

Wallingford Planning & Zoning Commission

Monday, December 12, 2016

7:00 p.m.

Robert F. Parisi Council Chambers

Town Hall-45 S. Main Street, Wallingford, CT

MINUTES

PRESENT: Chair Jim Seichter; Vice-Chair J.P.Venoit; James Fitzsimmons; Armand Menard, Secretary; Jeffrey Kohan; Rocco Matarazzo alternate; Gina Morgenstein alternate; Larry Zabrowski alternate; Kacie Costello, Town Planner.

Chair Seichter called the Meeting to Order: 7:02p.m. and the Pledge of Allegiance was recited.

Minutes – November 14,2016

Mr. Fitzsimmons: Motion to approve the Nov. 14, 2016 PZC Meeting Minutes as amended noting on page 9 regarding the discussion on zoning verification it should read "Commission agreed to correct the map".

Mr. Kohan: Second

Vote: Unanimous

PUBLIC HEARINGS

1. Special Permit (retail building with 3 apartments above) 902 South Colony Realty, LLC/900-902 South Colony Road (WITHDRAWN) - **#410-16**
2. Special Permit (Fill & Excavation)/J. Vitali/One Alexander Drive - **#413-16**

Secretary Menard read the Legal Notice and noted all correspondence for the record: Letter from OCC Group dated Dec. 6, 2016 from David Carson; Letter from OCC Group dated Dec. 16 2016; memo from James Seichter to Dept of Engineering dated; Interdepartmental Referral dated 10-5-16 from Fire Marshall; Interdepartmental Referral from Environmental Planner dated October 6 2016

Appearing in front of the Commission was Applicant James Vitali and George Cotter OCC Group who told the Commission this is a 13-acre parcel which is part of Barnes Park South Subdivision. He pointed out that in 2000, a building permit was granted and has now expired. Mr. Cotter said the proposed site to develop is 3.75 acres and will be done in three phases of one acre and

a quarter. He said topsoil and temporary seeding has to be added to stabilize the ground. Mr. Cotter said there is an original line of silt fencing and hay bales which has been maintained and there have been no erosion issues. Mr. Cotter said everything drains back onto the site and temporary swales will be created to direct flows to the temporary sediment basins.

Mr. Cotter spoke about the three phases which he said will start in the central south portion of the property. Mr. Cotter said there are three stockpiles on site. He said there is a temporary extension to Alexander Drive which comes to the property. He showed the proposed filling area on the IX zone property which he said is being done to cut down on the steepness of the property.

Mr. Cotter went over the erosion plan which involves hay bales and silt fences. He went over the different erosion protections. Mr. Cotter said the three phase plan as added to show the three phases and said 6,000 cubic yards will be added. He said the first phase is one and one quarter acre; the second phase and the eastern slope of the property will be the third phase. He said there is an existing Right-Of-Way granted to the Town in the IX zone. He said this has not been disturbed. Mr. Cotter said details were added for the temporary basins and erosion controls.

Mr. Zabrowski asked about testing requirements on the fill which will be placed. Mr. Cotter said they are looking for clean fill. Mr. Zabrowski asked if they would be testing. Mr. Cotter said there is usually no testing for fill coming on-site. Mr. Vitali said he is not interested in bad fill on the site and will keep an eye on it. Mr. Fitzsimmons asked about the hours of operation. Mr. Cotter said it will be 7a.m. to 5 p.m. Monday through Saturday, noting this is not a residential area. Mr. Vitali said the work probably won't take place every day.

Ms. Costello said these permits are only good for one year and can be removed. She asked about the time frame of the project. Mr. Vitali said he has access to clean fill material for a three year contract but would like this to be completed before three years. Ms. Costello asked about the stockpile and asked if a screener will be brought on site. Mr. Cotter said one would be provided. Ms. Costello asked if the stockpiles will be leveled before final restoration. Mr. Cotter said they would be. Mr. Cotter said they have a good plan for protection of the site.

No Public Comment.

Mr. Venoit: Motion to close the Public Hearing at 7:22 p.m.

Mr. Fitzsimmons: Second

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

Chair Seichter entertained a motion on the application.

Mr. Venoit- Motion to approve a Special Permit/Fill Stockpile, for Vitali to stockpile, fill and regrade the site at 1 Alexander Drive with up to 18,000 cubic yards of material as shown on plans entitled "Filling Plan for Lot #17 Barnes Industrial Park, 1 Alexander Drive, Wallingford, CT., dated October 5 2016 revised to December 6, 2016 and subject to:

- 1. Permit to expire on December 16, 2017;**
- 2. General location of screener on final plan;**
- 3. Stockpile to be leveled;**
- 4. One phase fully restored before the beginning of the next phases;**
- 5. Reference points to be staked;**
- 6. Silt fencing on final plans;**
- 7. S&E bond of \$6,730;**
- 8. Address comments from Rob Baltramaitis, Engineering Dept. dated Nov. 10, 2016.**

Mr. Fitzsimmons: Second

Vote: Kohan-Fitzsimmons-Venoit-Menard-Seichter

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

Secretary Menard read the Legal Notice and noted all correspondence for the record: Memo from Town Engineer to P&Z; letter from Juliano Associates dated Nov. 14 16; Interoffice Referral from Sr. Engineer Water and Sewer Divisions; Interdepartmental Referral dated 10-7-16 from the Fire Marshal; Interoffice memo to Town Planner Kacie Costello from the Water and Sewer Divisions Sr. Engineer dated Dec. 2 2016; Letter from Romar Properties to Town Planner Kacie Costello dated Dec. 5 2016; Interdepartmental referral submitted 10-7-16 from Fire Marshal; Letter from Ronald Harris received Oct. 31 2016; letter from Romar Properties from Town Planner Kacie Costello; A Plan Review; Interdepartmental Referral submitted 10-7-16 from Steve Civitelli.

Appearing in front of the Commission was Chris Juliano, P.E., Licensed Land Surveyor, Juliano Associates, and Robert Cone, property owner.

Mr. Juliano went over the site plan. He said it is an existing two pump gas station and convenience store. He said the site is predominately all asphalt with three curb cuts on South Main Street and two curb cuts on Rt. 5.

Mr. Juliano said Mr. Cone would like to expand the number of pumps on-site. He said ZBA approved the extra pumps and canopy and the distance from those pumps to the property line.

Mr. Juliano said Planning & Zoning requires 25 ft. from a pump to a property line and the fire code allows 10 ft. He noted the closest which is the southeast corner is 12.7ft.

Mr. Juliano said he met with the DOT and they asked for the relocation of the curb cut from its position to the north so that it would line up with the main part of the building. He said in order to do this the Electric Division had to move a pole which has been moved. Mr. Juliano said the State asked the Applicant to give them their full Right-Of-Way as landscaped islands so none of the State's Right-Of-Way would be used for parking. He said on the Town's property, the two islands have been increased; one along the building and the other at the main entrance out to South Main St. He said the third curb cut will be kept as an access for loading and unloading and to access a few parking spaces in the back. Mr. Juliano said the dumpster will be relocated because currently it is located in the Town Right-Of-Way between the building and the island, and because this is being closed off, this is the only practical spot. He said the dumpster will be screened with solid fence.

Ms. Morgenstein asked about the intersection to the south which is problematic. She noted that cars that come out to S. Main Street have to turn right and there is just room for two cars. She asked about traffic surveys noting with more pumps there will be more traffic. Mr. Juliano said he has provided more information regarding the fueling. He said the morning trips are below the 100 vehicle trips per hour and the afternoon peak is at 107 vehicle trips per hour. He said he had a study from BYU which analyzed a 7-11 Gas Station and found the numbers were reversed with more people getting gas at night. He said based upon their actual calculated numbers, the Applicant doesn't hit the 100 peak trip threshold. He asked Ms. Costello to have Town Engineer Rob Baltramaitis to review this traffic study. Ms. Costello said the P&Z can make a condition of approval that the Town Engineer review the Applicant's traffic generation information to make a determination of whether additional information is needed. Ms. Costello asked Mr. Juliano to address Ms. Morgenstein's concern of whether there will be an impact to traffic on S. Colony and what will it be.

Mr. Juliano said this is a tough intersection in its configuration. He said there is not a lot that can be done because of the road configuration in the past. He suggested taking a left onto Rt. 5 because there is a traffic light. He said the queuing cannot be lengthened on S. Main St. and obviously there is nothing which can be done on this portion of S. Elm St.

Mr. Juliano said currently there are approximately 200 vehicles per day for gasoline and is expected to peak at 266 vehicles just for gas. Mr. Juliano said this facility is located a few doors down from a Dunkin Donuts so there will not be a steady flow of traffic. He noted this site used to have four pumps.

Mr. Matarazzo asked about the new design taking into account fuel deliveries. Mr. Cone said fuel deliveries can occur anytime. Mr. Matarazzo asked about the islands on the Colony Road and the South Main Street side. Mr. Juliano said there are small bituminous islands and they will

be increased in size both on the State and Town sides and will be landscaped. He said everything will be low shrub and grassed. Chair Seichter noted the roof runoff infiltration system put into an on-site galley system comments from Mr. Baltramaitis' dated Nov. 10 2016. Mr. Juliano said the Applicant's plan is addressing the five curb cuts, regarding of the site, the dumpster and parking impacting the Valenti site. He said the building is right up to the property line and noted there is a gentlemen's agreement between Valenti and Mr. Cone. Mr. Juliano said he can accommodate the on-site storm sewer system and infiltrating and taking in the roof runoff. Chair Seichter asked Ms. Costello to ensure the Applicant receives all of the comments.

Mr. Matarazzo asked when the station was equipped with four pumps. Mr. Cone said this occurred in the early 1970's. Chair Seichter said he would feel uncomfortable approving this without Mr. Baltramaitis reviewing the information Mr. Juliano has presented or will be presenting.

PUBLIC COMMENT—NONE.

Ms. Costello said this is a tough site and noted most of her comments were addressed. Regarding the curb cuts, Ms. Costello said she looked at decreasing them further but noted this can't be done because of fueling and the need to get around the site. She said there will be more information about the traffic and noted whether there are two or four pumps a lot will be passed by traffic anyway. She said typically, a lot of this traffic is people driving by getting gas somewhere else. Ms. Costello said Mr. Baltramaitis noted that all but the last two comments were addressed. Mr. Juliano noted Mr. Baltramaitis' comment about the impervious surface on site increasing. He said this is the opposite because a green site is being added. He said he will speak to Mr. Baltramaitis on this subject and also regarding his request for a galley system.

The Public Hearing was closed at 7:42 p.m.

APPLICATION CONTINUED TO THE JAN 9, 2017 MTG.

Mr. Venoit: Motion: to continue this application to the Jan 9, 2017 Meeting.

Mr. Fitzsimmons: Second

Vote: Kohan –yes; Fitzsimmons-yes; Venoit-yes; Menard-yes; Seichter-yes

4. Special Permit (2 residential apartments 2nd floor; retail/service & personal service –1st floor), L. Torres/203-205 Center Street - **#415-16**

Secretary Menard noted the Legal Notice and read all correspondence into the record: Inter-Departmental Referral submitted November 9, 2016; Letter from Kacie Costello, Town Planner to Luis Torres, dated December 5, 2016; Letter from the Wallingford Fire Prevention Bureau, Michael Gudelski, Fire Marshal, dated November 3, 2016.

Appearing in front of the PZC was Luis Torres 205 Center Street. He said he brought the property two months ago and noted the property was approved for offices but there were no improvements made He said he purchased the property a few months ago and discovered there are tenants living in the two apartment and there were no emergency exits and said he spoke to the builder to make the apartments livable and compliant with zoning.

Ms. Costello said she was happy to finally have this property brought into compliance. She said the proposal is what is being looked at in the CA-6 Zone.

PUBLIC HEARING-NO COMMENTS

Chair Seichter entertained a motion to close the Public Hearing at 7:40 p.m.

Mr. Venoit: Motion to close the Public Hearing at 7:40 p.m.

Mr. Fitzsimmons: Second

Vote: Kohan-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 upper story residential use for Torres to legalize two existing residential apartments; one three-bedroom and one studio on the second floor and existing commercial use service retail on the first floor at 203-205 Center Street as described in the letter from Luis Torres for 203-205 Center Street, Wallingford, CT 06492, dated November 9, 2006 and as shown as attached plans entitled: "new first floor layout, second floor layout and 203-205 Center Street, Wallingford, CT, application 96-4, subject to:

- 1. Town Building & Fire Marshal final inspection and approval**

Mr. Fitzsimmons: Second

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

- 5. Special Permit (addition and associated alterations to car dealership)/J. Blichfeldt - #416-16**

Secretary Menard read the Legal Notice and noted all correspondence into the record: Inter Departmental referral dated 11/14/2016 from the Fire Marshal; Interoffice memorandum to Kacie Costello from Sr. Engineer Erik Krueger, Water & Sewer Divisions, dated November 30, 2016; Letter from former Town Planner Linda Bush to Loughlin, Henrici, Molloy & Rizzo dated November 5, 1997; Letter from former Town Planner Linda Bush, dated Oct. 30, 1997 to Joseph Blickfeldt; Letter from Kingsbrook Development Corp. dated December 12, 2016 to Kacie Costello, Town Planner.

Appearing in front of the Commission was Christopher Juliano, P.E., Land Surveyor, Juliano Associates; Joseph Blickfeldt, Gary Turney Architect.

Chair Seichter noted that Ms. Costello had reviewed the plans and indicated they don't conform to the RF-40 zoning regulations. Ms. Costello said when she did her initial review, there were some items that didn't comply with the RF-40 requirements. She said she had a meeting with Mr. Juliano last week to go over some of these items. Ms. Costello said once this issue is addressed, she will do a full review with comments. Ms. Costello said two areas she noticed involved the front landscaped areas noting there is a five-foot landscaped area along the edge of all parking lots which require over 30 spaces. She said she understood there was a history here and noted when the building was first constructed, the original approval was for a retail use and there was a site plan approved which was prior to the adoption of the RF-40 zoning regulations. She said after this approval, the RF-40 zoning regulations were approved which require the additional landscaping requirements. Ms. Costello noted applications didn't have to conform years ago to the RF-40 requirements they could lay claim to the previous requirements.

She said now, when something new is proposed, the entire site must be brought into conformity per zoning regulations. She said because there is a proposed expansion, the property must be brought into compliance with the current RF-40 zoning requirements which means that instead of the front landscaping requirement being 25 ft. it would become 50 ft. from the front property line and five feet of landscaping along the southern property line.

Ms. Costello said there is proposed triple stacking of vehicles on the south side. She said this doesn't count toward parking requirements which is alright, but would have to be modified somewhat in order to come into compliance with the five-foot landscaped area. She said options were discussed. Chair Seichter asked Ms. Costello regarding the 1997 application when the PZC viewed this as a modification, there was still a valid site plan in effect but this has expired, so there is no site plan at this time to modify.

Mr. Juliano said in 1997 he came in with Quality Subaru and the issue with the landscaping came forward about 25 ft. vs. the 50 ft. under the newly adopted RF-40 zone. He said his office started applying for a ZBA variance. He said he was allowed to proceed. Mr. Juliano said there was an existing waiver of the 25 ft. He said during the 1997 hearings there was an additional 25 ft. of additional landscaping from the property line to the edge of the pavement and a site plan was provided. He said he met with Ms. Costello last Monday and assured the PZC the RF-40 regulations can be met in its entirety. Mr. Juliano went over the site plan.

Chair Seichter asked for Commission feedback regarding whether the Applicant be required to meet the RF-40 Regulations. Mr. Fitzsimmons said his understanding is that Ms. Costello believes the plan presented is not correct in our current zone. Ms. Costello said this plan doesn't

comply with current zoning requirements in that zone. Mr. Fitzsimmons said the first issue is what zone applies. He said the new RT. 5 applies to this application.

Ms. Costello said it is in the RF-40 zone currently and said she believes this is what applies right now. She referenced PZC Regulations Section 1.3.

Mr. Fitzsimmons said he agreed with Chair Seichter that to go forward would be difficult. Mr. Kohan said he would be willing to hear the plan with 25 ft. He asked Ms. Costello to fill him in on where the RF-40 begins on Rt. 5. Ms. Costello said she couldn't say exactly without the zoning map in front of her, but believes it starts at the Parker Street area up Rt. 5 to S. Broad Street. She said over time some properties have the 50 ft. and these are the properties which have done something or built since the RF-40 requirements began. She noted the property next door had to do the 50 ft. Mr. Kohan said if one looks at the structures on Rt. 5 going north, these people are penalized because there is not 50 ft. there and they can't physically comply. Ms. Costello said this might be an argument to change the zone.

Mr. Menard said he was alright with the 25 ft. Ms. Costello said the question is does the Applicant have to comply with today's zoning regulations. She said they would have to seek a variance or bring the map up to the current requirements. She said if they are allowed to lay claim to a previous set of zoning regulations the plan could be heard.

Mr. Venoit said the question is what other properties have this issue. Ms. Costello said any property in the RF-40 zone constructed prior to 1997 doesn't have 50 ft. of landscaping. She said most properties are not in compliance with this if they were constructed before 1997. She said most people would rather use most of their property for parking and not landscaping. Ms. Costello said the Applicant could apply for a variance.

Chair Seichter said the plan presented doesn't comply with zoning regulations. He said there could be a variance applied for. He said the Town has the RF-40 regulations and looks for the Applicant who is putting up a new building to comply with these regulations. He said with a variance the extra landscaping would not have to be required. Mr. Juliano said his client will probably not move forward tonight. He said he has been redeveloping the plan. Mr. Juliano said his client was prepared not to have something voted on tonight. Chair Seichter said it doesn't make sense to go over the plan tonight. Ms. Costello said the Public Hearing can be continued and a revised set of plans can be submitted.

Mr. Venoit: Motion to continue this application to the January 9, 2017 Meeting.

Mr. Fitzsimmons: Second

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

POSTPONED TO THE JANUARY 9, 2017 MEETING.

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

Secretary Menard read the Legal Notice and noted all correspondence for the record: Interdepartmental Referral dated Nov. 14, 2016 from the Fire Marshal; Interoffice Memorandum from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, dated Nov. 30, 2016; Memorandum from Rob Baltramaitis, Dept. of Engineering, dated December 8, 2016 to Planning & Zoning; Proposed Amendment to the Wallingford Zoning Regulations dated December 2016.

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

Chair Seichter said based on comments from Ms. Costello the Town Attorney wanted to look at these regulations and thus the PZC will not be taking any action on this application.

Mr. Juliano said he came to the PZC in April 2016 for proposed regulations on affordable housing. He said there are four different regulations. He said when Mr. Richello came forward he wanted to come with a new overlay district to be used in certain zones. He said Ms. Costello took what was said in April and made this into a viable regulation. Mr. Juliano said one of the aspects of this was a sub-section for elderly housing. He said Mr. Richello wants to construct a 36 unit elderly housing facility. He said there is a need for elderly apartments in Town. He said this was also presented to the IWWC and wants to be able to come to the PZC in January 2017 with a zoning change application.

Chair Seichter asked Mr. Juliano for an overview of the changes being made. Mr. Juliano said the proposed overlay for affordable housing would be for areas which have access to public transportation. He spoke about front yard setbacks and the doubling of the amount of acreage required. He said this overlay zone is also regulated by State Statutes. He said with parking, the general overlay district complies with project. He said with the elderly, the spaces could be reduced to 1.25 spaces. He said a lot of research was done by going through the regulations of each Town. Mr. Juliano said he has tried to look at what the Town needs and requires and give the Town a sense of safety and thoroughness.

Chair Seichter noted anyone living in age restricted housing would have to be 62 years of age or older. Ms. Costello said this is based on CT Gen Statute 830-G regarding affordable housing. She said the Town works with parties interested in developing affordable housing to develop a zone. She said because of 830-G, a person doesn't have to use this regulation they can propose something else. Ms. Costello said she provided an update in the Commissioner's packets. She said she made an effort to ensure the language for affordability requirements is robust. She said she incorporated some of the Commission's comments especially regarding aging-in-place and clarification on pro-rata leasing language.

She said a 50-year affordability restriction was written into the lease. Mr. Fitzsimmons said he didn't recall discussing modifications. He said as an affordable project, as a rental, this language should be cleaned up. Ms. Costello said this came from language from existing regulations. She said whether it is a single building the Commission has not wanted individual owners or occupants to come to the PZC for a single change. She said the language has to be tweaked. Mr. Fitzsimmons said this could end up with certain people having more than others.

Mr. Kohan said even though it is an age restricted development there could be a situation where adult children could be living with their parents. He said he didn't know if this could be permitted and needs to be clarified. Mr. Juliano said this question came up in April and emphasized the minimum age has to be 62 and no one under the age of 50. He said the Applicant doesn't want this and doesn't want the regulation abused. Mr. Kohan wondered if there was Federal or State law that would state otherwise. Chair Seichter asked for clarification believing the original language was that people living there had to be 62. Mr. Juliano said the owner had to be 62 and the minimum age would be 50. Chair Seichter asked if the Applicant would want to consider the age being restricted to age 62.

Chair Seichter said the 50-year lease requirement is reasonable.

PUBLIC COMMENT – None.

Ms. Costello spoke about the general age restriction, i.e. what is the age restriction and what the Commission would like it to be. She said State Statute defines age restricted housing as 55 or older. She said the Commission could make it older, but not younger. She said she believed there are some developments that specifically state only people that age or older can live there and others that one person that age or the primary owner can live there. Ms. Costello spoke about the appropriate parking requirement for age restriction which was raised by Mr. Baltramaitis. She said she has been struggling at what age is it appropriate to reduce the parking requirement. Ms. Costello said this is something the Commission should consider. She said Mr. Baltramaitis suggested tiering the parking requirement.

Chair Seichter agreed with Ms. Costello noting that if it is 1.25 the 55 age has to have the parking increased. Mr. Juliano agreed with Chair Seichter that the age drives the parking. He said he is fine with limiting the age to 62 and working with the parking requirements. He said the problem is where the sweet spot is and how to find it. Mr. Juliano said a sliding scale or a parking plan might work. Mr. Fitzsimmons said he liked the Town Engineer's proposal of tiering the parking. Mr. Kohan said the tiering scale is fine. He asked Ms. Costello about the Parker Street parking where their engineer presented 1.25 parking spaces which he said would meet their requirements. Ms. Costello said she believed it was 1.5 spaces because they were near the train station. Ms. Morgenstein asked if there would be some way to put in the regulations to have a 55 and up and 62 and up community with different parking regulations. Ms. Costello asked the Commission if they were happy with 1.25 spaces per unit or the 1.5 spaces. She

explained that if the requirements can't be tiered and there has to be one parking requirement or all age restricted unit what number would the Commission be comfortable with. Chair Seichter said with the 55 age, 1.25 parking spaces is unrealistic.

Mr. Venoit agreed stating he didn't like the tier. He said he didn't know if there was a difference between 55 year olds and 62 year olds with regards to parking. Chair Seichter encouraged Mr. Juliano to speak with Ms. Costello, the Town Attorney and Rob Baltramaitis, Town Engineer.

POSTPONED TO THE JAN. 9, 2017 MEETING

Mr. Venoit: Motion to continue this application to the January 9, 2017 meeting

Mr. Kohan: Second

Vote: Unanimous

7. Zoning Text Amendment/PZC/Sec.4.5.D.3(CA-6 Zone – parking)

Secretary Menard read the Legal Notice and noted all correspondence into the record: Inter-Departmental Memo submitted December 12, 2016 from the fire Marshal; Inter-Office Memorandum from Erik Krueger, Sr. Engineer, Water and Sewer Divisions dated Nov. 30, 2016; Memorandum from Rob Baltramaitis, Town Engineer, Dept. of Engineering to Planning and Zoning Commission dated December 8, 2016; Memo from Jon Walworth, to James Seichter, Chair, Planning and Zoning Commission;

Ms. Costello gave some background. She said there was discussion regarding the Town Center area and the need for a specific zone for this area. She said the driving element is the parking needs in this area. She said there is on street and public parking available and the ability for people to visit multiple places and park in one parking spot. She said there is a mix of uses where a tenant may be there for 24 hours and then retail and business. She said a business owner applied for changes in the CA-6 zone as related to parking requirements. She said there have been several workshops on this topic.

Ms. Costello discussed the regulations. She said this could be addressed by reducing the general requirements; one space for 400 sq. ft. rather than one space for 500 sq. ft. She said current regulations differentiate between a restaurant with or without a dance floor. She said these uses are fluid. She discussed parking for existing buildings and allowing interchanging of existing uses between buildings. She said there were provisions to account for parking in different ways. Ms. Costello said there are a lot of pre-existing parking spaces that don't comply with the new parking regulations. She said what is being proposed is a Special Permit to allow certain non-conformities to remain. Ms. Costello said the Commission would make a determination on whether some of these non-conformities could remain.

She said the Applicants would come to the Commission with a specific proposal but the intention is to try to provide some flexibility to people. She said this is an attempt to encourage growth in the downtown area. Ms. Costello discussed the shared parking chart. She said other options are fees in lieu of parking spaces. She said a person could pay into a fund dedicated for this purpose instead of actually building the parking space. Ms. Costello said the Commission should discuss the fees in lieu of parking. She said she has done a lot of research and have seen some formulas and a wide variety of fees. She said the Commission should also discuss what these fees should be and noted the Commission must have a two-thirds vote for this. Ms. Costello discussed the possibility of making one parking space to the general public all the time this could be counted as one and a half parking spaces. She discussed bicycle parking and noted if spaces were provided for bicycles the car parking spaces could be reduced. Ms. Costello also discussed tying into adjoining parking lots. She said she would like to see working together to best utilize the existing parking lots. Ms. Costello said Atty. Small wanted to look into making spaces available to the general public and how this could best be implemented and what the language should be.

Chair Seichter said this will not be voted upon tonight and anticipates final comments in January from Atty. Small. Mr. Zabrowski spoke about Subsection E noting anyone could come before the Commission and apply for a parking exemption. He said this language wasn't clear. Ms. Costello said the requirements can't be waived carte blanche. Ms. Costello said for each dwelling unit one parking space would have to be required. Ms. Costello said zoning regulations sometimes state the Commission can't waive a requirement unless there are specific conditions. She said the Applicant would have to apply for a variance. She said this is an attempt to write into the regulations some flexibility.

Mr. Zabrowski said sub-section E requires additional work. Chair Seichter said he was confused on why the section needed work. He said there are options given the developer to look into other options which are outlined in the Regulations. Mr. Zabrowski said we want to open this up to developers with good ideas. Ms. Costello said there is a provision for physical non-conformities and for physical options.

Mr. Kohan asked if the number \$12,500 came out of the last number. Ms. Costello said the Commission believed the \$5000 number was too low. Mr. Kohan said he believed the \$12,500 was too high. He said if this money is collected there should be something in the Regulations stating what this money would be used for. Ms. Costello said she suggested this money can only be used in the CA-6 zone. Mr. Kohan asked if a specific use could be designated in the Regulations. Ms. Costello said this designation could be specified. Ms. Morgenstein said there needs to be a plan to come up with more parking facilities. Ms. Costello said over the years there was public and private parking, but this has fallen to the wayside. She asked if there was anything realistic this Commission could do. Ms. Costello said this maintenance fund could be used for the development of future parking lots.

Mr. Fitzsimmons said he is in favor of reduced parking requirements and has no illusions that someone would pay this fee. He said he doesn't believe there is a parking problem downtown. He said there is quantity not quality with parking and is not in favor of wrestling with a fee. He said a reduction in parking requirements will help downtown but a nominal fee might be appropriate. Chair Seichter agreed with the quantity not quality and noted the option is always there for a variance. He said there is an opportunity with these regulations and proposed regulations where we may see the quality of these spaces and the interconnections improve.

Continued to the January 9, 2017 PZC Meeting

PUBLIC COMMENT

Jack McGuire 373 Center St., spoke about zero spaces as the only solution especially uptown. He cited the Baptist Church on Main and Church Street which he noted has no parking. He said no matter what is done trying to put a square peg in a round hole. He said we are all trying to improve the Town and bring in more tax dollars and make things more viable. He commended the PZC for what they are trying to do. He encouraged the PZC to go back and rethink this.

Chair Seichter said if there were quality parking lots he would seriously consider this. He said there is quantity not quality and that is the biggest issue.

John LeTourneau, 3 Regent Court, said he agreed with Mr. McGuire regarding zero spaces. He said this is something that could be done in Town. He spoke about payment in lieu and could see problems with this idea and if brought to the Council there would be months of workshops. He said without a parking authority the money would be put in a general fund. Mr. LeTourneau said he has been downtown for 17 years and has heard quality vs. quantity. He said there is plenty of parking, but access is difficult and noted there have been parking lots that have not been maintained. He said zero parking is the way to go.

Mike Tiscia, 7 Saddlebrook Road, owner of Michael's Trattoria, said he has been downtown for 23 years and parking has always been a problem. He said he was against paying for parking. He said there shouldn't be charges on anything.

Mark Gingras, 154 Cheshire Road, said he agrees with zero parking as a private citizen. He said as a member of the EDC with all the members present tonight, they take seriously the work of the PZC. He said the fee payment in lieu of at \$12,500 is too high. He said the EDC voted unanimously to have the PZC lower the fee and suggested a maximum of \$5,000 with a minimum of \$3,500. He said development in the center of Town is the most important and parking is the most important.

Jim Wolf, EDC member, asked if one is a property owner and has an office business and is only using the parking spaces from 9 to 5, could other people in other lots use these spaces. Ms. Costello said this is part of the reason for the reduction in the parking. He asked if a property

owner makes a space public will he be paid \$12,500. Ms. Costello said these are alternatives to developers.

Stephen Knight, 289 Ivy Street, said he is on the Board of Wallingford Center Inc. He said he is honored that the PZC is willing to sift through this issue. Mr. Knight said he sees amazing confluence of opportunities coming into Town with the IHZ and TOD. He said charging a developer \$12,500 for a space to him would bring a lot of developers short and have them question how serious the Town is in working with them. He said he hopes the PZC considers that if there is going to be a fee it would be commensurate with the town and \$3000 to \$3,500 is reasonable. He said Wallingford Center is anxious to have this issue move forward.

Vincenzo DiNatale, thanked Ms. Costello for her work and thanked the EDC and Wallingford Center. He said zero regulations are the way to go. He said a compromise would be a regulation with a reasonable fee. He said he agreed with \$3,000 to \$3,500. He said the PZC has to come forward with regulations we can work with and asked for a consensus regarding the fee.

Jon Walworth, said State Legislature requires this fund go for parking maintenance, transportation, not in the general fund. He asked the PZC not to get bogged down with the quality of parking. He said a compromise in setting a number as proposed by the EDC with a provision the fee goes up 5 percent a year. He said this will avoid variance requests. He asked the PZC to revisit the 10 percent maximum and make it 20 percent.

Ms. Morgenstein said this is the public we need to listen to. She said she understands most of the property on Center Street is difficult to fill. She said there is a great thing coming with the train. She said people will use the TOD. Ms. Morgenstein said this coming together with ideas is an important thing. She said there is interest in the zero and a lower dollar figure. Mr. Fitzsimmons suggested to strike the fees in lieu of parking spaces. He said he was in favor to strike Section 2, Paragraphs four and five.

Chair Seichter said the issue wasn't parking, but small lots. He said from his prospective he would be willing to go to the 20 percent and the \$3,000. Mr. Matarazzo said he would agree with Mr. Fitzsimmons with the zero parking. He said the downtown wouldn't be where it is if it weren't for these people sitting in the room. He said Wallingford is a town which needs to step up and a firm decision needs to be made on the Wooding Caplan lot and needs to be made a permanent parking lot. He said we want to see uptown prosper and develop more. Mr. Zabrowski said he is for the zero parking. Chair Seichter asked for the Commissions comments on whether to go forward with the regulations or eliminated the zero parking.

Mr. Kohan said zero parking works in Branford it will work here. Mr. Fitzsimmons said the zero he was in favor here was the zero fee with the parking. He said he could go zero with the fee and would like to move forward without the fees for the parking spaces. Mr. Venoit said the 20 percent at \$3000 and why couldn't this be higher. Mr. Fitz said the Library receive a variance for parking spots. Mr. Venoit said he was ok with lowering the requirements. He said he liked the

zero parking. He asked what would be done with the parking today. Mr. Menard said he would go for the zero fee in lieu of parking. Chair Seichter said he is not in favor of zero parking because there is quantity not quality and there is a question with the Wooding lot. He said if this stays a public lot, this would sway the zero parking issue. He said he is not willing to go to the zero parking with this Wooding lot still a question. He said striking the fee in lieu of will be discussed further in January.

Mr. DiNatale said the Commission's proposal seems to be a reasonable compromise.

Mr. Venoit: Motion to continue the Public Hearing to the January 9, 2017 PZC Meeting

Mr. Fitzsimmons: Second

Vote: Unanimous

OLD BUSINESS

8. Site Plan/B.Maslar/70 North Plains Hwy (WITHDRAWN) - #233-16
9. Site Plan (Manufacturing)/Old Colony Properties, LLC/1262 Old Colony Road - #235-16

Secretary Menard noted all correspondence for the record: Letter from Rosalind Page, Winterbourne Land Services, to Kacie Costello, Town Planner, dated December 5, 2016; Letter from Kacie Costello, Town Planner, to Old Colony Properties, LLC, dated November 3, 2016; Letter from Kacie Costello, Town Planner, to Old Colony Properties, LLC, dated December 7, 2016; Plan Review by Town Planner Kacie Costello, dated November 26, 2016; Inter-Departmental Referral from the Fire Marshal, dated October 13, 2016.

Appearing in front of the Commission was Rosalind Page, Professional Land Surveyor of Winterbourne Land Services representing the Owner/Applicant, Old Colony Properties, LLC.

Ms. Page said this application concerns 1262 Old Colony Road which is in the Tracy section of Wallingford in the T-30 zone. She said this site plan was previously approved by the PZC in 2011-2012. She said there was an existing building on the property along with existing houses.

Ms. Page said she believed that original site plan was for a proposed addition to the industrial building and demolition of a house and reconfiguration of parking which she believed was approved in 2012. She said since that time the addition has been constructed to the building and the existing house removed.

She said the existing parking lot which was approved had a number of different islands and segmented parking areas. Ms. Page said the Owner and Contractor built something different without the landscaped islands. She said the site plan in front of the Commission is a revision to the original site plan approval with 28 parking spaces is being proposed which is required. She

said the site plan now removes the interior landscaping but the 15 ft. front landscaping near the street will remain. Ms. Page said there are two driveway cuts which were constructed as part of the original site plan of which a curb cutting encroachment permit was obtained.

Ms. Costello said her comments were addressed. Chair Seichter asked about the two dumpsters citing the one on the south side of the property and how this is being accessed. Ms. Page said the dumpster is existing and is being accessed by the trash hauler. She said enclosures will be added.

PUBLIC COMMENTS- NONE

Mr. Venoit: Motion to approve Site Plan Manufacture Old Colony Properties, LLC, 1262 Old Colony Road, to reconfigure the previously approved parking lot design at 1262 Old Colony Road as shown on plans entitled "Improvement Location Survey Site Layout Plan" Map depicting land Old Colony Road, CT. Route 71, Wallingford, CT., dated August 5, 2016, updated to September 5, 2016 and another revision to November 22, 2016, subject to:

- 1. Vehicles are only to be parked at designated white stripes and/or wheel stops if additional parking are needed they will need to be approved as part of a site plan approval;**
- 2. Approval of sign off of CT DOT**
- 3. Addressing comments from the Town Planner's memo dated December 7, 2016**

Mr. Fitzsimmons: Second

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

SURVEY WAIVER REQUEST

10. Survey Waiver Request/G. LaRose/71 Blakeslee Road

Secretary Menard noted all correspondence for both #10 and #11 to be voted on separately: #10 - Letter from Greg LaRose dated November 28, 2016; A map; #11 – Interdepartmental Memorandum to Kacie Costello, Town Planner from Erik Krueger, Sr. Engineer, Water and Sewer Divisions.

Greg LaRose appeared in front of the PZC and spoke about the survey waiver. He said he requested the waiver because the proposed accessory apartment will be in the footprint of the existing residence. He said the boundaries of the property appeared to be well defined by

fences. He noted the adjustments will be to the backside of the property which falls within the parameters for the zoning.

Chair Seichter entertained a motion on the waiver request.

Mr. Venoit: Motion for approval of the Survey Waiver Request by Greg LaRose, 71 Blakeslee Road

Mr. Fitzsimmons: Second

Vote: Kohan-yes; Fitzsimmons – yes; Venoit-yes; Menard-yes; Seichter-yes

RECEIPT AND ACTION REQUESTED

11.Site Plan (450 sq. ft. accessory apartment)/LaRose/71 Blakeslee Road - #240-16

Mr. LaRose said this application would convert the garage to a 450 sq. ft. accessory apartment with a loft bedroom which explains the dormer on the back of the home. He said Water & Sewer reviewed the fixtures and the water supply falls under sufficient supply with the current water service. He said he will take care of the water meter code deficiencies. Ms. Costello said she didn't have the Water & Sewer Division letter to give to the PZC.

Chair Seichter entertained a motion.

Mr. Venoit: Motion approve the site plan for a 450 sq. ft. accessory apartment for LaRose, 71 Blakeslee Road subject to:

- 1. Final Town ZEO inspection**
- 2. Memo referencing Water and Sewer dated November 30, 2016**

Mr. Fitzsimmons: Second

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

Ms. Costello requested the PZC waive Rule 5 to add a Survey Waiver Request by Jennifer Salerno to the agenda.

Chair Seichter entertained a motion.

Mr. Venoit: Motion to waive Rule 5 to add Survey Waiver Request by Jennifer Salerno

Mr. Fitzsimmons: Second

Vote: Unanimous.

Ms. Costello said this Survey Waiver Request is for a proposed addition to the back of the house which is further from the property lines than the closest points of the house. She said this is part of a reasonable accommodation, 14 x 14 addition, for a person with a handicap as part of their proposal.

Chair Seichter entertained a motion.

Mr. Venoit: Motion to approve a waiver request for Jennifer Salerno

Mr. Fitzsimmons: Second

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

DISCUSSION

12. Possible Scheduling of Public Hearings on January 9, 2017 for the following Zoning Regulation Amendments:

- a. Beekeeping
- b. Crematorium
- c. Miscellaneous Zoning Text Amendments (Minor Modifications/Clarifications)

Ms. Costello said the PZC recently had workshops on these items. Chair Seichter said he would like to see an active beehive operation. He suggested Ms. Costello contact some of the individuals. The Commission agreed to put this item on the February PZC meeting agenda.

Mr. Venoit: Motion to schedule these items for the Public Hearing at the PZC February Meeting

Mr. Fitzsimmons: Second

Vote: Unanimous

Ms. Costello noted the EDC had a meeting prior to the PZC meeting. She spoke about the Bristol-Myers Squibb property and possible uses for the property. She said the PZC could consider eliminating one of the use zones which include philanthropic religious which are not uses for an industrial park. She suggested putting this on the January agenda and scheduling for February.

Ms. Costello said she would draft language in January for the February Public Hearing regarding a possible moratorium on LED signs.

REPORTS OF OFFICERS AND STAFF

13.2017 PZC Meeting Schedule

Mr. Venoit: Motion to adopt the 2017 PZC Meeting Schedule.

Mr. Fitzsimmons second.

Vote: unanimous.

Administrative Approvals

a. Change of Use/Marino/115 South Colony Road - #316-16

b. Site Plan/Wallingford Conservation Commission/Cheshire Road - #239-16

14.ZBA Decisions of October 17, 2016

Ms. Costello noted Ricks on 5 was approved for site plan approval

15. ZBA Notice for December 19, 2016

Ms. Costello pointed out #5 50 S. Main St. request for variance.

16. Zoning Enforcement Log

Ms. Costello said as a result of tonight's meeting there are two less zoning violation on the + log. She said she contacted Brothers Pool and sent a letter regarding the sign brightness.

ADJOURNMENT

Mr. Venoit made a motion to adjourn the Meeting at 10 55 p.m. Mr. Fitzsimmons seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary