

WALLINGFORD PLANNING & ZONING COMMISSION

WEDNESDAY, April 12, 2017

7:00 p.m.

Robert F. Parisi Council Chambers

Town Hall-45 South Main Street

MINUTES

PRESENT: Chair Jim Seichter; Commissioners Jeffrey Kohan; Rocco Matarazzo; Alternate Gina Morgenstein; Kacie Costello, Town Planner.

NOT PRESENT: Vice-Chair J.P. Venoit; James Fitzsimmons and Armand Menard, Alternate.

Chair Seichter called the Meeting to order at 7:10 p.m. and the Pledge of Allegiance was recited.

Approval of Minutes – 3-13-17 – Tabled to the May 8, 2017 meeting.

Chair Seichter announced the following applications would not be heard this evening:

OLD BUSINESS: Item #5 - Site Plan (ripe de bois composting facility)/Green Envy Products LLC/Sterling Drive - #206-17;

Item #6 – Site Plan (ripe de bois composting facility)/Green Envy Products LLC/90 Tankwood Road - #207-17

NEW BUSINESS – Item #8 – Subdivision (5 lots)/P. DiNatale/605 North Elm Street - #101-17

PUBLIC HEARINGS

- 1. Special Permit (special needs educational facility)/Specialized Education of CT., Inc./5-9 Barnes Industrial Road South - #401-17**

Mr. Matarazzo read the Legal Notice and noted all correspondence for the record: Letter to Atty. Joan Molloy, dated March 29, 2017 from Kacie Costello, Town Planner; Plan Review, 5-9 Barnes Road; Memo from Brian Schock, Deputy Fire Marshal dated 3/30/17 to Kacie Costello, Town Planner; Letter to Kacie Costello, Town Planner, dated April 5, 2017 from David Sullivan, P.E., Associate, Manager of Traffic Engineering, Milone & MacBroom; Traffic and parking study received Feb. 10, 2017.

Appearing in front of the Commission was Atty. Joan Molloy, Loughlin Fitzgerald representing Specialized Education of CT. Inc.; David G. Sullivan, P.E., Associate, Manager of Traffic Engineering, Milone & MacBroom; and Chris Hulk, Milone & MacBroom.

Atty. Molloy said this application is to permit a special needs educational facility in an existing building located at 5-9 Barnes Road. She noted Specialized Education of CT also operates High Road School, located on Village Lane, but pointed out this is a new and separate facility. Atty. Molloy said there is a need for this facility, because Best Academy requires sufficient space to serve the needs of individuals diagnosed with an autism diagnosis. She said this facility wouldn't usually trigger a special permit application, but noted that some vehicles which would be dropping off and picking up people from Best Academy, would also be dropping off people at High Road School. She said after meeting with Ms. Costello, the decision was made to prepare a traffic study and treat this application as a Special Permit. Atty. Molloy noted this application was submitted prior to the regulation change which removed educational uses as a permitted use in this zone.

Mr. Hulk went over the site plan which is at 5-9 Barnes Industrial Road South and Village Lane. He said under existing conditions, there is a parking facility on the north side, west side and southwest corners of the building and some loading zones and utilities located on the south side of the building. He said the Applicant will be conducting the majority of improvements to the south side of the building. Mr. Hulk said a bus loop and student drop-off area will be created to allow vehicles to queue and pull up and drop students off. He said there will also be an ADA accessible ramp.

Mr. Hulk said on-site there are a few deficiencies which will be brought up to code, notably, the parking spaces on the back side which he said were 16 ½ feet long with a 27-foot wide aisle, which will be made 18 to 24 feet long to achieve compliance. Mr. Hulk said a few landscape trees which were removed, will be re-planted. He said approval is needed for the sidewalk which will service the students being dropped-off. Mr. Hulk said the sidewalk will be located in the front setback. He said the reason for the location is because the existing building has a three to four-foot wall which comes almost right up to the building setback line. He said in order to get to the existing door to service the building, the sidewalk at some point would have to go onto the front setback to get around the wall.

Chair Seichter asked about the total sq. footage of the building and how much space the Applicant would occupy. Mr. Hulk said the existing building is approximately 38,000 sq. ft. and the Applicant's facility will take up approximately 8,500 sq. ft. which will be located on the east side of the building. Mr. Sullivan spoke about the site noting the facility will be just over 9,000 sq. ft. He said staff will enter and exit from Barnes Industrial Road. He said the pick-up and drop off will take place off Village Lane. He said 28 students will be relocated to this facility. Mr. Sullivan said this was analyzed as a new school, so all the traffic as well as the staff, is considered to be new. Mr. Sullivan noted there are 32 full-time teachers and 28 students who are currently transported in 20 vehicles which include cars, mini-vans and transportation buses.

Mr. Sullivan said the facility was designed to contain all the vehicles on-site. He spoke about the parking lot and service areas not being connected. He said staff and the Fire Department commented on this so modifications were made. He said the pick-up and drop-off areas were sized to accommodate the peak vehicles which are sitting before arrival and before dismissal. He said this was designed with flexibility because of the sensitivity to backing out onto Village Lane. Mr. Sullivan said a traffic impact study was performed on the intersection. He said it was assumed all the traffic was new traffic, and did studies during the morning and afternoon peak hours. Mr. Sullivan said it was assumed all the students' transportation arrived and departed during the peak hours. He said the significant portion of staff arrived at peak hour noting that most of the staff is on-site before the students arrive.

Mr. Sullivan spoke about the parking. He said the Town's regulations were reviewed and the Applicant tried to fit the uses into them as best possible. He noted for High Road School, the regulations were reviewed and it was found that nothing fit. He said he looked at different regulations throughout the country, and noted what is being proposed is based on employees with a secondary demand of students which comes out to one space per employee and one space for every 10 students for a total requirement of 106 spaces. He noted there have never been more than 30 cars on site. Mr. Sullivan said there are 117 existing spaces with 113 being proposed with the reserved accessible spaces being brought up to code which will be put on site reducing the total number.

Mr. Sullivan spoke about the on-site signage and the driveway curb-cut. He said a 25 ft. apron area will be installed and painted with No Parking signs to be installed for people exiting onto Village Lane. Mr. Kohan asked about the parking queuing noting there doesn't seem to be a lot of traffic coming in. He asked about buses. Mr. Sullivan said there are short buses coming to the site not large buses. Mr. Kohan said he was concerned about parking queuing. Atty. Molloy pointed out that Specialized Education calls in transport vehicles one at a time and loads the students and this is why there is a big queuing area. Mr. Sullivan showed the peak queuing on the site plan and the type of vehicles and the embarking and disembarking area. He also pointed out the additional parking and additional storage. He said as many as 28 vehicles can be parked in the back without affecting the setback area. He said there is a total of 13 mini vans, one passenger car and 6 small 25 ft. school buses.

Atty. Molloy entered the Fire Marshal response letter into the record.

Chair Seichter asked about the number of handicap spaces and their location. Mr. Hulk noted that under current conditions, there are three spaces which are not to code, and will be brought up to the required five spaces which will be located to the front side of the building. Ms. Morgenstein asked what the accessibility would be if a family member needed a handicap spot if they were parking on the other side. Mr. Hulk said the bus loop has been designed to allow for an ADA accessible path. He said there is access through the back side and also on the front side through the front doors. Atty. Molloy pointed out that typically, the rear is for the enrolled students and the front entrance would be for a member of the public or a parent. Ms. Costello

said her comments have been generally addressed. She said her impression was that the vehicles would queue in the waiting area when they arrived to pick people up. She asked if the vehicles are being told when to come, how would the vehicles queue in that area. Atty. Molloy said the students are released in phases. Ms. Costello said she had some queuing issues with the existing school queuing out on Village Lane. She said this problem must be alleviated as much as possible. Ms. Costello commented on the parking table calculations noting that she agreed with the Applicant that there are plenty of parking spaces available. She asked if anyone has confirmed with the other uses their parking needs. Atty. Molloy said this has been done.

Public Comments – none

Chair Seichter entertained a motion to close the Public Hearing at 7:41 p.m.

Mr. Kohan: Motion to close the Public Hearing at 7:41 p.m.

Mr. Matarazzo: Second

Vote: Unanimous

Chair Seichter entertained a motion on the Application.

Mr. Kohan: Motion to approve a Special Permit/Educational Facility for Specialized Education of CT to allow a portion of the building to be used as an Special Needs/Educational facility in addition to the existing network center Special Needs Services, office and light distribution and warehousing uses in the building as shown on the plans entitled "Site development and plan Specialized Education of CT school relocation, circulation improvements, 5-9 S. Barnes Industrial Road, Wallingford, CT" dated Feb. 10, 2017, updated to March 22, 2017, subject to the following Conditions of Approval:

- 1. Comments of the Fire Marshal dated March 30, 2017 be addressed;**
- 2. Plans show the interconnection of the drive to the parking area as located on the map;**
- 3. If there is queuing on Village Lane, the plan be reassessed;**
- 4. Directional signage for traffic be shown on the plans**
- 5. Sidewalk be located in the front setback as shown on the submitted plans**

Mr. Matarazzo: Second

Vote: Morgenstein-yes; Kohan-yes; Matarazzo-yes; Seichter-yes

Application approved

- 2. Zoning Map Change (DD-40 to HOD-G)/Richello/103 North Turnpike Road - #502-17**

Mr. Matarazzo read the Legal Notice and noted all correspondence into the record: Letter dated March 23, 2017 from Diane Ifkovic to Kacie Costello, Town Planner; Town memorandum to IWWC Chairman James Vitali from Town Engineer Rob Baltramaitis received Sept. 7, 2016. Chair Seichter noted that although Ms. Morgenstein was not in attendance at last month's PZC meeting, she has reviewed the application and the documents and feels comfortable sitting in on the application.

Appearing in front of the PZC was Christopher Juliano, LLS, P.E. Juliano Associates and Applicant Joseph Richello. He said the application was continued from last month because of two outstanding issues: comments from the DEEP which has been closed and the affordability plan which has been submitted and reviewed by Ms. Costello. He noted that the Wallingford Housing Authority will be working with the Applicant and managing this project. Mr. Juliano said the Town Engineer did a full engineering review as well. Ms. Costello said FEMA asked was asked the review the site impacts from a floodplain perspective. She noted some of the designated floodplain will be taken out of the site based on fill and said that compensatory storage will be done to account for fill being brought on site.

Ms. Morgenstein asked about the on-site garden and whether it would be 100% for the residents or be shared with the public. Mr. Juliano said the garden would be meant for the residents. Mr. Juliano said the Town property to the south of the site was considered and said that area would probably be a more suitable site. He said it would be questionable if the Richello site could handle the additional parking.

Public Comment– none

Chair Seichter entertained a motion to close the Public Hearing.

Mr. Kohan: Motion to close the Public Hearing at 7:50 p.m.

Mr. Matarazzo: Second

Vote: Unanimous

Chair Seichter entertained a motion on the application.

Mr. Kohan: Motion to approve a Zoning Map change for Richello to change the property at 103 North Turnpike Road from DD-40 to HOD-G to allow multi-family housing use providing there is compliant affordable housing component as shown on the map entitled "property boundary survey existing conditions land of Joseph Richello, 103 North Turnpike Road, Main St. RT. 150 Wallingford, CT dated 9/19/2006 updated to Jan. 17, 2017 because this will provide additional affordable housing opportunities in Town.

Mr. Matarazzo: Second

Vote: Morgenstein-yes; Kohan-yes; Matarazzo-yes; Seichter-yes

Application Approved.

Chair Seichter took the agenda in the following order:

OLD BUSINESS

- 7. Site Plan (36 unit, age restricted, housing complex)/Richello/103 North Turnpike Road - #208-17**

Mr. Matarazzo noted all correspondence for the record: Affordability Plan received March 29, 2017.

Mr. Juliano said he believed at this time the Wallingford Housing Authority was willing to take this over. Chair Seichter said he appreciated the fact that the 50 year affordability requirement was put on the plan.

Ms. Morgenstein asked if this affordability process could be changed. Ms. Costello said this is a requirement of the zoning so it has to be maintained. She suggested as a condition that the designated administrator be acceptable to the Planning & Zoning Department.

Chair Seichter entertained public comment of which there was none. He entertained a motion on the application.

Mr. Kohan: Motion that a Site Plan for Richello be approved to construct a three-story, 36-unit age restricted multi-family building with an affordable housing component in accordance with the CT General Statute 8-30G and the approved affordability plan at 103 N. Turnpike Road as shown on plans entitled "site development plans for proposed age-restricted apartment complex located at 103 N. Turnpike Road, Yalesville, CT., dated Sept. 29, 2016 updated to Jan. 17, 2017, subject to the following Conditions of Approval:

- 1. The designated administrator be acceptable to the Planning & Zoning Commission;**
- 2. A \$9,750 S&E bond be included**

Mr. Matarazzo: Second

Vote: Morgenstein-yes; Kohan-yes; Matarazzo-yes; Seichter-yes

Application approved

OLD BUSINESS

- 3. Site Plan (outdoor dining patio)/Rick's on Five/765 North Colony Road - #201-17**

Mr. Matarazzo noted all correspondence into the record: Letter dated March 30, 2017 to Rick's on Five regarding site plan #201-17 from Kacie Costello, Town Planner; Letter from Design Development Group, received April 5, 2017; ZBA Minutes dated Feb. 21, 2017; Letter to Rick's on Five re: Site Plan Application #201-17 from Kacie Costello, Town Planner; Application #201-17 received Dec. 12, 2016 comments from the Town Engineer; Inter-Departmental Referral received Dec. 14, 2016 from the Fire Marshal; Inter-Departmental Referral received Dec. 13, 2016 from the Chief Sanitarian; Inter-Departmental Referral signed by the Building Official; Inter-Office Memorandum to Kacie Costello, Town Planner from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, dated Dec. 22, 2016.

Appearing in front of the PZC was Robert Amentea, P.E. and Land Surveyor, Design Development Group. Mr. Amentea went over the site plan noting that the Applicant received ZBA approval for outside seating. He said there were variances for the amount of on-site parking which he noted is a very small site. He said the parking has been improved by providing employee only dead parking. He said the parking requirements have been met by providing 20 parking spaces with the variance instead of the required 24. Mr. Amentea said a variance for landscaping within the streetline was needed. He said the landscaping was enhanced along Beaumont Avenue, noting that nothing can be done along Old Colony Road. He said the portion of bituminous paving on the slope will be taken up, landscaped and seeded.

Mr. Amentea said there is landscaping along the front on N. Colony Road in front of the concrete patio which he showed on the site plan. He noted there is parking along RT. 5 over the State Highway line Right-Of-Way which is allowed. He said he is awaiting a letter from the State to allow the parking until the road is widened. Mr. Amentea said there have been improvements with the layout. Chair Seichter asked about parking in the back and how many spaces there are and how they line up. Mr. Amentea said that would be employee-only parking. He said the other employee parking is off-site across the street. Chair Seichter asked how many variances were granted. Mr. Amentea said a variance was granted for front landscaping, the open space coverage, the building coverage, the sidewalk requirement for the front and the existing shed to remain, five variances in total.

Ms. Morgenstein asked about the dead parking and the shed. She said people pull in and park perpendicular using seven spots. Mr. Amentea said there are two spots for employees and three for customers. She asked about RT. 5 and the State. Mr. Amentea showed the Right-Of-Way line between the State and the property owner. He said along RT. 5 there is parking within that area. Ms. Costello noted one cannot park on RT. 5 but within the State Right-Of Way property. Ms. Costello said historically, some businesses and properties have crept into the Right-Of-Way. She said the State can require the removal of the parking and landscape. She said the State has the right to make Rick's turn the patio back into landscaping. She said this is why in the variance, the parking spaces couldn't be included towards the variance. Ms. Morgenstein said on Saturday and Sunday, people park on Old Colony and Beaumont Avenue. She asked if this were allowable. Mr. Amentea said there is no restriction on the parking on Old Colony Road, there are no signs. He said there are no signs prohibiting parking on Beaumont Avenue. Ms.

Costello explained that typically, zoning requires a business to require all of the parking needed on-site. She said roads available for parking are for everyone and not to be taken up by one business. Ms. Costello said Rick's was granted a number of variances because parking is available across from Beaumont Avenue and also on Beaumont Avenue.

Mr. Matarazzo noted that the parking in the back seems to be double stacked. Mr. Amentea said the dead parking is for two employee parking spaces and the parking in front of it is for customer parking. He said the employee will put in an eight-hour shift but for the restaurant customer, they would spend an hour or two and leave. Ms. Costello said this came about because of her first round of comments from the site plan. She said she has an issue with the way the parking spaces are angled there is not a safe ability to back out of the spaces and part of the building is close. She suggested the shed be removed to provide a turnaround space for the cars. She said Mr. Amentea maintains that wouldn't provide enough room for turnaround space so this was the alternative he proposed. She said she didn't believe either of these were ideal proposals and it is the PZC's discretion to decide what plan they prefer.

Public Comment – none

Chair Seichter said what is being proposed from his perspective rather than the angle parking, makes more sense. Mr. Matarazzo said he has frequented the business many times and has never seen or experienced an issue with the angled parking. He said if the State took the parking on the RT. 5 side, would Rick's still be in compliance with the parking. Ms. Costello said Rick's was not originally in compliance with the parking requirement and then the patio area was added and expanded and this is what necessitated the variance because of the zoning violation. Ms. Costello noted Rick's went to ZBA twice and the first time the spaces were included in the variance and this represented they had more spaces then they had but they went back to ZBA and addressed this so they would still be in compliance with their variance.

Chair Seichter entertained a motion on the application.

Mr. Kohan: Motion to approve a site plan for Rick's on Five to allow patio expansion and use as dining area at 765 N. Turnpike Road as shown on plans entitled "Site Plan existing conditions, site plan, Rick's on Five, TM-77 Lot 46, 765 N. Colony Road, US. RT. 5, Wallingford, CT., dated June 2016 updated to March 7, 2017, subject to the following conditions of approval:

- 1. The blocked-in parking spaces be marked;**
- 2. The letter from the State to approve the RT. 5 parking be included;**
- 3. Comments from the Fire Marshal dated 12/13/2016**
- 4. Comments from the Building Dept. dated 12.28.16;**
- 5. Comments from Water and Sewer Division dated Dec. 21, 2016.**

Mr. Matarazzo: Second

Vote: Morgenstein-yes; Kohan-yes; Matarazzo-yes; Seichter-no

Chair Seichter said the reason he was voting no was that he believed the ZBA overreached in granting all of the variances. He said when he looked at their Minutes and the reason for the granting of the variances, he said he didn't understand how the amount of variances could be granted. He said when he looked at the reasons for granting variances in the zoning regulations, he couldn't see any justification. He said in reading the Minutes, the main reason for granting the variances was a restraint of trade. He said if the ZBA believed that, the next logical step would assume that businesses aren't subject to our zoning.

Application approved.

4. Site Plan (addition to winery building)/Gouveia Vineyards/1339 Whirlwind Hill Road - #205-17

Mr. Matarazzo noted all correspondence for the record: Letter dated April 3, 2017 to Gouveia Vineyards referencing Site Plan #205-17 from Kacie Costello, Town Planner; Inter-Departmental Referral #205-17 received April 3, 2017 signed by Deputy Fire Marshal; Site Plan Report dated March 30, 2017 received April 3, 2017 signed by the Deputy Fire Marshal; Letter from Loughlin Fitzgerald to Kacie Costello, Town Planner received March 28, 2017; Set of Plans received March 28, 2017; additional set of plans received April 5, 2017; Correspondence from Nancy Lindsay to Kacie Costello Town Planner dated April 7, 2017; Correspondence from Cathy Abbot to Kacie Costello Town Planner dated April 6, 2017; Correspondence from Jennifer Tiganella to Kacie Costello, Town Planner dated April 6, 2017; Correspondence from Murray Allan dated April 6, 2017 to Kacie Costello, Town Planner; Correspondence from Rose Week to Kacie Costello, Town Planner, dated April 6, 2017; Correspondence from Mary Ellen Scott to Kacie Costello, Town Planner, dated April 6, 2017; Correspondence from Diane Wulff to Kacie Costello, Town Planner, dated April 6, 2017; Correspondence from Elizabeth and Raymond Guidone, to Kacie Costello, Town Planner, dated April 7, 2017; Correspondence from MaryAnn M. Pauley to Kacie Costello, Town Planner, dated April 7, 2017; Correspondence from Ruth Kelman to Kacie Costello, Town Planner dated April 11, 2017; Correspondence from Martin Bell to Kacie Costello, Town Planner, dated April 10, 2017; Correspondence from Tammie Cadett to Kacie Costello, Town Planner, dated April 10, 2017; Correspondence from Maureen Carney to Kacie Costello, Town Planner, dated April 10, 2017; Correspondence from Marc and Dianne Lendler to Town Planner Kacie Costello, dated April 11, 2017; Correspondence from John Cox to Kacie Costello, Town Planner dated April 10, 2017.

Appearing in front of the Commission was Atty. Joan Molloy, Loughlin Fitzgerald, representing the Applicant Joseph Gouveia and George Cotter, OCC Group, Project Engineer. Atty. Molloy said this is a continuation of the hearing for a proposed addition to an existing building at Gouveia Vineyards. Atty. Molloy said a concern was raised last month about the need for a traffic study, which her client said could delay the project for up to a year because the study would have to be done in the summer months. Atty. Molloy said her client has now submitted a

revised plan which omits the proposed expansion of the tasting room. She said the plan shows a deck over the expanded manufacturing area without a roof so the views will not be blocked. She noted a possible pergola is shown as an architectural feature to preserve the buildings beauty.

Atty. Molloy said that Ms. Costello noted in her comments that the PZC may still consider this to be an expansion of the public space but emphasized her client doesn't agree. She said if the deck area over the expanded manufacturing area is permitted, it means the public who are currently using the lawn area, may be able to access the deck area. She said this is an alternative, not an increasing of the space. Mr. Cotter went over the changes to the site plan which he said was similar to the plan submitted last month. He pointed out the location of the existing structure and the expansion of the lower level and the previously approved tent. Mr. Cotter also noted where the traffic flow was revised which would allow two-way traffic and 24-ft. lanes. He said everyone who visits the vineyard is directed on where to park.

Mr. Cotter noted that other comments from Ms. Costello would be addressed on the final plans. He pointed out the location of the deck and noted this is the same footprint of the lower level building and pointed out the proposed expansion of the deck which he said was v-shaped with an outside patio area with a walkway around the building. Mr. Cotter said not shown is a 4-ft separation between the building and the patio which has been approved by the Fire Marshal with no conditions so the plantings and the seating will be worked out. He said the function of the septic system was discussed last month. He said there will be a space for a one-seat men's and women's lower level bathroom for the outside people to access.

Mr. Cotter said the lower level work area for the winemaking is cramped and inefficient and because of this the proposed expansion is needed. Chair Seichter asked for further explanation regarding the separation of the deck from the building. Mr. Cotter said the Fire Marshal was acceptable to allowing people to be four feet from the building when they are on the deck. In answer to Ms. Morgenstein's question, Atty. Molloy said planters would be put in place to physically prevent the public from getting within four feet of the building. She said this is a fire code requirement.

Ms. Morgenstein said the volume of people would not be different because now people are outside and have to find a chair or lay on blanket. She said this deck with a cover would be nicer. Atty. Molloy pointed out there is no Inland Wetlands approval and have updated comments from the Fire Marshal which resolves their concerns; the Water and Sewer conditions of approval was presented at the previous meeting and the Applicant can comply with their requests. She said Ms. Costello has property noted the revised plan didn't have all the requested changes but noted the Applicant understands there are additional items. She said if the PZC acts favorably on this request, the requested changes can be made as Conditions of Approval.

Atty. Molloy said the sole issue is whether the PZC wishes to discuss traffic produced at the vineyard. She said she looked at the information produced last month and said the facts presented support the fact that the vineyard isn't a major traffic generator pursuant to the PZC regulations. Atty. Molloy noted there are no ITE standards for wineries which was confirmed by Town Engineer Rob Baltramaitis. She said she reached out to a traffic engineer and the best category found was drinking establishments which she reviewed. She noted that none of ITE generation tables indicated 35 for normal peak hour traffic and 45 for the establishment's peak hour. She pointed out this didn't trigger the 100 hour trips required in the PZC regulations. Atty. Molloy noted Ms. Costello provided information from Virginia and California. She said when she read through the Virginia information the figures quoted were over a 24 hour period and wasn't broken down. She said it was hard to determine whether these numbers helped us. She said in the California study, the peak hour trips range from 17 to 51 vehicle trips which don't come close to the 100 peak hour trips which would trigger a special permit.

Atty. Molloy said she consulted with the Paradise Hills Attorney which did a traffic analysis on a popular weekend and noted their information showed they didn't generate 100 trips in a peak hour. Atty. Molloy said she obtained a copy of the draft PZC Minutes in which Mr. Makepeace was addressing the traffic at the vineyard.

Atty. Molloy said Mr. Makepeace showed photos taken a few years ago at the vineyard which she believed were taken on Oct. 11. She said Mr. Makepeace counted 423 vehicles which he said turned into 846 vehicle trips an hour. She said if there were already 423 cars on-site, they had come in over a period of time and to say they came in and out over a one hour period is not accurate. Atty. Molloy said Mr. Makepeace stated there were 200 to 300 vehicle trips on a Saturday but noted there is a window of looking at this, and it is occurring over a 6 to 7 hour period. She said she isn't disputing Mr. Makepeace's figures but believes drawing the conclusion from a warm October day is not the way to determine the traffic generation for a particular site. She pointed out neither member of the public who spoke about the traffic reside on Whirlwind Hill Road. She said one can't judge this application on the fear of what someone else might do.

Atty. Molloy said there have been a number of emails submitted by the public noting one person lives on Whirlwind Hill Road and didn't complain about the traffic. She submitted a petition of 433 signatures of people who support the expansion. Mr. Gouveia said none of his neighbors have complained but have supported him. He said people in the area don't want the road widened. He questioned the 100 cars per hour noting that last weekend he had a total of 209 cars. Mr. Gouveia asked the PZC to make a decision tonight noting this issue has been ongoing since 2012. He said he has spent \$33,000. He said when the weather is good, people come, it is all about the weather.

Mr. Kohan about the square footage of the work area to be constructed. Mr. Cotter said there is 1,400 sq. ft. currently and Mr. Gouveia would be adding 1,000 sq. ft. Mr. Kohan asked about seating on the deck. Mr. Gouveia said there might be some seating. He said the deck is 51 x 28. Ms. Costello noted there is an expansion of the deck on the side and the patio. Mr. Kohan asked

if there were plans during the winter months to enclose the deck with plastic and include heat. Mr. Gouveia said this would be an ideal situation. Mr. Kohan commented on the traffic study. He said he agreed with Atty. Molloy's information that the trips per hour stated last month were unreasonable. He said he runs on Whirlwind Hill Road and has had no trouble with the cars. He said he was favorable to not having a traffic study. Mr. Matarazzo said in all fairness to the Applicants and the public, the PZC tries to gather as much information on an application to vote responsibly and to be fair to the Applicant and residents, to take their comments. Mr. Matarazzo said there were comments on traffic issues from residents in the area that to him, suggested a traffic study might be necessary especially when an Applicant is increasing the footprint of a property which increases the occupancy of the property and may possibly increase traffic.

Ms. Morgenstein said she is leading to believe the application has changed because of the response last month. She asked if this is what the Applicant would desire. Atty. Molloy acknowledged the application is different, noting the original application had a roofed structure in the area of the deck. She said her client would have liked to proceed with this. Ms. Morgenstein asked if there was an issue with the structure or the traffic. Atty. Molloy said she understood traffic was the issue which drove the change in the revised plan. Ms. Costello said in every zone the Regulations state that if a use generates 100 peak hour trips, it automatically triggers a Special Permit. She said this is the question at hand now. Ms. Costello said if there is a Special Permit a traffic study is also required. She said it is not known whether this generates the 100 peak hour trips right now and the PZC believed that in order for someone to further expand, they potentially would want to know what the trip generation was so the outcome would be that the Applicant would come back with just the production area.

Chair Seichter asked about the California 45 peak traffic hour. Atty. Molloy explained it was 17 to 51 trips based on the charts submitted. Chair Seichter asked about the size of the vineyards. Atty. Molloy said she looked at one comparable to Gouveia (tasting rooms and acreage). She said she believed she looked at the worst case scenario, all cases and sizes. Chair Seichter asked Atty. Molloy for evidence that Gouveia doesn't generate the 100 peak hour trips. Atty. Molloy said Mr. Gouveia's experience with people coming to his vineyards over the years, noting that if vehicles came to his facility at one per minute, this would generate at the most, 60 cars per hour. She said they are coming into a driveway, proceed up and pull into a parking space. She noted Mr. Makepeace didn't state vehicles were backing up onto Whirlwind Hill Road.

Chair Seichter said he felt strongly about having a traffic study given the fact that the Applicant is expanding the tasting room. He said at this point he is torn between the two and understands the position that with the deck, the Applicant is taking people that would most likely be on the lawn to enjoy the deck and unlike the expansion of the building itself, and to him this would be a permanent expansion whether it is good or bad weather. He said on the deck, this is subject to the weather. He said his position last month, given the fact this was going to be enclosed, he looks at this at something totally different. He said he buys into the Applicant's position that the Applicant is not increasing the amount of people coming to the vineyard, but reallocating them to a certain area of the property. Atty. Molloy said that Mr. Gouveia stated during the

warm weather no one wants to be in the tasting room so expanding this during the warm months won't make a difference and in bad weather, this would only allow a few more people.

Chair Seichter entertained public comments.

Public Comments

Donna Regan, 14 Turnberry Road, said she travels Whirlwind Hill Road multiple times a day and passes the vineyard and has never experience any traffic issues. She said cars are going slower trying to find the vineyard and sees no impact in the traffic volume.

Joe Mirra, 7 Summerwood Drive, speaking as a resident, said he was in favor of the project especially the new layout noting dirt is being traded for a deck and he doesn't see how traffic will increase from this. He said Gouveia Vineyards is nationally known and if the traffic was as bad as some people are stating, it would work against future growth. He said if people don't have an enjoyable experience, they won't return.

Carol Borsari, 30 Strawberry Hill, said her property abuts Gouveia vineyard. She said the Town of Wallingford on their website comments on the wineries. She said the traffic is not a concern and noted she has lived in this area 28 years and rides her horse in the area. Ms. Borsari said her friend, Sharon Williams, on Whirlwind Hill Road, who couldn't attend, said traffic is not a problem. Ms. Borsari said widening the road would be a deterrent to the Town.

Jim Allen, 7 Terrell Farms Way, said he has taken people from out of the country to Gouveia Vineyards. He said most of the people who go to the vineyards will buy a pizza from a local pizza shop and noted that restaurants will hire more people because of the business. He said both vineyards are a treasure to this Town and it is terrible what Mr. Gouveia has had to go through. He said the Town should figure out how to support and work with the businesses.

Bob McMahon, 39 Shetland Drive, said he resides two miles away from Gouveia and has never experienced a traffic issue.

Allison Gouveia, 1339 Whirlwind Hill Road, thanked everyone who supported the vineyard and spoke about his father's dreams. She said there is no room in the wine cellar and by limiting expansion, it is limiting the future and limiting the ambition of people who haven't reached their dream yet.

Richard Ruggiero, 15 Windswept Hill Road, founder of Paradise Hills Vineyard and Winery. He said he is certain the Town isn't against Mr. Gouveia expanding his production area. He said he doesn't understand the issue. He said it would be nice for the PZC to grant this approval and likes to see the Town help the farms and small businesses.

Elizabeth Guidone, 1216 Whirlwind Hill Road, said the traffic is negligible. She said there is nowhere near 50 cars per hour and requested the road not be widened.

Raymond Guidone, 1216 Whirlwind Hill Road, said he has lived in this area for 47 years and the traffic impacts from Gouveia is negligible and the winery is an excellent neighbor. He said it is upsetting that this has become an issue and said this should have been approved in 2012.

Lucille Casagrande, 25 Turnberry Road, said she travels up and down Whirlwind Hill Road many times a day and never once has she ever been affected by the traffic because of the time span the winery is open. She said the winery has no impact on the way the people live or move in the area and doesn't see why this is an issue.

Ernie Jondreau, 21 Celestial Lane, said he supports the Gouveia proposal. He said he was confused with the idea of a traffic study and said the original proposal should be granted. He said Mr. Gouveia brings a lot of business into Town.

Nicholas Amarone Jr., Wallingford, said he was confused regarding a statement from a PZC member that he wanted to be fair to everyone regarding the cars and traffic. He said considering the amount of people here tonight speaking, he didn't hear anyone say there were a lot of cars. Mr. Amarone asked if anyone from the PZC could have gone to Gouveia and checked the vehicles coming in and out of the facility.

Charles Cowlman, Wallingford, said he would like to see the Town grown and asked why there is concern for a traffic study for Gouveia when there wasn't a concern for a traffic study for Rick's on Five. He asked one PZC member if he heard what the public had to say instead of reading the paper.

Dawn Lopes, 7 South Street, said she has been a resident of Town for 17 years and a Gouveia employee for 12 years. She said she loves all the small businesses in Town. She said Gouveia is a family-owned business and does everything for his family and the business. She said the room is needed downstairs and there is growth in the wine cellar. She asked the PZC to approve this application.

Christopher Juliano, 405 Main Street, Yalesville, said he had a unique experience with the winery industry. He said he is working with the winery in Northford and just recently had an approval with the winery in Seymour. He said in the past two years, he has had to do a lot of research. He said in California, the traffic is based on the bottles and cases of wine, 20,000 and 30,000 cases and bottles of wine. He said this is when one starts getting into the 100 vehicle trips per hour. Mr. Juliano said Gouveia can't reach this type of traffic volume but understands people's concerns. He said he didn't believe a traffic study is necessary for Gouveia. He said based on his professional experience, Mr. Gouveia's winery can't trigger the 100 vehicle trips per hour and is in favor of the application.

Dianne Lendler, Scard Road, said she is in walking distance to the winery and are frequent patrons. She said she helps with the fall harvest and urged the PZC to take a positive view and said the deck will also be a positive addition and will be a great addition to the winery. She urged people to help Joe grow and sees a lot of diversity at the winery.

End of Public Comment

Atty. Molloy presented her copy of the California Report to the PZC. She said the report supports her figures. Mr. Matarazzo addressed comments directed towards him. He said he was not reading the newspaper, but reading the Zoning Regulations of the Town. He said he was listening to the public and takes offense. He said there are a lot of people speaking in favor which is good. He said he has goodwill wishes to Mr. Gouveia but noted there is no one here opposing this application as was the case last month, but also pointed out there was not a lot of people supporting the application last month. He said he wondered where these people were last month. He emphasized that the PZC has to be fair to everyone; the public and the applications and the PZC adheres to the zoning regulations. He asked how many people go to a car dealership to purchase a car without asking for the Carfax. He said the PZC is looking for information and facts, whether good, bad or indifferent to make a responsible decision on the application.

Chair Seichter said some people in the public stated the PZC is looking to prohibit Mr. Gouveia from a production standpoint. He made it clear at the last meeting that he didn't believe anyone had a problem with the expansion of the production facility and didn't play into any traffic or anything. Chair Seichter said he felt comfortable with a traffic study as he stated last month and stands by this. He said given that what Mr. Gouveia is doing now is eliminating the expansion of the tasting area and proposing to install a deck, his standpoint is that people are being taken from the dirt and putting them on a deck so he didn't see how this would increase the amount of additional traffic coming into the facility.

Ms. Costello said if the PZC has a comfort level that the winery generates less than 100 peak hour vehicle trips, we are in the correct application process and the secondary part is the site plan. She noted the PZC can't consider just one situation; the Regulations speak to properties in general. She said if the PZC isn't going to require a count to make the determination of whether the 100 is triggered, it should be because the PZC has a comfort level that it is well below this. She said she doesn't want her department or the Engineering Dept. to be put into a position where other elements get confused with this issue. Chair Seichter said he is aware this is not a one-time situation and that it has broader impacts. He said he believes the PZC can act on the site plan.

Mr. Kohan commented on the traffic count and said he would add this into the motion that there is a comfort level that Gouveia generates less than 100 vehicle trips per hour.

Ms. Morgenstein said she was comfortable in proceeding with this application tonight.

Chair Seichter entertained a motion on the application.

Mr. Kohan: Motion that the PZC approve a Site Plan for Gouveia to construct an addition as shown on the site plan, addition to the lower level of the winery building to be used only for storage/production, with a seating area above and to modify,

update and expand the currently approved parking areas at 1339 Whirlwind Hill Road, as shown on plans entitled: "Improvement Location Survey Plan of Proposed Winery, addition and parking layout, Gouveia Vineyards, 1339 Whirlwind Hill Road, Wallingford, CT., dated Feb. 8, 2017 updated to April 5, 2017, subject to the following Conditions of Approval:

- 1. Letter from Kacie Costello dated March 9, 2017;**
- 2. Comments from the Fire Marshal dated April 10, 2017;**
- 3. Water and Sewer comments dated March 1, 2017;**
- 4. Special note that the PZC feels a comfort level with the traffic count generating less than 100 vehicle trips per hour**

Mr. Matarazzo: Second

Vote: Morgenstein-yes; Kohan-yes; Matarazzo-yes; Seichter-yes

Application approved

NEW BUSINESS

9. Site Plan (779 sq. ft. accessory apartment)/R. McMahon/39 Shetland Drive - #209-17

Mr. Matarazzo noted all correspondence for the record: Memorandum to Kacie Costello, Town Planner from Erik Krueger dated March 24, 2017; Letter from Kacie Costello, Town Planner to Robert McMahon, dated March 21, 2017; Inter-Departmental Referral dated March 8, 2017 and received on March 13, 2017 from Eloise Hazelwood, Dept. of Health; Inter-Departmental Referral received March 13, 2017 from the Fire Marshal.

Appearing in front of the PZC was Robert McMahon, 39 Shetland Drive, who said the in-law apartment was too big. He said he wants to make a small common room under the square footage. Mr. McMahon said the room is 32 x 26. Chair Seichter asked about the bumped out area on the site plan which is 3 ft. 9 inches. Mr. McMahon said this is to minimize the square footage to reduce the size of the in-law apartment. Ms. Costello said this area would be a common laundry area. Mr. McMahon said there is already a laundry area in the in-law apartment. She said this apartment was existing but was never approved that is why the size issue had to be addressed.

Chair Seichter entertained a motion on the application.

Mr. Kohan: Motion to approve a Site Plan for McMahon to allow a 779 sq. ft. accessory apartment at 39 Shetland Drive as shown on drawings entitled: "Building sketch Robert C. McMahon, 39 Shetland Drive Wallingford, New Haven County, CT 06492, subject to the following Conditions of Approval:

- 1. Comments from the Health Dept. dated 3/13/2017;**

2. **Comments from Water and Sewer dated 3/24/2017;**
3. **Comments from the Fire Marshal dated 3/13/2017;**
4. **Final inspection to be done by the Zoning Enforcement Officer**

Mr. Matarazzo: Second

Vote: Morgenstein-yes; Kohan-yes; Matarazzo-yes; Seichter-yes

10. Site Plan (improvements & accessibility upgrades)/Wallingford Housing Authority #1-#50 McGuire Court - #210-17

Mr. Matarazzo noted all correspondence for the record: Letter to Mary Dehais from Kacie Costello Town Planner dated March 21, 2017; Plan Review dated March 20, 2017; Inter-Office Memorandum dated March 24, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Division to Kacie Costello, Town Planner; Inter-Departmental Referral dated March 13, 2017 from the Fire Marshal; Letter to Kacie Costello, Town Planner from Mary Dehais, Landscape Designer, dated April 7, 2017; Letter from Mary Dehais to Kacie Costello, Town Planner, dated April 7, 2017; Letter from Kelly McDermott, Executive Director, Wallingford Housing Authority, to Kacie Costello, Town Planner, dated April 7, 2017.

Appearing in front of the PZC was Kelly McDermott, Executive Director, Wallingford Housing Authority; Kevin McFarland of Quisenberry Arcari Architects and Chris Pisani, lead maintainer with Wallingford Housing Authority.

Ms. McDermott spoke about a site plan approval of the 50-unit elderly disabled site at McGuire Court, which provides affordable housing to seniors 62 years of age and older and seniors with disabilities. She said she is requesting approval to create six fully ADA accessible units on this property. She noted McGuire was constructed in 1972 and the standards have changed and noted currently the WHA has no units in its portfolio which are ADA accessible.

Mr. McFarland went over the site plan for McGuire Court. He said there will be three additions to two of the on-site buildings each of which houses two units which will be converted for handicap accessibility. Mr. McFarland said the property currently contains 40 efficiency units and 10 one-bedroom units. He said the configuration will be changed to 34 efficiency units and 16 one-bedroom units by converting six efficiencies into six accessible one-bedroom units. He said in addition to three additions to the building, there is a proposed ramp for access to the building and revision to grading at the parking area to maintain a two percent slope at the handicap accessible parking area. Mr. McFarland said there will also be siding, windows, kitchen and bathroom renovations to all 50 units.

Chair Seichter asked about occupancy rates. Ms. McDermott said there is currently one vacancy but the site is typically 100% occupied. Chair Seichter asked how the renovations to the units would be done while the units are occupied. Ms. McDermott said there is a relocation plan and currently there are three approaches being considered: one being to relocate residents on-site

as units vacate and then renovate the units; the ability to offer permanent relocation to other properties; provide a temporary location subsidy. She said per State Statute we are required to provide adequate location. Chair Seichter asked about the time frame for a unit renovation. Mr. McFarland said the renovations would take between 45 to 60 days. Ms. McFarland said she would go through a formal bidding process for the renovations.

Chair Seichter entertained a motion on the application.

Mr. Kohan: Motion to approve a site plan for TD Design, LLC on behalf of the Wallingford Housing Authority to construct additions to three existing dwelling units in order to allow them to be modified to be ADA compliant and to make minor associated site changes at McGuire Court as shown on plans entitled: "Envelope Improvements and Accessibility Upgrades, McGuire Court Wallingford Housing Authority, Planning & Zoning submission, dated March 9, 2017, subject to the following Conditions of Approval:

- 1. Comments from Water and Sewer Division dated March 24, 2017;**
- 2. Comments from the Fire Marshal dated March 17, 2017**
- 3. Comments from the Engineering Dept. dated April 11, 2017**

Mr. Matarazzo: Second

Vote: Morgenstein-yes; Kohan-yes; Matarazzo-yes; Seichter-yes

Application approved

Chair Seichter took the agenda in the following order:

DISCUSSION & POSSIBLE ACTION

15. Extension of above-ground utilities/Wallingford Electric Division/Clintonville Road

Mr. Matarazzo noted all correspondence into the record: Letter to Kacie Costello, Town Planner from Ed Rizzo, Chief Engineer, Electric Division dated March 15, 2017; Letter to Kacie Costello, Town Planner, from Ed Rizzo, Chief Engineer, Electric Division, dated March 20, 2017.

Appearing in front of the PZC was Ed Rizzo, Chief Engineer, Wallingford Electric Division. He said Clintonville Road is a dividing line between North Haven and Wallingford, and the electric service in that area is through a joint service between Frontier and WED. He said the pole line is in North Haven and currently have applications and expect development on the Wallingford side. He said in order to supply electricity, WED will not be able to bring down existing power on the pole line because UI comes up from the south. He said WED is proposing to make a cross-over from North Haven into Wallingford and proceed with approximately a six-pole extension on the Wallingford side of the road so energy can be provided to Wallingford development and potential Wallingford residents.

Ms. Costello said the PZC regulations require underground lines for all utilities, but one exception is the extension of a line by the WED. She said this has to be approved by the PZC. She said two subdivisions have already been approved in this area. Ms. Costello said the service to the homes would still be underground.

Chair Seichter entertained a motion on the application.

Mr. Kohan: Motion to approve an application for the Wallingford Electric Division extension of above ground utilities/WED Clintonville Road

Mr. Matarazzo: Second

Vote: Morgenstein-no; Kohan-yes; Matarazzo-yes; Seichter-yes

Application approved

SURVEY WAIVER REQUEST

16. E. Severson/33 Maltby Lane

Mr. Matarazzo noted all correspondence into the record: Letter to the PZC from Erik Severson (no date)

Appearing in front of the PZC was Erik Severson, 33 Maltby Lane who said he wanted to construct a garage addition and requesting a land survey waiver. Chair Seichter asked about the map. He asked how the map was generated. Mr. Severson said he went off the deed from his neighbor's house and where the road ended and found three property markers at the end of his property. Chair Seichter asked about the setback requirement on the south side of the property where the garage is located and there is 50 ft. Mr. Severson said that is an existing garage. He noted the proposed garage would be 30 ft. from the property line; the proposed garage addition on the side of the house is 22 x 24 ft. Chair Seichter said that based on the plans, the Applicant seems to be within the setback.

Ms. Costello said there was some discrepancies regarding property line descriptions, but didn't believe they impacted the property line. She said she believed some of the deeds and maps were consistent with each other. Chair Seichter assumed when the house was built there was a survey done to show this is not in the setback area. Ms. Costello said if there was a survey done, Mr. Severson would have been able to use that survey. She pointed out the Town didn't require as-builts until 1986. She said Mr. Severson has twice the distance.

Chair Seichter entertained a motion.

Mr. Kohan: Motion to approve a Survey Waiver Request for E. Severson, 33 Maltby Lane

Mr. Matarazzo: Second

Vote: Matarazzo –yes; Morgenstein-yes; Kohan-yes; Seichter-yes

Application approved

17. Mather/25 Laurelwood Drive

Mr. Matarazzo noted all correspondence into the record: Letter dated March 29,2017 from Kurt and Vanessa Mather received March 29, 2017.

Appearing was Tony Bucari, 3 Chestnut Lane, Wallingford, representing Kurt and Vanessa Mather. Mr. Bucari said the Applicants want to install a built-in pool which will be within the limits of the width of the house and won't require a survey. He said the pool will be 10 ft. off the back of the house on the right side where there is a small addition. He said the pool will be 18 ft. by 36 ft.

Ms. Costello said pools only have to be 10 ft. off the property line. Chair Seichter entertained a motion.

Mr. Kohan: Motion to approve a Survey Waiver Request for Mather, 25 Laurelwood Drive

Mr. Matarazzo: Second

Vote: Morgenstein-yes; Kohan-yes; Matarazzo-yes; Seichter-yes

Application approved

18. A. Kinani/14 Circle Drive

Mr. Matarazzo noted all correspondence for the record: Letter from Abdallah Kinani to Kacie Costello, Town Planner, dated March 30, 2014.

Appearing was Mr. Kinani who stated he wanted to construct a garage to house his car behind his home 12 by 24 ft. He said Ms. Costello told her the Regulations require a 5 ft. setback from the fence and he increased this to 7 ft. with the reference point being the existing building which would be 17 ft. Ms. Costello said she has spoken with Mr. Kinani who moved the garage two feet from the property line to provide a buffer. She said the issue is exactly where the property line is. Mr. Kinani spoke about the fence on the property line and said there is no issue with him or the neighbors. Chair Seichter said there was a similar situation last month and noted the two previous approved applications were further back from the property line than the house was. Mr. Kinani said he knows the house is 17 ft. from the line based upon the fence. Chair Seichter said it is not known whether the fence is the property line.

Ms. Morgenstein said her experience was that she assumed a property line and when new owners installed a fence it was two feet closer to her property line. She asked if there was a concrete property line. Mr. Kinani said he couldn't find one. Ms. Morgenstein said fences get put

up and down, and said she doesn't believe this survey can be waived. Chair Seichter asked if the garage could be moved more toward the center of the property. Mr. Matarazzo said this application can't move forward without a site survey. Mr. Kohan said ZBA approval may be necessary if the Applicant wanted to attach the garage to the house. He said he would be OK with moving the garage another two feet. Ms. Morgenstein said if the garage was made perpendicular the garage would be in line with the house.

Chair Seichter entertained a motion.

Mr. Kohan: Motion to approve the Survey Waiver Request for Kinani, 14 Circle Drive

Mr. Matarazzo: Second

Vote: Morgenstein-no; Kohan-yes; Matarazzo-no; Seichter-no

Application DENIED

Chair Seichter encouraged the Applicant to seek out a way to better define the property lines or move the garage further off the property line and line up with the home.

19. Ouellette/10 Halsey Drive

Mr. Matarazzo noted all correspondence into the record: Letter to the Planning & Zoning Commission from Thomas and Tracy Ouellette with diagram.

Appearing was Thomas Ouellette who told the PZC he wanted to add a covered porch to their house. He said the porch will be facing the street and not anyone's property so he is requesting a Survey Waiver.

Ms. Costello said one of the issues is that this property is a corner lot so the Applicant needs to be 40 ft. off King Road and 40 ft. off Halsey Drive and this isn't being proposed so a variance is probably needed. Chair Seichter explained the Applicant would be encroaching on the setback, so the PZC wouldn't have the ability to approve the application. He said one option would be to file a variance request with the ZBA to put the addition on the porch and the setback along King Road. Mr. Ouellette said he wasn't adding anything to the side facing King Road and is bringing the porch onto Halsey Drive. Ms. Costello said the house is closer to King Road than the regulations would allow today. She said this is a non-conformity so a variance would be required. Mr. Ouellette said he didn't know the distance from his house to King Road. Ms. Costello said this is what the survey requirement is for. Chair Seichter said there are no measurements and the PZC can't make a determination because the distance from the house to King Road isn't shown.

Chair Seichter entertained a motion to continue this application to the May meeting.

Mr. Kohan: Motion to continue this Survey Waiver Request for Ouellette to the May meeting.

Mr. Matarazzo: Second

Vote: Unanimous

20. Leighton/19 Nicholas Road

Mr. Matarazzo noted all correspondence for the record: Letter dated April 2, 2017 to Kacie Costello Town Planner from Dean Leighton including photos and sketches.

Appearing was Dean and Margaret Leighton, 10 Nicholas Road, who explained they wanted to replace their above-ground pool with an in-ground pool. She noted the shape of the pool would be different but be in the same place but extend further into the backyard.

Ms. Costello said this pool is within the confines of the existing house and has no major concerns. Mr. Leighton said there is a steel peg and concrete post marking the property lines. Ms. Costello pointed out the pool would be within the confines of the property on one side but not on the other. She said this is a question of how the property line can be verified. Mr. Ouellette said there is a metal post on the back side of the neighbors shed and a concrete post in the front of his property. He said his neighbor also had his property line at 15 Nicholas Road surveyed and affirmed the property line.

Chair Seichter entertained a motion.

Mr. Kohan: Motion to approve Survey Waiver Request/Leighton

Ms. Morgenstein: Second

Vote: Unanimous

Application approved

BOND RELEASES AND REDUCTIONS

11. Special Permit/VW Homes/North Farms Road (The Willows) - #413-17

Ms. Costello said this is ready. She said regarding the name change, she spoke to one of the Vernas and said a development creates an LLC for the construction period which is dissolved when the construction is completed.

Ms. Costello said **#14** McNamara Builders/59 Dibble Edge Road is also ready to be released.

Chair Seichter entertained a motion.

Mr. Kohan: Motion to approve bond releases and reductions for Special Permit/VW Homes, The Willows and McNamara Builders, 59 Dibble Edge Road

Mr. Matarazzo: Second

Vote: Unanimous

DISCUSSION

21. Subdivision/Ibar/58 North Branford Road-Tabled to the May 8th PZC Meeting

22. Ortense Drive Extension/Atty. Joan Molloy

Mr. Matarazzo noted all correspondence into the record: Letter from Loughlin Fitzgerald to Kacie Costello, Town Planner, dated March 9, 2017 along with a lot plan.

Appearing was Atty. Joan Molloy, Loughlin Fitzgerald said over 10 years ago, the Ortense Drive subdivision was approved by the PZC, and at the time, a provision was made for a future road extension. She said there was additional land not approved as a building lot at the time. She said in order for that to become a legal building lot, a road extension has to go through and become part of the public road or the alternative that if the road was never to be built, it would revert back to the property owner and then the lot becomes conforming because it has the required frontage.

Atty. Molloy said since the previous approval, the current property owner stated he isn't interested in conveying the property to the subdivision. She said there are unique factors, noting this subdivision abuts a significant power line Right-Of-Way and in the past wasn't uncommon to get permission from Eversource to extend roads through the R.O.W. She said Eversource is doing this far frequently. She said the Applicant would like to enter into an agreement with the Town where it agrees to deed the property back to the Applicant. She said the Town isn't willing to negotiate a contract because they want to ensure the PZC would at least entertain giving up this future R.O.W. She said she understands the PZC wants to ensure by granting this R.O.W that cul-de-sac isn't created. She said there is an ability to develop the property and have access to two public roads.

Atty. Molloy said the PZC will have to do a 8-24 review to deed the future R.O.W. to the Vernas and get the lot approved. Ms. Costello said the only reason to consider this is because of the easement. She said normally it is good planning to plan for the extension of future roads. She said she agrees with Atty. Molloy that with Eversource it is harder to extend the road through the R.O.W. She said the cul-de-sac could have become a road and there may be some challenges because of the Town line but agrees unlikely this road will be extended through the R.O.W. She said the PZC can do a modification to the subdivision or an 8-24.

Mr. Kohan and Chair Seichter agreed with Ms. Costello and supports this.

22. Survey Waiver Requests

Ms. Costello said there were a lot of Survey Waiver Requests on the agenda this month and asked the PZC if they would consider these requests administratively. Chair Seichter said he

would not have a problem with considering these requests administratively. Commissioners Kohan and Morgenstein also concurred.

ELECTION OF OFFICERS – Tabled

REPORTS OF OFFICERS AND STAFF

24. ZBA Decisions – March 20, 2017 – discussed by Ms. Costello

25. ZBA Notice – April 17, 2017 – Discussed by Ms. Costello

26. Zoning Enforcement Log- Discussed by Ms. Costello

ADJOURMENT

Mr. Kohan made a motion to adjourn the Meeting at 11:05 p.m. Ms. Morgenstein seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary