

WALLINGFORD PLANNING & ZONING COMMISSION

Monday, June 8, 2015

7:00 p.m.

Robert Earley Auditorium – Town Hall

45 South Main Street

MINUTES

PRESENT: Chair James Seichter; Commissioners Jim Fitzsimmons; Jeffrey Kohan; Armand Menard; Alternates David Leonardo and Larry Zabrowski; Town Planner Kacie Costello.

Chair Seichter called the Meeting to order at 7:09 p.m. and recognized former Commissioner Patrick Birney for his 12 years of service to the PZC and presented him with a plaque of appreciation.

Approval of Minutes – February 24, 2015; April 13, 2015, April 20, 2015 and May 11, 2015 – TABLED to the July meeting.

Chair Seichter announced that under “New Business” item #5 “Site Plan (Accessory Apartment))/Franceschetti/36 Cheshire Road - #218-15 – was TABLED to the July meeting.

PUBLIC HEARINGS

1. Special Permit (Location of Use)/Cheap Auto Rental/392 & 420 South Colony Road - **#406-15.**

Commissioner Menard read the Legal Notice and noted all correspondence into the record: a letter to Cheap Auto Rental dated June 2, 2015 from Town Planner Kacie Costello; interoffice memorandum to Kacie Costello, Town Planner, from Vincent Mascia, Sr. Engineer, Water & Sewer Divisions, dated January 29, 2015; Special Meeting letter received by Chair Seichter regarding the previous PZC meeting; interdepartmental referral dated May 11, 2015 from Vincent Mascia, Sr. Engineer, Water & Sewer Divisions.

Appearing in front of the Commission was Applicant Lewis Schatten, owner of Cheap Auto Rental, 384 S. Colony St. He said he is involved with renting cars from six locations in Connecticut, along with selling used cars and performing minor repairs. Mr. Schatten said he has an existing location of use along with a used car and repair license at 384 S. Colony Rd, but because of overcrowding at this location, he purchased the building next door. He said this will solve a previous zoning problem where the Town believed there was too much activity at the

existing site. Mr. Schatten said the location at 392 and 420 S. Colony would be for internal use, maintenance and repair of rental vehicles, thus reducing the backlog of broken cars.

Ms. Costello said she hadn't received a response to a set of her most recent comments. She said she received a floor plan, but noted there are still outstanding issues regarding the parking design and layout and a few other items. Ms. Costello asked where the dumpster would be located. Mr. Schatten said he didn't intend to have a dumpster at this location and noted he has a dumpster at 384 S. Colony St. which should be more than adequate for both sites. Ms. Costello said this is a separate approval for a separate piece of property. She said this could come under separate ownership at any point and trash disposal must be accounted for.

Mr. Schatten said there isn't enough garbage generated at this site to require a dumpster. He said there are probably one or two cans a week generated and dump it into the existing dumpster at his property next door. He noted that anyone who wanted to use the property for a similar purpose would have to re-apply to the Town and begin over again. He said a Dealer's license is not transferrable. Ms. Costello said this isn't true and noted a new permit would be needed from the Dept. of Motor Vehicles, and the PZC considers applications on a site-by-site basis not for an individual, so once there is an approval for a Dealer & Repairers license on a particular property, anyone could utilize this as long as they complied with what was approved.

Mr. Schatten responded by saying that somewhere down the line if someone did purchase the property, they would find somewhere to locate the dumpster. Ms. Costello said she didn't believe this was acceptable and not in accordance with P&Z regulations because there can't be a dumpster sticking out on the road. Ms. Costello addressed the issue of handicap parking spaces and pointed out that typically, the PZC likes to see at least one handicap space on each site. She asked about the use of the current vehicles being stored on the property.

Mr. Schatten said this is not property for general public access. He said the business office will remain at 384 S. Colony St. where there is a handicap parking space. Chair Seichter asked Ms. Costello about possible other violations on his other properties. Ms. Costello said there is an outstanding violation primarily related to the number of vehicles stored on the property, but noted there are other violations, notably the lack of a screen for the dumpster and parking in the required landscaped areas and lack of restoration of certain required landscaped areas along Pine St. In response to Chair Seichter's question regarding resolving the existing violations, Mr. Schatten said that if he gets a few more mechanics, the backlog of disabled cars can be reduced. Chair Seichter also requested the dumpster screening be installed and that the parking situation be resolved. Mr. Schatten said he is under a consent decree and is in his interest to keep everything in line.

Mr. Fitzsimmons asked about the existing application and asked if this application is strictly for storage based on the Applicant's comments of not being open to the general public. Mr. Schatten said he wants to repair rental cars. Mr. Fitzsimmons said he agrees with Ms. Costello's comments because it appears the Applicant will not be merging the two sites. Mr. Schatten said these are separate properties under separate addresses but will be under Cheap Auto Rentals

and will be under one existing used car license. He said he doesn't have to apply with DMV because the property is continuous. He said he is applying for a new license for 392/420 S. Colony St. which was purchased as a single piece of property. Ms. Costello said under the last application, this parcel was shown as two pieces, but said the new application indicates the parcels are merged into once piece. She said it isn't uncommon when properties are merged for them to have two different street addresses, but noted that if the PZC approves this application, a condition of approval can be made stating this can be referred to the Building Dept. for the assigning of one street address.

Mr. Schatten said the property at 420 cannot be gotten rid of because this is an empty lot with approximately 8 parking spaces and a guardrail between Rt. 5 and 420 and unless there was an easement, there is no access off of any street to 420. He said this property is not the type of property where a structure could be erected and pointed out there is an illegal structure which encroaches. He said he didn't believe the State would allow an easement through the guardrail to make the property accessible.

Mr. Fitzsimmons said according to the map there are spaces for five vehicles inside the building. He asked if there are delineated outside parking. Mr. Schatten said there are lined spaces for 16 vehicles to park.

Mr. Kohan said he would be willing to move forward with this because this would eliminate issues on S. Colony St. He said the dumpster should be taken care of and asked about the handicapped parking. He pointed out this is an auto dealership and didn't understand why there would be no access to the general public. Mr. Schatten pointed out this is an addition to the existing dealership and not for the public part of the property. He said this might be on Rt. 5 but is located in the rear of the property. He said he was willing to put a directional sign on the property directing people to the address next door. Ms. Costello asked the Applicant if it was his intention to do only repairs on the property. He said he would agree to a condition of approval which stated only repairs could be done on the property and no cars would be sold or rented on that property.

Public Comments

There were no comments.

Mr. Schatten said he was doing this in an attempt to correct his previous zoning problems. He said he has spent a lot of money. Ms. Costello said she wanted assurance that the issue at 384 S. Colony St. would improve instead of compounding the issue. Mr. Schatten said having cars sitting on the property doesn't make money. He noted that rental vehicles are a perishable commodity and there is no real incentive to have a lot of items on the property. Ms. Costello recommended that a condition be placed on the property that it be for repairs only and because there aren't the required number of parking spaces for a dealer/repairer, the Applicant should make the designation that this facility will be for repairs only and there will be a designated number of vehicles, presumably 16 or less, to be stored on the property waiting for repair.

She asked the Dec. 30, 2014 comment letter a condition of approval. She said the PZC can place a limit on how many cars can be on the property because it is a special permit.

Chair Seichter entertained a motion to close the public hearing.

Mr. Fitzsimmons: Motion to close the public hearing at 7:38 p.m.

Mr. Kohan: Second.

Vote: Unanimous

Chair Seichter entertained a motion on the application. He noted Mr. Leonardo will vote for Mr. Venoit.

CHEAP AUTO RENTAL

Motion by Fitzsimmons second by Leonardo

A Special Permit (Auto Dealer & Repairer) for Cheap Auto Rental, to use the building and premises at 392/420 South Colony, as an automotive dealership and repair facility, as shown on plans entitled "Improvement Location Survey, Existing Site Conditions, 392-420 South Colony Street, Wallingford Connecticut, dated September 10, 2014, updated to 4-21-15, and floor plan entitled "Interior Layout Sketch, 392-420 South Colony Street, Wallingford, Connecticut", received April 27, 2015, subject to:

- 1. The Applicant needs to show the location on the final plan for an onsite screened dumpster**
- 2. Applicant must add and show on the final plans, one regulation sized handicapped parking spot**
- 3. No additional activities on the site will be permitted without prior Planning & Zoning approval**
- 4. No additional parking spaces to be provided and the lot to be contained to 16 or less cars waiting for repair**
- 5. Applicant should paint and clearly delineate parking spaces on the new parcel as noted in the Applicant's response to the Town Planner**
- 6. No signage shall be permitted, except to direct customers to the main location**
- 7. Only repair and no display vehicles will be permitted at the new location as described by the Applicant**
- 8. This approval is valid for one year at which point the Applicant can reapply without fee for a longer approval**
- 9. Comments of the Town Planner's letter dated 12/13/2014 apply**

Vote: Leonardo-yes; Kohan-yes; Fitzsimmons-yes; Menard-yes; Seichter-yes.

2. Special Permit (Educational Institution)/Carver Preschool & Academy/High Hill Road
(New Life Church) - #407-15

Commissioner Menard read the Legal Notice and noted all correspondence into the record: interdepartmental referral dated May 12, 2015 from Erin O'Hare, Environmental Planner; interdepartmental referral received May 20, 2015; memo from Steve Civitelli, Sr. Sanitarium, Health Dept. Town of Wallingford; letter of application from Carver Preschool to Town Planner Kacie Costello, dated June 3, 2015; site plan checklist; letter to Kacie Costello, Town Planner, from the Dept. of Engineering, received May 14, 2015; interoffice memo to Kacie Costello, Town Planner from Erik Krueger, Sr. Engineer, Water & Sewer Divisions, dated June 5, 2015; memorandum to James Seichter, Chair, PZC, from Rob Baltramaitis, dated June 8, 2015; traffic memo dated June 5, 2015; interoffice memorandum to Kacie Costello, Town Planner, from Erik Krueger, Sr. Engineer, Water & Sewer Divisions.

Appearing in front of the Commission was Atty. Dennis Ceneviva representing the Owner/Applicant; Pastor Will Marotti, New Life Church; Jim Bubaris, of Bubaris Traffic Associates; Norm Bolduc, Principal, LRC Consulting.

Atty. Ceneviva said this property abuts the property of New Life Church and was part of the Mountainside Resort located partially in Meriden and Wallingford and abutted to the south by a piece of property carved out for a new residence for Pastor Marotti. Atty. Ceneviva said the property is 16.02 acres in size and runs easterly to an unnamed lake. He said there is 325 ft. of frontage on High Hill Rd which is not a through street. He said the Applicant proposes to construct a 12,121 sq. ft. private school running parallel to High Hill Rd along the easterly end of the existing gravel parking lot.

Atty. Ceneviva said the private school and daycare will contain classrooms for grades K-6, and a daycare facility, a central office and a multi-purpose room. He noted there is an area east of the location for additional expansion for proposed grades 7 and 8. He said along the frontage on High Hill Road, there is a new 43 space, 8 paved and 35 gravel, parking lot which is designed for mini-bus access and parent drop-off and pick-up. He noted this application received approval from Inland Wetlands.

Mr. Bolduc went over the storm water drainage system. He said the paved areas are for the bus and parent drop off and the majority of the parking lot is the 35 spaces which will be gravel and have its own primary exit. He said the site drains from High Hill Rd. all the way to the pond. He said currently there is an existing two-acre gravel parking area where the majority of the development is taking place. He said this area is primarily impervious and noted a number of tests were performed in this area and said everything sheet flows throughout the lot through the wooded area to the existing pond. Mr. Bolduc said the proposed facility will have a series of catch basins which go through an oil water separator and out to a water quality separator which ends up going into a level spreader and draining to the pond. He said the water quality structure has a fore bay which will be grassed with a planted secondary bay to get infiltration.

Mr. Bolduc said the site is serviced by an on-site septic system which goes through a grease trap and a septic tank to the septic system, which is geomatrix. He showed the parking area on the site plan and noted there are 20 anticipated employees for 35 parking spaces. He said there is also an on-site well system and noted the Applicant will have to file with the Dept. of Public Health regarding this public well system, because it is considered a community water system. He said the Applicant is also working with the State Dept. of Public Health in this matter. Mr. Bolduc spoke about the future expansion which also includes a half gym. He said the majority of these improvements which are suited for the existing facility will remain in a cabana area which is used as storage and the gravel access roads will remain as access to the existing facility.

Mr. Bolduc went over the comments from the planning staff and their letter of response. Ms. Costello said he reviewed the responses quickly before the meeting and said generally her questions were addressed. She asked if the piles of debris in the woods would be cleaned up. Mr. Bolduc said the house site is still under construction and some of these materials are associated with the construction and would be cleaned up. Ms. Costello asked about the bus circulation and asked about the visibility on High Hill Road and asked if they would go down Research Pkwy. Mr. Bolduc said they could access I-91 south or north and even Research Pkwy as opposed to utilizing High Hill Rd.

Mr. Bolduc went over the colored conceptual elevation rendering and the floor plan. Mr. Fitzsimmons asked about the 235 students and asked about the total number of buses transporting students and the number of parent drop-offs. Mr. Bolduc said there will be two to three mini buses a day with the majority being dropped off. Mr. Fitzsimmons asked about the stacking of the vehicles in the driveway and possible overflow onto the roadway. Mr. Bubarissaid the stacking ability for the site is adequate for the number of proposed students and people coming to and from the facility. Mr. Fitzsimmons asked about the on-site parking and asked about the number of staff. Mr. Bolduc said there would be 20 staff not on site at the same time. Mr. Fitzsimmons asked about overflow parking. Mr. Bolduc said the overflow would be to the north with space for over 200 cars.

Mr. Kohan asked about the school buses and noted that High Hill Road is dangerous especially in the winter. He suggested a condition of approval be to send the buses down Research Drive via Carpenter Lane.

Mr. Bubaris explained that traffic recorders were installed on High Hill Road and noted the traffic volumes on one particular day when a professional outing was taking place in the area was at 1,700 per day. He said they also used national guidelines, working on Service Level A and said anything added will still be to Level Service A. He said when there are professional outings school will not be in session.

Ms. Costello asked about the slope adjacent to the septic system and erosion issues. Mr. Bolduc said the slope is 2:1 and there was a thorough review by Inland Wetlands. He said the IWWC set a bond for one year until everything is stabilized and erosion control blankets will be applied

when there is a 3:1 slope and also hay bales will be added. He said everything will be seeded. He said there are a few areas of 25% slope by the pond but the erosion control blankets should eliminate any erosion. Ms. Costello asked about landscaping and whether everything would be cleared all the way back to the septic system. Mr. Bolduc said the Applicant is trying to maintain the existing trees, but trees will be removed in the septic area.

Public Comments

There were no comments.

Ms. Costello recommended a \$3,000 S & E bond.

Chair Seichter entertained a motion to close the Public Hearing.

Mr. Fitzsimmons – Motion to close the Public Hearing at 8:09 p.m.

Mr. Leonardo- Second

Vote: Unanimous

Chair Seichter entertained a motion on the application.

Carver Preschool & Academy

Motion by Fitzsimmons second by Leonardo

A Special Permit (Educational Institution) for Carver Preschool and Academy, to construct a preschool/school on High Hill Road (property of New Life Church, Inc.) as shown on plans entitled "Proposed School, Carver Preschool & Carver Academy, High Hill Road, Wallingford, Connecticut, dated April 24, 2015, revised to May 6, 2015, subject to:

- 1. Comments of the Town of Wallingford Water & Sewer Senior Engineer dated 5/5/15**
- 2. Comments of the Town of Wallingford Town Engineer's office dated 6/8/15**
- 3. Posting of an S & E bond as recommended by the Town Planner of \$3,000**
- 4. Comments of the Town Planner's letter dated 6/3/15**
- 5. Confirmation of contact with the office of the state traffic administration OSTA, to obtain determination of certificate**

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

NEW BUSINESS

- 3. Site Plan (Bed and Breakfast inn)/Wallingford Victorian Inn LLC/2245 North Main Street - #214-15**

Commissioner Menard noted all correspondence into the record: interoffice memorandum from Erik Krueger, Sr. Engineer, Water & Sewer Divisions, to Kacie Costello, Town Planner; letter to

the Wallingford Victorian Inn, dated Feb. 5, 2015, from Kacie Costello, Town Planner; letter to the Wallingford Victorian Inn, dated June 2, 2015, from Town Planner Kacie Costello; memorandum to Planning & Zoning Commission from the Dept. of Engineering, dated May 13, 2015; interdepartmental referral received June 5, 2015 from Sr. Engineer Erik Krueger, Water & Sewer Divisions.

Appearing in front of the Commission was Owner/Applicant Sharlene Kieslich.

She told the PZC that she is complying with the requests from the Water & Sewer Divisions to upgrade the meters. She said involved a mistake with the Town which indicated the Bed & Breakfast was four bedrooms instead of five. Ms. Costello said comments from the Water & Sewer Division recommended extending the water line, but noted it was only a recommendation. Ms. Kieslich said this is being taken care of.

Public Comments

There were no public comments

Chair Seichter entertained a motion on the application.

Wallingford Victorian Inn, LLC

Motion by Fitzsimmons second by Leonardo

A modification to the approved Site Plan to change the interior layout of the building and add one (1) suite, for a total of five (5) guest suites and one "innkeeper suite", as shown on floor plans submitted with application, subject to:

- 1. Comments of the Wallingford Water & Sewer Senior Engineer 3/16/15 and 6/4/15**

Vote: Leonardo-yes; Kohan-yes; Fitzsimmons-yes; Menard-yes; Seichter-yes.

- 4. Site Plan (Accessory Apartment)/Hutchinson/63 Elika Road - #215-15**

Commissioner Menard noted all correspondence into the record: memorandum to Planning & Zoning from the Dept. of Engineering, received May 14, 2015; letter to Christopher & Karen Hutchinson from Erin O'Hare, Environmental Planner, dated May 18, 2015; letter to Christopher & Karen Hutchinson dated June 2, 2015 from Kacie Costello, Town Planner; interoffice memorandum to Kacie Costello, Town Planner, from Erik Krueger, Sr. Engineer, Water & Sewer Divisions, received June 5, 2015.

Appearing in front of the Commission was Christopher & Karen Hutchinson, Applicant. He said they were seeking approval for an accessory one-story addition on the back of their home apartment. Ms. Costello reminded the Commission they received revised plans in their packets. She said she discussed with their architect the fact that the addition of the square footage of the porch brought the Applicant over the 780 sq. ft. cap for an accessory apartment. Mr.

Hutchinson said the dimensions of the apartment will be reduced and agreed to a condition of approval for the reduction to comply with the 780 sq. ft. on the final plans.

No public comments.

Chair Seichter entertained a motion on the application.

Hutchinson

Motion by Fitzsimmons second by Leonardo

A Site Plan for Hutchinson for a 780 sq. ft. Accessory Apartment at 63 Elika Road, subject to:

- 1. Inspection by the Town of Wallingford Zoning Enforcement Officer**
- 2. Final plans to show a 780 sq. ft. accessory apartment**
- 3. Comments of the Town of Wallingford Water & Sewer dated June 4, 2015**

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

5. Site Plan (Accessory Apartment)/Franschetti/36 Cheshire Road - **#218-15 – WITHDRAWN UNTIL JULY MEETING**

RECEIPT AND ACTION REQUESTED

6. Site Plan/DeMartino Colony Realty, LLC/920 South Colony Road - **#216-15 – TABLED UNTIL JULY MEETING**

SURVEY WAIVER REQUEST

7. Rocheleau/17 Nod Brook Road

Commissioner Menard noted all correspondence for the record: letter to the Town of Wallingford from Michael & Barbara Rocheleau, to the Town of Wallingford Planning & Zoning Commission dated May 28, 2015

Appearing in front of the Commission was Michael Rocheleau who said he realizes the covered porch over his deck needs to meet the requirements as if it were an enclosed addition. He noted a survey was not done on the property. He said he purchased title insurance on the property and submitted the porch would be in compliance as close as possible. He said there are sewer easements and catch basins on the property. He said Ms. Costello had provided him with the R-18 zoning requirements and estimated actuals on the setbacks. He said elevations, renderings and a hand-drawn map were included in his packet to the Commission. Mr. Rocheleau said if the survey waiver is granted, if the room is enclosed, this would be subject to those permit requirements.

No public comments.

Chair Seichter entertained a motion on the application.

Mr. Fitzsimmons: Motion that the PZC waive the requirement for an A-2 survey for property located at 17 Nod Brook Rd, as requested by Michael and Barbara Rocheleau.

Mr. Leonardo – Second

Vote: Leonardo-yes; Fitzsimmons-yes; Kohan-yes; Menard-yes; Seichter-yes.

8. Crouse/1168 Durham Road

Appearing in front of the Commission was Jason Crouse, 1168 Durham Road. He said he is applying for a survey waiver in order to convert a small section of a flat rubber roof into a living space. He said this will not increase the footprint of the existing house.

No public comments

Chair Seichter entertained a motion.

Mr. Fitzsimmons: Motion that the PZC approve a request by Crouse at 1168 Durham Road, for a waiver of the A-2 survey requirement.

Mr. Leonardo – Second

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

PUBLIC HEARING

9. Special Permit Modification/Live Nation Worldwide, Inc./95 South Turnpike Road (Toyota Oakdale Theater) - #408-15

Commissioner Menard read the Legal Notice and noted all correspondence into the record: memo from Dept. of Engineering to Kacie Costello, Town Planner, received May 14, 2015; memo to Kacie Costello from the Dept. of Engineering, dated May 15, 2015; letter to LiveNation from Kacie Costello, Town Planner, dated June 3, 2015; letter from Kacie Costello, Town Planner, received June 4, 2015; interdepartmental referral received June 5, 2015 from Erik Krueger, Sr. Engineer, Water & Sewer Divisions; letter to Kacie Costello, Town Planner, from Joan Molloy, received June 5, 2015; letter from Maddalena Ferrante, dated June 8, 2015; special permit dated July 31, 1989; Minutes of the Oct 15, 1996 P & Z meeting; letter to the editor (undated); Minutes of the April 10, 1989 regular P & Z Meeting; minutes of Special Meeting May 1, 1989; Special Meeting, August 6, 1989; Planning & Zoning Commission Public Hearing July 31, 1989; letter to Planning & Zoning from Maddalena Ferrante, dated June 8, 2015; letter from Planning & Zoning to Mr. Thompson from Patrick O'Leary, dated June 8, 2015; letter to Kacie Costello, Town Planner and members of the Planning & Zoning Commission from Irene Kowerko, dated June 8, 2015; letter to Kacie Costello, Town Planner

from Stephanie Griffin, dated June 5, 2015; memo from Dept. of Engineering to Kacie Costello, Town Planner, dated June 8, 2015; letter from Alice Souza received June 5, 2015.

Mr. Kohan said based on his reading of the Wallingford Ethic's regulations, it appears he has a conflict of interest with his son being employed part-time by LiveNation and recused himself. He said he would be requesting the Ethics Commission review this. Chair Seichter appointed Commissioner Zabrowski to fill-in for Commissioner Kohan.

Appearing in front of the Commission was Atty. Joan Molloy, Loughlin Fitzgerald, representing LiveNation Worldwide, Applicant. She said a modification to some of the conditions of the Special Permit which was previously granted for the Toyota Presents Oakdale Theater. Atty. Molloy presented an overview of the past applications which she said were the subject of hearings when the improvements were originally proposed. She said the original application was for an expanded theater and three office buildings and was submitted in the spring of 1989 and that application was denied but the minutes of those meetings were incorporated into a second application that was filed in July 1989. She said that application was approved. Atty. Molloy said in 1994, there was an application to modify the approved configuration of the proposed new theater. She said there have been three issues which have recently arisen regarding the Oakdale: the events taking place in The Dome, the VIP parking arrangements and the no noise condition of approval. She said it was her intent to focus on the events in the Dome and the parking. She said she was going to defer discussion on the noise issue because of ongoing negotiations with the Town.

Atty. Molloy said her client has voluntarily imposed noise and sound limitations in the theater and has also adopted curfews in January. She said the noise complaints have now been narrowed to one or two individuals and believes significant progress has been made in that concern. Atty. Molloy said the Applicant agreed to submit this application so if there are ambiguities, everyone is on the same page.

Atty. Molloy went over the issue with the Dome and presented an approved site plan from 1994 to the Commission. She said there is no question regarding the rights to have events in the theater, the question is regarding the Dome. Atty. Molloy after her client was issued the Cease & Desist order last December, she reviewed the minutes of the various meetings and said she did not find any specific conditions in the minutes which stated the Dome would only be used as a lobby for the new Theater. She pointed out that clearly, the Dome functions as a lobby for the larger Theater, but the property owner never intended its use to be limited solely for this purpose. She said the Dome has been used for special events such as graduations, proms, weddings, private parties, business events and shows and corporate events. She noted there are a few corporate rooms in the area used for gatherings and private meetings prior to the concerts. She presented a list of events to the PZC, which was originally given to the ZBA, of events which took place in the Dome prior to 1997 and 1988 and 1989 and advertisements which state "under the Dome".

She noted that in 1997, the primary topic of discussion was traffic and whether it would operate properly and noted no enforcement action was ever brought against the Oakdale stating they couldn't have events until 2014. Atty. Molloy said the Applicant is requesting PZC to authorize events within the Dome. She went over the copy of the interior of the Dome which contains the "A" configuration which she said is currently used for events. Atty. Molloy said the Applicant is contemplating possibly relocating the stage to the opposite side, and are working with the Fire Marshal. She said the biggest issue is enough egress during an emergency. Atty. Molloy said 1,700 people can attend an event in the Dome.

Atty. Molloy addressed questions from Town Planner Kacie Costello, including the sound levels emanating from the Dome. She said an average of 10 decibels quieter than the Theater. She addressed the question from Ms. Costello regarding simultaneous events in the Dome and Theater. Atty. Molloy said this is not possible because if the Dome is being set up for an event, nothing can be removed from the Dome in sufficient time to set up in the Theater. Atty. Molloy said there are situations where an event is taking place in the Theater and the Dome is used as a lobby. She said there can be some displays in the Dome and a presentation in the Theater, there is a limitation of 4,800 people on site at one time and this is acceptable to the Applicant.

Chair Seichter asked Atty. Molloy to define "event". Atty. Molloy said some examples are concerts, charitable events, wedding, business meetings, and private parties.

Atty. Molloy addressed the parking issue. She showed the existing approved conditions and noted there is an existing parking facility at 81 S. Turnpike Rd. She noted that there was no designation on the existing plan for VIP parking or paid parking. Atty. Molloy said the Traffic Engineer imposed designated areas on the site plan. She said she, Patrick O'Leary, the Traffic Engineer and Town Engineer John Thompson met to discuss the current operation and proposed improvement. She publically thanked Mr. Thompson for his work. Atty. Molloy said in her response letter to Ms. Costello, she did supply answers to some of Ms. Costello's questions including the breakdown of parking options offered by Oakdale, the number of spaces available for designated parking and the procedure of general admission parking when that fills up.

Mr. O'Leary, Traffic Engineer, of VHB, told the Commission his firm was hired to look at the internal site circulation and parking operations at Oakdale, because of concerns of traffic queuing on Cook Hill and S. Turnpike Roads. He went over the memo which was distributed to the Commission outlining four primary changes to the parking operations and facility. He said currently general admission parking is located in two large lots to the north and south of the site. He said the lot on S. Turnpike is called a "first in first out" parking lot and the lot to the south is designated "premier pre-paid and paid parking" and the westerly tier is a combination of VIP platform parking and Premier Paid Parking and the parking located along the easterly tier is VIP parking. He said general admission parking comes with the purchase price of the ticket; VIP parking is specifically designated for suites and platinum holders of seats and is pre-paid parking and part of the ticket. He said premier parking can be paid for as part of the ticket or paid for on-site.

Mr. O'Leary said the "first in" and "first out" will be eliminated and will be closed-off and reserved for overflow associated with the Premier pre-paid parking area or any other parking needs on site. He said this should allow for free-flow traffic. He said another major change involves the western tier which involves eliminating all the VIP and Platform parking from the western tier area and move it to the eastern tier, change the flow of traffic in that area to one-way. He said drop-off traffic will exit through the VIP lot.

Mr. O'Leary noted that the change in flow will dramatically improve the traffic characteristics on Cook Hill Rd with one-way circulation and no confusion between the VIP platform and Premier parking. He said during the pre-event period, the flow to the Cook Hill Rd access point will be temporarily changed. He said this will be coned to provide two-lanes coming into the site and will maintain one lane for exiting. He said for the temporary time, there will be two 10 ft. lanes and one 9 ft. lane exiting and alleviate the problem on Cook Hill Rd by doubling the queue lane. Mr. O'Leary said during major events, there are 2,040 parking spaces approved by the STC certificate and said his count is 2,035 parking spaces on-site.

Mr. Leonardo asked about employee parking. Mr. O'Leary said employee parking will be located at the former "first-in" "first-out" parking area. Chair Seichter asked about one parking lot designated for paid parking on S. Turnpike Rd. Chair Seichter asked where people would pay to access these lots. Mr. O'Leary said the attendant will ask if someone wants Premier parking and move them into the spot. He said there will be two lanes of flow so as to not impede people who want to access the general parking area.

Ms. Costello said conceptually she didn't have any objections to these modifications to the permit and is similar to applications for modifications seen in the past but wanted to ensure a few issues get discussed. She said regarding the use of the Dome for events, a slight modification was suggested to the original suggested language regarding the 4,800 people and as a suggested condition of approval that the Fire Marshal approve "Layout B" of the proposed stage layouts and not be utilized in this fashion until approved by the Fire Marshal. Ms. Costello suggested going with a minimum time frame between two shows should they ever occur and the other condition that there shouldn't be a show in the Dome and the Theater at the same day. She said they are allowed to hold two shows on the weekend, a matinee and the evening show and noted the minimum time frame between these two events would be two hours.

Ms. Costello said there was a lot of improvements regarding the parking flow and asked Atty. Molloy to explain the differences between the current approval and current operations. Ms. Costello asked about the proposed platinum VIP parking central lot being used as overflow and handicap accessible parking. She said she didn't want someone who was handicap to have to walk from the back parking lot. Atty. Molloy said there is enough room for overflow handicap parking. Ms. Costello spoke about the proposed lane off of Cook Hill Rd which should be 12 ft. wide. She said the drive aisles would be smaller than what is required and asked if they could be widened. Atty. Molloy said she discussed this with Mr. Thompson and noted that with the exception of the two hours when people are coming in, this will operate with a 12-ft. lane

coming in and a 12 ft. lane coming out. She said Mr. Thompson didn't propose doing anything additional. Ms. Costello asked Mr. O'Leary about the original approval queuing and what is being currently proposed. She asked if this queuing negatively impacted at this point, the same, or improved. Mr. O'Leary said in both cases, the queuing will be improved with respect to S. Turnpike Rd and particularly Cook Hill Rd. He said there will be a significant traffic reduction. He said there is a large amount of staff directing people to the appropriate parking areas and in the absence of the staff, the congestion and confusion in the parking area could lead to longer delays.

Chair Seichter said in terms of traffic, there is something clear from the Town Engineer that what is being proposed is an improvement. He said as for the Dome, it wasn't mentioned that this was once a high school for a short period of time and Oakdale has been accommodating. He said the elephant in the room is the noise as far as having concerts in the Dome. He said a lot of the uses being proposed are reasonable but the concerts in the Dome need to be resolved and at this point in time, without this being resolved, having concerts in the Dome wouldn't make sense because the Applicant would be violating what was approved.

Mr. Fitzsimmons said the Town Planner's June 3 letter says the noise ordinance will stand. He said the issue was part of the original approval which shouldn't have been there. He said he wasn't sure how this could be modified or imposed other than removing it. He said this is a State law and a Town ordinance.

Mr. Menard said the two major issues for him is the sound, which the Applicant should comply with and noted if the building was soundproofed as it should have been, this would not be a problem. He said the hours have also been violated for many years but understands it was a lot better now and should be enforced. Atty. Molloy said she didn't believe there were hour limitations on the original conditions of approval but noted the Applicant has voluntarily put curfews in place. Atty. Molloy said there was a 100 decibel limit imposed on the front of house and in the Dome and a curfew of midnight on weekdays and 12:30 p.m. on weekends for the show to end.

Chair Seichter entertained Public Comments at this time.

Joe Tenczar, resident of Wallingford for 67 years, said he was a retired teacher in TV production and a professional videographer. He said he was a third generation employee in his family at Oakdale. He spoke about four men who had an impact on Oakdale. He spoke about the origins of Oakdale as a dairy farm and how his father worked there. He spoke about how Oakdale began as a tent in a field in the early 1950's. He spoke about his sister who worked as a ticket agent at Oakdale. He spoke about the battle of the bands taking place in the Dome. He said he ended up being technical director in the Theater. Mr. Tenczar spoke about Jim Koplik and what he stood for: honesty, character and integrity. He said Wallingford is now an entertainment hub. He said the real issue is sound and there are a few issues in the neighborhood who are making a lot of "noise" about noise. He spoke about when trains first came to Wallingford and how they were loud and noisy. He said people either lived with that sound or moved. He noted

Oakdale (the dairy farm) was isolated, an open field with no houses around. Mr. Tenczar said Oakdale is not just loud noise from rock bands, but entertainment at the highest level and Wallingford is fortunate to have this. He noted that hundreds of Wallingford residents have been employed at Oakdale.

Ken Lloyd of Wallingford said he lives not far from the railroad tracks and believes noise is a mute issue. He said Oakdale has been here for many years and doesn't remember noise issues until a few years ago. He said Oakdale has contributed to the community and is a vibrant part. He said the cease & desist order is unfortunate and believes a few people near the Oakdale have this much power to have this brought up for discussion. He said things must be balanced out. Mr. Lloyd said this is an issue which never should have been an issue.

Anthony Baylow, 4 Marc Drive, Wallingford, said his home is located 500 feet due north of Oakdale. He said he and his neighbors have made numerous complaints to Oakdale regarding the vibration which is referred to as "the noise". He said the complaints fell on deaf ears. Mr. Baylow said there are approximately parking spaces for four tour bus spaces and has seen as many as six tour buses. He said the sixth bus of the performer's park in a traffic lane between the Theater and the VIP parking. He asked how will this impede the traffic and noted what was presented seems to be a good idea. Mr. Baylow asked if the modifications are granted, when would the improvements will take effect.

Alice Souza, 125 Cook Hill Road said she has lived there for 54 years and have never had a problem with Oakdale. He said the Theater had a few loud bands last year but quieted down when requested. She said one person is doing all of the complaining and noted that person just moved here. She said George Washington slept on the Oakdale property and is history and this can't be taken away because of one person. Ms. Souza said another person who complains, does this with everything, even when she hires landscaping people. She said she enjoys Oakdale and the music. She said there was a problem with traffic years ago, but this has been improved and has no problem getting in and out of her street. She said it would be a shame on the P & Z if Oakdale was put out of business and is what brings people into Wallingford. She said Wallingford will be a ghost town if Oakdale has to close down.

Jeannine Kremzar, 67 Brookview Avenue, said she has lived in Wallingford 18 years, and said there are two individuals who constantly complain. She said she has had two rallies and noted Wallingford is part of the community. She said she was concerned about the economic impact the closing of Oakdale would bring. Ms. Kremzar said she moved to Wallingford because of low taxes and the school system. She spoke about her son when he attended "Oakdale High" and said she would hate to see anything happen to any part of Wallingford. Ms. Kremzar said Live Nation has voluntarily made adjustments and noted that the economy depends on Oakdale and is nice to see something like this which still calls Wallingford its home. She said thousands of people in Wallingford would be impacted if something happened to Oakdale.

End of Public Comments.

Chair Seichter asked Atty. Molloy to address the issue with the tour buses. Atty. Molloy said she would check into this matter.

Mr. Fitzsimmons the Dome is part of the Theater and what is being proposed is a workable solution. He said the Applicant should have been in front of the P & Z to request a modification before we got this far, but said the application appears to address the fact the Applicant wants to do shows in the Dome. He said the proposed parking plan is one of the most comprehensive he has seen and seems to address getting the traffic off the street and asked how quickly this could be enacted. Mr. Fitzsimmons said as far as the noise is concerned, the P & Z can't modify the noise ordinance and isn't sure what could be done.

Mr. Leonardo said he agreed that the parking is reminiscent of other venues in the state and works well. He said he was looking forward to this change when approved and as far as the Dome, he said there have been events there for a long time and doesn't see an issue with it he didn't believe anyone wants to see Oakdale close and all have an attachment to it.

Chair Seichter said the plan presented is workable and doesn't have a problem with the majority of events which take place in the Dome. He said he would like to see Oakdale's self-imposed restrictions put into place and some things the Commission could put into place regarding restrictions on weekdays when the shows have to end. He said he didn't think there was anyone on the Commission who wanted to see the Oakdale closed.

Atty. Molloy said the parking plan can go into effect immediately. She said some tweaking must be done with the VIP parking. She said her preference would be to totally eliminate the noise condition because it takes it out of P & Z enforcement. She said the Applicant still has to deal with the noise ordinance and said she agrees with Mr. Fitzsimmons as far as this being a condition of approval and said she and the Applicant will continue to work with Ms. Costello to resolve this issue.

Mr. Fitzsimmons asked about working with the Town. He said everything he has read in the press indicates there is no "working". He said if we are asking the Applicant to follow the laws, we should ask everyone to follow, and asked what will happen when we leave the room.

Ms. Costello said there is a noise ordinance at State and local level, and at the local level, the noise cannot exceed the noise restrictions at the State level, so there doesn't appear to be an option to open this up. She said it comes down to a matter of how to comply with the ordinance.

Mr. Zabrowski said the problem is the C scale noise. Atty. Molloy said neither the Town, State or Federal Government regulates C weight noise, they regulate A weight. She said they have had complaints about children's group and acapella groups. She said the Applicant will continue to have discussions with Town staff on this issue and continue to look for solutions and would like the opportunity to have these discussions. Atty. Molloy said if the no noise ordinance stays, the Oakdale can't function so we have to come up with something.

Chair Seichter said he wasn't looking to impose decibel levels because there is a noise ordinance, he is looking for some proposals or suggestions from the Applicant to lessen some of the activity, looking at weekday and weekend shows. He spoke about some of the groups rehearsals and how that will be handled. Atty. Molloy said the Applicant believes they have done this. Chair Seichter asked that this information be presented at the next meeting.

Mr. Menard said there should be some sound, but make it that doesn't make people unhappy.

Chair Seichter considered a motion to continue the application at this time.

Mr. Fitzsimmons: Motion to continue the application for Live Nation Worldwide to the July 13 meeting.

Mr. Leonardo: Second

Vote: Unanimous

REPORTS OF OFFICERS AND STAFF

11. Administrative Approvals

a. Site Plan (seasonal sale of mulch)/K. Kieslich/622 North Colony Road - #213-15 – **"Noted as Approved"**.

Ms. Costello said this is located in the former location of the Old Fireplace Store. She said she spoke with the Applicant about installing screening and noticed it was not install. She said she will continue conversations with the Applicant regarding this issue.

12. ZBA Decisions of May 18, 2015 and May 27, 2015

Ms. Costello said on May 18th there was an approval for an outdoor dining area at The Corner Café properties in regard to parking and a front yard variance at a residential piece of property.

Ms. Costello said on May 27, this was the appeal of the Cease & Desist order of the Oakdale and the appeal was not upheld, the Cease & Desist order stands.

13. ZBA Legal Notice for June 15, 2015

Ms. Costello said there is no ZBA meeting in June due to the lack of applications.

14. Zoning Enforcement Log

Ms. Costello said the Dept. is getting caught up. She said there are some that are taken care of but must be reviewed and the log updated.

Mr. Kohan said he was confused as to how the zoning enforcement report works. He said the listing is smaller, but asked how she looks at the violations, how they are dealt with and

prioritized and go through the list. He said there are still quite a few long standing violations and asked what the process was.

Ms. Costello said the process is typically a complaint is received, and occasionally the Dept. observes the violation, but are complaint based. She said the ZEO is doing the majority of the enforcement. She said background research is necessary to confirm there is an existing violation and this involves, looking through old files, visit the property. She said if the violation is confirmed, a notice of violation is sent which provides the violator between 10 and 30 days of receipt of notice to bring their violation into compliance which can be extended if the violator works with the Town. Ms. Costello said the next step is a Cease & Desist order which requires compliance within 10 days and opens up the potential of referral to the Legal Dept. She said in practice, they are not able to follow these timelines. Ms. Costello said the ZEO has been doing an excellent job of catching up. She noted when she was also the ZEO as well as the Town Planner, attention was given to violators which had the greatest impact in terms of the Town, businesses or residences and the egregiousness of the violation, such as fill violations which are significant and immediate.

Ms. Costello said as far as the log itself, there is a lot of backlog. She said some violations have been closed out and addressed but not closed out in the log book. She said some violations are a year old and need more follow up and some predate the time she has been here and need some legal action.

Mr. Kohan said he would like to see the procedure the P & Z put together and asked if that was in the regulations. Ms. Costello said she would provide a copy to Mr. Kohan.

Mr. Kohan said there are violations going back to 1996 which are still in the log and considered a legal referral an egregious violation and has not been followed up and asked why this hasn't been handled. Ms. Costello said once a violation is referred to the Legal Dept. it is up to them to take legal action. Mr. Kohan asked if that violation should be on the list if the Legal Dept. doesn't address it. Ms. Costello said that unless something gets addressed, it is left on the list. Chair Seichter said if a violation is taken off the list, he would like to know the reason. Ms. Costello said the only reason a violation comes off the list is if there is no longer a violation.

Mr. Leonardo said to clean this up, the Legal Dept. should state they no longer wish to pursue a violation any further and give the violation another six months, and then close it out. Mr. Fitzsimmons said possibly adding a page of closed violations by quarter to see the activity, but the older violations, there should be some reason as to why they are still on the list.

Ms. Costello said there is limited staff and they are doing what they can to catch up. She said the ZEO is working backwards through the log to catch up. She suggested removing the old violations from the list.

Mr. Kohan asked about the Cease & Desist orders. He said based on State regulations, the ZEO has the authority to issue these. He said based on our regulations, the P & Z and its appointed

agent also have this authority. He said he didn't believe we were consulted on the recent action and didn't know whether there was precedence or courtesy this Commission could be accorded. Ms. Costello said she didn't see this as an elephant in the room because the Commission has elected to defer this decision to their staff. She said procedurally one is either in violation and come into compliance or one doesn't. She said when staff is going through the ZEO report, something important such as this would be mentioned to the P & Z. Ms. Costello said if the Commission wants to do things differently that is their prerogative. She said if one doesn't come into compliance, the next thing should be a Cease & Desist order.

Mr. Kohan said in his time here, he didn't think the P & Z had an issue we were unaware of and in this case, he didn't believe P & Z was advised this was coming. He said when he was on Inland Wetlands, when a Cease & Desist order was issued, the Commission was advised and believes this is the proper cause of action. Mr. Kohan said he believes the Town believes the P & Z issued this order and noted they didn't, the Town Planner issued it.

Chair Seichter suggested that when a Cease & Desist order is issued to advise the Commission.

Chair Seichter entertained a motion to add two items to the agenda: the first for an extension for Special Permit #403-06.

Mr. Fitzsimmons: Motion to extend the approval for one-year for Special Permit #403-06 as requested by the City of Meriden.

Ms. Costello said this involves the hangars at the Meriden Markham airport.

Mr. Leonardo: Second

Vote: Unanimous

Mr. Fitzsimmons: Motion to waive Rule #9 to add the Bond Releases to the agenda and the last item for the extension.

Mr. Leonardo: Second

Vote: Unanimous

Mr. Fitzsimmons: Motion to release the \$5,000 bond being held for Tower Drive Development at 4 Fairfield Blvd.

Mr. Leonardo: Second

Vote: Unanimous

WORKSHOP DISCUSSIONS

15. Fee Structure

Ms. Costello provided suggested specific changes for the fee structure to the Commission. She said this doesn't require an application and would be a determination by the Commission. She suggested putting this on the agenda as a formal action item on the July agenda.

Mr. Fitzsimmons noted that an additional fee was missing for the postponement of a public hearing. Ms. Costello said she asked her staff to do a calculation of how much the public hearing advertisements typically cost per application for the pre-meeting advertisements which came out to \$50 and said this was her recommendation.

16. Farm Wineries

Ms. Costello said she is anticipated updated language and said she wanted to schedule another workshop. The Commission scheduled the workshop for June 29.

Mr. Fitzsimmons: Motion to schedule a Farm Wineries workshop and other business on June 29 in Room 315 of the Town Hall.

Mr. Leonardo: Second

Vote: Unanimous

17. Upcoming Workshop(s)/Discussions

a. POCD

Ms. Costello said a two focus group meetings are scheduled for June, one on the 17th and the other the following week.

b. Watershed Regulations

Ms. Costello said she is at the point where a public hearing is ready to be scheduled. She said some changes are still being made.

Mr. Kohan said he asked Ms. Costello for the application and permit from the Town of Wallingford which goes back to October 2013 on the parking area on Eastside field and Veterans field. He said the driveway, parking area and turnaround was lined with huge decorative boulders. He said this was not in the permit. Mr. Kohan said some of the boulders are in the upland review area and wasn't sure if the Town could do this based on what was approved and asked for an opinion.

Ms. Costello said typically with boulders as a natural feature, the Commission hasn't required them but if they are significant enough to consider them a modification to the site plan, she said she would speak with Parks & Recreation and refer this to Inland Wetlands. She said this could be handled administratively.

Mr. Kohan spoke about the issue with the dog pit and the oil dumping. He said the Aquifer Protection Agency met and decided to have a quarterly meeting to get an update on this. He

said a meeting or update has not occurred in over a year. He asked this meeting take place a report generated. Ms. Costello said this meeting has not taken place because there has not been any activity on this property. Mr. Kohan said this needs to be on the record. Chair Seichter said it was agreed to have Ms. Costello go out there on a quarterly basis. Ms. Costello said she last looked at this in April but will return to the site.

ADJOURNMENT

Mr. Fitzsimmons: Motion to adjourn the meeting at 10:11 p.m. Mr. Leonardo seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary