over the years and the fact that there are trees and sidewalks on Rt. 5 is a significant change over the years.

Mr. Fitzsimmons said he likes the idea of outlining on the map that the pavers are only in two spots, but is wrestling with the idea, because it is a challenge of the Regulations. Mr. Fitzsimmons noted that because this is a Special Permit, he would be in favor of the Applicants request to do this with a depiction of the plan. Mr. Fitzsimmons said this has happened before when he noticed cars parked on the grass involving other dealerships and the fact the Applicant is requesting this to avoid a violation makes sense. Ms. Morgenstein said if there are two vehicles on the grass everyone else will think they can do this moving forward because they won't recognize the difference between a grass paver and a grass strip. She asked if any other dealerships even have a grass area, or are they all concrete. Chair Seichter said there is grass at other dealerships. She said she agreed that the Commission has asked the Applicant to give up a lot and said she would love to have the open space behind the soon to be non-existing building, but added 50 ft. is a long way.

Ms. Costello said the Regulations state 50 ft. of landscaping but noted there is the option to the Applicant to apply for a variance to allow for a limited number of display vehicles in the front landscaped area, which this Commission in issuing their report, if a variance was applied for, wouldn't object to. She said from a regulatory standpoint, this is the appropriate option. Ms. Costello said she doesn't see gray area in the Regulation, and does not think we want to create any. Mr. Menard said it is a shame to make the Applicant go in front of the ZBA. He said he goes along with Mr. Fitzsimmons and this should be granted. Chair Seichter said he goes along with everything Mr. Fitzsimmons said about the Applicant regarding the dealership and how it is maintained and how it compares to other dealerships in Town. He said he is listening to the Town Planner and her opinion is this is what the Regulations comply for the landscaping and we don't have the ability to vary our Regulations.

Chair Seichter said he believes what the Town Planner is saying is that in her opinion, in fact what the Applicant is requesting isn't allowed under our Regulations and would require a variance. He said from his prospective, he would support a variance and would be concerned if an exception is made here, a precedent would be set for other dealerships who do have some grass area and allowing them to park cars there. He said he believes this sets a bad precedent on the P&Z's part when the Commission starts varying Regulations.

Ms. Costello said there is written in the front landscaping, a provision that the Commission at the request of the Applicant can propose to modify part of the front landscaping if they double what they are taking away, somewhere else in the front yard. She said she isn't sure this helps the Applicant, but speaks to the attempt to make a provision for some flexibility.

Chair Seichter entertained a motion on the application.

Mr. Venoit: Motion to approve a Special Permit (vehicle dealer and repairer – intensification of use) for Blichfeldt, to construct an addition to the building and associated site changes at 711 North Colony Road, as shown on plans entitled “Quality Subaru, Proposed Site Improvement Plan, #711 North Colony Road (Connecticut Route 5), Wallingford, Connecticut”, dated November 1, 2016, updated to January 3, 2017, subject to:

- 1. Approval sign-off from CT DOT;**
- 2. The final plans be modified to provide compliant landscaping;**
- 3. Landscaping plantings based on discussion with Electric Division and Town Planner**
- 4. S&E bond to be determined upon submission of final plans;**
- 5. Address Town Engineer's comments in memo dated Jan. 9, 2017;**
- 6. Address comments from Fire Marshall dated Dec. 19, 2016;**

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Fitzsimmons-yes; Venoit-yes; Menard-yes; Seichter-yes

- 3. Zoning Text Amendment/J. Richello/Sec. 4.25 (Housing Opportunity District – General)
- #504-16**

Secretary Menard noted all correspondence for the record: Letter from SCRCOG to Kacie Costello, Town Planner, received Dec. 12, 2016 from Eugene Livshits, Senior Regional Planner; Proposed Zoning Amendment to Wallingford Zoning Regulations- Redline version-May 2016 updated to January 2017; Proposed Amendment to Wallingford Zoning Regulations black line version – dated May 2016 updated to January 2017; Chapter 3, Transportation, received January 5, 2017; Memorandum from Mathew H. Greene dated Sept. 1, 2016 (revised Sept. 28, 2016 regarding parking needs for subsidized affordable rental housing).

Appearing in front of the Commission was Christopher Juliano, P.E., Licensed Land Surveyor, Juliano Associates; and Joseph Richello, Applicant.

Mr. Juliano said at last month's meeting, the Regulations were gone through along with the proposed zoning text amendment to create a housing opportunity district general with a subsection for age restricted. He said two points were left unresolved: the age of the residents, either 62 with someone younger being able to reside there or 55. He said he and the Town

Planner have agreed one must be 62 years old to live in the facility. Mr. Juliano said the other issue was the parking spaces, noting originally, he had proposed 1.25 spaces per dwelling unit. He said the Town Engineer and Ms. Costello believed 1.5 spaces per dwelling unit were more appropriate which he and the Applicant agreed to. Ms. Costello said the Statute for age restriction under Fair Housing allows a restriction that either the head of household has to be 55 and other members can be any age or everyone in the development has to be 62 or older. She said everyone agreed to the 62 age limit. Ms. Costello said she tried to find additional information regarding the parking requirement. She said she researched other Towns that have age-restricted housing and those were the answers she received; the 1.5 seems to be more than sufficient.

Ms. Costello said there are two modifications which need to be made; one is Section E-3 which references the units shall be offered for sale/lease, but is referring to only individually owned units, so this should state "for sale" so the word "lease" should be removed; and on page 2, 4.25A discusses development of affordable rental housing and the intention of this Regulation is to anticipate both rental and ownership of affordable housing, so the word "rental" should be removed. Ms. Costello said there was a comment from the Town Engineer, that the recommendation that the word "existing" be added to the buildable area definition in terms of determining the maximum number of units. She noted the buildable area subtracts out wetlands, floodplains, steep slopes and things of this nature. She said the Town Engineer is proposing the term "existing" be added so that it would essentially be whatever the site is at the time of application so that as part of a development application under an HODG development, someone couldn't propose to fill or re-grade in order to create additional buildable area. She said the underlying concern is about filling in floodplain. She said the issue is that the floodplain regulations don't prevent filling in the floodplain. Ms. Costello noted that someone could come in with a floodplain permit to fill ahead of time and then change the existing condition and then come in. She said this would make it a two-step process, and if the word "existing" is added, it would turn it into that process but this wouldn't prevent it from happening.

Ms. Costello said the current regulations are FEMA dictated, but noted the Town can be stricter. She said this might be a conversation worth having and noted Mr. Baltramaitis, Town Engineer, stands by his comments. Mr. Juliano said he received Mr. Baltramaitis' comments and did speak to Ms. Costello. He said his objection was that we don't use "existing" in any other part of the regulations with respect to OSPRD's, open space sub-divisions, or any other HOD's. He said it would be making this language more restrictive than other regulation. Mr. Juliano said he explained to Ms. Costello and Mr. Baltramaitis, that this doesn't stop any Applicant from coming in and getting a fill and excavation permit, but adds that additional step. He said there is also nothing that would stop an Applicant from re-grading a steep slope and believes the word "existing" isn't necessary there. He said he would like to see "existing" remain out.

Chair Seichter said he agreed with the Applicant that with other types of developments we don't have this in there and it just becomes a two-step process. He said he believes there is enough control with filling in that the Wetlands Commission has with respect to this. Mr. Venoit asked if this were to become effective, how much time would there be between now and the effective date. Ms. Costello said this would be up to the Commission. She said the Legal Notice will be run on Friday, and the appeal period would end 15 days from then. She noted the Commission could make this effective sooner, even tomorrow. Ms. Costello said she recommends this be made effective on Friday, when it will be filed on the Land Records.

Chair Seichter entertained Public Comment at this time. There was no Public Comment. Chair Seichter entertained a motion to close the Public Hearing at 8:19 p.m.

Mr. Venoit: Motion to close the Public Hearing for Zoning Text Amendment/J. Richello/Section 4.25 (Housing Opportunity District-General) at 8:19 p.m.

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Fitzsimmons-yes; Venoit-yes; Menard-yes; Seichter-yes

Chair Seichter entertained a motion on the application.

Mr. Venoit: Motion to approve a Zoning Text Amendment for Richello to create a generally applicable Housing Opportunity District that allows for multi-family development when at least 30% of the units are designated "affordable" units, as proposed in language titled "Proposed Amendment to Wallingford Zoning Regulations, New Section 4.25, "Housing Opportunity District – General", dated May 26, 2016, updated to January 2017, to be effective 1/13/2017, because this provides for better clarification of the Housing Opportunity District General – HOD-G subject to:

- 1. Page 2, Section 4.25.A "Rental" should be struck and Page 6, Section 4.25E.3 "Lease" should be struck**

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Fitzsimmons-yes; Venoit-yes; Menard-yes; Seichter-yes

- 4. Zoning Text Amendment/PZC Se. 4.5.D.3 (CA-6 Zone- Parking) - #901-16**

Secretary Menard noted all correspondence for the record: Proposed Parking Changes dated 1.4.17; Proposal dated 1.4.17; Office of the Mayor Letter dated January 3, 2017.

Ms. Costello said at the last meeting when the Public Hearing was open, there was a very formative, productive discussion where much input was obtained from the public and the Commission. She said based on this discussion and her discussion with Atty. Small, a few

changes were made: on Page 1, she changed the start date to Jan. 1, 2017; Page 4, she made a few changes based upon the previous discussion. She noted the Commission may want to have further discussions about this which is in regard to one of the options to reduce the amount of parking that is constructed; the fees in lieu of parking spaces. She said she modified the 10% maximum to 20% and in speaking with Atty. Small, modified the language slightly because there was some concern about forming the fund and how this would occur. Ms. Costello said Atty. Small believed the Commission would have some discretion about this and if this were approved, the fund would be formed. Ms. Costello pointed out if there were no fund, the Fee in Lieu of Parking Section would not be able to be used.

Ms. Costello said she modified the fee proposal to \$4,500 and part of this was based on the conversation the Commission had and also based on the National Average being \$4,000 for construction of a parking space. She said she spoke with the Public Works Director and did the math on how much it costs the Town to construct a parking space and a rough average in terms of the assessed value of the land by square foot on several parcels of land in the Town Center area by square foot and accounted for the square footage by space. Ms. Costello said she also accounted for two re-pavements over time and labor which includes long-term maintenance and construction and came up with \$4,432. On Page 5, in terms of parking being made available to the general public, she said she worked with Atty. Small on finalizing some of this language in order to ensure it was something workable. She said the way the language is currently written, there would be an agreement acceptable to the P&Z. She said this is less specific as to what the form of the agreement would be in making the parking available to the public, the Applicant would propose something and the P&Z would decide if this were appropriate. Ms. Costello said she added in more language specifying what the considerations would be under that situation in considering a Special Permit for this, i.e., proximity of the proposed public spaces to other public parking; proximity to the building; the number of spaces. Ms. Costello said on Page 7, she modified the language in terms of the landscaping, clarifying language, and then she allowed for a reduction in the internal landscaping requirement because in the Town Center, we need to use as much parking as possible and that the landscaping requirements don't have to be the same as in a large parking lot. Ms. Costello said the parking is required to be behind the building and in the cases of where it is grandfathered, there will be additional landscaping requirements.

Ms. Costello said she believes the biggest points left to discuss are the alternatives, specifically the fees in lieu of parking, and the provision of making parking available to the general public. She said she found examples of towns that make parking available to the general public and to what towns have the fees in lieu of parking. She said there was a recommendation in the POCD that the downtown parking plan be reviewed. She said when there is a parking plan or a fund, it is usually managed by a parking authority. Ms. Costello said there has been a lot of work on this and has evolved nicely. She said the Commissioners may want to discuss the potential of going to zero parking which she said she didn't recommend. Ms. Costello said to go to the zero

parking, short of having a parking plan, we do need property owners and developers to provide some parking on their parking lots or account for their parking requirements.

Ms. Costello said the P&Z could move forward tonight with portions of this. Chair Seichter said over the last 6 months, there have been numerous workshops and one public hearing. He said this is a continuation of that public hearing and have had robust discussions, even with the zero parking at the last meeting and said if people want to continue to talk about this. He said a decision was made at the last meeting that we would look to move forward or at least discuss the regulation and zero parking. He said the idea of looking at this and picking and choosing on this, from his prospective, with some of the changes made, he felt comfortable. He said there are some items he would like to have discussions with the Commission; being allowed to reduce the parking spaces and the fee. He said he was in favor of the 20% reduction and as far as the \$4,500 fee, he believes this may be too high.

Mr. Fitzsimmons asked Ms. Costello about the revisions, if there was a reason in attachment 4A, Page 1, under 4.5B, the date, Jan 1, 2017 was changed only in the first reference of that paragraph. Ms. Costello said it all should be reflected as Jan. 1, 2017. Mr. Fitzsimmons asked if the memo from the Mayor was requested or unsolicited. Ms. Costello said this is in regard to the decision or pursuit of expanding the Wooding parking lot. She said she had a conversation about the Mayor early on when there were conversations about the impact of the Wooding lot on the potential changes to the parking requirements. She said it appears the Mayor's office and the Town Engineer's office have made the determination to move forward with turning part of the grass area into parking similar to the rest of the parking area. She said she didn't request this memo, noting it might have been requested by a member of the public. She said we need to take advantage of as much available parking as is. Mr. Fitzsimmons said it was encouraging to see this memo from the Mayor. He asked how many potential parking spaces would be in the open grass field. Ms. Costello said the Town Engineer is working on a plan. Mr. Fitzsimmons echoed what Chair Seichter said and offered his congratulations to the Chair and Town Planner noting this has been a long process as far as the zoning text amendment and there has been many workshops. He said he is in favor of everything being proposed specifically from the Legal Notice, essentially reducing the overall parking requirements downtown; allows interchanging and permitted uses with existing buildings; provides for shared parking, fees in lieu of parking, provisions for parking for public availability. He said all of this is good.

Mr. Fitzsimmons said Wallingford has a quantity of parking but not quality of parking. He said the quality is something the Town has to address and this Commission's charge is the requirement of the parking specifically. He said there is parking, but one has to hunt and find it. He concurs with the Chair on the \$4,500, noting he has not been in favor of the fee because of the fact that other people have used the vehicle available to them by way of the ZBA requesting a variance, but he likes the idea of capturing something to see what happens. He said the \$4,500 was high. He suggested a fee of \$1,500 or \$2,000. He said the Town needs a permanent plan for downtown parking and would be in favor of trying to capture some amount or fee in

lieu of if an Applicant proposed this. Mr. Matarazzo said he supported Mr. Fitzsimmons comments stating the fee is a little high and would have to worry that if Wallingford started to take in substantial fees in lieu of, that a permanent parking resolution may not present itself.

Ms. Costello said regarding the fee, if she took out the construction and maintenance costs that she added in and future maintenance and just do the cost of land and cost of materials, (curb, painting and asphalt), it comes out to approximately \$2,680. Chair Seichter spoke about the expansion of the temporary lot stating he has seen this before and it doesn't end well, given the fact that we have the temporary lot, even for one of the major events in town, we weren't able to have the lot restriped. He said the lot is still temporary and doesn't address a permanent situation and need an overall permanent plan. He said the regulations are a step, and as part of the POCD, looking to when we have the Implementation Committee, trying to put together a more cohesive parking plan. He said he could support a fee of \$2,000 stating he believed this was reasonable.

Chair Seichter entertained Public Comment at this time.

PUBLIC COMMENT

Jack McGuire, 373 Center Street, Wallingford, said he asked the Mayor to send the letter. He asked that the letter be read out loud. Chair Seichter read the letter from the Mayor which stated: "As per our telephone conversation, it is our intention to provide additional parking for public purpose on the east side of Wallace Avenue on the Caplan/Wooding property. The area is currently an open grass field. Public Works would do the construction in an effort to reduce storm water runoff and due to issues of cost we are planning to use millings from highway projects."

Mr. McGuire commended the Mayor stating it appears he is trying to move forward with the parking. He said he and Mr. DiNatale went over with Planning & Zoning and Public Works three weeks ago to look at the property to hear what they have to say about bringing this additional parking in line in the uptown area where it is needed. He said this sounds positive and commended the Mayor for stepping ahead. Mr. McGuire said he isn't worried about the temporary parking because it is a step in the right direction. He said he wished P&Z would indicate the number of parking spaces we could get with expansion. He said he measured and believes we could get 40 to 50 additional parking spaces in this area. He said it is conceivable the Town could go to zero parking, and now is the time to act and is possible. He urged the P&Z to go along with this. Mr. McGuire went over the dates of the property, including his on 373 Center Street built in 1800; the First Congregational Church, built in 1868; the TD Bank Building he owns, built in 1887; Gallagher Travel built in 1890; Fishbein Insurance built in 1890; The Library, built in 1899; Caplan's Market, 1800; Tavern on Main, 1908; Masonic Building, 1911; Moran's Drugstore, 1932. He said there was no parking in the area and that is why there is the problem.

Jon Wolworth, 28 Laurelwood Drive, Wallingford, said he applauded the responses he heard and the work the Commission and the hours of work Ms. Costello has put in. He said he is afraid that if we look at zero parking, we may throw out the baby with the bathwater. Mr. Wolworth said a compromise is to look at a compromise for zero when one looks at the entire CA-6 zone. He pointed out Branford doesn't have zero parking downtown and has similar zoning regulations to Wallingford. He said the P&Z can move confidently with approval of the regulations presented tonight.

Ms. Morgenstein said while many are commending the Mayor's letter, and will receive temporary parking with the use of millings, she asked if we can ask the going rate for a parking space of our developers who want to have in lieu of and to pay a full going rate when we are making our parking lot out of millings and it is temporary. Ms. Costello said the fee is based on two-inch thick compacted asphalt so it is an in-between. She said P&Z can establish what fee they think is appropriate, but noted no one has to do this. She said there is a benefit in not having to provide a parking space and in that one gets to put in a larger building.

Ms. Morgenstein said it would be nice to see the P&Z make a determination that the Town can invest in real parking structures. Mr. Fitzsimmons said he didn't disagree with both members of the public who spoke and said he is in favor of moving forward this evening. He said an item on the agenda later on talks about the implementation of the Town's POCD and one of the findings is the idea of pulling groups together in Town to look at downtown parking again. He said it is a good first step and proposed setting the fee at \$2,000 at this point. He noted these Regulations are always subject to change. He said because other users have requested a variance in the past to get the waiver, he didn't want to get hung up on the fee. He said in other Towns, the cost of the variance could be tied to the request of a parking space waiver. He pointed out these towns have a parking authority with a plan to aggressively pursue town funded parking. He said he supported the \$2,000 fee initially to move forward. Chair Seichter said he wanted to obtain a general consensus from the Commission, noting the last time, the two key components were the 20% reduction and the \$2,000 fee. The Commission agreed with these two key components. Ms. Costello said this has been a very productive process and a step in the right direction in what we are trying to make happen in the Town Center. Chair Seichter thanked Ms. Costello on behalf of the Commission on her time and effort put in for doing the research and additional research. He said Mr. DiNatale came forward to propose the Commission look at this and thanked him.

Chair Seichter entertained a motion to close the Public Hearing at 8:53 p.m.

Mr. Venoit: Motion to close the Public Hearing for Zoning Text Amendment for Section 4.5.D.3 (CA-6 Zone Parking), at 8:53 p.m.

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Fitzsimmons-yes; Venoit-yes; Menard-yes; Seichter-yes

Chair Seichter entertained a motion on the application

Mr. Venoit: Motion to approve a Zoning Text Amendment for the Wallingford P&Z to significantly modify the parking requirements in the CA-6 zoning district, including, but not limited to, reducing overall parking requirements and providing alternatives for complying with minimum parking requirements as proposed in language entitled "proposed parking changes, CA-6 Zone, updated to Jan. 4, 2007, because this will clarify Regulations for the CA-6 Zone parking changes, subject to:

1. 4.5.D.3.B, January 1, 2016, should be January 1, 2017 throughout;
2. 4.5.D.3.E.II.B, change \$4,500 to \$2,000

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Fitzsimmons-yes; Venoit-yes; Menard-yes; Seichter-yes

NEW BUSINESS

5. Site Plan (outdoor dining patio)/Rick's on Five/765 N. Colony Road -**#201-17 - NO ACTION REQUESTED -Postponed to the February Meeting**

6. Site Plan (768 sq. ft. accessory apartment)/Raffone/1092 Clintonville Road - **#202-17**

Secretary Menard read all correspondence into the record: Inter-Departmental Referral dated Dec. 12, 2016 from the Senior Engineer; Inter-Departmental Referral from the Chief Sanitarian; Inter-Departmental Referral dated Dec. 12, 2016 from the Town Engineer.

Appearing in front of the Commission was Justin and Melissa Raffone, 22 Simpson Avenue, Wallingford. He said they are constructing a new home at 1092 Clintonville Road and are requesting approval on an in-law accessory apartment. He said some revisions were made to the footprint to the in-law apartment, i.e, the in-law kitchen, den and bedroom, bathrooms and closet, and a common family living area to be shared, which reduced the square footage to approximately 675 sq. ft. He said when Ms. Costello had originally done the calculation, he neglected to include the footprint, so the calculation was 903 sq. ft. He said the layout was revised and the common area reduced the space by 133 sq. ft. approximately. Mr. Raffone said the actual sq. footage of the in-law apartment is 675 sq. ft. (approximately).

Ms. Costello said the issue was gross floor area vs. net floor area, the outside walls. He said as long as the P&Z is comfortable with the living area which is shown as the common area, with doors connecting to both spaces, everything else is compliant. Mr. Venoit asked when the plan was updated. Mr. Raffone said he updated the plan a few days ago, with the date being Jan. 7, 2017. Mr. Venoit noted the bathroom looked small for an in-law apartment. Mr. Raffone said his mother in law wanted low counter and closet space.

There were no Public Comments.

Chair Seichter entertained a motion on the application.

Mr. Venoit: Motion to approve a Site Plan for Raffone to construct an approximately 675 sq. ft. accessory apartment as part of a new house at 1092 Clintonville Road as shown on plans entitled: "Septic System Plan Raffone Residence, 1092 Clintonville Road, Wallingford, CT., date July 28, 2016 updated to Jan. 7, 2017, subject to:

- 1. Wallingford Water and Sewer memo dated Dec. 12, 2016;**
- 2. Health Dept. memo dated Dec. 9, 2016;**
- 3. Final Inspection by Zoning Enforcement Officer**

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Fitzsimmons-yes; Venoit-yes; Menard-yes; Seichter-yes

FEE WAIVER AND REIMBURSEMENT REQUEST

- 7. Site Plan (Driveway Expansion)/A. Barberino/11 Pondsides Drive**

Appearing in front of the Commission was Alan Barberino, 11 Pondsides Drive. He said he submitted an application for \$250 and was rejected. He said his Association told him he could withdraw the application and then the Association's Attorney sent a letter to Ms. Costello telling her to withdraw the application, so it was never heard. He said he didn't think there was any cost incurred to the Town so he is requesting the \$250 fee be returned. Ms. Costello said the Town went through the review process for the application and pointed out she has had several conversations with Mr. Barberino about not applying until the Association had a conversation about it. She said the OSPRD Regulations state that modifications should only be made for the development as a cohesive development. She said in this case, this application was withdrawn in April 2016 and doesn't feel comfortable supporting this fee waiver. Chair Seichter concurred with the Town Planner and said Mr. Barberino's recourse may be to go to the Home Owner's Association and ask for a refund. He said Ms. Costello indicated the Home Owner's Association's approval is needed to go forward. Ms. Morgenstein said she concurred, noting the P&Z's time is money.

Chair Seichter entertained a motion on the reimbursement request.

Mr. Venoit: Motion to DENY the fee waiver and reimbursement request for #209-16

Ms. Morgenstein: Second

Vote: yes to deny; Fitzsimmons-yes to deny; Venoit-yes to deny; Menard-yes to deny; Seichter-yes to deny

SURVEY WAIVER REQUEST

8. Sunwood Development Corp./423 Center Street

Ms. Costello said this involves the house on the corner of S. Elm and Center Street. She said work is being done on the house and said there was an existing porch on the front and back. She noted once a non-conforming structure is removed, the grandfathering claim is null. She said the porches were removed with the intention of replacement. Ms. Costello noted the deck to be installed in the back of the property will not be covered, so a survey is not required, but the porch in front will be covered and a survey is required. She said Sunwood is requesting a waiver because the new porch will be slightly smaller than the original and noted the setbacks would be exceeded. Ms. Costello said the porch will be 6 ft. in depth and the width will be across the house. She said Sunwood said they will be 25 ft. from S. Elm and 19.6 ft. from Center Street.

Mr. Venoit noted the memo indicated there were enclosed photos and floor plans which he didn't see. Ms. Costello said she didn't receive any of this information. Chair Seichter asked if the porch was non-conforming. Ms. Costello said she doesn't know because there is no survey. She said their representation is that a variance is not needed. Chair Seichter said it would be beneficial if the Applicant was present. Ms. Costello showed photos and the site plan to the Commission.

NO ACTION TAKEN-CONTINUED TO THE FEBRUARY MEETING

BOND RELEASES AND REDUCTIONS

9. Subdivision/Sunwood Development Corp./195 Chimney Hill Road (Royal Oaks) - #105-14

Ms. Costello said she is still waiting for department reviews.

10. Site Plan/Borghesi Builders (Rowland Technologies)/320 Barnes Road - #211-13

Ms. Costello said this is ready for Bond Release

Mr. Venoit: Motion to release bond for Site Plan Borghesi Builders, 320 Barnes Road

Mr. Fitzsimmons: Second

Vote: Unanimous

DISCUSSION

- 11. Discussion and possible scheduling of a Public Hearing for:**
 - a. LED Sign Moratorium

- b. IX and I-5 Zones – Removal of “Educational, Religious and Philanthropic uses” as permitted uses

Ms. Costello said these are to be scheduled for Public Hearings next month and have been previously discussed. The Commission agreed to schedule this for the February meeting.

12. POCD Implementation Committee Meeting

Scheduled for Jan. 30, 2016. Chair Seichter requested Ms. Costello put together an outline.

REPORTS OF OFFICERS AND STAFF

13. Administrative Approvals

- a. Change of Use (salon to art/craft instruction)/A. Stamp/172 Center Street - **#319-16**
- b. Change of Use (retail to brewery/tavern/tasting room)/Cliffside Brewing LLC/16B Center Street - **#320-16**

Ms. Costello went over the Administrative Approvals.

14.ZBA Decisions of December 19, 2016

Ms. Costello noted everything was approved and called the Commission’s attention to Item #4 which was to allow the lowest level at 50 S. Main St. to be used for residential purposes. She said this at the very least, the variance will require a new site plan approval.

15.ZBA Notice for Jan. 17, 2017 (Tuesday)

Ms. Costello said all three items involved garages

16.Zoning Enforcement Log

The Commission had no questions

ADJOURNMENT

Mr. Venoit made a motion to adjourn the Meeting at 9:25 p.m. Mr. Fitzsimmons seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary