

**WALLINGFORD PLANNING & ZONING COMMISSION
WEDNESDAY, FEB. 14, 2018
WALLINGFORD TOWN HALL – 45 SOUTH MAIN STREET
ROBERT F.PARISI COUNCIL CHAMBERS**

MINUTES

PRESENT: Chair James Seichter; Commissioners Jeff Kohan; James Fitzsimmons; Armand Menard, (alternate, arrived at 7:24 p.m.); James Hine (alternate); Kacie Hand, Town Planner.
The PZC welcomed their newest member James Hine.

Chair Seichter called the Meeting to order at 7: 07 p.m. and the Pledge of Allegiance was recited. Chair Seichter announced that under New Business, Item #4, Site Plan (construction of loading area & associated site changes)/Ferti Management Corp./155 East Street - **#201-18** has been TABLED by request of the Applicant. He said there were only four PZC members this evening, noting there are normally five PZC members and offered the Applicants the option to carry over their applications to the March meeting.

Approval of Minutes – December 11, 2017

Mr. Fitzsimmons made a motion to approve the PZC December 11, 2017 Meeting Minutes as presented. Mr. Kohan seconded the motion.

Vote: Unanimous

Minutes of January 10, 2017 – TABLED

PUBLIC HEARINGS

1. Special Permit Revision (addition to existing auto dealership)/North Colony Development Group/859-861 North Colony Road - **#411-17**

Mr. Kohan noted all correspondence into the record: Memorandum dated Dec. 8, 2017 from Dept. of Engineering to Kacie Hand, Town Planner; Inter-Office Memorandum from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, to Kacie Hand, Town Planner; Variance #18-003, date granted Jan. 16, 2018, effective date January 19, 2018, to Applicant: North Colony Development Group, LLC., with Minutes of the January 16, 2018 Zoning Board of Appeals Meeting; Inter-Departmental Referral dated Nov. 13, 2017 from the Fire Marshal; Letter to Kacie Hand, Town Planner, from James DeMaio, dated Feb. 5, 2017.

Appearing in front of the PZC was Atty. Joan Molloy, Loughlin Fitzgerald, representing North Colony Development Group, LLC.; James DeMaio, Project Engineer and Steve Zion, Principle of Applicant.

Atty. Molloy said the Applicant appeared in front of the PZC in December when the Public Hearing was opened and the initial presentation was made. She noted the dealership was originally constructed prior to the adoption of the RT. 5 District Regulation and is located on two streets. She said the Applicant

presented the post-site improvements, i.e., enclosing the customer area for service drop-offs; adding additional service bays and a car wash area; constructing a new office and enclosed new car delivery area; reconfiguration of the vehicle storage, customer parking, vehicle display areas and employee parking; constructing a new front showroom entrance with the manufacturer required entry feature, adding a second floor employee/office areas.

Atty. Molloy said because of some inconsistencies with the plan before the PZC and the ZBA approvals, the Applicant requested a continuance and went back to the ZBA to correct those inconsistencies. She said a new application was also submitted to the ZBA and a copy of the revised plan was submitted to the PZC. She noted the approved variances were also submitted to the PZC. Atty. Molloy said the Applicant believes the plan and the ZBA approval match.

Atty. Molloy said she believed there were two issues left that the PZC had to make a determination: one being the required accessway. She said this was discussed in some detail in December. Atty. Molloy said the Applicant has no objections providing a future accessway but the concern that if this is required to be paved, the ongoing issues that Mr. Zion has with the Dunkin Donuts patrons utilizing his property will get worse. She said the Applicant is proposing instead, to record a document on the Land Records stating that in the event it is determined that the accessway has to be made, whoever is the property owner, will take upon their obligation to install the accessway at their expense.

Atty. Molloy said she would be willing to work with the Town's Corporation Counsel to draft a document to record on the Land Record. Atty. Molloy addressed the proposed use of alternative landscaping options for the five-foot strip in front of the building which was discussed at the December meeting. She said a detail of the front landscaping was provided to the PZC as part of the revised plans. Chair Seichter noted that although Mr. Hine is new to the PZC, he is familiar with this application being on the ZBA and reviewing all Minutes of previous meetings as well as for Item #2.

Atty. Molloy said photos were provided at the December PZC meeting, indicating the current landscape strip in front of the building is stone and potted plants. She said the Applicant is requesting permission to do this again. Richard Greenalch, Professional Engineer, told the PZC he designed and constructed the existing building approximately 25 years ago. He said the proposal is to leave the first 20 ft. of the property grassed and straight trees; stamped concrete or pavers are being proposed 30 ft. from there to the building for car display. He said a few low lights will be added to illuminate the cars with no light overflow. He said the stamped-in low lights would be installed in front of the building for decoration. Mr. Greenalch said a five-foot strip on both sides of the building, 120 ft. across. He noted the Toyota required portal frame will take up approximately 40 ft. with stone landscaping and potted plants being proposed which is what is currently in place.

Mr. Hine asked about the interconnection and how often this becomes an issue, i.e., the cars coming from Dunkin Donuts to the parking lot. Mr. Zion said this occurs daily but the cars are parking in his parking lot and walk over the Dunkin Donuts. He said this would be a mess if this interconnection was open to traffic, pointing out the cars are lined up out into the street to access Dunkin Donuts. Mr. Hine asked how many cars are in the accessway on a daily basis. Mr. Zion said there is least one or two a day.

Mr. Hine asked about the landscaping, noting the installation of potted plants, grass or bushes and if this would prevent the displaying of cars on the paved area. Mr. Zion noted the reason stone was installed was for drainage. He said grass would hold the water up, which would allow the water to travel and freeze. He said he had no problem installing shrubs in that area. He pointed out he moved the building back five-ft. from what was originally approved. In answer to Mr. Hine's question, Mr. Zion acknowledged the landscaping would not affect the display of cars in that area. Mr. Hine asked Atty. Molloy about the interconnection issue and creating some documents. He asked what she saw that document providing and its purpose. Atty. Molloy explained that in other towns, this is not uncommon for sidewalks. She said some towns don't want to install sidewalks and create an impervious surface if there is not a lot of pedestrian traffic. She said these towns record on the Land Record, that when the sidewalks will be installed, the property owner has to install them and pay for the cost. She said she was envisioning a similar type of document.

Mr. Kohan said he would be in favor of putting this interconnection on the Land Records. He said he was surprised to learn how many Dunkin Donuts customers park in the Wallingford Toyota lot. He said having a barrel with the shrubs works for him.

Mr. Fitzsimmons asked the Town Planner, noting that in the December PZC Minutes, there was discussion about the interconnection and the Chairman asked to research if there was something in the Land Records regarding Dunkin Donuts. He noted he didn't see anything referenced in the Minutes regarding the Land Records. Ms. Hand said she wasn't able to find anything on the Land Records for Dunkin Donuts and didn't look at why this wasn't required at the time. She said she presumed it was because the RT. 5 Regulations weren't in place at the time. Mr. Fitzsimmons said he was in favor of the interconnection. He noted the interconnection between CVS and AT&T gets the vehicles off RT. 5, reduces the number of curb cuts, controls the flow of traffic, and it works. He said he would prefer the interconnection to be built.

Mr. Fitzsimmons said he likes trees, sidewalks and in this case, grass. He asked about the display of vehicles in the grass area and asked about the plan for the display of vehicles in the front of the property. Atty. Molloy noted the display vehicles will be located on the pavers, not on the grass. Mr. Greenalch said there will be between 8, 10 or 12 vehicles and would not impinge over the 20 ft. grass line, noting there is a concrete curb. He said there will be enough room to bring a car in, position it and move it around. He said there will be 30 ft. to work with.

Mr. Greenalch said the landscaping would be in the five-ft. area directly in front of the building either as shrubs or potted plants. He pointed out the location of the grass and the straight trees, required by the Regulations. Mr. Zion noted that the sign required by Toyota changes his entry entrance which will be a front entrance instead of a side entrance. He said he believed it would be more aesthetic looking from the road if there were concrete pavers. He said he doesn't park on the grass unless there is snow. He said trees will be put out on the sidewalk.

Mr. Fitzsimmons said he preferred an actual grassed landscaped area, instead of the proposed potted plants. Chair Seichter said there should be an accessway constructed. He said he was sympathetic to the

property owner as far as people cutting across the accessway and if it were paved it would be more of an issue. He said he would be comfortable having some notice on the Land Record and having the accessway be interconnected when the Dunkin Donuts property is ever sold. Chair Seichter said he agreed with the other Commission members to have landscaping instead of potted plants. He said the ZBA was very generous in granting the Applicant the amount of easements on the front of the property, given the fact the building was pushed back. He said by doing this, instead of increasing the amount of the display area, he would rather have seen that additional area pushed back have the green space. Chair Seichter said the smaller display area shown on the initial plans seemed to work for the Applicant. He noted that the ZBA believed that the building being pushed back created more of a hardship, and so the display area had to be increased, which he said made no sense to him. Chair Seichter said the Applicant can request any variance they want from the ZBA and is up to the ZBA to make a decision. He said he doesn't understand the logic and doesn't agree with their decision.

Ms. Hand asked Atty. Molloy if she has had any conversations with CTDOT. Mr. DeMaio said he began sending out plans to a few contacts at CTDOT but noted they take three to four months to respond. He said he is waiting on word back because there are a few issues to work out with CTDOT regarding the sidewalk and finalizing this regardless of location. Atty. Molloy said if CTDOT won't allow the sidewalk to be installed in the State Right-Of-Way, it can be located on the Applicant's property. Mr. DeMaio said this wouldn't affect the open space requirement; the sidewalk could be bumped up onto the property and follow the property line and come back down per CTDOT's recommendation. Atty. Molloy said a Condition of Approval submitting a revised plan showing the sidewalk on the Applicant's property is acceptable. Ms. Hand said the Water and Sewer Division wants their comment of moving the utility line, addressed by the Applicant. Mr. DeMaio said the Applicant would agree to this condition.

Ms. Hand asked Atty. Molloy if hydrogen repair was involved and a 12 ft. clear width for emergency access per the Fire Marshal. Mr. Zion said there was a prior in a three-bay garage which was approved by Toyota for hydrogen repairs. Ms. Hand said she was an advocate of full landscaping.

PUBLIC COMMENT

Joe Mira, 7 Sunwood Drive, said he was in favor of the application as presented. He said the Applicant always kept a neat corner and doesn't see anything changing.

Chair Seichter entertained a motion to close the Public Hearing.

Mr. Fitzsimmons made a motion to close the Public Hearing at 7:42. p.m. Mr. Kohan seconded the motion.

Vote: Unanimous

Chair Seichter entertained a motion on the application.

NORTH COLONY DEVELOPMENT GROUP (TOYOTA)

Mr. Fitzsimmons made a motion to approve Special Permit (Auto Dealership and Repairer) for North Colony Development Group to construct an addition to the existing car dealership/repairer building and make associated site changes at 859-861 North Colony Road, as shown on plans entitled “Toyota of Wallingford” Proposed Site Improvement Plan, #859 North Colony Road (CT Route 5), Wallingford, CT” dated November 9, 2017 revised to February 5, 2017, subject to:

- 1. Comments of the Water & Sewer Sr. Engineer dated 1/31/18**
- 2. Comments of the Town Engineer dated 12/8/17**
- 3. Recording on final land records and plans of the required inter-connection with the Dunkin Donuts parcel as discussed, with full responsibility to be noted on plan**
- 4. Comments of the Town Planner dated 11/30/17**
- 5. Final sidewalk plans to be approved by CTDOT, and noted on final submitted plans to the Town of Wallingford after action and approval by the CTDOT**
- 6. Applicant shall provide full grass landscaping as discussed at the Meeting**
- 7. Application subject to the comments of the Town of Wallingford Fire Marshal dated Feb. 8, 2018**
- 8. Applicant shall post a Sediment & Erosion Control bond in an amount to be determined by the Wallingford Town Planner**

Vote: Hine-yes; Kohan-yes; Fitzsimmons-yes; Seichter-yes

2. Special Permit (existing offices to residential apartments/parking reduction/new restaurant/café/J. Hall/50 South Main Street & 361 Center Street.

Mr. Kohan noted all correspondence for the record: Memorandum from Erik Kruger, Sr. Engineer, Water and Sewer Divisions, to Town Planner Kacie Hand, dated Jan. 31, 2018; photo packet with map received Feb. 7, 2018; Memorandum to Jeffrey Gordon from Kacie Hand, Town Planner, dated Feb. 1, 2018; Memorandum from Jeffrey Gordon to Thomas Flannery and Kacie Hand, Town Planner, dated Feb. 7, 2018; Memorandum from Erik Krueger, Sr. Engineer Water and Sewer Divisions to Jeffrey Gordon and Kacie Hand, Town Planner, dated Feb. 9, 2018; Revised map received Feb. 14, 2018; Memorandum from Dept. of Engineering to Planning & Zoning, dated Feb. 9, 2018; Inter-Departmental Referral from the Fire Marshal dated Dec. 8, 2017; Memorandum from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, to Jeffrey Gordon, dated Feb. 14, 2018; Memorandum from Jeffrey Gordon to Town Engineer and Kacie Hand, Town Planner, dated Feb. 14, 2018; Letter from Dianne Saunders, to Wallingford Planning & Zoning dated Feb. 14, 2018.

Chair Seichter noted that Mr. Hine was familiar with the application and Mr. Fitzsimmons and Mr. Menard who were not in attendance at the January meeting, stated they reviewed the record and all five members would be acting on the application, if action is chosen.

Appearing in front of the PZC was Jeffrey Gordon, President, Codespoti Associates, Site Planner and Licensed Landscape Architect, Milton Gregory-Grew, Architect. Mr. Gordon noted that based upon the continuation of the hearing, they focused on the engineering comments. He said the revisions handed

out tonight were based on conversations with Mr. Krueger and Rob Baltramaitis, Town Engineer. He noted that on the northern border of the southern leg of the site plan, adjoining the Post Office, a biofilter swale was installed, which means a ¼ to a 1/3 of the existing building will be able to get the roof drains forward and discharge into the biofiltration swale which has sand, compost materials and plantings which will seep through there and discharge into the existing storm drainage. Mr. Gordon said on the eastern end of the site which goes up to Center Street, where the new building will be located, infiltration galleries are planned to be installed after soil testing.

Mr. Gordon said there will be separate domestic and fire water services and a fire service will be designed for the building being converted to residential which will come in off S. Main Street. Mr. Gordon said the Applicant was willing to stripe the public parking spaces. He said the lighting plan was modified to eliminate creep. He distributed the revised lighting plan to the PZC. He also presented a computer generated nightscape showing how the parking lot would be lit at night and a sketch of the lighting fixtures. He noted that traffic will not be impacted in any significant measure.

Ms. Hand said the project is getting towards what is desired for the Town Center and for the Regulations. She said there are two remaining significant issues to be addressed: the PZC needs to determine with the Applicant exactly where the proposed interconnections will be located and that they will be 24-ft. wide; the change in grade between the Post Office property and the portion of the property along S. Main Street. Ms. Hand said she went to the site and believes that if there is going to be a realistic interconnection, it needs to be towards the front of the property. She said she believes the grade change in this area is small enough to allow the interconnection. Ms. Hand said having the easement in place will be to the Town's benefit, depending upon if something happens on the Post Office piece of property.

Ms. Hand said any interconnections being made between the portion of this property and the Webster Bank side should run straight on with any interconnection to be left for the Post Office property. Ms. Hand said this interconnection should also be kept out of the front landscaped area. She said there should be the potential for a connection from the Center St. portion to the Post Office piece. She said there doesn't need to be an interconnection to the Gallagher piece of property which she said isn't necessary. Ms. Hand said there was discussion at last month's meeting regarding the potential relationship between the construction of the commercial building and certificate of occupancy or usability of the proposed residential units.

Ms. Hand said she believes this is a great project, but feels strongly the commercial component is an absolute component of this development because this is a mixed-use zone. She said she is concerned about setting a precedent to allow full-use of the residential component without the commercial component. She said she believes the shell of the building should be constructed before there is full use of the residential units. Ms. Hand said we are looking to be more flexible to allow some of the units to potentially allow some of the units to have Certificates of Occupancy before the shell is built. She clarified that the lowest level which opens to Center Street, has a variance to allow for residential use of that floor. She said this isn't subject to this Special Permit so this can be used for residential and the

Certificate of Occupancies can be granted. Ms. Hand said the upper two stories are the subject of this Special Permit which she said are the stories that are at grade with S. Main Street, and the floor above. She said if this commercial building wasn't being proposed, she would be supportive of a mixed-use of this building and would look for mid-floor, at mid-level with S. Main Street, to be the commercial floor. Ms. Hand said this makes sense this would be the last floor in for residential usage. She proposed that 50% of the total units be allowed Certificate of Occupancy, prior to anything associated with the commercial building, and up until the shell of the commercial building is completed, the other 50% would be allowed Certificate of Occupancy. Ms. Hand suggested focusing on the top and bottom floors instead of the middle floors because this allows the shell of the building to be constructed so if there isn't a tenant, the building will be constructed and there is still room to do a fit-out once it is determined who the tenant will be.

Ms. Hand said she wants to facilitate this project, but her suggestion seems like a fair compromise. She pointed out there are a lot of easements involved in this project, but was happy to see the parking component of the Regulations working, but noted there are options being put into play for the first time for this project. Mr. Gordon said in principle, the Applicant agrees with Ms. Hand's comments, noting there are a few nuances which would have to be considered. He recommended the easement take the first parking space on the northwest side shown as landscaping. He said the second space in is where there is drainage and would begin the easement at the end of this one parking space and go over the 24 ft. and go straight across so as to just take one parking space. He said this way; he won't run into problems with the light poles. He said if this land is set aside, it will probably come out of public parking at a future date. Mr. Gordon noted on the site plan that the 24 ft. could be given at the landscaped island.

Mr. Grew said there was a misunderstanding as to the meaning of a Certificate of Occupancy(C.O). He said the office building being converted to residential is a single building with multiple dwellings. He said when a building permit is filed for this building; it would be for a change of occupancy classification for the entire building. Mr. Grew said in this case, the building code would dictate that when the building is completed, a Certificate of Occupancy would be issued, and not for individual dwelling units. He said the more appropriate might be not to hold back Certificate of Occupancies which he said doesn't make sense. Mr. Grew said there are stairwells in the front and back of the building as well as an elevator in the middle of the building and noted he has to maintain a fire rated corridor from the front to the back and bring in utilities to service 22 apartments. He said there is nothing he can hold back from putting into these dwelling units to make them safe as well as the building code compliant. He said if some of the dwellings are occupied, the rest of the building is safe.

Mr. Grew said he believed the Building Official would want to issue a C.O. for the building. He suggested a Condition of Approval state that the owner not rent, lease or sell any units up to a certain threshold in the building until the shell is constructed or under construction. Mr. Grew said a C.O. can still be obtained for the building, but there could be a designation the six lower level apartments not be leased. He said this makes sense because he wouldn't want people going out or coming in through the lower level when there is a building in front under construction. He said once the shell is built, these dwelling

units would be released to the market place. He said it didn't matter that the ZBA granted the variance which will give the Applicant the chance to build them out, but doesn't mean they have to be rented out right away. He said beneficial changes to the Town Center Regulations are being anticipated. He noted it is the Applicant's desire to make the building higher and don't want to embark on the final design of the building until the Applicant can come in with a design to comply with Zoning but be higher.

Mr. Hine asked Ms. Hand if it is a possibility as a Condition of Approval to limit how many units can be leased as opposed to relating it to the C.O. Ms. Hand said the C.O. allows one to have the units occupied. She said once the C.O. is issued, she wondered how the Condition of Approval could be enforced that the dwelling units can't be leased or rent yet. Mr. Hine asked the Applicant how they proposed the Town would be able to enforce this stipulation. Mr. Grew said there is a difference between Special Use and Special Permit. He said Special Use once granted, is there forever; a Special Permit is conditional on certain milestones and if these milestones aren't met, that aspect of the Special Permit doesn't exist.

Mr. Hine said the issue is that if the C.O. is issued and the units are leased and the application has been approved, if the Developer fails to live up to one of the Conditions, how the Town would pull these people out of the apartments they are leasing because the Developer failed to meet one of the Conditions. Mr. Gordon said the C.O. is granted for building but the Special Permit is what is entitling the Developer to a number of units and if this fails, the Town could bring a lawsuit against the Developer. He said there could also be a bond in place to ensure the construction takes place at certain milestones. Ms. Hand said C.O.'s have been granted in the past not only on a building basis, but by a floor by floor basis. She noted the lower floor is a moot point because of the variance, but the Developer could get C.O.'s for the entire third floor and wait for the shell of the building to be constructed before a C.O. is issued for the main floor. Ms. Hand said if only these floors were being converted to residential, this is how the C.O.'s would be issued and didn't see this as problematic. Ms. Hand said Corporation Counsel Janis Small also didn't express any concerns.

Chair Seichter said this might be something Corporation Counsel Janis Small could discuss; noting Atty. Small was concerned about having the residential property fully lease prior to any construction starting on the shell of the commercial building. Chair Seichter said Atty. Small felt reasonably comfortable with the 50%. Chair Seichter if the C.O. is issued for the entire building, one would want it to be completed and whether this can be done floor by floor or apartment by apartment should be clarified.

Mr. Hine said the issue for the Town is that they don't want to be in the position where they are suing the Developer or trying to pull tenants out of rented apartments. Mr. Hine said the Town wants to cover itself to ensure that the goals of the Regulations are satisfied. He said he liked the idea of possibly renting the two floors and leaving the bottom floor vacant. He said this would be good for the Developer because the top two floors would be easier to rent out than the bottom floor and gives the Developer some money coming in. He said he agreed with Mr. Grew that this might be an issue.

Ms. Hand asked if the Applicant was proposing the approval would be for everything except six units wouldn't be allowed to be occupied. Mr. Grew said this was the idea. Ms. Hand asked if this would

include the floor already approved by the ZBA. Mr. Grew said this was correct and pointed out it is safer for the residents of the building to not have a mix of occupied or unoccupied units on individual floors. Ms. Hand said she didn't believe that only requiring not renting the bottom floor is consistent of what we are trying to do because the other two floors are the meat of the building. She suggested she should consult with Atty. Small further because she is uncomfortable with the floor that has a variance and the PZC making decisions associated with this. Chair Seichter said more clarification and more discussion among Commission members is needed regarding what they feel is a percentage. He said he is very comfortable with 50%.

Mr. Kohan said he sees this as being problematic and agreed more discussion is needed. He said his concern is whatever the percentage is, 50% seems reasonable but then he thinks about how marketable these units will be. He said we don't want to get into a situation of the units not being rented a financial burden is now on the Developer because he didn't meet the 50%.

Mr. Fitzsimmons said this is an interesting application. He said no matter what the two properties have to be merged. Mr. Hall said this has been one property for a long time. Mr. Fitzsimmons said it is two addresses but one parcel and no matter what, they have to stay together.

Mr. Fitzsimmons said the PZC hasn't seen the struggling of the number of units in a long time. He said the PZC has been down this road and agreed with the prior speakers from the Commission and Staff that our job is to protect the Town. He said until the issue of the C.O. was mentioned, by building vs. by unit, he thought this development would be done by floor and phasing as proposed by the Town Planner. He said the discussion point is how many residential units need to be occupied before going commercial. Mr. Fitzsimmons said the Applicant with an approval, could decide to sell. He said we have to make sure there is no misunderstanding of what has been required and asked of the PZC. He said he was in favor of the Developer's to go higher and is in favor of higher buildings in the uptown. Mr. Fitzsimmons said he agreed with the Chair and the Town Planner that the PZC needs to protect the Town and have Atty. Small's opinion. Mr. Fitzsimmons said he would be in favor of phasing.

Mr. Menard asked about a snow shelf. Mr. Gordon said the bioswale can receive plowed snow. He said if there are significant areas of snow, a parking space or two may be lost or the snow may have to be removed from the site. Ms. Hand suggested using the back loading area for snow storage if necessary. Chair Seichter asked if it would be appropriate to have something designated on the site plan. Ms. Hand suggested on final plans the Applicant designate the snow storage area and a Condition of Approval could be made that as necessary, the snow could be removed from site.

Mr. Kohan spoke about the interconnections. He said they will take away valuable parking. He said the parking in the Town Center is at a premium and is hard pressed to see the benefit of having the interconnections. Mr. Gordon noted the fact that there is public parking, negates the need for interconnections. He said the reason for interconnections is to keep people from jumping out onto the street and going to the next lot over, but if someone is in a public parking spot, they will walk.

PUBLIC COMMENT – NONE

Chair Seichter said the PZC was not in the position to take action on this application this meeting. He said the outstanding issue is with respect to the C.O. and how that will or could work and the percentage which could be made available for occupancy prior to the commercial building being constructed. Chair Seichter said this project is very attractive for the Town as it is being proposed and hopefully the PZC will be approving some new Regulations for the Town Center which would provide for additional building height and more parking flexibility which would be beneficial to this project.

Chair Seichter entertained a motion to continue this Public Hearing. The Applicant consented to the continuation.

Mr. Fitzsimmons: Motion to table and continue the Special Application for J. Hall at 50 South Main Street and 361 Center Street to the regularly scheduled March PZC Meeting. Mr. Kohan seconded the motion.

Vote: Unanimous

3. Special Permit (4-bedroom guest cottage)/Gaylord Hospital/50 Gaylord Farm Road - #402-18.

Mr. Kohan noted all correspondence into the record: Memorandum from C.O.O. of Gaylord Hospital to Kacie Hand, Town Planner; dated Feb. 26, 2018; Inter-Office Memorandum from Erik Krueger Sr. Engineer, Water & Sewer Divisions to Kacie Hand, Town Planner, dated Feb. 21, 2018; Letter from Kacie Hand, Town Planner, to Gaylord Hospital, dated Jan. 21, 2018; Inter-Departmental Referral from the Fire Marshal dated Jan. 3, 2018; Inter-Departmental Referral from the Fire Marshal dated Jan. 3, 2018; Letter to Kacie Hand, Town Planner from Gaylord Hospital President and CEO, dated Feb. 7, 2018; Letter from Kacie Hand, Town Planner to Gaylord Hospital, dated Feb. 7, 2018; Memorandum from the Dept. of Engineering to the Planning & Zoning Commission dated Feb. 9, 2018.

Appearing in front of the PZC was Tara Knapp, Vice-President Development/ Public Relations & Marketing for Gaylord Hospital; Bob Amentea, Civil Engineer; Steve Lazarus, Project Engineer.

Ms. Knapp presented an overview of the project noting that Gaylord is a specialty hospital which deals with patients who deal with a life altering illness or injury and come to Gaylord from the ICU of a hospital. She said the average stay is at least 25 days. Ms. Knapp said Gaylord cares for patients from CT and beyond and because of this, Gaylord has had a small house, called Crockett House which houses families on the Gaylord campus. Ms. Knapp said over the past 5 ½ years, out of area admissions have increased from 1% of the admissions to approximately 6% of the admissions, mostly areas in the Northeast.

Ms. Knapp said the current campus cottage is a full house with two bedrooms and a tiny kitchen, dining room and patio which is only available to one family at a time. She said the proposal is to construct a fourplex next to the cottage which would be more of a hotel room being approximately 400 sq. ft. each with a common entry. She noted the total sq. footage would be approximately 1,700 sq. ft. Ms. Knapp asked the PZC to get a reduction in the application fee because of Gaylord's non-profit status. Ms. Hand

said this would have to be approved by the PZC but noted typically, for this type of application, the same amount of staff work has to be done.

Mr. Amentea went over the Site Plan. He showed the location of the main building, the Crockett House and the location of the proposed buildings, Phase 1 and Phase 2. He said each one of the units will house four individual units. He said the buildings will have a walkway and an extended parking lot along the existing driveway. Mr. Amentea said a new sanitary sewer which will tie into the existing sanitary sewer, will be constructed. He said a domestic and fire service will be provided for each building as required. He said only one tree will have to be removed in the construction of the buildings. He showed the location of the existing driveway and parking lot.

Mr. Lazarus went over the architectural design. He said the building is a simple cottage and smaller than most single-family homes constructed in town at approximately 1,700 sq. ft. Mr. Lazarus said the most interesting part of the project is because this is a house constructed for an institution; it will be constructed to a higher standard. He said the building will be residential looking, will be one-story, and will be very accessible where people of all abilities can be comfortable.

Mr. Fitzsimmons asked for a clarification on the drive aisle being 24 ft. Mr. Amentea said showed the existing drive which he said isn't used as a driveway that travels throughout the complex. He said Gaylord has put up a bollard to prevent people traveling through the complex. He said people using this driveway would go out to Gaylord Farms Rd. and travel west or east. He said the road varies in width from 21 ft. to 19 ft. and widens out at the throat of the driveway. He said widening the road would harm the existing Copper Beech tree and noted this area doesn't get a lot of traffic. He said a NOT AN EXIT sign could be erected in this area. Mr. Fitzsimmons asked if the drive aisle adjacent to the parking spaces would be 24 ft. Mr. Amentea said this would be widened but would only be 21 ft. in that area. Ms. Knapp said the driveway would be one-way. Mr. Fitzsimmons said the appropriate signage would avoid confusion which he said he didn't see on the plans. The Applicant said they would agree to install any signage for compliance.

Chair Seichter asked how people would enter or exit if there was one-way circulation. Ms. Hand said by one way, people would come in a certain way and would not be blocked off. Ms. Knapp said the bollards would be eliminated. Ms. Hand said the parking spaces should be angled to be one-way spaces. Mr. Fitzsimmons asked about Phase 1 which is definite and Phase 2 which is a potential. He wanted know if the plans indicated Phase 1 and Phase 2. Ms. Hand said the plans indicate future building and future parking. She said she requested to tweak the plans to state Phase 1 and Phase 2 so it is clear. Mr. Amentea said the new plan states Phase 1 and Phase 2.

Chair Seichter spoke about the fees for the not-for-profit. He said there have been numerous not-for-profits appear in front of the PZC and didn't recall the fees being reduced. Ms. Hand said it is the magnitude of the project and this project is a Special Permit. She said the PZC could reduce this closer to the Site Plan fee because it is a small magnitude project, and the Special Permit fee is higher than the Site Plan fee. Ms. Hand said the PZC has done something along these lines. She said there were no fee reductions to the CT. Food Bank application because that was a high-magnitude project. Chair Seichter

said he is sensitive to the non-profit status of Gaylord, but felt uncomfortable because he couldn't recall any situation where the PZC did this for another non-profit.

Mr. Kohan pointed out that years ago, Gaylord sponsored a lot of road races in town and supplied the softball fields and stated the fee should be waived because Gaylord has been a good neighbor. Mr. Menard agreed the fee should be waived. Mr. Hine said he agreed with Chair Seichter's comments. He said if one starts differentiating, one goes down a road not wanted. He said in this particular case, one middle ground would be Ms. Hand's suggestion to reduce the fee, which he said he would be in favor of. He said he gets nervous making distinctions. Chair Seichter said Mr. Kohan made some good points, but waiving the fee goes too far. He said in this particular case, recognizing Mr. Kohan's remarks, he would be in favor of reducing the fee by 50% or charging one half. Mr. Fitzsimmons agreed.

NO PUBLIC COMMENTS

Chair Seichter entertained a motion to close the Public Hearing and entertained a motion on the application.

Mr. Fitzsimmons made a motion to close the Public Hearing at 9:10 p.m. Mr. Kohan seconded the motion.

Vote: Unanimous

MOTION BY FITZSIMMONS SECOND BY KOHAN TO APPROVE THE CONSTRUCTION OF TWO FOUR-BEDROOM GUEST COTTAGES AT 50 GAYLORD FARM ROAD AS SHOWN ON PLANS ENTITLED "PROPOSED SITE PLAN SHOWING PROPOSED GUEST COTTAGES PREPARED FOR GAYLORD HOSPITAL INC., GAYLORD FARM ROAD, WALLINGFORD, CT., DATED DEC. 14, 2017 REVISED AND RECEIVED FEB. 6, 2018", SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

- 1. COMMENTS OF THE WATER & SEWER SR. ENGINEER DATED FEB. 1, 2018**
- 2. COMMENTS OF THE TOWN PLANNER DATED 1/31/18 AND 2/7/2018**
- 3. COMMENTS OF THE TOWN FIRE MARSHAL DATED 1/11/18**
- 4. FINAL DRIVE ADJACENT TO THE PARKING SPACES TO BE SIGNED AS ONE WAY AS DISCUSSED AT THE MEETING**
- 5. FINAL PLANS FILED WITH THE TOWN TO DESIGNATE PHASE 1 AND PHASE 2 FOR EACH COTTAGE**
- 6. APPLICANT SHALL POST A \$2,000 S&E BOND AS RECOMMENDED AND REQUIRED BY THE TOWN PLANNER**
- 7. AS CONSIDERATION TO THE CLIENTS, THE APPLICANT'S REQUEST, THE TOWN OF WALLINGFORD PLANNING & ZONING SHALL RETURN HALF OF THE FEE AS DISCUSSED AND AGREED TO AT THE MEETING**

VOTE: HINE-YES; KOHAN-YES; FITZSIMMONS-YES; MENARD-YES; SEICHTER-YES

NEW BUSINESS

4. Site Plan (construction of loading area & associated site changes)/Ferti Management Corp./ 155 East Street - **#201-18 – TABLED**

RECEIPT AND ACTION REQUESTED

5. Site Plan(628 sq. ft. accessory apartment/Ryan & Donald Wetherhead/39 East Dayton Hill Rd. - **#202-18**

Mr. Kohan noted all correspondence into the record: Inter-Departmental Referral dated Jan. 16, 2018 from the Chief Sanitarian; Inter-Departmental Referral, dated Jan. 16, 2018 from the Fire Marshal; Application for the Site Plan Accessory Apartment received Jan. 16, 2018; Inter-Departmental Referral from the Town Engineer, dated Jan. 16, 2018.

Appearing in front of the PZC was Ryan Wetherhead, 39, East Dayton Hill Rd. who told the PZC he bought this home with his mom and dad back in May who retired and are moving in with him. He said the property was purchased with the intent of constructing an accessory apartment. He said plans were drawn up and he intends on hiring a General Contractor. Chair Seichter asked if the Applicant was in receipt of the noted items. Mr. Wetherhead said he spoke with the Chief Sanitarian last week who approved of his plans. Ms. Hand said she spoke with the Applicant and asked for clarification regarding the design noting everything seems to comply.

PUBLIC COMMENT – NONE

Chair Seichter entertained a motion on the application.

Mr. Fitzsimmons: Motion to approve a Site Plan for Wetherhead for a 628 sq. ft. Accessory Apartment at 39 East Dayton Hill Road, as shown on enclosed floor plans, subject to:

1. **Final Inspection by the Town Zoning Enforcement Officer**

Motion by Fitzsimmons, second by Kohan.

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

BOND RELEASES & REDUCTIONS

6. Site Plan/Gem Properties. 720 North Main Street Ext., (S&E) - **#265-05**
7. Site Plan/Gem Properties/720 North Main Street Ext. (Sidewalk & Driveway) - **#265-05**
8. Special Permit/Simpson Dev./701 Center Street (S&E) – **#404-06**
9. Special Permit/Simpson Dev./ 701 Center Street (Performance) -**#404-06**
10. Special Permit/Verna Properties/404 Main Street, Yalesville -**#403-11**
11. Subdivision/Hidden Brook (Mineri)/530 Church Street, Yalesville - **#101-06**
12. Sunwood Development/195 Chimney Hill Road (Royal Oak Subdivision) – **#105-14**

Ms. Hand said #6 and #7 are ready for release; #9 the performance bond can be released, the S&E not ready; 404 Main Street #10 is not ready; 530 Church Street, #11 can be reduced to \$51,200 as recommended by the Engineering Dept.; Sunwood Development, #12, is ready for bond release.

Chair Seichter entertained a motion.

Mr. Fitzsimmons: Motion to release the bonds for Gem Properties, 720 N. Main St. Ext. for both S&E and Sidewalk and Driveway; approve release of the Simpson Performance Bond at 701 Center Street and release of the Sunwood Development Bond at Chimney Hill Road #12 and reduce the bond for Hidden Brook at 530 Church Street to \$51,200 as recommended by the Town Planner. Mr. Kohan seconded the motion.

Vote: Hine –yes; Kohan – yes; Fitzsimmons – yes; Menard – yes; Seichter – yes

DISCUSSION

13. Town Center Boundary Lines

Ms. Hand went over her slide presentation on the Town Center boundary lines. She said she would present the densities at a Public Hearing. Ms. Hand said the PZC has been discussing new Zoning Regulations for the Town Center area. She suggested the PZC conduct a Public Hearing for these new Zoning Regulations for the March 12 meeting and a simultaneous Public Hearing for the boundaries.

She went over the existing land use map taken out of the Plan of Conservation & Development, (POCD) for the general area. She showed the Town Center area which encompasses Elm Street, down Center Street to RT 5, down Hall Avenue and Quinnipiac Street. She said this area also encompasses the Cherry, Washington Streets and further west.

Ms. Hand pointed out the RT. 5, Center, Street, Hall Avenue, Quinnipiac Street and the train tracks. She went over the general commercial uses in the area, residential uses behind and the Cemetery and Choate Rosemary Hall. She said these boundary lines were taken from the Transit Oriented District (TOD) map in terms of what can be looked at in this area. She said she is looking at mixed-use in the Town Center area and medium and higher residential densities in the immediate vicinity in the platform with relocation of heavy commercial and industrial uses to RT 5 and the industrial parks and other areas.

Ms. Hand showed current zone. She said the CA-6 zone is a commercial-type zone which is the highest density CA which she said is to be changed to an actual Town Center Zone. She pointed out the Central Limited Business Zones which allows for office space within an existing building and multi-family within existing buildings. Ms. Hand said there are different concepts and different ways the Town Center boundaries are defined: the CA-6, along S. Colony and down Quinnipiac Street. She pointed out the CA-6 zone ends at the parking lot behind Brother's Restaurant. Ms. Hand pointed out the Electric Division boundary for their incentive program which extends further down Quinnipiac Street.

Ms. Hand said as part of the POCD, one of the exercises during Celebrate Wallingford, was a board which showed the different spots in and around the fringes of the Town Center area. People were asked

to check off which they thought encompassed the Town Center. She said 50% and more of the people said this wasn't the Town Center with the exception of corner of Church and North Main Streets. She said there are multi-family houses on three of these corners and a law firm. She said the significant majority of people believed as one goes up N. Main to Church Street is still part of the Town Center and to a lesser degree, the intersection of Center St. and Elm Street. She said on S. Colony, the zoning extends to the Stella's Plaza. Ms. Hand said based upon this, the consultants for the POCD recommended a new boundary line. She said this would be a mix between the CA-6 and what the Electric Division has. Ms. Hand said the Electric Division added properties on S. Colony on RT. 5.

Ms. Hand showed the recommended zoning boundaries and the supportive area and the general TOD area and the gateway, limited business district. Ms. Hand distributed a map of every potential boundary or currently used boundary for the Town Center area and the vicinity of the two new train platforms on N. Colony and on Parker Street and N. Cherry Street. She also pointed out the Incentive Housing Zone area and the current CA-6 zone and anything that is different with the Electric Division incentives and the POCD included recommendations, which includes Town Hall and the Cemetery and further east along Center Street. She said the question is where to draw the lines. She said the area which is all residential and grandfathered in multi and single families, may want to be utilized within something related to the Town Center zone to give a Developer or the property owners the ability to acquire a large chunk of land. Ms. Hand said in the future, an overlay zone combined with a piece on land in the CA-6 zone may want to be considered. She said the CA-6 zone would be a good place to start including the Electric Division, along with the POCD recommendations.

Chair Seichter said he discussed with Ms. Hand the Electric Division incentive program for downtown. He said this may be appropriate, heading west to Washington Street, to encompass this area because the Electric Division considers this to be the downtown. He said this would be an incentive for people in that area to develop their properties. He said what was proposed in the POCD, he feels comfortable with making small additions to a degree to accommodate what the Electric Division has in its district.

Mr. Fitzsimmons asked how often the Electric Division changes their area. Ms. Hand said she didn't know but would find out. He said he agreed with what Chair Seichter said. Chair Seichter said the Public Hearing should include the properties included in the Electric Division downtown incentive area. Ms. Hand pointed out the S. Colony area along Quinnipiac Street which she said should be included, as well as the area added in the POCD which runs just west of Cherry Street. Ms. Hand asked about S. Colony just south of the big intersection. She asked the PZC how far south they want to go in extending the line. She said it was appropriate to extend the line somewhat south, but not too far as to get out of what feels like the downtown.

Chair Seichter said the general consensus is to keep it consistent with the Electric Division. Ms. Hand said that area would include the Portuguese Club, the building with the wine club, the Eatery and the yoga place and also the small automotive business and stop before then. Chair Seichter said adjustments can also be made in the future. Ms. Hand said there are a few places on N. Main St. and on 2 Elm St where the POCD goes further. She said there seems to be a general consensus to add this in

along with the Cemetery and Town Hall. She said the area across Church Street, past the Police Dept. and the Library is all zoned CLB which she said is appropriate in that area and wouldn't get the intensive commercial that the Town Center zone may allow. Chair Seichter said he was looking at taking what was recommended in the POCD and adjusting it to include the discussed areas that had the Electric Division incentives. The Commissioners agreed.

Chair Seichter said he would like to have the Public Hearing on the Town Center in March. He discussed the possibility of moving the receipts to the April meeting. He said he wants to ensure there is ample time for the Public Hearings. Ms. Hand said the PZC has 60 days from the date of receipt to open these Public Hearings. She said three of the applications are one multi-type project and two of the three involve Public Hearings. Ms. Hand said it would be within the statutory timeframe to schedule these applications to the April meeting. Chair Seichter said he would like to hear the J.Hall and Ferti applications at the March meeting.

Ms. Hand said for the receipts tonight, all the Special Permits could be postponed statutorily until April. Ms. Hand recommended having one other thing beside #2 and #4 on the agenda which would be the Tractor Supply application. Mr. Fitzsimmons said he would agree to split the March meeting. Chair Seichter said there will be the March meeting and Items #2,3,4 & 5 would be carried to the April meeting.

Chair Seichter entertained a motion for the Town Center boundaries.

Mr. Fitzsimmons: Motion to schedule a Public Hearing for the March 12, PZC meeting to discuss the Town Center boundary lines as outlined and presented by the Town Planner, as well as the Regulations for the Town Center. Mr. Kohan seconded the motion.

Vote: Unanimous

ELECTION OF OFFICERS – TABLED

14. 2018 Election of Officers

REPORTS OF OFFICERS AND STAFF

15. Annual Report

Ms. Hand provided the PZC with copies of the Annual Report. Chair Seichter said he provided Ms. Hand with his corrections. He suggested this be provided to the Planning Dept. within the next week or two so action could be taken.

16. ZBA Decisions

Ms. Hand said the Toyota application was approved. She noted there was one carry over regarding an oversized garage application.

17. ZBA Notice for February 20, 2018 – distributed in packet to PZC

18. Zoning Enforcement Log – distributed in packet to PZC.

Mr. Fitzsimmons said in conjunction with the Annual Report, he asked for a Legal Update for 2017. Mr. Kohan said he received an email for the Regional POCD. He said he got elected Secretary of the Regional POCD. Chair Seichter said he appreciated Mr. Kohan taking part in this endeavor.

ADJOURNMENT

Mr. Fitzsimmons made a motion to adjourn the Meeting at 9:50 p.m. Mr. Kohan seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary