

**PLANNING AND ZONING COMMISSION  
Town of Wallingford  
Regular Meeting  
Monday, January 12, 2015  
Robert Early Auditorium  
Wallingford Town Hall  
45 South Main Street  
Wallingford, CT  
7: 00 p.m.**

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, January 12, 2015, at 7:00 p.m. in Council Chambers of the Town Hall, 45 South Main Street, Wallingford, Connecticut.

In attendance were Commissioners: James Seichter, Chair; Patrick Birney, Vice-Chair; Jon-Paul Venoit-Secretary; James Fitzsimmons; Jeffrey Kohan; Alternate Members: David Leonardo; Rocco Matarazzo; Kacie Costello, Town Planner and Recording Secretary Cynthia Kleist.

Chair Seichter called the meeting to order at 7:08 p.m. The Pledge of Allegiance was given to the Flag.

**APPROVAL OF MINUTES: - 12/8/14**

Chairman Seichter noted that on Page 8, last paragraph, the Public Hearing WAS NOT CLOSED.

**MR. BIRNEY: MOTION TO APPROVE THE MEETING MINUTES OF 12/8/14 AS AMENDED.**

**MR. KOHAN: SECOND**

**VOTE: UNANIMOUS.**

Chair Seichter announced there will be two applications that will not be heard:

1. "Special Permit (public parking facility for park)/Town of Wallingford/346 South Elm Street (CON'T REQUESTED) - #415-14; and
2. Special Permit (additional residential units)/DeAntonio Const. Co. Inc/412 Main Street (Yalesville) (WITHDRAWN) - #414-14.

**PUBLIC HEARINGS – 7:00 P.M.**

1. Special Permit (Location of Use)/Gomez/44 North Plains Industrial Road - #417-14.

Secretary Venoit read the Legal Notice and acknowledged the following correspondence for the record: memo from Kacie Costello, Town Planner, to Edward Gomez, dated Nov. 26, 2014; site plan report from the Fire Marshal to Planning & Zoning dated Nov. 24, 2014.

Appearing in front of the Commission was Edward Gomez and Lee-Ann Weed of Weed Realtors representing the Applicant for his application at 44 N. Plains Industrial Road – automotive use.

Mr. Gomez said he has an existing business in New Haven which is a general repair business which specializes in enthusiast vehicles. He said this is not a typical general repair facility and noted approximately 50% of the customer's ship their vehicles to his location from out-of-state.

Chairman Seichter asked the Applicant to address a Nov. 26, 2014 memo from the Town Planner. Mr. Gomez said there will be five work stations and bays. He said the nature of the business dictate that vehicles remain on-site longer than what would be considered normal. He said vehicles could be on-site for two to three months at a time because these are specialty vehicles. He said the parking requirement is minimal because the building has more parking than is needed. He noted this is not a high volume business and no modification to the parking lot other than cleaning and re-striping and repairing neglected areas.

Mr. Gomez said it is not the norm for vehicles to be displayed outside for sale. He said his customers are not drive-by customers. He said some vehicles will be stored inside for sale. Mr. Gomez said there will be ample customer parking and will be no need to designate except to stripe out the current available parking spaces. He said vehicles waiting for repair will be indoors. He said this building is four times the size of the current space.

Chair Seichter asked Ms. Costello about the parking space requirements. Ms. Costello said with a typical dealer and repairer's license, there is a five-space requirement per bay, plus one space per employee during peak employee time plus two for other customers. She said in the past where there has been this type of business, the regulations don't speak to a particular type of use. She said in the past where there have been requests for specialized type of dealer and repair where there is not the same parking need generated, the Commission has made a determination of what is appropriate for parking. Ms. Costello said the Commission would have to place the appropriate conditions on the approval and whoever else came in would have to go along with those conditions or come back to the Commission. She said presumably, the Commission wouldn't want outside storage of vehicles waiting for repair or either zero or one vehicle for display for sale.

Mr. Birney asked Ms. Costello if there were comments from Water & Sewer Sr. Engineer Vincent Mascia. Ms. Costello said typically, it would be a comment prohibiting the washing of vehicles to drain directly to the groundwater or wash vehicles outside. Mr. Gomez said there were floor drains. He noted there is a phase 2 environmental study in progress to identify. Ms. Costello said the typical requirement from Water & Sewer would be that the floor drains be closed or that there be an oil water separator installed. She recommended this as a condition of approval.

Chair Seichter asked about handicap parking spaces. Ms. Costello said she believed since the parking requirement is under 30, there would be no handicap parking space requirement but the Commission could require one.

Chair Seichter entertained Public Comment at this time.

No Public Comments.

Chair Seichter entertained a motion to close the Public Hearing at 7:23 p.m.

**MR. BIRNEY: MOTION TO CLOSE THE PUBLIC HEARING AT 7:23 P.M.**

**MR. KOHAN: SECOND**

**VOTE: UNANIMOUS**

Chair Seichter entertained a motion on the application at this time.

**MR. BIRNEY: MOTION TO APPROVE A SPECIAL PERMIT (LOCATION OF USE) FOR GOMEZ, FOR AN AUTOMOTIVE DEALER'S AND REPAIRER'S LICENSE, AS SHOWN ON PLANS TITLED: "SITE PLAN FOR KENNETH A. GEREMIA, LOT 1 – NORTH PLAINS INDUSTRIAL ROAD, WALLINGFORD, CONNECTICUT", DATED MARCH 29, 1984, REVISED TO MAY 7, 1984, SUBJECT TO:**

- 1. NO MORE THAN A TOTAL OF FIVE (5) BAYS;**
- 2. NO VEHICLES WILL BE DISPLAYED FOR SALE AT THE PREMISES;**
- 3. PARKING SPACES WILL BE UTILIZED FOR VISITING CUSTOMERS AND EMPLOYEES ONLY;**
- 4. ALL CARS RELATED TO THE BUSINESS WILL BE STORED INSIDE THE PREMISES;**
- 5. BEFORE A CERTIFICATE OF OCCUPANCY OR OTHER FINAL APPROVAL IS ISSUED, PUBLIC UTILITIES WATER & SEWER DIVISIONS MUST SIGN-OFF**
- 6. INCLUSION OF 2 OF THE 27 SPACES BE HANDICAPPED PARKING SPACES AND MARKED AS SUCH.**

**MR. FITZSIMMONS: SECOND**

**VOTE: KOHAN-YES; BIRNEY-YES; FITZSIMMONS-YES; VENOIT-YES; SEICHTER-YES.**

**APPLICATION APPROVED.**

- 4. Special Permit (Restaurant)/MAD Associates, LLC/970 F North Colony Road - #418-14.**

Secretary Venoit read the Legal Notice and noted all correspondence into the record: memo from the Dept. of Engineering to Kacie Costello, Town Planner, dated Nov. 18, 2014; memo from the Dept. of Engineering to the Planning & Zoning Commission, dated Dec. 12, 2014; memo from Kacie Costello, Town Planner, to MAD Associates LLC, dated Nov. 26, 2014; memo from Kacie Costello, Town Planner, to MAD Associates LLC, dated Dec. 30, 2014; site plan report for Planning & Zoning from the Fire Marshal dated Nov. 24, 2014; notice of proposed development from Eloise Hazelwood, dated Nov. 21, 2014; memo from Vincent Mascia, Sr. Engineer, to Kacie Costello, Town Planner, dated Dec. 5, 2014.

Appearing in front of the Commission was Atty. Mark Carbutti, representing the Applicant; General Contractor Mark Troiano; Kermit Hua, Traffic Engineer.

Mr. Carbutti told the Commission there was a minor change to the application which he said would lessen the impact of the request. Atty. Carbutti said the Special Permit is to operate a restaurant (Nardelli's Sandwich Shop), in a former retail space. He said in order to operate a restaurant in this location; the Applicant is requesting a reduction of 15 spaces of shared parking requirement at Wallingford Plaza. He said a plan was submitted that showed the existing building summary that outlines the current condition at the Plaza where there are 902 parking spaces. Atty. Carbutti said the Applicant is requesting this be reduced to 887 spaces. He said on the initial application, a patio installation was shown, along with the removal of five parking spaces in front of the restaurant. He said the patio is no longer being proposed, so those parking spots will not have to be removed so the reduction would be to 15 spaces instead of 20.

Atty. Carbutti said the movie theater is the largest parking operation at this location. He noted the operating hours of the Nardelli Sandwich Shop would be from 9 a.m. to 9 p.m. Monday through Saturday, closed on Sunday. He said the peak times for the sandwich shop would be at noontime which doesn't coincide with the movie theater, whose showings don't begin until 1 p.m.

Mr. Hua said he compared the proposed trips from Nardelli's Sandwich Shop with the previous user, a credit union. He said he looked at the expected number of trips from this development and emphasized this is not a typical fast food establishment and Nardelli's is a known brand and has been in the State for decades, so a large amount of traffic isn't expected. Mr. Hua said he looked at six periods, weekdays and Saturdays comparing the restaurant trips with the bank trips. He said during five of these periods, there will be a slight decrease in traffic compared to the previous user. He said Saturday would be the only expected traffic increase day. He concluded the amount of traffic generated will be slightly lower than the previous occupant (credit union).

Mr. Troiano went over the history of Nardelli's Sandwich Shop. He said there are 10 locations in the State with four expected in the coming year.

Mr. Kohan asked the traffic engineer about Saturday's 130% increase in traffic and whether it would go left or right and if the traffic went right, would it impact Chick-fil-A. Mr. Hua noted these restaurants are not in the same location. Mr. Hua said compared to the previous credit union, he sees comparable trips. Mr. Kohan said it was noted that there would be an increase in trip generation on Saturdays.

Mr. Fitzsimmons said he was concerned that this would be the seventh restaurant in this plaza. He said Nardelli's is a standard restaurant and asked for further explanation of the outdoor parking. He said this part of Rt. 5 is highly congested and there is a lot of activity there to put outdoor dining. Mr. Fitzsimmons asked if there was a plan to install outdoor dining. Mr. Carbutti said the original plan was to install outdoor dining, but not at this location. He cited the Meriden location which is also located on a busy road and outdoor dining was well received. He said there is no plan at the moment for outdoor dining. Mr.

Troiano said the drive-thru will be kept for possible future use. He said Nardelli's is presently set up for drive-thru service.

Mr. Fitzsimmons spoke about the challenges of the internal traffic. He said there is no pedestrian access and it is unfriendly. Mr. Carbutti reiterated that the peak time for Nardelli's is noontime, when there would be no cars in the parking lot for the movie theater which doesn't open until 1 p.m.

Ms. Costello said if there is to be any drive-up or drive-thru this will require coming back to the Commission and are talking about a major traffic generator at that point. Mr. Carbutti said drive-thru is not on the agenda at this point.

Chair Seichter entertained public comment at this time. There was no public comment.

Mr. Birney said there was a lot of information he didn't have full knowledge on and asked if the comments by the Town Engineer were addressed. He suggested this be a condition of approval. Mr. Carbutti also requested leaving the option of a drive-thru for a future possibility be made a condition of approval. Ms. Costello noted the Engineer comments relate to the islands and bollards being removed which are associated with the drive-thru for the former credit union, and if there were an overhead structure, it wouldn't apply to the Applicant.

Chair Seichter entertained a motion to close the Public Hearing at 7:43 p.m.

**MR. BIRNEY: MOTION TO CLOSE THE PUBLIC HEARING AT 7:43 P.M.**

**MR. FITZSIMMONS: SECOND**

Chair Seichter entertained a motion on the application.

Ms. Costello requested the conditions of approval should reference the changes represented tonight to be shown on the final plans.

**MR. BIRNEY: MOTION TO APPROVE A SPECIAL PERMIT (RETAIL/RESTAURANT – TRAFFIC GENERATION) for MAD ASSOCIATES, LLC, TO CONVERT A FINANCIAL INSTITUTION INTO A RESTAURANT, ADD OUTSIDE SEATING, AND CONVERT FIVE (5) PARKING SPACES INTO LANDSCAPING, AS SHOWN ON PLANS ENTITLED "WALLINGFORD SHOPPING PLAZA, 970 NORTH COLONY ROAD, WALLINGFORD, CONNECTICUT", DATED DECEMBER 4, 2014, SUBJECT TO:**

- 1. CONDITIONS OF APPROVAL OF THE DEPT. OF PUBLIC UTILITIES, VINCENT MASCIA;**
- 2. CONDITIONS OF APPROVAL OF THE MEMO DATED DEC. 12, 2014 FROM JOHN THOMPSON, TOWN ENGINEER;**
- 3. ELIMINATION OF THE PLANS OF THE OUTDOOR SEATING AREA**
- 4. THE INCLUSION IN THE FINAL PLANS OF FIVE (5) ADDITIONAL PARKING SPACES;**

**5. A REDUCTION OF THE TOTAL PARKING SPACES AS REFLECTED IN THE  
DECEMBER 4, 2014 PLANS**

**MR. FITZSIMMONS: SECOND**

**VOTE: KOHAN-YES; MR. BIRNEY-YES; MR. VENOIT-YES; MR. FITZSIMMONS-YES;  
MR. SEICHTER-YES.**

**APPLICATION APPROVED.**

5. Zoning Regulation Amendment (Section 4.1 D.1, Customary Home Occupation)/Wallingford Planning and Zoning Commission - **#501-15**

Secretary Venoit read the Legal Notice and all correspondence into the record: application for zoning regulation change (no date); proposed regulation amendment; Planning & Zoning Commission meeting minutes dated August 11, 2014; list of customary home occupation applications dated Nov 25, 2014; memo from Michael Glidden, Chairman, Zoning Board of Appeals to James Seichter, Chairman, Planning & Zoning Commission dated Oct. 27, 2014; memo from Alexandria Johnson to Wallingford Planning & Zoning Commission dated Oct. 9, 2014; change of definition for customary home occupation from the workshop on Oct. 9, 2014 for Oct. 27, 2014; proposed revision to residential zoning regulations amendment dated Oct. 9, 2014 for Oct. 27, 2014 workshop; memo from Alexandria Johnson to Wallingford Planning & Zoning Commission dated August 28, 2014; meeting minutes dated Oct. 27, 2014 for a Special Meeting workshop for Wallingford Planning & Zoning.

Ms. Costello gave some background on the proposed regulation. She said this discussion was originally brought about by some residents in town who had some concerns about what is currently permitted under the Customary Home Occupation regulations. She said the Commission had two workshops and a regular meeting discussion about this issue. She said originally, a resident submitted draft language and she had meetings with some of the residents at the Commission's request and some of the issues and concerns were discussed. Ms. Costello said her initial feeling after discussing this issue with residents was there were some areas where the regulations could be tightened up. She said the Commission had approved many customary home occupations over the years which had no problems.

Ms. Costello noted that in any given year, there have not been a lot of applications for customary home occupations, in five years there have been six applications. Ms. Costello said the Commission agreed at the last workshop to leave the definition as is. She said the existing regulations have worked; customary home occupations go to the Zoning Board of Appeals for a special exception and in the few cases where there have been concerns about traffic generation and parking, those applications have been denied. She said part of the concern centered on what potentially is allowed. Ms. Costello said the customary home occupations which were approved, did not take advantage of the complete scope of what the regulations allow, i.e., the number of outside people that could be at the business; the number of additional outside employees. She said the proposed language in front of the Commission doesn't include everything, but she stands behind it and noted these regulations apply to the Town as a whole. Ms. Costello briefly went over some of the changes.

Chair Seichter entertained public comments at this time.

Patricia Kahl, 50 North Street, appreciated the Commission's time and Ms. Costello's time in reviewing these proposed regulations and said she was in favor of them. She said the proposed changes are reasonable and appropriate and will allow people to enjoy their residential properties without feeling as if they live in business district. She added that Rosemary Rascati also approved of the proposed changes.

Alexandria Johnson, 487 N. Main Street, said she spoke in front of the ZBA last June for the third time to object to the appropriateness of placing a home occupation with the possibility of signage in a residential neighborhood. She said over the summer and fall she studied the P&Z regulations which govern home occupations across the country, local and State. She said all this work culminated in a clear direction of what would be in the best interest of the neighborhood and business owner. She said the best approach should be restrictive to protect the residential neighborhood and the Town to avoid litigation. She said these suggested regulations are not anti-home business or anti-small business and are not good for one neighborhood in Wallingford, but for all neighborhoods and are to promote happy neighbors. Ms. Johnson said the Zoning Enforcement log doesn't capture all the activity. She said one resident relocated to another neighborhood to get away from a home business. She commented on the sign regulation. She said a Real Estate agent told her a home's value would decrease if one lived next door to a home occupation with a sign. She said a small startup home occupation should not need signage and employees on-site.

Frank O'Neill, 33 Balsam Ridge Circle spoke in favor if the proposed regulations.

Mark Vogt, 529 N. Main Street, spoke in favor of the proposed home occupation changes. He spoke about a study conducted by the Small Business Administration which indicated that 90% of small based businesses had no employees. He said a large number of municipalities across the country; including West Hartford and Middletown do not allow employees. He said more employees lead to more traffic in residential neighborhoods. He said West Hartford and Middletown also don't allow signage and noted Wallingford's regulations are more permissive allowing 500 sq. ft. for first floor home occupation in relation to most municipalities which just allow 400 sq. ft. Mr. Vogt presented three exhibits of sample signage and presented the Town Planner with a petition of neighbors in favor of the proposed regulations.

Lisa Toomey, 165 North Street, said a smaller sign would work but having no sign is the difference between having a regulated and a non-regulated business. She said it is safer for the patron coming to the business to identify among the business. She said she would be in favor of a smaller sign citing Choate Rosemary Hall's signs on their homes. She said people opposed to the current regulations; represent a miniscule percentage of the Town. Ms. Toomey said Commissioners Fitzsimmons and Matarazzo should recuse themselves from voting based on statements they made at the workshop.

Tom Beurer, 15 Curtis Avenue said he was in favor of the restrictions. He said when one buys into a neighborhood, it is a big investment and would like to see this preserved.

Amy Kirwin, and speaking for Rose Kirwin, 41 North Main Street, spoke in favor of the proposed changes.

Mr. Fitzsimmons said the time is overdue for customary home occupations. He said things have changed over the year and today working from home is not a home business which is different. He said there are 181 pages of zoning regulations and this is half of a page in the book and supports this regulation change.

Mr. Kohan said he has gone on record several times in not supporting these changes. He said they haven't been changed in a while and noted possibly changing the signage regulations. He said he researched and found that across the country the one change he doesn't agree with is having workers who are not residences of the building which goes against the current environment and some of the newer home occupations which have been created. Mr. Kohan said across the country it is 51 to 49% where the communities include one worker who is not a resident of the home. He said for him to support these changes, we have to keep one non-resident in these regulations. Mr. Kohan said one of the primary home occupations is hair styling and noted that almost every single town regulation that dealt with home occupations stated that home hair styling is an acceptable home occupation. Mr. Kohan said one item for consideration the possibility of restricting the amount of home deliveries in one day. He said the current regulations have served Wallingford well and these proposed changes will be an enforcement nightmare and won't encourage people to come forward. Mr. Kohan spoke about a bed and breakfast application and said this was a home business and when we start restricting things like this, we run into potential conflicts of what the Commission will act on. He said he couldn't support this as written today.

Mr. Leonardo said he agreed with Mr. Kohan to an extent. He said signage could be a problem and said that even if some of the regulations are older, doesn't mean they don't work today. He asked for clarification on Sections A and F which seemed to be contradictory. He said he couldn't vote on this the way it was written, even though he wasn't voting on it tonight. He said he believes the business should be allowed to have one employee.

Ms. Costello said Item F means that nothing can't be done in the yard, outside of the building.

Mr. Birney said this is a process at work and noted members of the public believed the regulations needed to be modified and two workshops were conducted where constructive debate took place. He said we have a regulation which has been drafted, re-drafted and modified and is not perfect but is a document he is comfortable with and will make a motion to approve it. He said this Commission is a political body tonight and are not acting in a judicial capacity and all of us have opinions and biases. He said the members here are subject to be voted off every two years and is the process the public can use to hold us accountable.

Mr. Venoit asked about the no employee's part of the proposed regulation. Ms. Costello said this was part of the language which was originally proposed by Ms. Johnson's original draft language which the Commission has opted to keep. She said having two outside employees brought it to the point where commercial space should be rented and whether the Commission wants to allow one employee is up to them.

Mr. Birney presented two modifications to Section 4.1 of the proposed regulations. He said the first is Subsection A and suggested this change: "Other employees of the business may conduct business in a location other than the approved residence as permitted" and the second change



to Subsection F involves inserting the "home occupation" capital "H" home, capital "O" occupation, shall be conducted entirely within the residential unit.

Chair Seichter thanked all the members of the public who attended the workshops and meetings. He said many times, when changes to regulations are proposed, there isn't a lot of public interaction but clearly this time there was a good deal of input from the public, pro and con. He said he agreed with some of Mr. Fitzsimmon's comments in that there is a distinction between a customary home occupation and a home business. He said it is beneficial to keep the residential nature of a neighborhood and by installing signs, this is restricted. He said he supports of the proposed regulations as amended and entertained discussion on Item L regarding the accessory use not creating offensive noise odor or smoke, heat or dust.

Mr. Fitzsimmons said he was in favor of including this. Chair Seichter said the ZBA operates independently of the P & Z in addressing a concern regarding a comment from the public. Mr. Birney proposed adding Exhibit 5K which was his amendment to the regulations.

Ms. Costello said the courts have ruled it appropriate for land use boards to use their own experience and judgment in terms of making certain assessments about applications and this is appropriate when talking about zoning regulations in the Town in which one is the Planning & Zoning Commission for. She said in this case, the regulations do apply to the entire Town and apply to every member of this Commission.

Chair Seichter entertained a motion to close the public hearing.

**MR. BIRNEY: MOTION TO CLOSE THE PUBLIC HEARING AT 8:38 P.M.**

**MR. KOHAN: SECOND**

**VOTE: UNANIMOUS**

Chair Seichter entertained a motion on the application.

**MR. BIRNEY: MOTION TO AMEND THE PLANNING & ZONING REGULATIONS SECTION 4.1 D.1 REGARDING CUSTOMARY HOME OCCUPATIONS, AS PROPOSED ON DOCUMENT TITLED "PROPOSED REGULATION AMENDMENT RE: CUSTOMARY HOME OCCUPATIONS", DATED 12/15/14 AND AMENDED ON THE RECORD TONIGHT IN A DOCUMENT MARKED AS EXHIBIT 5K BASED UPON THE TOTALITY OF THE EVIDENCE PRESENTED TONIGHT AND THE RECORD TONIGHT INCLUDING THE MINUTES OF THE TWO PREVIOUS WORKSHOPS.**

**MR. FITZSIMMONS: SECOND**

Before the vote, Mr. Kohan asked that Option A be read into the record. He said because Option A deals with not having an employee who is not a member of the residence, he would be voting "NO".

**VOTE: KOHAN-NO; FITZSIMMONS-YES; BIRNEY-YES; VENOIT-YES; SEICHTER-YES.**

## **APPLICATION APPROVED 4-1.**

Chair Seichter thanked Kacie Costello, Town Planner, for her efforts as well as members of the public who came out to the workshops to discuss this.

## **NEW BUSINESS**

6. Site Plan (improvements to athletic fields)/BSC Group/70 Pond Hill Road (Lyman Hall High School) - **#201-15**

Secretary Venoit noted all correspondence into the record: memo from Kacie Costello, Town Planner, to Luke McCoy, dated April 4, 2014; memo from Vincent Mascia, Sr. Engineer, Water & Sewer Divisions, to Kacie Costello, Town Planner, dated April 10, 2014; memo from Luke McCoy to Kacie Costello, Town Planner, dated Nov. 7, 2014; site plan review dated Dec. 31, 2014; memo from Kacie Costello to Luke McCoy, dated Jan. 2, 2015; memo from Vincent Mascia, Sr. Engineer, Water & Sewer Divisions, to Kacie Costello, Town Engineer, dated Jan. 8, 2015; site plan report from the Fire Marshal dated Dec. 9, 2014.

Appearing in front of the Commission was Luke McCoy, Landscape Architect, BCS Group who went over the plan from last fall which was withdrawn. He said changes were made based on Town funding. He went over the site plan. He went over existing conditions at Lyman Hall High School and said the proposed project is slated to be located in the same area of the existing track and field. Mr. McCoy said the goal of the overall project which is a phased project, is to renovate the high school athletic facility to bring it up to what is at Sheehan High School. Mr. McCoy said an eight-lane track will be installed, with dual events, a synthetic turf field and in addition an athletic facility building, updated bathrooms and concessions.

He said the first phase, which the Town has funding for, is reconstruction and rebuilding of the existing track to accommodate a larger soccer field on the inside, which will result in a widening of the track. He said currently, the soccer field is too narrow to host State events. He said an eight lane straightaway, the base bid is a six-lane track and the eight lane track is the alternate, depending upon funding. He said ADA and utilities will be upgraded which includes the egress lighting and the sports field lighting which will be replaced with efficient lighting. He said egress lighting will be upgraded for people exiting after dark, as well as walkways and pathways. Mr. McCoy said the final phase is utility upgrades, based on comments from Public Works. Mr. McCoy said the request is to remove and abandon and cap the older utilities and tie into the newer utilities that come off of the school. He included conceptual renderings of the third phase in the Commissioner's packets which are the team room bathrooms and concessions. Mr. McCoy said Phase One is looking to bid in the spring for summer construction.

Mr. McCoy addressed comments from Town Staff regarding the timeline between the phases. He said the Board of Education's goal is to go after State and Local funding and complete the projects in phases based on this funding.

Mr. Leonardo asked about drainage on the field. Mr. McCoy said this is a synthetic field and the water will permeate through the field. He noted the track is 20 years old and the turf is 12 years old, adding that some fields need replacement after 10 or 11 years. Mr. Kohan

commented on the one percent grade and thought it should be at least 2 percent. Mr. Fitzsimmons asked about construction vehicle access. Mr. Birney requested the timeline be adhered to. Ms. Costello requested her Jan. 2, 2015 comments be made a condition of approval.

Chair Seichter asked Ms. Costello if there were comments from the Engineering Dept. Ms. Costello said they did not put anything in writing, but indicated to her they didn't have any comments they were aware of.

Chair Seichter entertained public comments at this time. There were no public comments.

Mr. McCoy said he will work with the Board of Education on the recommendation of having one construction entrance and restriction on construction traffic during pick-up and drop-off periods.

Chair Seichter entertained a motion on the application.

**MR. BIRNEY: MOTION TO APPROVE A SITE PLAN FOR BSC GROUP, TO MODIFY AND UPGRADE THE ATHLETIC FIELDS AT 70 POND HILL ROAD (LYMAN HALL HIGH SCHOOL), AS SHOWN ON PLANS ENTITLED "LYMAN HALL HIGH SCHOOL ATHLETIC FACILITY, 70 POND HILL ROAD, WALLINGFORD, CT. PERMITTING APPLICATION", DATED NOVEMBER 7, 2014, SUBJECT TO:**

- 1. CONDITIONS OF APPROVAL OF THE WATER & SEWER DEPT. DATED JANUARY 8, 2015;**
- 2. LETTER FROM THE TOWN PLANNER DATED JULY 2, 2014 SHALL BE DEEMED CONDITIONS OF APPROVAL. THERE SHALL BE ONE DEDICATED ENTRANCE AND A SPECIFIC START AND STOP TIME OF THE PROJECT BOTH OF WHICH SHALL BE DETERMINED IN THE CONSTRUCTION DOCUMENTS AFTER CONSULTATION WITH THE BOARD OF EDUCATION**

**MR. FITZSIMMONS: SECOND**

**VOTE: KOHAN-YES; FITZSIMMONS-YES; BIRNEY-YES; VENOIT YES; SEICHTER-YES**

**APPLICATION APPROVED**

**SURVEY WAIVER REQUESTS**

7. Fazzino/21 Twin Oak Farm Road

Secretary Venoit read all correspondence into the record: memo from Mary Fazzino dated Sept. 9, 2014 to Wallingford Planning & Zoning.

Ms. Costello asked the Commission continue this to the February meeting.

**MR. BIRNEY: MOTION TO CONTINUE THE SURVEY WAIVER REQUEST FOR FAZZINO TO THE FEBRUARY MEETING.**

**MR. FITZSIMMONS: SECOND**

**VOTE: UNANIMOUS**

8. Zichichi/451 Ward Street Ext.

Secretary Venoit noted all correspondence for the record: memo from Peter Zichichi to the Planning & Zoning Commission (no date) received Jan.12, 2015.

Appearing in front of the Commission was Peter Zichichi. He said he was approved for his application to maintain an office on the first floor of Building #1, and to convert the second floor to residential use. He said after speaking with the Fire Marshal and the Building Official, he said a second egress is desired and in order to accomplish this, the creation of a dormer on the north side, second story is being requested. He said this dormer won't increase the footprint of the building.

Chair Seichter entertained public comment at this time. There was no public comment.

Chair Seichter entertained a motion on the application.

**MR. BIRNEY: MOTION TO APPROVE THE REQUEST FOR A WAIVER OF SECTION 8.3.B BY MR. ZICHICHI BASED UPON DOCUMENTS SUBMITTED TONIGHT AS PART OF THE RECORD AND COMMENTS OF THE APPLICANT.**

**MR. FITZSIMMONS – SECOND**

**VOTE: KOHAN-YES; FITZSIMMONS-YES; BIRNEY-YES; VENOIT-YES; SEICHTER-YES.**

**APPROVED**

**MAP FILING EXTENSION REQUEST**

9. Subdivision/Taylor/44/54 Pond Hill Rd., No. Haven/1100 Clintonville Rd., Wallingford -  
**#104-14**

Secretary Venoit noted all correspondence into the record: memo from John Taylor, property owner, to Wallingford Planning office dated Dec. 26, 2014.

Secretary Venoit read the Applicant's request into the record which consisted of a request for two 90-day extensions for the filing of the sub-division mylars on the land records. The referenced subdivision is #104-14 44/54 Pond Hill Rd., No. Haven and 1100 Clintonville Rd., Wallingford.

Chair Seichter entertained a motion on this request.

**MR. BIRNEY: MOTION TO GRANT THE REQUEST FOR TWO 90-DAY EXTENSIONS FOR THE FILING OF THE SUBDIVISION MYLARS ON THE LAND RECORDS.**

**MR. FITZSIMMONS- SECOND**

**VOTE: KOHAN-YES; FITZSIMMONS-YES; BIRNEY-YES; VENOIT-YES; SEICHTER-YES.**

**APPROVED.**

Chair Seichter took the agenda in the following order:

17. ZBA Decisions of December 15, 2014.

Chair Seichter said there was one application: a variance request for McDonald's which was approved and a Special Exception Request from Solar City on behalf of the City of Meriden to install solar panels on the grounds of Meriden-Markham airport.

18. ZBA Legal Notice for January 20, 2014

Mr. Fitzsimmons discussed the first variance request for a sideyard. Ms. Costello explained this is an expansion of garage space. She said the existing is close to the property line and believes it will be a six-ft. expansion. She said it is very close and when its less than 2 ft. from the property line, building code dictates there be no egress and the wall be fire rated on both sides. She said questions will be asked on how the Applicant will construct and maintain the structure without trespassing.

**BOND RELEASES AND REDUCTIONS**

10. Greene-Woronick/239 Pond Hill Road

11. Green-Woronick/350 South Main Street

Ms. Costello said both of these are ready for release.

**MR. BIRNEY: MOTION TO RELEASE THE BONDS NOTED UNDER 10 & 11.**

**MR. FITZSIMMONS – SECOND.**

**VOTE: KOHAN-YES; FITZSIMMONS-YES; BIRNEY-YES; VENOIT-YES; SEICHTER-YES.**

**APPROVED.**

**DISCUSSION**

12. IHZ (Incentive Housing Zone)

Ms. Costello noted the Commission had in their packets, the final approval letter from the State of CT which means the IHZ is formally and officially in effect.

Chair Seichter thanked Ms. Costello for her work and requested Ms. Costello pass on the Commission's appreciation to former Town Planner Linda Bush for her assistance.

Ms. Costello, in answer to Mr. Fitzsimmons question, said she would speak to Mayor Dickinson about assuming responsibility of the Town obtaining an IHZ Certificate of Compliance from the DOH by Oct. 1 annual. She said she presumes the Planning Office will have this responsibility.

13. Potential Seminar with Mark Branse

Ms. Costello said the Assit. Town Planner has been having conversations with the ZBA regarding having Land Use Attorney Mark Branse conduct a seminar or workshop with land use boards. She said the invitation was extended to the P & Z to attend the workshop. Ms. Costello said this could be picked up later in the year.

Chair Seichter suggested postponing this to later in the year. Ms. Costello discussed the CT Land Use Law on March 21, 2015 seminar at Wesleyan University. She said the registration deadline is the end of January.

**REPORTS OF OFFICERS AND STAFF**

14. Annual Report-not discussed. Moved to the Jan. 26, 2015 agenda.

15. Plan of Conservation & Development

Ms. Costello said the consultant is Milone & MacBroom. She said the bid information has been sent out to them and are in the process of completing the contract. She anticipates there will be a timeline ready by the next P & Z meeting.

16. Administrative Approvals

- a. Site Plan/M. Papa/1181 Barnes Road (Hilton Garden Inn) - **#255-14 – Approved Administratively**

Ms. Costello explained this was for the request to have decorative lights on the trees at the Hilton Garden Inn.

19. Zoning Enforcement Log

Ms. Costello said Tom Hogarty, Assistant Town Planner, has gone through the violation logs and progress is being made. She said a list will be available at the next meeting. Ms. Costello said Mr. Hogarty has also been working with the State's Attorneys Office on certain items and is in the process of having a warrant issued regarding a certain zoning violation. Ms. Costello said the forms for the citations for signs are in the process of being printed.

Chair Seichter asked Ms. Costello to have Mr. Hogarty to put a list together a detailed report of all the people notified for sign violations and when they were notified in time for the Jan. 26<sup>th</sup> special meeting. He also asked Commission members to check their schedules for availability for upcoming workshops. Commissioner Matarazzo spoke about a large banner in a storefront on Center Street. Chair Seichter asked Ms. Costello to check a convenience store across from Wallingford Optical which has multiple signage in the window.

**ADJOURNMENT**

Mr. Birney made a motion to adjourn the meeting at 9:30 p.m. Mr. Fitzsimmons seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist  
Recording Secretary