

**Wallingford Planning & Zoning Commission**

**Monday, June 12, 2017**

**Robert F. Parisi Council Chambers**

**Town Hall – 45 S. Main Street**

**Wallingford, CT**

**7:00 p.m.**

**MINUTES**

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

**NOT PRESENT:** J.P. Venoit, Vice-Chair; Armand Menard, Alternate.

Chair Seichter called the Meeting to order at 7:05 p.m. and the Pledge of Allegiance was recited.

**Approval of Minutes – May 8, 2017**

**Mr. Fitzsimmons: Motion to approve the May 8, 2017 PZC Meeting Minutes as presented.**

**Mr. Kohan: Second**

**Vote: Seichter-abstain; Kohan-yes; Morgenstein-yes; Fitzsimmons-yes; Matarazzo-yes**

**PUBLIC HEARINGS**

1. Special Permit Revision (24 additional parking spaces)/Nafis & Young/37 Harrison Road (Pilgrim's Harbor) - **#403-17**

Mr. Matarazzo read the Legal Notice and noted all correspondence into the record: Inter-Departmental Referral dated April 12, 2017 from Erin O'Hare, Environmental Planner; Inter-Departmental Referral received April 12, 2017, from the Fire Marshal; Memorandum to Kacie Costello, Town Planner, from Erin O'Hare, Environmental Planner, received April 26, 2017; Inter-Departmental Referral received April 12, 2017 from Rob Baltramaitis, Town Engineer; Inter-Office Memorandum received April 27, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Division, to Kacie Costello, Town Planner; Letter from Nafis & Young, dated April 27, 2017, to Kacie Costello, Town Planner; Memorandum from Erin O'Hare, Environmental Planner,

dated May 5, 2017, to Kacie Costello, Town Planner; Letter from Kacie Costello, Town Planner, to James H. Galligan, P.E., Nafis & Young Engineers, dated June 1, 2017.

Chair Seichter designated Ms. Morgenstein as a voting member in place of Mr. Venoit.

Appearing in front of the PZC was James Galligan, P.E., President of Nafis & Young Engineers, who said this application is from the Pilgrim's Harbor Homeowner's Association. He went over the site plan. Mr. Galligan said approximately one year ago, the Homeowner's Association received funds to reconstruct the roadways, curbs, parking areas, driveways and sidewalks and removing some of the existing garages and replacing them. He said there are approximately two dozen parking spaces that the Homeowner's Association would like to add which changes the site plan. He said the original approval in the 1970's included the site plan as part of the approval process. He said throughout the site, parking spaces will be added based on the residents' needs.

Mr. Kohan asked about the handicap parking requirements that weren't in place in the 1970's that need to be provided. Mr. Galligan said anyone with handicap needs is being provided for. He noted that many areas because of the age of the complex and the steep grade are not accessible for handicap parking, but is provided if needed. Mr. Fitzsimmons asked about the change in parking spaces. Mr. Galligan said that according to the original plan, there were 126 parking spaces. He said the proposed 24 new parking spaces would help alleviate the problem. He pointed out there are currently approximately 156 parking spaces. Ms. Costello said she wanted to insure the Applicant was still in compliance and said this was an opportunity for the Commission to true up what is on the ground versus what was approved. She said it appears everything is in good shape, and noted the Engineering Dept. approved this application. She requested a \$3,000 bond. Ms. Costello said the major issue with the non-compliance was the number of parking spaces and because they were in different locations.

**PUBLIC HEARING 7:16 p.m. – NO PUBLIC COMMENT**

Mr. Galligan noted the parking spaces identified don't include the garages. Mr. Fitzsimmons noted that a snow removal area is missing from this site plan. Mr. Galligan said this is the final plan and re-iterated the only changes to the existing plan are a few parking spaces. He said he would add a snow removal area to the plan.

Chair Seichter entertained a motion to close the Public Hearing at 7:19 p.m.

Mr. Fitzsimmons made a motion to close the Public hearing at 7:19 p.m. Mr. Kohan seconded the motion.

Vote: Unanimous

Chair Seichter entertained a motion on the Application.

## **Nafis & Young – Pilgrim’s Harbor – Motion by Fitzsimmons second by Kohan**

A Special Permit (OSPRD) Revision for Nafis & Young to allow parking and roadway improvements/modifications at 38 Harrison Road (Pilgrim’s Harbor) as shown on plans entitled “Parking and Roadway Plan, Pilgrim’s Harbor Road Reconstruction, Wallingford, CT, dated March 27, 2017, revised version stamped “Received June 8, 2017 – Wallingford Planning & Zoning” subject to:

1. Comments of Environmental Planner dated 4/26/17 and 5/5/17
2. Comments of the Town of Wallingford Water and Sewer Senior Engineer dated 4/26/17;
3. Posting of an S & E bond of \$3,000 as recommended by the Wallingford Town Planner;
4. Revision to plan to include snow shelf and snow removal area to be depicted on the final plan.

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

Chair Seichter noted several items that would not be heard tonight:

#4. Resubdivision ( 2 lots)/Adams Landing Development, LLC/90 South Turnpike Road - **#102-17 – (NO ACTION REQUESTED)**; #6. Site Plan (ripe de bois composting facility)/Green Envy Products/ Sterling Drive - **#206-17**; #7. Site Plan (ripe de bois composting facility)/Green Envy Products/ Tankwood Road - **#207-16'** #9 Site Plan Modification (parking reconfiguration/addition of 2 parking spaces)/Adams Landing Property Development/90 South Turnpike Road – **#214-17 – (NO ACTION REQUESTED)**; #10 Site Plan (expanded natural gas storage)/M. Geremia/199-205 Church Street, Yalesville - **#215-17**.

## **PUBLIC HEARINGS**

2. Special Permit (retail/residential)/902 Colony Realty, LLC/900-902 South Colony Road - **#404-17**

Mr. Matarazzo read the Legal Notice and noted all correspondence into the record: Letter to 902 South Colony Realty, LLC dated May 24, 2017 from Kacie Costello, Town Planner; Inter-Departmental Memorandum dated April 12, 2017 from the Fire Marshal; Letter from Kacie Costello, Town Planner, to 902 Colony Realty, dated April 28, 2017; Inter-Office Memorandum from Erik Krueger, Sr. Engineer, Water and Sewer Division, to Kacie Costello, Town Planner, dated April 26, 2017; Memorandum dated April 26, 2017 from Erin O'Hare, Environmental Planner to Kacie Costello, Town Planner; Checklist (no date); Inter-Departmental Referral dated April 12, 2017, from the Fire Marshal; Letter dated April 27, 2017 from the OCC Group to the Wallingford Planning & Zoning Commission; Letter dated May 2, 2017 from the OCC Design Consortium, LLC to Town Planner Kacie Costello; Letter dated April 22, 2017 from the OCC Group, Inc., to the Wallingford Planning & Zoning Commission; Letter dated April 22, 2017 from

OCC Group, Inc., to Wallingford Planning & Zoning Commission; Memo dated May 4, 2017 from David Carson, OCC Group to Kacie Costello, Town Planner.

Appearing in front of the PZC was Atty. Dennis Ceneviva, Ceneviva Law Firm, representing the Applicant, 902 Colony Realty, LLC; Dom DeMartino, manager and member of 902 Colony Realty, LLC., and David Carson, Project Engineer, OCC Group.

Atty. Ceneviva told the PZC this project is 900-902 South Colony Road which will be reconfigured as part of an approval process and zoned CB-40. He said Mr. DeMartino also owns the entity which owns the abutting property to the south, which is 920-940 South Colony Road. Atty. Ceneviva pointed out that the parcel will be 1.95.96 acres in size after a lot line revision. He said the parcel is currently developed with an existing 1,138 sq. ft. two-family house located along the southerly portion of the property. He said there is also a small garage and a 2,300 sq. ft. mixed use building, with retail use on the first floor and one apartment on the second floor. Atty. Ceneviva said the second floor is half the size of the first floor.

He noted the Applicant recently appeared before the Zoning Board of Appeals for permission to raze the existing two-family non-conforming building and garage and extend the second floor of the existing mixed use building. Atty. Ceneviva said in order to relocate the two dwelling units from the razed building, the proposal was to extend the second floor on the existing mixed-use building. He said ZBA granted this variance because the proposed plan eliminated six existing non-conformities including the removal of six existing retail parking spaces located both within the State Right-Of-Way and within the front yard setback. He said under the new configuration, the building and parking spaces will be accessed through the main entrance on 920-940 South Colony Road. He said Town staff and the State agreed this is a better layout. He said OSTA (Office of the State Traffic Administration), will review 920 S. Colony Road. He said there will be common access use between 902 and 920 S. Colony Road which he said was consistent with DOT and the Town in minimizing curb cuts and the traffic flow which goes to S. Colony Road.

David Carson went over the site plan (existing conditions) and spoke about installing a large grass area and eliminating paved areas and curb cuts. He said the additional parking area plan was approved by Inland Wetlands. He showed the snow storage area which he noted would not be located in the wetlands. He also went over the storm drainage system plan. He said the proposed building will contain six 1,000 sq. ft. to 1,500 sq. ft. specialty type retail shops.

Mr. Carson said the proposed plan meets the setback requirements and emphasized the Applicant will indicate approved landscaped plans for 920 S. Colony Road in the final plans. Mr. Carson said the Applicant proposes to use 10 parking spaces in the rear of 920 S. Colony Road for seasonal outdoor storage. He said the Applicant proposes to install a white paint line, which will be a 24 ft. traffic aisle from the existing parking area. He pointed out the common access way on the plan to provide ingress and egress to both properties. Chair Seichter asked the Applicant to address the modified property lines between 920 and 940 S. Colony Road. Mr.

Carson said the Applicant has taken the property line and moved it to the center line of the property. Chair Seichter said he was more interested in 940 S. Colony Road.

Mr. Carson explained that 940 S. Colony Road is the landscape business. He said several years ago, 920 S. Colony and 940 S. Colony were merged and is one property. Atty. Ceneviva noted that substantial discussion with Ms. Costello took place regarding the seasonal storage area on 920 S. Colony Road. Ms. Costello noted there was the outdoor sales issue and some materials and vehicles on the property which she said was addressed. She said there are improvements made on both sites. She said the PZC currently doesn't allow outdoor sales in general so this will have to be determined. She noted this isn't uncommon citing Walmart as an example. She said if the PZC is declined to determine this is an accessory use, the parameters must be clear. Ms. Costello asked about 920 S. Colony and the current landscaping requirements for the parking area. Mr. Carson said this will comply with the June 13, 2016 plan which was part of the greenhouse approval. Ms. Costello said she wants to ensure this will comply with the PZC's current requirements. She said requested the calculations and a \$9,317 S&E bond which she said could be reduced to \$5,600 once the outfall work is completed.

**PUBLIC COMMENT – 7:45 p.m. – NO PUBLIC COMMENTS**

Chair Seichter entertained comments from Commission members regarding outdoor sales. Ms. Morgenstein asked if there were guidelines. Ms. Costello said the PZC doesn't allow outdoor sales as a primary component, the sales have to be in the building. She said the only way this potentially could be allowed would be as an accessory use to the existing primary sales, i.e., plant and produce sales. She said the PZC would have to decide what the current restrictions would be. Ms. Morgenstein asked if the PZC has a definition of seasons. Ms. Costello said this has been touched upon with outdoor dining. She said there has never been a formal definition provided. She said this was discussed in the CA-6 zone regarding seasonal outdoor dining for the parking and believed this was determined to be May through September. Ms. Costello said if the PZC is inclined to go in this direction, it should be consistent with the growing season.

Ms. Morgenstein said the PZC should discuss what comes out of their greenhouse. Ms. Costello said there is a potential for a slippery slope. She said there is a reasonable argument for some seasonal outdoor sales, but needs to be restricted and it needs to be clear what the product would be. Mr. Fitzsimmons said this is not what we had years ago when every gas station was selling mulch, this would be a product of this operation. He said he could be in favor of this being seasonal, noting the season does go to the end of the year. He said he would be agreeable to this particular plan because it is consistent with what is being sold inside; selling product grown in the greenhouse, outside the greenhouse. He said he doesn't expect to see things outside, January through March. Ms. Costello said this area should be marked out so it is clear to the public. She said she asked Mr. Carson to include this area in the parking calculations.

Chair Seichter said he agreed with Mr. Fitzsimmons regarding the proposed outdoor sales area. He said the area is well-defined and parking spaces will not be taken up. He said he would be in favor of this application.

Chair Seichter entertained a motion to close the public hearing at 7:53 p.m.

**Mr. Kohan: Motion to close the Public Hearing at 7:53 p.m.**

**Mr. Fitzsimmons: Second**

**Vote: Unanimous**

Chair Seichter entertained a motion on the application.

**902 North Colony Realty, LLC – Motion by Fitzsimmons second by Kohan**

Motion to approve a Special Permit (retail/residential, traffic generation) for 902 Colony Realty, LLC to A: (change from one non-conforming use to another by demolishing the existing 2-family house and building 2 additional apartments over the existing building at the front of 902 South Colony Road; B (construct a 9,750 sq. ft. retail building and associated site improvements on the property at 902 South Colony Road; C (modify the property lines between 902 and 920 South Colony Road; D (modify the approved Site Plan for 920 South Colony Road in order to create the new proposed parking configuration associated with the lot line revision and new building at 920 South Colony Road; E (approve/allow certain changes that were made on the property at 920 South Colony Road that were not approved and were raised during the course of this application (outdoor storage areas and seasonal outdoor sales); and F ( repair the outfall into Wharton Brook at 920 South Colony Road; as shown on plans entitled "Site Development Plans for Property of 902 Colony Realty, LLC, 900-902 South Colony Road, Conn. Rte. 5 – Wallingford, Connecticut", dated February 13, 2017, revised thru May 16, 2017 and June 5, 2017 subject to:

1. Comments of the Town of Wallingford Water and Sewer Sr. Engineer dated April 26, 2017;
2. Comments of the Wallingford Town Environmental Planner dated April 26, 2017;
3. Comments of the Wallingford Town Engineer dated April 27, 2017;
4. Prior change of use approval for 920 S. Colony Road for restaurant, is deemed "Null & Void" as a result of the approval of this application;
5. Comments of the Wallingford Town Planner dated April 28, 2017 and May 24, 2017; Include the posting of an S & E bond in the amount of \$9,317;
6. Approval of limited outdoor sales allowed in areas as shown on plans dated June 5, 2017;

7. Area of outdoor sales must be marked, striped and further delineated for visibility for patrons;
8. Outdoor sale items must be consistent with items generally available inside the greenhouse and associated retail complex;
9. Applicant will be responsible for filing all appropriate cross-easements as discussed and outlined in the presentation
10. Final plans to depict landscape calculations for the entire site as requested by the Town Planner

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

3. Special Permit (retail/office to retail/residential)/DiNatale Realty/816 East Center Street - **#405-17**

Mr. Matarazzo read the Legal Notice and noted all correspondence for the record: Plan received June 2, 2017.

Chair Seichter noted that although he did not attend the May PZC meeting but upon review of the Minutes, felt comfortable in making a decision on the application.

Appearing in front of the PZC was Vincenzo DiNatale and Norm Bolduc of Land Resource Consultants. Mr. DiNatale said this application involves the property on 860 E. Center Street, also known as East Side Market. He said this is a multi-tenant building, occupied by East Side Market and a second-story existing office space which will be converted to a residential unit. Mr. DiNatale said this application triggers a Special Permit because of the wording in the Regulations. He said at the last PZC meeting, the Special Permit process was opened. Mr. DiNatale said this is an opportunity to make some improvements with this site and noted there was a productive meeting with Ms. Costello regarding this application since the last meeting. He said additional landscaping and additional handicap parking was discussed. He said there has been additional landscaping provided on this plan. Mr. DiNatale said functional locations for handicap parking were found on the site. He spoke about grading issues and the slope, the handicap parking was moved to the side near the ramp at the end of the sidewalk. He said he believed all the comments were addressed.

Mr. Kohan asked about the landscaping improvements. Mr. DiNatale said currently, the site is entirely paved, so two landscape areas will be added; one on the southwest corner, and at the center of the building. He noted there is additional landscaping in the area of the existing dumpster enclosures. Mr. Bolduc said is planned azaleas and Norway spruce at the front corner of the building and in the front, there is a small striped area where a maple tree could be planted and in the dumpster area, there could be arborvitaes. Chair Seichter asked about the parking and one accessible handicap space. Mr. DiNatale noted there were three handicap spaces. Chair Seichter asked about the parking spaces on the east side of the building. Mr. DiNatale said there are two spaces there and six spaces in the rear of the building. Chair

Seichter requested the screening of the front of the dumpster. The Applicant agreed to this request. Mr. DiNatale said the goal is to repave the entire lot before the end of the season.

Ms. Morgenstein asked if the front left corner has room for planters that would create a green area at the corner of E. Main and E. Center Streets. Mr. DiNatale said this area was looked at but is within the State Right-Of-Way. Ms. Costello said she still disagrees with the Applicant over the parking spaces rely on a portion of the Right-Of-Way to be driven upon in order to work, but there cannot be any landscaping there. She said it seems there can be more than is being offered. Mr. DiNatale said this site is very tight, and is not an ideal site for retail, but have gone long strides to make the parking continue and install landscaping. He said he doesn't want to risk too many changes that could negatively impact the site.

Ms. Costello said she would extend the two landscape islands further out to the end of the parking spaces. She said if the parking spaces can extend out this far, so could the landscaping. Ms. Costello spoke about the cross-hatched area labeled as pedestrian access. She noted there is an existing sidewalk adjacent to the building, and said she preferred this to be green. Mr. DiNatale said there are three primary areas, the far right is hatched for handicap parking, the center can be extended to the lower part of the triangle, and facing the building to the left, and the turning radius is tight and would be difficult. He said a hearty landscape buffer could grow in this area. Mr. Fitzsimmons asked about the circles for the trees and asked if they were planters or planted. Mr. DiNatale said they are planted in the ground. He said mulch would be applied, not crushed stone.

Chair Seichter entertained public comment – No Public Comment.

Mr. Fitzsimmons said there are a lot of hash marks, but there is no grass between the road and the parking spots. He said this area is light on grass and greenery. He said he uses this and drives by this but something more is needed in the landscaping. Mr. Fitzsimmons asked if the island could be larger but not on the curve. Chair Seichter noted this would be the southern part of the island, and suggested this be extended out to the west and the island will end on the western side where the cross hatching ends of the proposed pedestrian access. Mr. DiNatale said this was agreeable to him, and said he would keep the high shrubbery to protect the building.

## **PUBLIC COMMENT-NONE**

Chair Seichter entertained a motion to close the Public Hearing.

**Mr. Fitzsimmons: Motion to close the Public Hearing at 8:18 p.m. Mr. Kohan seconded the motion.**

**Vote: Unanimous**

Chair Seichter entertained a motion on the application.



## **DiNatale Realty – 816 East Center Street – Fitzsimmons move-Kohan-second**

Motion to approve a Special Permit (residential use on upper story) for DiNatale Realty to allow the 2<sup>nd</sup> story office use to be converted to one 3-bedroom residential unit and to maintain the first story as retail use, and to approve site modifications that have been made since the previous site plan approval and make associated site changes at 816 East Center Street, as shown on plans entitled: "Property Survey, Land of DiNatale Realty, LLC, 816 East Center Street, Wallingford, Connecticut, dated March 31, 2017, updated to 5/5/17, subject to:

1. Comments of the Wallingford Water and Sewer Sr. Engineer dated April 25, 2017;
2. Screening of the dumpster to be provided as agreed and depicted on the plans as discussed at this meeting;
3. Modification and expansion of landscaped island as discussed and agreed to at this meeting on the western portion of the parking lot;
4. Extension of the triangle-shaped landscaping on the East Center Street side of the property as discussed and agreed to at this meeting.

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

5. Special Permit (expansion of pharmacy within hospital facility)/Gaylord Hospital/50 Gaylord Road - **#406-17**

Mr. Matarazzo read the Legal Notice and noted all correspondence for the record: Inter-Departmental Referral dated May 8, 2017 from the Fire Marshal; Inter-Office Memorandum dated June 2, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Division to Kacie Costello, Town Planner; Inter-Departmental Referral dated May 8, 2017 from the Fire Marshal; Letter from Kacie Costello, Town Planner, dated May 29, 2017 to Gaylord Hospital; Letter from Juliano Associates dated June 2, 2017 to Kacie Costello, Town Planner.

Appearing in front of the PZC was Christopher Juliano, Licensed Land Surveyor, P.E. representing the Applicant. Mr. Juliano went over the site plan. He said the State has mandated certain changes to all hospitals and pharmacies throughout the state. He said instead of trying to retrofit existing rooms, it would be easier to construct a 20 ft. by 37 ft. 4 inch addition to the building which will be accessed through an existing bricked up doorway. He said there have been a few minor changes; the parking to the east will be legalized. He said currently there are two standard spots and three handicap spots which are not compliant with ADA regulations; he said the two pharmacy parking spots to the north of the addition will be removed, because of the construction of the small addition. He said the small driveway area will be used as a loading and unloading zone, and some small landscaping will be provided in that area. Mr. Juliano said Ms. Costello's comments were addressed on June 2.

**PUBLIC COMMENT – NONE**

**Chair Seichter entertained a motion to close the Public Hearing at 8:26 p.m. Mr. Kohan seconded the motion.**

**Vote: Unanimous.**

Chair Seichter entertained a motion on the application.

**Gaylord Hospital – Motion by Fitzsimmons-second by Kohan**

Motion to approve a Special Permit (hospital) for Gaylord Hospital, to expand the existing pharmacy facility and make minor associated site changes at 50 Gaylord Farm Road (Gaylord Hospital) as shown on plans entitled "Improvement Location Survey, Proposed Pharmacy Expansion, Land of Gaylord Hospital, 50 Gaylord Farms Road, Wallingford, Connecticut" dated 4.21.17, updated to 5/20/17, subject to:

1. Comments of the Wallingford Fire Marshal dated June 6, 2017;
2. Comments of the Wallingford Water and Sewer Sr. Engineer dated June 2, 2017.

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

**ITEMS #6 and ITEMS #7 - Mr. Juliano requested these two items be tabled to the June 12, 2018 PZC meeting, due to the death of Mr. Geremia's father.**

**OLD BUSINESS**

**8. Subdivision (5 lots)/P. DiNatale/605 North Elm Street - #101-17**

Mr. Matarazzo noted all correspondence into the record: Memorandum to Kacie Costello, Town Planner dated May 5, 2017 from Erin O'Hare, Environmental Planner; Memorandum to Kacie Costello, Town Planner, dated May 5, 2017, from Erin O'Hare, Environmental Planner; Engineering Summary Report revised May 1, 2017 from LRC Group; Memorandum to Planning & Zoning Commission – James Seichter Chairman, from Rob Baltramaitis, Dept. of Engineering, dated April 27, 2017; Inter-Office Memorandum from Erik Krueger, Sr. Engineer, Water and Sewer Division, dated March 24, 2017 to Kacie Costello, Town Planner; Letter dated April 11, 2017 to Kacie Costello, Town Planner, from Normand D. Bolduc, Principal, The LRC Group; Memorandum to Kacie Costello, Town Planner, dated April 26, 2017, from Erin O'Hare, Environmental Planner; Letter to Inland Wetlands Commission, James Vitali, Chairman, dated April 26, 2017 from the Dept. of Engineering; Inter-Departmental Referral dated Feb. 24, 2017 from Erin O'Hare, Environmental Planner; Inter-Departmental Referral dated March 13, 2017, from the Fire Marshal; Letter from Kacie Costello, Town Planner, to Pasquale DiNatale, dated March 24, 2017; Letter to Kacie Costello, Town Planner, dated May 4, 2017 from Normand Bolduc, Principal, LRC Group; Letter to Kacie Costello, Town Planner, dated June 1, 2017, from Normand Bolduc, Principal, LRC Group; Letter from Kacie Costello, Town Planner, dated May 25, 2017 to Pasquale DiNatale; Inter-Departmental Referral received May 24, 2017 from the Fire

Marshal; Inter-Departmental Referral dated March 13, 2017 from the Fire Marshal; Inter-Office Memorandum to Kacie Costello, Town Planner, from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, dated May 31, 2017; Letter to Normand D. Bolduc, Principal, The LRC Group, dated May 9, 2017 from Justin J. Rossetti, Building Official.

Appearing in front of the PZC was Normand Bolduc, Principal, The LRC Group, representing Pasquale DiNatale whom he said is proposing a five-lot subdivision at 605 N. Elm Street. Mr. Bolduc said the property is a 10.3 acre parcel on the east side of N. Elm Street and the west side of Briarwood Lane. He said the property contains one existing residence and driveways and a number of outbuildings. He said there is a 0.9 acre pond which has no outlet. He said the Applicant is proposing to create an outlet because as it fills up, the water spills onto the lot and runs overland to N. Elm Street. He said the outlet will be tied into the N. Elm Street drainage system. He said there is small wetlands in the northeast corner and noted the property is located in the R-18 and five lots are being proposed on 10 acres. He said three lots range from .42 acres to .3 acres, just over the 18,000 sq. ft. minimum and two lots that are 3.1 acres and 5.8 acres. Mr. Bolduc said before the subdivision is constructed, the existing buildings will be razed along with the existing driveway. He said the development will have three frontage lots on N. Elm Street, one rear lot which will come off of N. Elm Street and an existing 25 ft. strip of land which is off of Briarwood Lane which will be the access for the fifth lot. Mr. Bolduc said all lots will be serviced by town water and sewer. He said there will be an outlet structure created just outside the wetlands which will run across proposed Lot #4 and come across the frontage of the lots and tie into the existing drainage system. He said this outlet structure was designed for zero increase in peak runoff. He said some modifications were made to address the Town Engineer's concerns. Mr. Bolduc said all the lots will be grade from the road and have basement access to the garages, and come out in the back as first floor level. He said there will be 50 ft. of lawn area and there will be a 3:1 slope in the back. Mr. Bolduc said there was concern with drainage and the amount of fill to be removed, but noted this has been addressed.

Mr. Kohan asked about the properties on N. Elm Street not having individual driveways. Mr. Bolduc pointed out the individual driveways for the specific three lots and pointed out the driveway for the rear lot in the back and the access off of Briarwood Lane and are designed to meet town standards for driveways. Chair Seichter asked about the drainage issues, the pond and overflow and asked when this would be done. Mr. Bolduc said originally the developer wasn't going to do anything with the lots. Mr. DiNatale said he will work in the back, tear down the existing structures, remove the material from the front and the site should be completed by the end of the year, early spring the latest.

Ms. Costello said she wanted to ensure that since the front lots are part of the design of the overall subdivision, that when the subdivision is completed, all the lot work on all the lots will be completed. He said Mr. Bolduc and Mr. DiNatale has worked with staff. She said she is

requesting the \$10,000 S&E bond for the entire site, minus the \$1,000 already posted (now \$9,000).

### **NO PUBLIC COMMENT**

Chair Seichter entertained a motion on the application.

### **DiNatale – Motion by Fitzsimmons-Second by Kohan**

Motion to approve a Subdivision (5 lots) for DiNatale at 605 North Elm Street, as shown on plans entitled “Proposed Residential Development, 605 North Elm Street, Wallingford, Connecticut”, dated December 30, 2016, updated to May 18, 2017, subject to:

1. Comments of the Wallingford Town Engineer dated April 27, 2017;
2. Comments of the Wallingford Water and Sewer Sr. Engineer dated 3/24/17 and 5/31/17
3. Posting of a \$10,000 S&E bond as required and recommended by the Wallingford Town Planner

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

### **NEW BUSINESS**

#### **11. Site Plan (tire repair/sales)/R. Mangino/136 Dudley Avenue - #216-17**

Mr. Matarazzo noted all correspondence into the record: Letter and Site Plan dated May 23, 2017 to Robert Mangino, Architect from Kacie Costello, Town Planner; Checklist; Inter-Departmental Referral received May 12, 2017 from the Fire Marshal; Inter-Office Memorandum to Kacie Costello, Town Planner, dated June 2, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Division.

Appearing in front of the PZC was Robert Mangino, Architect representing Tri-State Tire, and Ed Naclerio, 530 Center Street.

Mr. Mangino told the PZC that the property is at 136 Dudley Avenue. He said the owner wanted to rebuild the existing foundation to provide storage for the tire facility. He said in 1983, the original site plan was approved with variances. Mr. Mangino said time had lapsed and new zoning regulations approved, and it was determined by Staff that an A-2 survey was required to ensure the building was constructed to the approved variances in 1983. He said the Applicant went to ZBA with a site plan asking for a waiver for landscape requirements. Mr. Mangino said the drawing reflects the approval and location by the ZBA of where the Applicant wants to landscape and fencing around the dumpster on the property along Dudley Avenue.

Mr. Fitzsimmons asked the Applicant if the May 23 letter from the Town Planner was reviewed. Mr. Mangino said he didn't receive that letter. Ms. Costello said this letter was sent before the plans were updated. She said she received the revised plans May 30. Mr. Fitzsimmons said he saw the word "shrubs" on the plan and asked what type they would be. Mr. Mangino went over the types of plants, trees and shrubs to be planted. Mr. Fitzsimmons asked about unscreened outside storage which he said the application is supposed to address. Mr. Mangino said his client will address the full screening.

Mr. Naclerio said the business involves changing tires on big trucks, i.e., tractor trailers. He said the company is strained for space and have cleaned up the lower right hand corner because this is where the dumpster trailer is parked. He said the tires are not stored outside, but held on the property until they can be put onto the trailers. He said because of the fenced area in the front and the telephone pole, the 53 ft. trucks have to back in front of the office because they can't get around the pole. He said there is no ample parking for the trucks. Mr. Naclerio said only one trailer is kept on-site for wheels, no rubber included and is parked perpendicular to the railroad tracks. He said his neighbor E&G Machine, has a trailer that overlaps into his property which stores machine heads. He said the fence would go through that trailer. Mr. Naclerio said that by cleaning up the yard and moving trailers out of the way, there will be more visibility from the street and the trucks will be able to back to the right side of the telephone pole. He pointed out E&G Machines has a narrow driveway and uses his driveway as a turn around. He said the dumpster in the front area can be moved to the back and fenced in. Mr. Fitzsimmons asked about the fence. He asked if the plan included a fence. Mr. Naclerio noted that if the fence is constructed where it is proposed, the neighbor will have to move. Mr. Fitzsimmons asked if the privacy fence will be vinyl. Mr. Mangino said the fence will be chain link and screened. He said the location of the fence is an issue with his client and noted the building is non-conforming. He said the goal is to make the building function and make the site attractive.

Mr. Fitzsimmons said his issue is with the privacy slats on the fence. He said the fence is required and the Town Planner wants a fence. Mr. Naclerio said no one will see the fence because the trailer is parked there and the neighbor's trailer is also located there. He said if the yard is kept clean, he doesn't think the fence is needed. Chair Seichter noted the fence is noted on the plan and is required. Ms. Morgenstein said a fence is required and is requested along with a privacy screen. She pointed out that a trailer parked and blocking the view is not a permanent structure. She said the PZC looks at what may come in the future and said a change is being made to the property so landscaping requirements come into play as well.

Ms. Costello said for the most part her comments were addressed. She said the one difference of opinion is that she believes there is some room to stretch out the five-foot island. She said she didn't understand why it had to be so small and noted the variance approval is for five feet not zero feet of landscaping. She said except for the driveways, there should be five feet of landscaping, and where the parking spaces are parallel to the building, this has been reconfigured because of one of her comments noting Zoning Regulations don't allow for

vehicles to back out to the road. She said the trucks need room to enter and may need a wider turning radius, but there is room for more landscaping. She noted for the most part, her comments have been addressed.

Chair Seichter asked what “a little bit more” would be. Ms. Costello said the small island near the angled spaces is required to be 12 ft. wide for a one-way driveway. She said as proposed, it is approximately 37 ft. wide, and coming out the other side, the driveway is only 18 ft. wide. She added that a little more green space could be installed between the parking spaces and the property line. Chair Seichter said he would like to see additional landscaping but is looking at the site and seeing what the uses are on the site, and noted additional landscaping may make the site a little too tight. Mr. Fitzsimmons said he likes greenery, but this is a tough strip and what is being shown is acceptable.

### **PUBLIC COMMENTS – NONE**

Chair Seichter entertained a motion on the application.

### **Mangino – AMENDED MOTION by Fitzsimmons-Second by Kohan**

Motion to approve a Site Plan for Mangino to construct a building addition and make associated site changes at 136 Dudley Avenue, as shown on plans entitled “136 Dudley Avenue, M162/B/L23, Wallingford, Connecticut, Site Plan”, dated April 30, 2017, updated to May 30, 2017, subject to:

1. Comments of the Wallingford Water and Sewer Sr. Engineer dated June 2, 2017;
2. Any fencing around the property or depicted on the plan shall include privacy slats if chain link;
3. Comments of the Wallingford Town Planner dated May 23, 2017;
4. Applicant shall post an S&E bond in the amount to be determined by the Town Planner;
5. Comments of the Wallingford Fire Marshal dated May 8, 2017

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

12. Site Plan (660 sq. ft. accessory apartment)/Hoppes/457 South Elm Street - **#217-17**

Mr. Matarazzo noted all correspondence into the record: Inter-Departmental Referral dated May 8, 2017 from the Fire Marshal; Letter from Kacie Costello, Town Planner, dated May 23, 2017, to Jeffrey and Stacey Hoppes; Inter-Office Memorandum dated June 2, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Division, to Kacie Costello, Town Planner.

Appearing in front of the PZC was Jeffrey Hoppes, 457 S. Elm Street who said he was requesting a permit for an accessory apartment in his basement because the Town came to his

home to inform him that he had an illegal accessory apartment. He said he installed some of the accessory apartment for his father-in-law, but has since moved out. He said he never rented the apartment. Ms. Costello said Mr. Hoppe finished off more of the space and the Zoning Enforcement Officer became aware of this and did an inspection. She said in order to keep the components, i.e., kitchen, bathroom and bedroom facilities, it would have to be approved as an accessory apartment. Chair Seichter asked what is being proposed would conform to the zoning regulations. Ms. Costello said she calculated the apartment at 711 sq. ft. not at 660 sq. ft. and still complies. She said there is a shared hallway which includes a shared washer and dryer area and the hot water heater area which is allowed to be shared areas and doesn't count against the square footage. Mr. Hoppe said the apartment has its own area. Mr. Matarazzo asked the intent of the apartment going forward. Mr. Hoppe said it could be used as a children's playroom.

### **NO PUBLIC COMMENT**

Chair Seichter entertained a motion on the application.

### **Hoppes – Motion by Fitzsimmons-second by Kohan**

Motion to approve a Site Plan for Hoppes to legalize an existing Accessory Apartment at 457 South Elm Street, as shown on plans entitled "Proposed ground level Apt. for 457 South Elm St.", submitted with the application on May 3, 2017, subject to:

1. Comments of the Wallingford Water and Sewer Sr. Engineer dated June 2, 2017;
2. Apartment is subject to final inspection by the Wallingford Zoning Enforcement Officer

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

### **BOND RELEASES OR REDUCTIONS**

13. Special Permit/Choate Rosemary Hall/30 Beaumont Avenue (St. John Student Center) -  
**#412-15**

Ms. Costello said this is ready for bond release.

**Mr. Fitzsimmons: Motion to approve the bond release for Choate Rosemary Hall/30 Beaumont Avenue (St. John Student Center)**

**Mr. Kohan: Second**

**Vote: Unanimous**

**8-24**

14. Review of Proposed Lease of Landfill for Solar Energy Project/Mayor

Ms. Costello said the Town is proposing to lease a portion of the landfill property to a solar panel company to be used as a solar field, which will tie directly into the grid and is under the jurisdiction of the CT Siting Council. She said when land is being leased; the PZC has an opportunity to consider this. She noted Meriden has done this at their landfill, at the Meriden-Markham airport and at the Choate Rosemary Hall property.

**Mr. Fitzsimmons: As recommended by Mayor Dickinson and the Town Planner, a motion that the PZC act favorably on the request of the Mayor's office regarding the review of the proposed lease of the landfill for the solar energy project as outlined in the Mayor's letter to the Chairman dated June 7, 2017.**

**Mr. Kohan: Second**

**Vote: Unanimous**

## **DISCUSSION**

### 15. Building Height in CA-6 Zone/V. DiNatale

Ms. Costello said this was a request from Mr. DiNatale that the PZC take up discussion regarding building height in the CA-6 zone. Appearing in front of the PZC was Vincenzo DiNatale and Jon Wolworth. Mr. Wolworth said the request is for the PZC to entertain a concept to increase the building height in the CA-6 zone from three stories to four stories (30 ft. to approximately 46 ft.). He said he believes this is in concert with the Plan of Conservation and Development (POCD) which asked for a higher density in the downtown to encourage more investment with mixed use, residential over retail.

Ms. Costello said she believes the longer we continue to revise the regulations in a piece meal way, the longer we are delaying paying attention modifying the regulations for the downtown in a more cohesive way. She said the building height was a heated discussion during the Incentive Housing Zone process. Ms. Costello said when discussion building height, lot and bulk requirements and building form and general use requirements must be taken into consideration. Ms. Costello said she is not a proponent of moving forward to just modify the building height. She said this was done with the parking but was somewhat urgent and needed to get addressed further, but stated it is time to look at the zoning regulations as a whole.

Ms. Morgenstein said she saw this as somewhat urgent, noting the train station is nearly completed and is behind every town in the area. She said if the town is going to get developers to invest in the lower part of the downtown, they need to be able to build what they can make money from. She said she sees this as something that needs to happen and because we are looking at smaller buildings which are more difficult to fill with retail and looking at one-story structures, which may be replaced with four story structures, she would ask the developers to look at the architectural detail of Wallingford. Ms. Morgenstein said this is the only way to get the lower downtown to develop. She said there are out-of-town owners and multiple separate



buildings that are not big enough to be filled. She said there are developers that want to build in town but can't.

Ms. Costello clarified her position and stated that she believes that changing the zoning regulations for the Town Center is top priority, and one of the most immediate recommendations in the POCD. She said she didn't believe we should stop and do height and stop and do coverage because they all have impact on one another. Mr. Kohan said he agreed with Ms. Costello and the regulations need to be looked at as an entity and not as piece meal. Mr. Fitzsimmons said he was a big supporter and fan of the downtown and could support the concept of this, but agreed with the Town Planner that this has to be looked at as a whole. Mr. Matarazzo and Chair Seichter agreed that they didn't want to do things piece meal. Ms. Costello noted that the Incentive Housing Zone allows for a slightly higher density and slightly higher building heights, but hasn't seemed to have worked so far. Chair Seichter said the PZC is looking to consider this on a more comprehensive basis, than doing things piece meal. He said he and the other Commission members believe this doesn't make sense.

Mr. Wolworth said that when they originally came for a zone change in the CA-6 back in January 2016, it did encompass a number of different items and it was picked out to do the parking. He said if there is a way to collapse this type of schedule to make it a fall project, it would be fantastic. He said there is a lot of work to be done and said they were willing to help to move this along. Ms. Costello said Mr. Wolworth and Mr. DiNatale have discussed this idea with her and agreed this needs to be moved forward but it needs to be done all at once. Mr. Wolworth asked about a timeline. Chair Seichter said at this time the PZC was not in a position to do the timeline, but suggested workshops. Mr. DiNatale said efforts have been made to assemble and react with the POCD, but noted it may be time to disassemble and take care of the parking lots, and would have to do short term fixes while we wait for a more fixed approach. He said they are ready to go, but the regulations aren't in place. He noted the parking regulations were a huge success. He said they are constantly reaching out the other property owners, and hoped there would be something sooner than later. He said he fears that once some investment goes into these pre-existing structures, that the timeline may shift and we are five to ten years out.

#### 16. Potential Location for Neighborhood Business District (NBD)

Ms. Costello went over potential locations. She said many of them have some existing business components and some do not. She said she was thinking about the intention of a NBD and to possibly have an NBD in each region of town. Chair Seichter said he appreciated Ms. Costello putting this together and noted he hadn't had a chance to look at this. He said he was in favor of having this on the July's agenda as a discussion item. The Commissioners agreed.

### **ELECTION OF OFFICERS**

#### 17. 2017 Election of Officers- **TABLED**

## REPORTS OF OFFICERS

### 18. Administrative Approvals

- a. Site Plan/60 North Main Street Restaurant, LLC/60 North Main Street - **#211-17**
- b. Site Plan/Hobson & Motzer, Inc./62 Barnes Industrial Road North - **#212-17**
- c. Site Plan/Midstate Air Compressor/14 Research Parkway - **#205-17**

Discussed by Ms. Costello.

### 19. ZBA decisions – May 15, 2017

Ms. Costello said the only decision was the approval of an expansion of a daycare area to have a day camp program

### 20. ZBA Notice – June 19, 2017

Ms. Costello noted #1-1163 S. Broad Street which was a proposal to make vertical expansions and raise the roof. She said the variance was to allow all the non-conformities on the site to remain. She said since then, some of the proposal has been brought to compliance, but there Applicant is still five spaces under the required parking. Ms. Costello said this could be accomplished by expansion of the parking lot. She said the PZC had previously issued a report to the ZBA on whether they wanted to comment further or leave the previous comment as is. Chair Seichter said if the Applicant is able to do something, there isn't a hardship with the land. He said there would be no need for a variance other than the Applicant wouldn't want to do it.

### 21. Zoning Enforcement Log

Discussed by Ms. Costello

Ms. Costello noted two FYI attachments.

## ADJOURNMENT

**Mr. Fitzsimmons made a motion to adjourn the Meeting at 9:24 p.m. Mr. Kohan seconded the motion which passed unanimously.**

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary

