

# DRAFT

Planning & Zoning Commission

Monday, August 10, 2015

Robert Earley Auditorium

Town Hall – 45 South Main Street

7:00 p.m.

## MINUTES

**PRESENT:** J.P. Venoit, Acting as Chair; Commissioners James Fitzsimmons; Jeffrey Kohan; Armand Menard; Rocco Matarazzo, Alternate; Larry Zabrowski, Alternate; Town Planner, Kacie Costello.

Acting-Chair Venoit called the Meeting to order at 7:06 p.m. and announced that under Public Hearings, Item **#411-15**, Special Permit (retail/restaurant)/Acquisition Holdings LLC/893 North Colony Road – (NO ACTION REQUESTED) was POSTPONED; New Business, **#221-15**, Site Plan (restaurant modification)/Rocha/682 South Colony Road - POSTPONED; Site Plan (outdoor storage)/MacFarlane/61 North Plains Industrial Road, **#224-15** – POSTPONED.

**Approval of Minutes July 13, 2015.**

**Mr. Fitzsimmons: Motion to approve the July 13, 2015 Meeting Minutes as submitted.**

**Mr. Kohan: Second.**

**Vote: Unanimous.**

## **PUBLIC HEARINGS**

2. Special Permit (Educational Institution – Student Center)/The Choate Rosemary Hall Foundation Incorporated/28 Beaumont Avenue; former portion of Beaumont Avenue right-of-way; and property at Assessor's Map 119, Lot 59 - **#412-15**.

Secretary Menard read the Legal Notice and noted all correspondence for the record: letter from the Fire Prevention Bureau from Jeff Miller, received August 4, 2015; Inter-Office memorandum to Kacie Costello, Town Planner, from Erik Krueger, Sr. Engineer, Water & Sewer Divisions, dated July 7, 2015; Interdepartmental Referral submitted July 7, 2015.

Appearing in front of the Commission was Atty. Joan Molloy, Loughlin Fitzgerald, on behalf of the Applicant, Dr. Alex D. Curtis, Headmaster, The Choate Rosemary Hall School and William C. Gridley, Principal, Bowie Gridley Architects and Mark Bartos, Land Engineer with LandTech, Westport, CT.

Atty. Molloy said the Applicant is requesting permission to allow Choate Rosemary Hall School to construct a new student activity center which will replace the existing St. John Hall. Atty. Molloy said the School has both day students and students which reside at the school during the year. She said one of the ways the School convinces students to attend is because of the facilities they have to offer. She said over the recent years there have been many improvements made to the school. Atty. Molloy said the current student activity center was constructed in 1957 and no longer meets the current needs of the school. She said a plan has been prepared to replace the student center with a more modern and code compliant facility. She went over the steps Choate has taken to arrive at the point of presentation in front of the ZBA.

Atty. Molloy said in looking for a possible design, it became apparent that Choate acquire a portion of Beaumont Avenue. She said this would facilitate the construction of the new building and noted Beaumont Avenue is a dead end road and all but one property which fronts on this street are owned by Choate. She said there was a previous conveyance from the Town to Choate many years ago, so there was some precedence for considering this as a possibility to pursue. Atty. Molloy said early in the process, Choate representatives reached out to their neighbors and preliminary concepts were discussed and it became clear the neighbors wanted to protect the view shed, the sight line. She went over the site plan.

Atty. Molloy said Choate realized the initial concept was causing too many program compromises, and wasn't meeting the true needs of the school and community, so a decision was made to replace the current St. John Hall with a new facility which would be similar in scale to the present structure and building and noted some of the original proposed facilities to be located in this building, will be located elsewhere. Atty. Molloy said Choate approached the Town Council to get authorization to negotiate with Mayor Dickinson to acquire a portion of Beaumont Avenue. She said Choate presented a design plan which only which only required the acquisition of 90 ft. of Beaumont Avenue. She said at the hearing, the Curtis Avenue neighbors spoke about limiting the size of the road conveyance so the existing view shed could be protected. Atty. Molloy said during the hearing, it became evident the Town wished to acquire property on Washington Street, which is referred to as the "Boathouse property". She said Choate agreed to convey this property to the Town in exchange for 90 by 50 ft. portion of Beaumont Avenue.

Atty. Molloy said the Town Council recently authorized the execution of this contract by the Mayor and one of the provisions in the contract is the contingency that Choate acquire the land use approvals needed in order to build the new St. John Hall student activity center. Atty.

Molloy pointed out this portion of Choate Rosemary Hall is located in an R-18 zone or residential zone. She said educational uses are permitted in this zone, but pointed out the needs of an educational facility require structures far different from those in a residential zone. She said Choate needs to comply with current building and safety codes which are applicable to educational institutions. She said Choate also needs to stand by their commitment to the Town Council and the neighbors in that it will construct the building so it doesn't encroach into the existing view shed.

Atty. Molloy addressed a concern raised by a few neighbors regarding what might happen in the future. She noted that neither this approval nor any prior approval will create any precedence for any future application. She said each application must be judged on its individual facts for the property in question.

Mr. Bartos went over the property and zoning lines on the site plan. He said Hill House is the signature building and is seen from N. Elm Street. He said the new student center will be designed to attach into Hill House. Mr. Bartos said the building will be three stories and designed to stay back off of the view shed. He noted this building will look as if it is a two-story building. Mr. Gridley went over the overall elevation taken from N. Elm St. He said the building will be significantly lower than Hill House. He showed the proposed new building superimposed over the existing Student Center and noted the building being designed is slightly higher because of changing technology over the past 30 to 40 years which create floor to floors which have larger spaces between floors to accommodate steel structure ventilation.

Mr. Kohan asked about the road which will go around the building. Mr. Gridley pointed out there is an existing road there and is square and ends up at bungalow, goes down and makes a "t".

Mr. Gridley said there will be a geo-thermal system installed in the basement and noted the eave has been brought down on the proposed building and created two stories in a Georgian Revival style to match the scale and design of the campus and created dormers for administrative space. He showed designs of the building from different angles and different street views. Mr. Gridley discussed the height of the building and why the R-18 zone creates a hardship and would make it impossible to design a classroom building or any building which would be useful to the school. He said in a building with large spaces and recreational spaces on the first two floors, he said a ceiling height of between 10 and 12 ft. is being requested so as various activities can have adequate room and ventilation. He said in the space between the floors, he doesn't want to penetrate the steel with ducts and believe the minimum necessary to get this accomplished is between 4 ft. and 5 ft. He said this amounts to a 14 to 16 ft. floor to floor which is required to meet code. He said there is more flexibility in the attic space with 8 to 10 ft. He stressed the height of the building will be held to its absolute minimum so as not to spread out on the site which would impede on the view shed. He noted the total mean height to the center point of the roof gives the 45.5 ft. request for the variance.

Acting-Chair Venoit entertained public comment at this time.

David Strollo on behalf of Martha Triplett, 273 N. Main Street, asked about the proposed 15 ft. driveway and the cobblestone speedbumps. He asked if this would be a two-way road or a one-way driveway.

Mr. Gridley said the driveway is this is a fire lane and will be chained off. He said no one will be allowed to enter this driveway except for the two residents who have houses in that area, otherwise he emphasized this driveway will be for emergency use only.

Ms. Costello said she met with representatives for this project several times and appreciated their efforts. She said some of the meetings resulted in the supplemental plans which she said addressed the majority of her comments. She noted there were a few housekeeping matters to address including the driveway. She said zoning regulations require a 20-ft. wide drive aisle for a two-way driveway and noted she understood why there was a desire by the Applicant not to do this. Ms. Costello said she said this is only appropriate and can only be permissible under the zoning regulations if there will be some sort of restricted access way. She said she didn't recall a driveway from the circle at Hillhouse to Beaumont Avenue. She said a one-way drive would be allowed to be narrower, down to 10 ft. 8 inches which would require the parking spaces to be angled and would limit the residents of the houses to go in and out. She said if the portion of the drive was only made accessible to these residents, it could be treated more as a residential drive and could be more appropriate as a 15 ft. driveway but noted there needs to be more of a physical barrier. She wondered if there was a physical barrier on the Beaumont side of the campus.

Ms. Costello said there was an agreement with the Fire Marshal's office and asked the Applicant to go over this agreement with the Commission. Ms. Costello asked about the parking at the existing building. She said currently the parking lot is used by staff only and wanted to ensure this didn't change.

Mr. Bartos went over the Fire Marshal's issues. He said they were asked to round the corner to a 40 degree radius so apparatus could be parked with outriggers and to add pavement or pavers to make the area stable. He said the Applicant was also asked to install a Fire Dept. connection because of water pressure issues on Beaumont down on N. Elm Street so water can be pumped up. He said the Applicant is willing to do this. Atty. Molloy addressed parking. She said students coming to the student center will be walking. She said day students have assigned parking outside of this area. She said no changes are anticipated to parking because of construction of the new student activity center.

Mr. Gridley said this path/driveway will be chained or have bollards and be as minimally intrusive as possible. He said the Beaumont Avenue side of the campus can have bollards or a chain installed. He said the Applicant wants this to look like a driveway. Ms. Costello asked about deliveries. Mr. Gridley said this is a fire lane.

Mr. Zabrowski asked about Beaumont Avenue noting there were no cobbles and no bollards shown. Mr. Fitzsimmons asked about vehicular traffic. He noted Choate is acquiring a certain part of Beaumont Avenue going forward, and asked if this would be signed as a private road. Atty. Molloy said this hasn't been an issue which someone has raised and noted the Applicant is treating that section of road as a part of the entire site development. She said she would hesitate installing a private road sign because this insinuates people can drive on it. She said the Applicant will have discussions with staff regarding this issue.

Mr. Fitzsimmons asked about page 4 of the traffic study which stated there were 220 day students of which approximately 50% were dropped off at Gunpowder Creek, the other side of Christian Street. He asked how the on-campus parking would be controlled. Atty. Molloy said all of the parking spots in the Hillhouse vicinity are for staff. She said if a student parked there, a staff member would be displaced and noted actions would be taken by the school to remedy this. Mr. Fitzsimmons asked that the traffic expert be on-hand at the next meeting to answer questions. He asked about the location of the parent drop-off. He was told that day student parking is only allowed for seniors and noted that students get a red emblem sticker and staff gets a blue emblem sticker which must be registered with the Dean of Students and Community Safety. Mr. Fitzsimmons was told there were also two drop-off areas on both ends of Hillhouse noting the day students would not be forbidden to use Beaumont but would not be able to drive up to the student center building.

Mr. Fitzsimmons referenced page 6 of the traffic study which spoke about traffic volume and that a traffic signal would be possible based on the level of student activity and pedestrians crossing the stop signed controlled intersection of Christian and North Elm Streets. He asked if a traffic light was being requested or the maintaining of the all way traffic stops. Atty. Molloy said the Traffic Engineer did not recommend a traffic signal. Mr. Fitzsimmons said he would like to question the Traffic Engineer on this issue in September, and made reference to a statement in the traffic study which stated that 90 buses pass through that intersection between 7:15 and 8:15 a.m. He said he wasn't sure if this was all school buses and if the traffic count was done when the school was on break. He said if this study was done during public school break, he has a problem. He said this is a busy intersection and is surrounded by Choate and said he was in favor of public safety for the Choate students and for people who drive through the intersection. He requested additional information in advance of the next meeting. He said he is concerned about the numbers for this residential area. He asked Ms. Costello to inform the Engineering Dept. that he was questioning the traffic study.

Mr. Fitzsimmons also asked about the total number of handicapped parking spaces in the area. He was told there would be six handicapped spaces. Mr. Kohan asked about the traffic signal and wanted information on when Choate has special events and would it be safer to have a traffic signal for kids to cross. Mr. Zabrowski said he believed a traffic light would compound the issue because of the crosswalks and didn't believe a traffic light would help the situation and noted it was a pleasure to see motorists on their best behavior traveling through Choate.

Mr. Fitzsimmons said he wasn't in favor of a traffic signal. He said he was surprised at the volume count and noted this is a unique situation because the students are crossing during the rush hour. He said he questioned the sentence of whether the traffic study was done when the public schools were in session.

**Mr. Fitzsimmons: Motion to continue the Special Permit (Educational Institution-Student Center)/The Choate Rosemary Hall to the September 16th meeting**

**Mr. Kohan: Second**

**Vote: Kohan-yes; Fitzsimmons-yes; Menard-yes; Matarazzo-yes; Venoit-yes**

The application was **TABLED** to the September 16<sup>th</sup> meeting.

**NEW BUSINESS**

**4. Site Plan (addition)/Edible Arrangements International - #223-15**

Secretary Menard read all correspondence into the record: letter to Don Ford from Kacie Costello, Town Planner, dated July 17, 2015; Edible Arrangement Checklist; letter from Milone & MacBroom dated August 20, 2015 to Kacie Costello, Town Planner; Interdepartmental Referral received August 10, 2015; Fire Prevention Bureau letter received August 5, 2015.

Appearing in front of the Commission was Dan Kroeber, P.E., Milone & MacBroom; Don Ford, VP of Real Estate and Construction for Edible Arrangements and Greg Horan, Director of Facilities, Edible Arrangement.

Mr. Kroeber said the property is located at 95 Barnes Road which is the headquarters. He said the site which is 4.6 acres, is in an IX zone and the majority of the building has been Edible Arrangements for years but the site of the expansion was a former bank which has 136 parking spaces and is slightly over 34,000 sq. ft. Mr. Kroeber said there is a training center at this facility as well as the call center. He said the proposed addition is the area where the TD Bank drive thru was located. He said the proposed addition will involve dropping the façade from the second floor and the area in between the radius will be in filled and will create approximately 1,030 sq. ft. of additional area with 7 proposed parking spaces being created across the front of the building. He said a sidewalk will wrap around the front to a delivery door at the other side of the addition.

Mr. Kroeber said Edible Arrangement is restructuring the first floor of the building and are looking to take the current training center and move it into the first floor and have a trail kitchen where people learn how to cook and prepare food. He said the current lobby and reception area will have a small retail component which staff and vendors will utilize. Mr. Kroeber said there is a potential to have some members of the public visit the facility but noted that 70% of Edible Arrangement's business is web driven. He said even though the total

amount of space is over 34,000 sq. ft. and the retail component is 439 sq. ft. about 1% of the building area. Mr. Kroeber spoke about storm water management and noted there will be a reduction in the impervious surface. He said there will also be very little soil disturbance and recommended a silt sac to prevent sediment entering the drainage system.

Mr. Kroeber said no changes are being proposed to the lot area or the building height and there will be no protrusions to impact setbacks. He said there will be 61/6% open space and 8.3% of building coverage where 25% is allowable. Mr. Kroeber said there 138 spaces would be required and there are currently 143. He spoke about the five foot minimum landscape strip adjacent to the building and went over the site and floor plan along with the building addition and a rendered copy of the building elevation and addressed comments from Ms. Costello.

Mr. Kohan said he was in favor of the plan and pointed out the front area of the lawn appears to have a gully and wondered if this area is prone to erosion. Mr. Horan said this erosion is worse in the spring with the snow runoff. He said the water collects in this area from the various parking lots and dries out as the season's progress but doesn't seem to be eroding in manner to cause concern.

Mr. Matarazzo asked about the store being open to the public for retail sales. He said he was concerned about traffic and parking since there is no other Edible Arrangement store in Wallingford.

Mr. Ford said there are 1,200 locations worldwide and noted the Wallingford location doesn't fit the profile because it is not in a retail environment, but in an industrial area. He said signage will not change and will not indicate a retail store below. He said he anticipates most of the business will be from employees in the corporate center. Mr. Matarazzo said there is concern that once word gets out, traffic may increase. He said if sales are generated by phone calls, people may try to call in an order and pick it up. Mr. Ford said if someone from Wallingford went on the web, it picks the three closest stores unless the customer picks Wallingford. He said the closest stores are Meriden and North Haven which both deliver to Wallingford. Mr. Kroeber said seven parking spaces will be added at the lower level. Mr. Fitzsimmons asked about comments from the Engineering Dept. Ms. Costello said Engineering did not have any concerns about the application. Mr. Fitzsimmons said he agreed with the Applicant's representative regarding adjusting and accommodating the landscape requirement and has no objection to what is being proposed. He asked if two or three parking spots could be designated for the retail store parking only. The Applicant agreed with this suggestion.

Mr. Zabrowski said the original architectural design was nice and noted this accent will now be lost along with the ability to drive completely around the building. Mr. Matarazzo asked why the Fire Marshal didn't comment about the loss of the ability to drive around the building. Ms. Costello said the Fire Marshal had conversations with the Applicant and noted there is an attachment from the Fire Marshal signing off on the design.

Ms. Costello pointed out Section 4.9E4 in the Zoning Regulations in the IX District which allow for retail operations which are secondary to but integrated with the main use on the premises provided the operation shall not utilize any more than 3,000 sq. ft. or 10% of the gross floor area of the principle use or whichever is smaller and said this proposal falls within this provision. She requested the Applicant perform a basic traffic study done to ensure the proposed retail operations didn't have any major traffic generation problems. She noted that Mr. Hua, Traffic Engineer, noted an increase of two peak hour vehicle trips during the weekday pm peak hour and four during the am peak hour. She said Mr. Hua felt this was acceptable. Ms. Costello said the Applicant accounted for the addition in their new parking calculations. She said the Applicant is required to provide for their parking needs on-site.

Ms. Costello suggested two Conditions of Approval: comments from the Water & Sewer Divisions dated August 6, 2015 and a \$1,000 S&E bond for the grassing of the grass area.

Acting Chair Venoit entertained Public Comments at this time.

No Public Comments.

Acting Chair Venoit entertained a motion on the application at this time.

**Mr. Fitzsimmons: Motion to approve a site plan for Edible Arrangements International, to construct an addition to the building and associated site changes, and to add an ancillary training/retail use, as shown on plans entitled "Edible Arrangements Building Addition, 95 Barnes Road, Wallingford CT", dated July 9, 2015, updated to 08/04/2015, subject to:**

- 1. Comments of the Town of Wallingford Health Director dated 7/31/15;**
- 2. Comments of the Town of Wallingford Town Planner dated 7/17/15 and response from Applicant's representative dated 8/4/15;**
- 3. Additional signage to designate three specific parking spots for exclusive use of retail store operation;**
- 4. Comments of the Town of Wallingford Water & Sewer Senior Engineer dated 8/6/15;**
- 5. Posting by the Applicant of a \$1,000 S&E bond as recommended by the Town Planner**

**Mr. Kohan: Second**

**Vote: Kohan-yes; Fitzsimmons-yes; Menard-yes; Matarazzo-yes; Venoit-yes**

**Application approved.**

**RECEIPT AND ACTION REQUESTED**

6. Site Plan (Accessory Apartment)/Catino/11 Trumbull Drive-#226-15 – POSTPONED.

**Mr. Fitzsimmons: Motion to continue this application to the September 16, 2015 meeting as recommended by the Town Planner.**

**Mr. Kohan-Second**

**Vote: Unanimous**

### **ELECTION OF OFFICERS**

7. Election of Officers- **POSTPONED**

### **BOND RELEASES AND REDUCTIONS**

8. Robert Errato/35NB Highland Avenue – **POSTPONED TO THE SEPT. 16, 2015 MEETING.**

### **REPORTS OF OFFICERS AND STAFF**

9. Administrative Approvals

Ms. Costello said there were two administrative approvals.

- a. Milano/Change of Use/ 1199 Old Colony Road - #312-15 – “Approved Administratively”
- b. 62 Barnes Industrial LLC/Site Plan/62 Barnes Industrial Road North - #225-15 – “Approved Administratively”.

Ms. Costello explained the Barnes Industrial LLC application incorporated a small retail component for a distribution facility for large vehicle parts.

10. ZBA Decisions of July 20, 2015

Ms. Costello said all three applications were approved included the Choate Rosemary Hall height variance.

11. ZBA Legal Notice for August 17, 2015

Ms. Costello explained there are two applications for a two-car garage variance and a variance for a second floor dormer addition. Acting Chair Venoit asked if there were any new applications for garage additions since the regulations were modified. Ms. Costello said some Applicants were able to come in by right and didn't have to apply for a special exception. She noted there is one Applicant scheduled for the September meeting who will have to apply for a variance but added she believes the regulations are working.

12. Zoning Enforcement Log

Ms. Costello said all of the open zoning complaints have been brought up to date as they are all now entered into the report but not all up to date in regard to notices being sent out. She said she will present monthly reports on what accounts have been closed and also provide a by date version of the zoning complaint report based on the date the complaint was opened.

Mr. Kohan discussed the issue at Vietnam Veteran's Memorial Park and asked why the Town wasn't on the zoning violation log. Ms. Costello said the Town is in the process of applying and should be receiving an application within the next few weeks.

Mr. Kohan said he has brought this up over the past few meetings and said there doesn't seem to be a process for everyone to follow. Ms. Costello said if she is working with an Applicant on a violation and they are addressing the violation, it doesn't end up on the log. She said they are trying to be more consistent and felt it was more important to get the violation resolved then spending time updating the log. She said she understood the concern and emphasized the Town should be held accountable and is pursuing this. Mr. Kohan said the application goes back to 2013 and was brought up four or five months ago and said he can't understand why it is taking so long. Mr. Kohan said he believes this should have been on the complaint report several months ago when it was first brought up. He said he believes we are being selective.

Mr. Kohan said he goes to the park every weekend and his concern is that the rocks line the street down to the playing field and noted the upper parking lot was full forcing people to walk down to the playing fields. He said he thought the original application had a fence to prevent people from walking on the road and said the stones don't allow for safety especially for children walking down from the upper parking lot to the field and noted children were playing on top of the rocks. He said they could also dart out from behind the rocks on their way to the playing fields. He said we need to be consistent and noted the Town in the past should have been on this list more often than they have been. He said if it isn't resolved, he would like to see it on the complaint report and come back before the board and not be an administrative approval.

Mr. Fitzsimmons said he agrees the Town should appear on the zoning enforcement list because they are breaking the rules, and noted the rules are for everyone. He asked about the dog pit on Hartford Turnpike where he saw fill. Ms. Costello said the Town is allowed to keep clean fill within the blocked off area.

## **DISCUSSION**

13. Estates at Wallingford/Tran

14. Paradise Hills/Jones

Ms. Costello said she notified the two parties that these items would be on the agenda for discussion tonight. She said the first item involves erosion issues at the Toll Brothers development. She explained there were changes to the grading and a wall built to the rear of

some of the properties which abut the Verna development and issues were created as a result of this. She said she went to inspect and made the owners aware of the problems before the S&E bond can be released. She noted the developer isn't held to any particular type of grading plans so the developer can modify the plan. Ms. Costello said the Engineering Dept. has discussed this with her office in the past.

Ms. Costello said she received an email from a neighbor near Paradise Hills who spoke at some of the workshop who had concerns. Ms. Costello said there are some issues but not zoning violation issues which have been raised in the past. She said Paradise Hills needs to come in for a site plan modification to address parking requirements. She noted Paradise Hills has widened the road and this also needs to be addressed.

Mr. Fitzsimmons said he has discussed this email with Chair Seichter and others and brought up the possibility of changing procedures to having the deadline for new information being the Friday before the scheduled meeting so an Applicant doesn't turn in revised maps and documents at the meeting. He said he believed the Town of Cheshire requires information to be submitted five days before the scheduled meeting and said it comes down to the public's right to know. He suggested discussing this at a future workshop. Ms. Costello suggested scheduling a workshop the end of September.

**Mr. Fitzsimmons: Motion to schedule a workshop for Sept. 28, 2015 at 7 p.m. in Room 315 to discuss documentation requirements to be heard at a public meeting and any other topics.**

**Mr. Kohan: Second**

**Vote: Unanimous**

**ADJOURNMENT**

**Mr. Fitzsimmons made a motion to adjourn the Meeting at 9:p.m. The motion was seconded by Mr. Kohan and passed unanimously.**

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary