

WALLINGFORD PLANNING & ZONING COMMISSION

REGULAR MEETING

MONDAY, JULY 11, 2016

7:00 p.m.

**MOTIONS**

**PRESENT:** Chairman Jim Seichter; Commissioner James Fitzsimmons; Alternates Larry Zabrowski and Gina Morgenstein.

Chair Seichter called the Meeting to order at 7:08 p.m. and announced that Alternate Commissioners Morgenstein and Zabrowski would be voting members in place of Commissioners Venoit and Menard.

**Approval of Minutes** – June 6, 2016; June 13, 2016

**Mr. Fitzsimmons: Motion to approve as amended the June 6, 2016 Public Hearing on the POCD and the June 13, 2016 Regular PZC meeting.**

Chair Seichter noted for the June 13, 2016 Meeting Minutes, on page 6, last paragraph, middle sentence, “ask if there should “e” and opportunity”, should read “be” an opportunity.

**Ms. Morgenstein: Second**

**Vote: Unanimous**

Chair Seichter announced Item #5 Site Plan (parking lot expansion)/Butler (Double Play Café)/320 Main Street -#223-16 and Item #8 Site Plan (parking lot)/Gargano Ltd. Partnership/ 9 & 11 First Street -#226-16, would not be heard tonight.

Chair Seichter noted that Item #4 Site Plan (Retail/Residential)/902 South Colony Realty/900-902 South Colony Rd. - #221-16 – was incorrect as filed noting it should have been a Special Permit. The Applicant’s representative, George Cotter, requested withdrawal of the application so it could be re-filed correctly. Chair Seichter asked Ms. Costello about the differential fee between a Special Permit and a Site Plan. Ms. Costello said the difference is \$230 vs. \$550, making it a \$320 difference.

Chair Seichter asked for a motion to waive a portion of the fee.

**Ms. Morgenstein: Motion to have the Applicant pay the difference rather than resubmit and pay the entire new amount.**

**Mr. Zabrowski: Second**

**Vote: Unanimous**

**PUBLIC HEARINGS**

1. Special Permit (Location of Use)/Valentin/4 Atwater Place - #408-16

Mr. Fitzsimmons noted all correspondence into the record: correspondence from Planning & Zoning to Michael Valentin dated June 30, 2016; correspondence received June 27, 2016 from Rosalind Page, Winterbourne Land Services; copy of correspondence received from Rosalind Page, dated June 28, 2016 addressed to Eloise Hazelwood, Director of Health, Town of Wallingford; correspondence sent from Rosalind Page to Erik Krueger, Sr. Engineer, Water & Sewer Divisions, Town of Wallingford.

Appearing in front of the PZC was Rosalind Page, professional Land Surveyor, Winterbourne Land Services; Michael Valentin, 53 Vine Street, Meriden.

Ms. Page presented an overview. She said this property, #4 Atwood Drive, is located in the Tracy Section of Wallingford and is located in a T-30 zone and is 45,000 sq. ft. She said the building existed when the Atwater sub-division was created but noted there was never a site plan. Ms. Page said because there is a new tenant with a change of use, a Special Permit is being requested. She noted there will be no change to the existing metal building with a small addition to the rear and a brick addition in the front. Ms. Page said the brick addition contains mostly offices and the metal addition houses metal storage.

Ms. Page said there is existing access from Atwater Place and the property is paved with a landscaped strip off of Atwater Place and Barker Drive. She said the Applicant seeks a used auto dealer and repair license on this site. Ms. Page said by parking regulations, 16 spaces are required and noted there are 34 existing spaces. She said the Applicant has designated customer use, car display and employee parking. She said there will be no other changes to the site; i.e., existing lighting and landscaping will remain the same. She said as a result of comments from the Town Planner, Water & Sewer and Health Depts., the plans have been revised, which includes the location of the septic system and the pump out. She said there are no floor drains in the building, so no car washing will take place. She addressed Ms. Costello's comments and said she believed the Applicant addressed most of her comments. She said one of the PZC concerns was the poor maintenance of the site. She submitted 10 photographs showing the site before and after the cleanup.

Ms. Page addressed the remaining comments from Ms. Costello's June 30<sup>th</sup> letter with regard to the curb cut being narrowed. She said the existing curb cut has been in this configuration since the sub-division was built. She said the current owner would like to leave this curb cut as is, so larger vehicles could access the site without having to drive over a curb extension. Ms. Page said the fence around the dumpster will also be shown on the final set of plans. She said regarding the landscaping, she said it was all pre-existing and have more than is required on

the side facing Atwater Place and have 12 ft. fronting Barker Drive with three trees. She said a few more trees can be added on PZC request. Ms. Page said the dimensions of the building will be added to the final plans. She noted it is a one-story building. She said no addition is proposed at this time.

Mr. Fitzsimmons asked about the curb cut noting the Applicant's request is to leave the larger than allowed curb cut so to accommodate larger vehicles. Mr. Fitzsimmons asked about the type of larger vehicles. Ms. Page said these would be 18-wheelers for a future tenant. Mr. Valentin said cars will also be towed in on a flat bed. Mr. Fitzsimmons said he would like to see more trees on the frontage.

In response to Mr. Fitzsimmons question, Mr. Valentin said he was not in business at this location at this time. Mr. Zabrowski noted the front parking areas was striped and asked if the additional areas would be striped. Mr. Valentin said he had the area on the plan striped, and they are to the current plan. Mr. Zabrowski asked if a shrubbery plan on Barker Drive would be submitted. Ms. Page said subject to the PZC's review, the Applicant can show two more new trees, but noted there are three trees along the frontage of Barker Drive; two recently planted and one on the southwest corner. She said the two new trees could be planted in between the existing trees.

Mr. Zabrowski pointed there were no trees shown on the photo. Ms. Page said on the site plan submitted, there is a tree near the fire hydrant on Barker Drive, which are existing. She said the photo may have been taken before the trees were planted. She said there will be a total of five trees along Barker Drive.

Ms. Morgenstein asked Ms. Costello about the curb cut. She said she had the impression that Ms. Costello believed the curb cut requirement she was asking for is smaller than what the Applicant has. Ms. Costello said normally she would look for a smaller curb cut for circulation purposes to contain traffic and allows for more landscaping. She noted this is an existing condition and doesn't have a major objection to this.

Chair Seichter asked about the handicapped parking spot location. Ms. Page said when one enters the site and notices the walkway to the addition and flagpole, the parking spot is located there. Ms. Costello noted there are 17 parking spaces for display, one handicap parking space for customers, five regular spaces for customers and 11 spaces for employee parking and repair. Ms. Costello said 16 parking spaces are required and the Applicant is providing 34 parking spaces.

Chair Seichter entertained Public Comment. There was no Public Comment.

Chair Seichter entertained a motion to close the Public Hearing at 7:29 p.m.

**Mr. Fitzsimmons: Motion to close the Public Hearing at 7:29 p.m.**

**Ms. Morgenstein: Second**

**Vote: Unanimous**

Chair Seichter entertained a motion on the application.

**Mr. Fitzsimmons: Motion to approve a Special Permit (Location of Use) for Valentin, to operate an automotive dealership and repair garage at 4 Atwater Place, as shown on plans entitled: "Improvement Location Survey, Existing Conditions Plan #4 Atwater Place, Also Fronting on Barker Drive, Wallingford, Connecticut", dated May 6, 2016, revised to 6-22-16, subject to:**

- 1. Comments of the Wallingford Water & Sewer Sr. Engineer dated 6-1-16 and**
- 2. Comments from the Town of Wallingford Director of Health dated 6-27-16, and response received 6-28-16;**
- 3. Comments of the Town of Wallingford Town Planner dated May 26, 2016 and 6-30-16 and response received from the Applicant's representative received 6-27-16;**
- 4. Applicant to provide additional landscaping in conformance with certain Town requirements for a total of five street trees as discussed at this meeting;**
- 5. The number of vehicles shall not exceed the 34 parking spaces as noted on the plans.**

**Mr. Zabrowski: Second**

**Vote: Morgenstein-yes; Fitzsimmons-yes; Zabrowski-yes; Seichter-yes**

**Application approved.**

- 2. Re-Subdivision/Ibar/58 North Branford Road - #102-16**

Mr. Fitzsimmons read the Legal Notice and noted all correspondence for the record: Comments from Rosalind Page, Winterbourne Land Services to Planning & Zoning Commission, dated June 8, 2016; Interdepartmental Referral from the Water & Sewer Sr. Engineer Erik Krueger, dated June 28, 2016; Comments from the Wallingford Fire Marshal dated June 15, 2016; Letter from Kacie Costello, Town Planner, to Christine Ibar, dated June 29, 2016; Comments received from Rosalind Page, Winterbourne Land Services, representing the Applicant, dated June, 30, 2016; Comments received July 11, 2016 from Rob Baltramaitis, Sr. Engineer, to Planning & Zoning Commission.

Appearing in front of the PZC was George Cotter, OCC Group and Rosalind Page, Professional Land Surveyor, Winterbourne Land Services who said this is a 6.48 parcel of land located in an RU-120 zone. She said there is one existing house and barn on the property and the Applicant

is requesting approval to divide this parcel into two lots. Ms. Page said the first lot, (northern), would be 3 ½ acres and would cover the existing house and barn, and the second lot would be just over 120,000 sq. ft. and would be the proposed new lot and house. Ms. Page said because there is no water & sewer in this area, both lots would be served by well and septic. She noted the existing house has well & septic service and soil testing has been done for the reserve system. She noted the proposed lot on lot 2 would also have new well and septic system.

Mr. Cotter described the lots on the site plan. He said these lots slope up from the road to the current house. He said along the existing house, there is a cut stone wall built along the property line. He noted variances have been granted for the existing barn and there will be a grade change of approximately 6 ft. from the road to the house which is 30 ft. back from the line. He said testing was done on the current septic system which is located to the rear of the existing house. Mr. Cotter said a reserve system was shown and a primary system will be shown on the final plans as requested. He noted on the second lot was also tested for a four-bedroom house, but could be expanded if the second house was put on the lot. He said the sanitarium accepted the design shown on the plans.

Mr. Cotter said a note will be added to the plan which will show the length of the driveway conforming to the Town Zoning Regulations. Mr. Zabrowski asked about the driveway configuration and the new house location. Mr. Cotter said whoever bought the lot would come in with their own site and septic plans. He said the Applicant has shown this is feasible.

Ms. Page said the additional issue to be addressed is the request for the waiver of the typical strip of land which needs to be deeded to the Town for highway purposes along N. Branford Rd which she said is a collector street which would require the Applicant to hold the line 30 ft. from the center line of the traveled way and establish a new street line. She said as part of the survey work it was determined that the existing barn located in the northwest part of the property, was less than a foot from the existing street line. Ms. Page said variances were granted in 2004 for the barn to remain in its place, which is being used as a poolhouse by the current residents.

Ms. Page said the Applicant is seeking a waiver of the current requirement to deed the approximate 7 ft. wide strip of land to the Town for highway purposes, because if this is done, a portion of the barn will be on Town property. She noted a memo from Town Engineer Rob Baltramaitis, who is not supporting the waiver request. She said Mr. Baltramaitis pointed out that because of the steep slope coming up from the road to the proposed street line, the strip of land may not be of any practical use to the Town. She said, despite this, the Applicant is still requesting the waiver.

Mr. Fitzsimmons noted the Town Planner commented the Commission could require open space. He asked what amount of open space the Applicant was proposing. Ms. Page said there is nothing in Wallinford's sub-division regulations which give any guidance as to how much in a

regular non-open space sub-division. Mr. Cotter said there are three lots which abut this property; the north which follows down the property line; the rear and the south. He said the open space to those homeowners are their back yards as grass area which is mowable. He said the open space would be to the lot which owns the area. He noted the fact there are developed lots would make it impractical to create an open space area which would belong to both lots. Mr. Fitzsimmons asked about waiving a request requiring the Applicant to convey land to the Town for highway purposes. He noted this is a unique road and read the Town Engineer's memo which stated this road is steep and is essentially unusual for roadway purposes. He said he supports the Town Engineer's first comments in not supporting the waiving of the requirement. Ms. Page said the request is only for the waiver, and reiterated that the Commission may request open space if deemed appropriate and will be used by these two lots. Mr. Fitzsimmons asked if the open space be the roadway needed for future use.

Ms. Costello said she wasn't sure of designating that strip as open space because of the building. She said she wasn't sure this was consistent of what is looked for with open space. She suggested a construction restriction on that strip of land for the future. She also suggested a deed restriction in the seven feet rather than an open space restriction. She said open space would probably be more appropriate on a different part of the property. Ms. Page said the Applicant would be amenable to putting a deed restriction on the seven-foot strip of no new construction, sans the new driveway which would have to be built.

Mr. Fitzsimmons said his concern is for the Town and future generations and was not in favor of granting the waiver. Ms. Page said another alternative would be to waive the requirement for the seven-foot strip for Lot #1 only and for the Applicant to convey the seven-foot strip in front of Lot #2 and put a deed restriction on the seven-foot area in front of Lot #1.

Ms. Morgenstein agreed with Mr. Fitzsimmons in that this is a road with a lot of character making for difficult situations. She noted the Town Engineer is clear regarding this and didn't see waiving either was appropriate. Chair Seichter said he agreed with the Town Engineer's comments and was also not in favor of the waiver. He said the aspects of the open space involves a two-lot subdivision, and having some dedicated open space for a two-lot subdivision was not a great concern for him and wondered how this would be handled. He said from the waiver standpoint, he couldn't support this.

Ms. Costello said if the Commission was not inclined to approve the waiver request, the Applicant would be left with the option of taking down the barn or the PZC could recommend or consider the Applicant pursue an easement with the Town to maintain this area while it exists. She said she would like to run this by the Town Attorney for appropriate language in the motion.

Chair Seichter said he didn't believe anyone is suggesting that by waiving the easement the barn has to come down. Ms. Costello said having the Town Attorney look for appropriate language may set the PZC back a month.

Chair Seichter said at this point in time, this option is viable. Ms. Page suggested a condition of approval be made that the Town Attorney work with the Applicant to come up with appropriate easement language for the barn to be on Town property and if that language isn't available, the approval will be null & void. Ms. Costello said the PZC could take action on the application and the waiver and in the language for the waiver, the PZC could recommend the Applicant pursue an easement with the Town for the existing barn. She said if the waiver didn't come to fruition, it would be up to the Applicant on how to move forward at that point.

Chair Seichter entertained public comment.

Jeremy Tomaschik, 21 N. Branford Road, stated his opposition to the sub-dividing of the lot. He said he purchased his property with the expectation that one lot would be built upon.

Chair Seichter entertained a motion to close the Public Hearing at 7:57 p.m.

**Mr. Fitzsimmons: motion to close the Public Hearing at 7:57 p.m.**

**Mr. Zabrowski: Second**

**Vote: Unanimous**

Chair Seichter entertained a motion on the application.

**Mr. Fitzsimmons: Motion to approve a Re-subdivision for Ibar to create 1 new lot from the property at 58 North Branford Road, as shown on plans entitled "Re-Subdivision Plot Plan Map Depicting Proposed Two Lot Re-Subdivision of Land N/F Christine Ibar, #58 North Branford Road, Wallingford, Connecticut", dated June 2, 2016, subject to:**

- 1. Comments of the Town of Wallingford Water & Sewer Divisions Engineer dated 6/28/16;**
- 2. Comments of the Town of Wallingford Town Engineer dated 7/11/16;**
- 3. Comments of the Town of Wallingford Town Planner dated 6/29/16 and response received from the Applicant's representative dated 6/30/16;**
- 4. Applicant's request for a waiver is not approved;**
- 5. Recommend the Applicant pursue waiver request through the Wallingford Town Attorney's office;**
- 6. Applicant shall post a \$1,000 S&E bond as required and requested by the Town Planner;**

- 7. Applicant shall provide and notify the Town Planner's office of any significant grading changes and should file a revised grading plan subject to application of the Building Permit.**

**Mr. Zabrowski: Second**

**Vote: Morgenstein-yes; Fitzsimmons-yes; Zabrowski-yes; Seichter-yes**

**Application approved**

### **NEW BUSINESS**

3. Site Plan (Warehouse/Motor Truck Terminal)/Fed-Ex Ground/29 Toelles Road - **#220-16**

Mr. Fitzsimmons noted all correspondence for the record: correspondence from Erik Krueger, Sr. Engineer, Water & Sewer Divisions, to Kacie Costello, Town Planner, dated June 28, 2016; correspondence from Kacie Costello, Town Planner, to Fed-Ex Ground, dated June 28, 2016; correspondence received by the Town Planner from the Applicant's representative on June 30, 2016; memorandum from Erin O'Hare, Environmental Planner to Planning & Zoning dated July 7, 2016; correspondence received July 11, 2016 from Rob Baltramaitis, Town Engineer for this application.

Appearing in front of the PZC was Jessica Bates, P.E. BL Companies and Dominick Celtruda, PLA, BL Companies who said the Fed-Ex Ground terminal site is approximately 18 acres and is located in an I-40 zone. He said the Applicant wishes to expand some capabilities within the trucking facility to the local distribution hub to improve safety, security and access to the site. Mr. Celtruda went over the site plan. He said the impact of the project will not increase deliveries, transportation circulation or the amount of employees to the site. He said the areas of expansion lie to the east which is the staging/storage area and this would be expanded 10 ft. which will allow for van storage. He said to the west of the site, the trailer storage area will be expanded and some wetlands will be adjusted. He said the IWWC approved this wetland adjustment.

Mr. Celtruda spoke about the wetlands. He said wetlands will be displaced and put back on the west side of the site. He said along this site, the grade will be held back by a three-ft. high retaining wall and an eight-foot high chain link fence will also be installed. He said on the front of the facility, the existing fence will remain and to the east to the bottom, there is rocky soil which will be paved and a new fence will be installed. He noted in the setback areas there will be an eight-foot high fence and in the non-setback area, a 10 ft. high fence will be installed.

Ms. Morgenstein asked about the demolition of the proposed expansion lot, noting there will be more lot after this is done. She asked how this will equal out. Ms. Bates explained the pavement



being removed is a strip along the edge which will be saw cut. She said approximately 48,000 sq. ft. of impervious will be added both in the trailer lot to the west side and to the expanded area to the south. Ms. Morgenstein asked if there will be more impervious surface in the area which abuts the river. She said she was concerned with this. Ms. Bates said various measures, which were outlined at the recent IWWC meeting, will be used to attenuate runoff. She said a stormwater basin will be installed to the west adjacent to the existing stormwater and the roofleaders will be intercepted at the maintenance building and the southeastern corner of the main hub. She said infiltrating chambers will be installed under the ground to infiltrate rain water.

Ms. Morgenstein asked about clean trash and debris and said she wasn't familiar with the boundaries, but noted on community clean-up day, there was a lot of debris. Ms. Bates said the property goes to the center of Wharton Brook and noted there is a rigorous maintenance schedule in an attempt to keep the trash out of the Brook. Mr. Celtruda said portion of the project dictates the Applicant will go through and clean up this debris.

Ms. Morgenstein pointed out that cleaning up in the past wasn't noticed and the area was overgrown. Mr. Fitzsimmons asked about the location of the two eroding discharges on the south side of the site. Ms. Bates pointed them out on the map. She said two rows of chambers sub-surface will be placed on the roof leader and a rip-rap scour hole on the eastern part of the property. She said sediment will be taken out and the rip-rap relayed. Mr. Fitzsimmons noted the date of the completion being Oct. 1 2016. Ms. Bates said acknowledged this.

Ms. Costello said she would like to see grading on the site plan sheets because it is confusing not seeing this. She requested the calculations of the landscaping plan be shown on the final plans. Ms. Costello distributed comments from the Fire Marshal to the PZC dated June 16, 2016, and to the Applicant regarding the #33 fire lanes and signage being required in front of the building.

Chair Seichter entertained Public Comment. No Public Comment.

Chair Seichter entertained a motion on the application.

**Mr. Fitzsimmons: Motion to approve a Site Plan (distribution/motor truck terminal) for Fed-Ex Ground to add trailer parking and modify the parking lot and stormwater system at 29 Toelles Road, as shown on plans entitled "Town of Wallingford Inland Wetlands and Watercourses Commission and Planning and Zoning Commission, FedEx Ground Package System, Inc., Hub CY16, Lot Expansion and Improvements, 29 Toelles Road, Wallingford, Connecticut", dated May 3, 2016, revised to July 5, 2016, subject to:**

- 1. Comments of the Town of Wallingford Town Engineer dated 7/11/16;**
- 2. Comments of the Town of Wallingford Environmental Planner dated 7/7/16;**

3. **Comments of the Town of Wallingford Town Planner dated 6/29/16, and response received from Applicant's representative dated 6/30/16;**
4. **Comments of the Town of Wallingford Water & Sewer Divisions Sr. Engineer date 6/28/16;**
5. **S&E Bond amount to be determined by the Town Planner after completion of filing of an E&S control plan as discussed at this meeting;**
6. **Applicant to provide updated landscaping plan when submitting final plans;**
7. **Comments of the Town of Wallingford Fire Marshal dated 6/15/16**

**Ms. Morgenstein: Second**

**Vote: Morgenstein-yes; Fitzsimmons-yes; Zabrowski-yes; Seichter-yes**

**Application approved**

6. Site Plan (Manufacturing addition)/Addy/122 North Plains Industrial Road - **#225-16**

Mr. Fitzsimmons noted all correspondence for the record: correspondence sent to Richard Addy from Planning & Zoning dated 6/29/16; correspondence received from Erik Krueger, Sr. Engineer, Water & Sewer Divisions, to Planning & Zoning, dated June 28, 2016; comments received from Applicant's representative from Planning & Zoning dated July 7, 2016; comments received July 11, 2016 from Town Engineer.

Appearing in front of the PZC was Christopher Juliano, Licensed Land Surveyor, Juliano Associates and the Applicant Richard Addy. Mr. Juliano explained the Applicant is seeking an expansion of an existing manufacturing facility at 122 N. Plains Industrial Road. He discussed the existing conditions plan map. Mr. Juliano said the existing 10,000 sq. ft. building is on the corner of N. Plains and Capitol Drive. He said there is an existing curb cut on N. Plains Industrial Drive and another curb cut on Capitol Drive. He said where there is parking, a shipping and receiving area and a storage containers located on the north side of the building, is where the 35 x 100 ft. addition (3,500 sq. ft.) will be constructed on top of the existing impervious area. He said in order to do this, the Applicant needed to rearrange the site and gain back additional parking which was lost on the north side of the property. Mr. Juliano said the Applicant appeared in front of ZBA last month to close the existing N. Plains Industrial Road curb cut and remove the existing island adjacent to N. Plains Industrial Road. He said in doing so, the Applicant gained six spaces that were lost on the north side of the building. He said this will also allow the Applicant to remove less than legal parking spaces along the building.

Mr. Juliano said there is no landscaping along N. Plains Industrial Road since 1980 and this was one of the reasons the application went before ZBA. He said a building has been added on one other time and noted there is a variance to keep the parking along N. Plains Industrial Road. He said additional trees and screening along Capital Drive has been provided upon request of the

Town Planner. He said bituminous pavement expansion is being sought along the north side of the building.

Mr. Zabrowski said this project will be an improvement along with blocking the driveway and providing landscaping. He asked how mature and how high the proposed landscaping trees would be. Mr. Juliano said the trees will be planting one inch to two inch caliper trees, six to eight feet from start and 20 to 25 feet upon maturity. Ms. Costello said there are additional dimensions she is seeking for the landscaped areas adjacent to the building, and some other dimensional information. She said she also had questions regarding the sedimentation and erosion controls and whether there will be a construction entrance to prevent dirt from tracking on the road.

Chair Seichter recommended the trees caliper begin at two inches. Mr. Zabrowski asked if the garbage containers would be screened. Mr., Juliano said these containers would be along the Capital Drive side against the building where they currently are presently located. He said a privacy fence around the containers could be installed.

Chair Seichter entertained public comments. There were no public comments.

Chair Seichter entertained a motion on the application.

**Mr. Fitzsimmons: Motion to approve a Site Plan (manufacturing) for Addy to construct an addition and make associate parking lot changes/improvements at 122 North Plains Industrial Road, as shown on plans entitled "Improvement Location Survey, Proposed Addition & Parking Lot Updates, Quality Engineering Services, Inc., #122 North Plains Industrial Road, Wallingford, Connecticut, dated 4/13/16, revised to 07/05/16, subject to:**

- 1. Comments of the Town of Wallingford Town Planner's letter dated 6/29/16 and response received from the Applicant dated 7/6/16;**
- 2. Comments of the Town of Wallingford Water & Sewer Sr. Engineer dated 6/28/16;**
- 3. Comments of the Town of Wallingford Town Engineer dated 7/11/16;**
- 4. In regard to landscaping, street trees should start at a two-inch caliber as discussed at this meeting;**
- 5. An appropriate S&E bond amount will be determined by the Office of the Town Planner after a final plan has been submitted;**
- 6. All refuse collection and garbage and recycling shall be screened as discussed at this meeting**

**Mr. Zabrowski: Second**

**Vote: Morgenstein-yes; Fitzsimmons-yes; Zabrowski-yes; Seichter-yes**

## **Application approved**

### **7. Site Plan (weather station tower)/Choate Rosemary Hall/211 East Main Street - #226-16.**

Mr. Fitzsimmons noted all correspondence for the record: correspondence dated June 6, 2016 which is a copy of a letter from the Environmental Planner to the Rosemary Hall Foundation, c/o Atty. Joan Molloy.

Appearing in front of the PZC was Atty. Joan Molloy, Loughlin Fitzgerald and Mike Bardos, Land Tech Project Engineer. Atty. Molloy said an application of administrative approval was submitted. She said the Applicant wishes to install a weather station tower on its property located on East Main Street which is a 120-acre site and also contains the Kohler Environmental Center which would be connected to the weather station tower. Atty. Molloy said this facility would be used by students to collect data as part of their educational process. Chair Seichter noted one PZC member requested this be put on the agenda, but noted they were not in attendance at tonight's meeting. Ms. Morgenstein said she drove by the area and noted that from the East Main Street perspective, the area is low and the Kohler Center is higher up. She said she wanted to be sure as she exited Durham Road, this could not be seen. She said it appears the tree line will keep people from seeing this. Atty. Molloy said when the vegetation is down, this structure will be seen. She said this weather station tower is not a large structure. Atty. Molloy said this is a 10 meter tower which is the US Meteorological Society recommended height. She said some of the equipment will be on top and noted a variance was obtained on the totality of the structure.

Mr. Zabrowski asked if the station was a post or a metal structure. Mr. Bardos said this will be a lattice type of tower with three legs and a zig-zag frame which holds it together.

Chair Seichter entertained a motion on the application.

**Mr. Fitzsimmons: Motion to approve a Site Plan (approved educational institution) for Choate Rosemary Hall to construct a weather tower at 211 East Main Street, as shown on plans, subject to:**

**NO CONDITIONS**

**Mr. Zabrowski: Second**

**Vote: Morgenstein-yes; Fitzsimmons-yes; Zabrowski-yes; Seichter-yes**

**Application approved**

## **DISCUSSION**

### **9. POCD Implementation Committee Members**

Chair Seichter noted a letter was received from Town Council Chair Vincent Cervoni requesting two people be appointed from the PZC to serve on the POCD Implementation Committee. Chair Seichter said he would like to serve on the Implementation Committee and noted he had spoken with Mr. Fitzsimmons who also indicated he would like to serve on the Committee. The PZC gave their approval.

Ms. Costello asked the PZC to add an agenda item: Discussion and scheduling of acceptance of the final TOD plan and to waive Rule 5.

**Mr. Fitzsimmons: Motion to Waive Rule 5 to add discussion and scheduling of acceptance of the final TOD plan**

**Ms. Morgenstein: Second**

**Vote: Unanimous**

Ms. Costello said the PZC has seen the final draft, and at the request of Mr. Kohan, the consultant added the Executive Summary at the beginning and a few technical comments. She said the final plans have been completed and are ready for print. Ms. Costello said she has to distribute the final plans to the PZC which then has to schedule a date to accept these plans. Ms. Costello noted two upcoming workshops which the PZC could choose to discuss these plans or discuss them at the August 8, 2016 meeting.

Ms. Costello recommended this item be discussed at the Monday, July 25, 2016 affordable housing workshop.

**Mr. Fitzsimmons: move the PZC add discussion and possible action of acceptance of the TOD plan.**

**Mr. Zabrowski: second**

**Vote: Unanimous**

## **REPORTS OF OFFICERS AND STAFF**

### 10. Administrative approvals

- a. Site Plan/Squance/101 North Plains Industrial Road - **#222-16**
- b. Change of Use/Bellard/600 North Colony Street - **#307-16**
- c. Change of Use/Gottshell/893 North Colony Road - **#309-16**
- d. Site Plan/Benham/236 North Colony Street - **#227-167**
- e. Change of Use/Masse/76 Center Street - **#310-16**

f. Site Plan/Estates at Wallingford/North Farms Road & Mae Lane - **#228-16**

g. Site Plan/Wallingford Country Club/195 Longhill Road - **#229-16**

11. ZBA Decisions of June 20, 2016

Ms. Costello said there was the approval of the Choate Variance for the proposed auditorium height adjacent to the Paul Mellon Arts Center.

12. ZBA Legal Notice for July 18, 2016

Ms. Costello said the ZBA meeting for July was canceled because of no applications.

13. Zoning Enforcement Log

Ms. Costello said there were a lot of animal complaints. She said she visited the dealer and repairer where cars were parked in the State Right-Of-Way and discussed how they could come into compliance. Chair Seichter asked Ms. Costello to take another look at this site. Mr. Zabrowski asked if this parking area could be striped after approval. Ms. Costello said the only approved parking spaces were perpendicular to the building. Chair Seichter spoke about the dog pound at Public Works and asked Ms. Costello to do periodic inspections.

Mr. Fitzsimmons asked about the Zoning Enforcement Log. He noted back in April the Town Council voted to waive the requirement on Simpson School. Ms. Costello said this came before her office. She said she noted there was a condition of approval during the original approval which involved the affordability component, and because there was not a component required under the Zoning Regulations, but required as part of the contract with the Town Council, there was a legal discussion and this was challenged in court. She noted the settlement stated this was under the jurisdiction of the Town Council. Ms. Costello said because this time it was only a change in the affordability component, it doesn't have to come back.

Mr. Fitzsimmons asked about an appeal of the decision and requested this be mailed to the PZC. Mr. Zabrowski spoke about a resident being concerned about a development on New Chimney Hill Road. He said the adjacent lot was dug out for the roots of the trees. He asked if the Town was precipitating this action that the area be cleaned up. Ms. Costello said there is an approved sub-division in this area, and said she and the Environmental Planners have visited the property to ensure everything is going accordingly. She said one of the challenges is that the earth is very dusty and needs to be watered down. She said there is also a lot of earth movement occurring. She said the developer has been responsive. Ms. Costello said the lot on New Cheshire Road has been asked to submit a grading plan if there is a change to the grading. She said this is usually not required. Ms. Costello said the Town has the responsibility to ensure water runoff is not increased to adjacent properties. She said there is an S&E bond.

Mr. Zabrowski noted on Chimney Hill Road where the storm sewer was connected and the new road meets Chimney Hill Road, there is a substantial dip in the road where it was patched. Ms. Costello said she would visit the site with the Engineering Dept.

### **Adjournment**

Mr. Fitzsimmons made a motion to adjourn the Meeting at 8:45 p.m. Ms. Morgenstein seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary