

**Wallingford Planning & Zoning Commission**

**Monday, August 14, 2017**

**7:00 p.m.**

**Robert F. Parisi Council Chambers**

**Town Hall – 45 South Main Street**

**MINUTES**

**PRESENT:** Chair James Seichter; Commissioners Jeffrey Kohan; Armand Menard; Rocco Matarazzo; Alternates Gina Morgenstein; Steve Allinson.

**NOT PRESENT:** Vice-Chair J.P. Venoit; Commissioner James Fitzsimmons.

Chair Seichter called the Meeting to order at 7:06 p.m. and the Pledge of Allegiance was recited.

**Approval of Minutes – July 10, 2017 – TABLED**

Chair Seichter announced that Item #5 – Site Plan (Traffic Circulation Modification)/LaFond/968 Yale Avenue - **#223-17 (NO ACTION REQUESTED)** and Item #7 Site Plan (Dental office/retail space)Signore/1163 South Broad Street - **#225-17 – (NO ACTION REQUESTED)**

**PUBLIC HEARINGS**

- 1. Special Permit Revision (Power Generation)/ Wallingford Energy II/115 John Street - #410-15**

Mr. Menard read the Legal Notice and noted all correspondence into the record: letter from Wallingford Dept. of Engineering dated August 10, 2017 to Wallingford Planning & Zoning Commission; letter dated August 3, 2017 from Kacie Costello, Town Planner to Brandon Pollpeter, Wallingford Energy II, LLC; 3 photos of Wallingford Energy II, LLC., proposed site plan modification and ThermoSpa Access Road; letter dated August 9, 2017 to Kacie Costello, Town Planner, from Brandon Pollpeter, Wallingford Energy II, LLC.

Chair Seichter announced the voting members would be Kohan, Seichter and Matarazzo, Morgenstein and Menard (for Vice-Chair Venoit).

Appearing in front of the Commission was Gordon Holk, Sr. Project Manager for the owner of the Wallingford Energy facility and the Owner's Rep.

Mr. Holk said there was a berm adjacent to the sound wall which was just installed. He said the old berm was offset from the old sound wall which made a visual difference. He said the new berm adjacent to the sound wall defeats the utility. He said there are two auxiliary transformers which would landlock them from future maintenance, which is the primary reason for requesting the elimination of the berm.

Ms. Morgenstein said she was befuddled by the photos and asked if the building had a new look with the sound wall. She said she wasn't clear about the berm. Mr. Holk pointed out the location of the berm which he said would be as high as the fence and the trees would be another 10 to 15 ft. in height. Chair Seichter noted that with the information provided by the Applicant to the Commission, there would be a cost to install the berm. Chair Seichter asked about an irrigation system in place currently. Mr. Holk confirmed there was an irrigation system with the berm. Ms. Costello said she said this was required when the turbines were approved in addition to the wall which she said was aesthetically pleasing. She suggested adding landscaping to soften the appearance as it is visible from the adjacent properties. Ms. Costello said from the road, it is set back from the Right-Of-Way and with the right trees, the berm might be helpful.

#### **PUBLIC COMMENT – NONE**

Chair Seichter agreed with the Town Planner stating that the berm softens up the appearance of the building and the wall. He said he was not in favor of approving the revision to the Special Permit. Ms. Morgenstein said to have a fence and a building isn't in keeping of what is required of other business owners. Mr. Kohan said the berm would be a benefit to the surrounding area. Mr. Matarazzo agreed with the comments of the Commission and Ms. Costello. Mr. Menard asked Ms. Costello if the neighbors have complained about noise. Ms. Costello said the sound wall is effective and there have been no noise complaints. She noted the primary neighbor is the old ThermoSpa's building and the Allegheny Ludlum property but pointed out they are far enough away not to complain. Mr. Holt asked to work with the Town Planner in order to ensure the transformers have access to maintenance, because the berm will surround the two transformers.

Ms. Costello said this request may require a reduction in the size of the berm and the number of trees but this can be discussed as a field change. Chair Seichter entertained a motion to close the Public Hearing.

**Mr. Kohan: Motion to close the Public Hearing at 7:20 p.m. Mr. Matarazzo seconded the motion.**

**Vote: Unanimous**

Chair Seichter entertained a motion on the application.

**Mr. Kohan: Motion to approve a Special Permit Revision (power generation) for Wallingford Energy II, to remove the previously required landscaped berm to the north of the new power turbines at 115 John Street, as shown on plans entitled "Wallingford Energy Facility Expansion Project, 115 John Street, Wallingford, CT" dated 8-1-16, updated to 11-28-16, and as represented in the letter from Brandon Pollpeter, LS Power Development, LLC, to Kacie Costello, Town Planner, dated August 9, 2017, subject to:**

At this time, Ms. Costello pointed out that if the Commission voted to approve, the Commission would be voting to approve the removal of the berm. She said if the Commission denies this application, the berm remains and she can work with the Applicant to do a field change. Chair Seichter said the Commission is denying the motion, but giving the Town Planner and Applicant an ability to discuss a field change which would not require the Commission's approval to do some reorientation of the berm.

**Mr. Kohan then made a motion to DENY the Wallingford Energy Special Permit. Mr. Matarazzo seconded the motion.**

**Vote: Morgenstein-yes to deny; Kohan-yes to deny; Matarazzo-yes to deny; Menard-yes to deny; Seichter-yes to deny**

#### **SPECIAL PERMIT APPLICATION DENIED**

2. Special Permit (structures exceeding 50 ft. in height)/Ferti Technologies/155 East Street - #409-17

Mr. Matarazzo read the Legal Notice and noted all correspondence for the record: Inter-Departmental Referral received August 10, 2017 from the Fire Marshal; Inter-Departmental Referral received August 8, 2017 from Erin O'Hare, Environmental Planner; Interoffice Memorandum from Erik Krueger, Sr. Engineer, Water and Sewer Division to Kacie Costello, Town Planner, dated August 10, 2017.

Appearing in front of the Commission was Claudia Vaillancourt, of Ferti Technologies which she said was founded by her father in 1987. She said the company blends fertilizers for golf courses, landscapers and the retail market. She said the company has been serving the New England region for decades and said the company has big distributors in CT. Ms. Vaillancourt noted Ferti Technologies has two U.S. facilities and two in Quebec. She said the company stores raw materials and blends them together, bag them and ship out the product.

Ms. Vaillancourt said the company is requesting a Special Permit, noting they have three towers which will be higher than 50 ft. and lower than 70 ft. She said one tower will be for receiving raw materials in bulk and two more elevators for the bagging and production areas and this is why the elevators need to go up 69 ft.

Ms. Costello said with Special Permits, the regulations limit this to 10% of the area of the building which combined, the towers are under and are as far away from the property as they are tall. Chair Seichter noted this is an industrial area and the property slopes down from the street.

## **PUBLIC COMMENT**

Tim Ryan, Economic Development, said the EDC supports this application entirely. He said he contacted counterparts in other communities which have the Ferti plants and said he was told there are no issues. He said several months back, the Fire Marshal, Fire Chief, Water and Sewer are all in support.

Larry Morgenstein, S. Main Street, asked about possible environmental impacts and concerns. Ms. Vaillancourt said Ferti doesn't manufacture anything, just blend the materials together, bag them and ship them product out.

Jim Wolf, Economic Development Commission stated that when research was done, the product is coated and noted this company is a good fit for this building and support this.

## **END OF PUBLIC COMMENT**

Ms. Vaillancourt said the elevators are usually 2 ft. by 4. ft. and will be a small portion of the building. Mr. Matarazzo asked if the entire building would be utilized. Ms. Vaillancourt said a portion of the building will be used for storing raw materials and another portion will be used for production line. She said everything else will be used for storage.

Chair Seichter entertained a motion to close the Public Hearing.

**Mr. Kohan made a motion to close the Public Hearing at 7:33 p.m. Mr. Matarazzo seconded the motion.**

## **Vote: Unanimous**

Chair Seichter entertained a motion on the application.

**Mr. Kohan: Motion to approve a Special Permit (structure height greater than 50 ft.), for Ferti Technologies, to construct a 3 material elevator structure at heights of 69' 10", 69' 10", and 55' as part of a new fertilizer compounding/packaging/distribution use at 155 East Street, as shown on plans entitled "Thermo Spas, Inc., 155 East Street, Wallingford, CT", dated 1/6/02, as updated by the Applicant and received by the Planning and Zoning Commission on July 26, 2017, subject to:**

- 1. The map referenced is only in regard to the elevator heights/location;**
- 2. Comments of the Fire Marshal dated August 14, 2017;**

3. **Comments of the Environmental Planner dated August 14, 2017;**
4. **Comments of the Water and Sewer Department dated August 10, 2017**

**Mr. Matarazzo: Second**

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

**Application approved**

## **OLD BUSINESS**

3. Site Plan (Multi-family conversion in CLB zone)/DeCarlo/143 South Main Street - **#221-17.**

Mr. Matarazzo noted all correspondence for the record: Memo to Planning & Zoning, Kacie Costello from the Fire Marshal dated June 22, 2017; Inter-Departmental Referral received July 6, 2017 from the Fire Marshal; Inter-Departmental Referral dated July 5, 2017 from Ed Rizzo, Chief Engineer; Interoffice Memorandum dated June 30, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions to Kacie Costello, Town Planner; Revised Site Plan received July 10, 2017; Site Plan; Email dated July 26, 2017 from Michael Gudelski, Fire Marshal to Kacie Costello, Town Planner; Letter to James Seichter, Chair, Planning & Zoning Commission received August 14, 2017 from Jerry Farrell, Jr., President, Wallingford Historic Preservation Trust.

Appearing in front of the PZC was Christian DeCarlo, owner of CN Jones Homes, LLC and 143 S. Main Street. Mr. DeCarlo said he wants to convert a single-family home with an accessory apartment into a three-family residential unit. He went over the design and conversion by noting the first and second floors have existing apartments, and noted the second floor was an existing accessory apartment which will be converted to a full apartment as well as the third floor. Mr. DeCarlo said there are two means of egress; the back stairwells exist but need to be modified to meet current building code. He said the front staircases cover the first and second floors. He said an additional new staircase from the second to the third floor in the front entryway would need to be constructed for the second means of egress to the third-floor apartment.

Mr. DeCarlo said that six parking spaces would also have to be provided and noted five parking spaces have been added in the rear of the property to the southside of the garage as well as two additional spaces in the garage. He said the parking spaces can be seen from around the corner so there is no issue with oncoming and outgoing traffic and there is enough room for vehicle backing. Mr. Menard asked about the boundary markings. Mr. DeCarlo noted the Engineering Dept. came to the site and put in the front markers and noted there are two pins in the rear of the property which he said has not been surveyed.

Chair Seichter asked Mr. DeCarlo to review the letter sent to the PZC from the Wallingford Historic Preservation Trust. Mr. DeCarlo said the Trust had the property surveyed several years

ago and didn't believe there was a dispute on their side. He said he Ms. Morgenstein pointed out that many trees were taken down because of parking needs, some close to the property line. Mr. DeCarlo said he would perform a survey if required. Chair Seichter said he would be leaning towards a survey after reading the letter from the Wallingford Historic Preservation Trust. Mr. DeCarlo said the Engineering Dept. marked the front pins and it was a straight line to where the trees were taken down and noted none of the pins were touched. Mr. Menard said this application should be tabled until there is an A-2 survey done.

Chair Seichter entertained Public Comment at this time.

## **PUBLIC COMMENT**

Jerry Farrell Jr., President of the Wallingford Historic Preservation Trust, said the Preservation Trust opposes this application in the strongest of terms. He said the Trust shares a common border with Mr. DeCarlo and pointed out the Trust also had a survey done a few months ago by Rosalind Page of Winterbourne Land Services. He said markers were placed and noted that recently Mr. DeCarlo purchased 143 S. Main Street and rather than communicating with him, Mr. DeCarlo told some volunteers in the back yard of the museum and told them he had moved the markers because the survey done by the Trust was wrong. Mr. Farrell said some of the markers were missing and then filed a police report which he submitted to the PZC. Mr. Farrell said after reporting the matter to the Police, he went to the Town Hall to investigate Mr. DeCarlo's claims and failed to find any survey he had filed with the Town or any building permits. Mr. Farrell said the application for site plan approval was found and he told the PZC this application should be denied. Mr. Farrell said the name of the surveyor was left blank. He said it was clear under Section 7.4, a site plan map and an A-2 survey needs to be submitted. Mr. Farrell said under Section 7.4 and Section 6/11G, Mr. DeCarlo should be required to submit a landscaping plan, a parking plan and a sedimentation and erosion control map. Mr. Farrell pointed out that every mature tree on his property has been removed.

Mr. Farrell noted there is also no current accessory apartment, pointing out the apartment was abandoned in 1995. He said the Trust has multiple issues with the application and didn't understand why this application as going forward. He asked the Applicant be required to return with some of these items.

Gerald E. Farrell, Sr., speaking as the husband of Maryann Farrell, owner of 106 S. Whittlesey Avenue, told the PZC that his wife is opposed to the application because there are no storm sewers in front of this property and no place to dispose of water. He said if the Applicant has a large impervious area from a parking lot, the water will run downhill to his neighbor's property and his property. He said he agreed a sedimentation plan be required before anything is approved.

Jean Garcia, 126 North Street, speaking as a concerned citizen and on behalf of the Historic Preservation Trust, said that many of the historic homes in town have been turned into

boarding houses or multi-family homes. She noted this is an historic home and to have it changed from a one-family to a multi-family would destroy the historic value of the property. She said she was on-site the day Mr. DeCarlo told them he removed the middle property marker of their survey. Ms. Garcia said the property marker was put on the property of the house to the right. She said there is also neon pink spray paint on their 150-year old historic wall.

Richard Freeman, 135 S. Main Street, echoed the concerns raised and noted the trees that were removed changed the view forever. He spoke about the width of the driveway and would like to have this plan clarified and also spoke in favor of a survey.

### **End of Public Comment**

Chair Seichter asked Ms. Costello to comment on the quality of the application citing the public's concern regarding the drainage issue and the survey. Ms. Costello said this is one of the few zones in town which allow for multi-family conversion provided that sufficient parking is provided. Ms. Costello pointed out that when the change is primarily a change of use occurring within the building, many of the site plan requirements are waived. She said she spoke to the Applicant about working with the Town Engineer regarding the drainage and the grading and the submitting of a final plan.

Chair Seichter said after listening to the public, it seems a survey is prudent. He said he would like to see a plan showing the drainage and having the Town Engineer review the plan. Chair Seichter said he would like to see some of the landscaping that is there and what is being proposed on the plans. Ms. Morgenstein noted the Applicant didn't give a depth to the property line, but a depth west to east. She asked the distance between the parking spots and the Applicant's perceived parking line and if there would be room to install shrubs. Mr. DeCarlo said there would be 4 ft. from where the wheel stops would be installed to the property line. Ms. Morgenstein said she would like to see pervious surfaces. Mr. Kohan said he was in agreement with the other comments especially about obtaining a survey and suggested the driveway be mapped out and there be a drainage and grading plan.

Mr. Matarazzo said he agreed with Ms. Costello and the rest of the Commission regarding an A-2 survey before moving forward with the application. Ms. Costello said if there is a discrepancy with the property line, and if the surveys don't line up, the Town has no authority over private property line disputes.

Mr. said a landscaping request from Planning & Zoning seems unusual. Chair Seichter said he would like to see landscaping. Chair Seichter entertained a motion to continue this application to the Sept. 11, 2017 meeting.

### **Mr. Kohan: motion to continue the DeCarlo application to the Sept. 11, 2017 meeting.**

**Mr. Matarazzo: Second**

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

**NEW BUSINESS**

4. Site Plan (Accessory Apartment)/Aszklar/4 Gina Lane - **#222-17 –TABLED**

6. Site Plan (Accessory Apartment)/Manginelli/36 Edgerton Road - **#224-17**

Mr. Matarazzo noted all correspondence for the record: Letter from Kacie Costello, Town Planner to Kimberly Ann Maginelli dated July 31, 2017; Inter-Departmental Referral dated July 18, 2017 from the Fire Marshal.

Appearing in front of the PZC was Kimberly Maginelli, 36 Edgerton Road, who said she bought a two-family home in 2006. She said the adjacent apartment was already in existence but has been empty since her aunt moved out several years ago. Ms. Maginelli said she and her husband want to sell the property and after doing research, discovered the apartment was not approved by the Town. Chair Seichter asked Ms. Costello about the layout, especially the square footage. Ms. Costello said she was given a revised plan based on the Assessor's information. She said she did the inspection and noted the sq. footage is 760 sq. ft.

No Public Comment

Chair Seichter entertained a motion on the application.

**Mr. Kohan: Motion to approve a Site Plan for Manginelli for a 760 sq. ft. accessory apartment at 36 Edgerton Road, as shown on untitled plans, fax received on July 7, 2017, subject to:**

1. **Final inspection by the Zoning Enforcement Officer**
2. **Dimensions to be corrected on the plan**
3. **Comments of the Fire Marshal dated 7/7/17**
4. **Comments of Water and Sewer Division dated 7/7/17**

**Mr. Matarazzo: second**

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

8. Site Plan (maintenance/storage shed)/T.O.W. Engineering Dept/121 North Main Street - **#226-17**

Mr. Matarazzo noted all correspondence for the record: Letter from Kacie Costello dated August 1, 2017 to Rob Baltramaitis; Memorandum from Rob Baltramaitis dated August 9, 2017 to Kacie Costello, Town Planner; Inter-Departmental Referral received July 18, 2017 from the Fire

Marshal; Inter-Office Memorandum to Kacie Costello, Town Planner, dated August 4, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions.

Appearing in front of the PZC was Robert Baltramaitis, Town Engineer and Police Chief William Wright. Mr. Baltramaitis said this application involves improvements to eight parcels of Town property. He went over the site plan and proposed improvements and noted there are three buildings on the property: the uptown Fire Department located at 95 N. Main Street; the Police Dept. located at 121 N. Main Street and one of the old Wooding Buildings at 43 Wallace Avenue.

Mr. Baltramaitis noted that in 2013, the Town made street scape improvements to the first 310 ft. of Wallace Avenue which included new curbing, new sidewalks and decorative lighting. He said the Town also constructed public parking on the west side of Wallace Avenue which provided 70 public parking spaces. He said there was also improvements made for the Police Department on the north side of Town property. Mr. Baltramaitis went over the utility and grade plan site and pointed out the proposed improvements which he said involves adding new public parking of 79 spaces on the west side of Wallace Avenue and a 3,600 sq. ft. maintenance building for the Police Dept. He said the proposed Wooding building would be razed resulting in 12 parking spaces being added.

Mr. Kohan said he looked at this application at length and noted this area of town has been controversial over the last few decades. He said the parking part of the application is fine but the issues he has extend into the planning side of the Commission. Mr. Kohan said the PZC just went through a Plan of Conservation & Development study and this site was highlighted in the report. Mr. Kohan said although this plan does address some of the comments, he has an issue with the maintenance facility. He said based on the POCD, he said the Implementation Committee should weigh in on this application because this has a significant impact into this study.

Mr. Kohan asked about the cost of the maintenance facility. Mr. Baltramaitis said this is primarily a storage facility to store equipment that is currently stored outside such as the numerous trailers and the investigation response unit. He said the only maintenance that would occur would be the fabrication of street signage. Mr. Baltramaitis said \$200,000 has been budgeted in the 2017-2018 capital non-recurring account. He said this is an estimate based on a similar facility the Fire Dept. just constructed on Masonic Avenue. Mr. Kohan asked if the existing building could be rehabilitated. Mr. Baltramaitis said this was looked at but noted the current building is 28 ft. deep and is not adequate to store the current police equipment. He said the structure itself makes it cost ineffective being made of concrete and masonry. Mr. Kohan said he is greatly troubled by the POCD and said this application eliminates future use of the Wooding lot.

Mr. Baltramaitis asked if the POCD is suggesting the Police Dept. leave their facility and relocate. He said the line that exists between the public portion of the property and what the Police utilize will be unchanged. Mr. Kohan asked if this had to be on the property. Mr. Baltramaitis said it is desirable to have the Police Dept. get everything under its control on one piece of property. Chief Wright said the PD is currently located on N. Main Street with an off-site facility presently used by SCOW with another building across from SCOW for the Police sign shop. He said he is looking to economize by getting the police into one location. He said the proposed building will house approximately a quarter of a million dollars' worth of equipment which now sits outside. He said the longest piece of equipment is over 50 ft. long, a truck and trailer combination. Chief Wright said the location of the building will take advantage of the driveway which leads to the driveway.

He noted it takes Officers six to seven hours when it snows to dig the equipment out and said this equipment is starting to rot away from being out in the elements, noting some of the equipment is not even 10 years old. Chief Wright said if he doesn't move this gear into good storage, a lot of money will be spent on maintenance. Mr. Baltramaitis said this structure will be drive-through similar to the fire stations. Mr. Kohan said his objection is that this doesn't fit into the POCD and should be looked at by the Implementation Committee. He said he sympathized with the equipment but stated this is an important piece of property and good decisions must be made. Ms. Morgenstein said we worked hard on the POCD and getting towards a year out and no implementation has been made. She said this sounds familiar that a ¼ of a million dollar piece of equipment needs a home, citing the cemetery which stated they needed a home for the digger. She said the Town put together a plan after the fact on this. Ms. Morgenstein said this maintenance building is in a place which should be a place of pride and the Town brought the property for a retail price and has now let it sit there and become a weedy, wildflower area.

Ms. Morgenstein said she disagreed that the parking is not a problem. She said there is already one temporary millings parking lot. She said another temporary parking lot is the answer and need to solve the lot issues. She asked about the cost of a millings parking lot. Mr. Baltramaitis said it wouldn't be a lot of money which would be undertaken by Public Works. Mr. Baltramaitis said this lot would be chip sealed and striped and also the parking lot on the west side would be chip seal. Ms. Morgenstein said this application is not in keeping with the plan and she couldn't support it. Mr. Matarazzo said he would support this application noting he is tired of seeing the property sitting idle. He said he believes in the need to keep and maintain equipment and having quick access to it. Mr. Matarazzo said he didn't believe this would be a huge impact on the parking. He said a decisive decision has to be made on the parking and stop with the temporary parking. Mr. Matarazzo said he believed the residents wouldn't have a problem making this a solid parking lot. He said this parking has helped the downtown become vibrant and need to make a decision and make this paid parking and have revenue coming into the town. He said if this isn't done, the Wallingford Police Dept. will have to move.

Mr. Allinson asked about the trailers as well as emergency equipment needing to be stored. Chief Wright said the Police own a 53-ft. command center trailer; an investigative services vehicle which is used for major accidents and major crime scenes; two portable light towers; a Dodge Sprinter van for the SWAT team as well as two enclosed trailers. Chief Wright said these trailers came to be owned by the Police because of the anthrax incident several years ago which occurred at the Wallingford Postal facility. He said the equipment was paid for with grant monies. Chief Wright said the primary concern with this equipment is public safety. He said this equipment is needed and needs to be in a state of operational readiness. Chief Wright said this storage building would allow the Police to be readily accessible to this equipment in a dry environment.

Chair Seichter said he appreciated other Commissioner's comments regarding the POCD and how this piece of property has lingered as far as Town plans. He asked if what was being presented was a temporary lot and not proposed to be paved to keep costs low. Mr. Baltramaitis said this is long-term temporary until the Town decides how to dispose of the property. He said this is a great use going forward and there has been a public outcry for more parking. Mr. Baltramaitis said he believes this plan is consistent with the modification of the CA-6 zone.

Chair Seichter said he doesn't have a problem with the building being there and noted it is important to protect the assets of the Town. He wondered if there was a plan to develop the Wooding property, would this have a negative impact on the Police Dept. and the existing parking. Mr. Baltramaitis said this is why this wouldn't be part of a plan to develop the balance of the property. Chair Seichter said his issue is with the parking as it currently exists. He said this is just a big lot that hasn't been lined and striped. He said his concern is the lack of maintenance on the lot. He asked about the chip sealing and how this will be better and when the lot would be striped.

Mr. Baltramaitis said as part of this application, if approved, would also involve chip sealing the west lot. He said this surface is presently ground up pavement millings which is essentially gravel and moves. He said when this is striped, the gravel moves and the striping is lost. Mr. Baltramaitis said with the chip sealing, the paint markings will last longer. Chair Seichter asked about the timetable.

Mr. Baltramaitis said he anticipates that Public Works will be constructing the parking lot and some site work on the Police site. He said it depends upon their availability and priorities, but said if this is approved, he is hoping to start something before Celebrate Wallingford this year. Chair Seichter said one of the most important issues is to take care of the storage building which he said he would like to see done before winter and would like to see the west side completed in this line prior to Celebrate Wallingford. He said this parking lot hasn't been striped in a year and a half. Ms. Morgenstein said she appreciates the Chief expressing the need for public safety and she has been convinced of the need for the building. Ms. Morgenstein said she

didn't believe for a moment that temporary becomes a plan that suites this site. She said she is interested to hear from the public, but this is not her dream for this space. Mr. Kohan said he was fine with the parking, and said once the storage building is constructed, it will remain. He said this conforms to the Regulations, but believes not following the POCD is a valid reason to deny this. Mr. Kohan said there is a 10-person Implementation Committee that should weigh in on this application to come up with other suggestions and alternatives. He said a legal opinion may also be necessary.

## **PUBLIC COMMENT**

Paul Ciardullo, 2 Bayberry Drive, asked if the shed would be constructed on existed Police Dept. property, or on the footprint of the Wooding-Caplan lot which was purchased 25 years ago for a million and a half dollars. Mr. Baltramaitis said this shed would be constructed wholly on one of the eight parcels. He said this building could not be constructed on the Police Dept. lot because of the size of the lot. Mr. Ciardullo said he was sympathetic to what the Police Chief had said, but noted the equipment to be moved into the building, is stored somewhere else and asked if this need could be filled somewhere else.

Chair Seichter said Mr. Baltramaitis had indicated that the parcel the building is being placed on was incorporated into a broader plan for the development of the Wooding property, this would create an issue with the Police Dept. because they have an impound lot along with other vehicles and a substantial number of parking spaces would be eliminated and create problems. Chief Wright said the Police Dept. property ends right outside the building and where the employees and equipment is parked is part of one of the eight parcels. He said if the Police Dept. was to be displaced from all of the area that is outside Police Dept. property, they would be parking on Academy Street and N. Main Street and behind the banks on Simpson Court as was done in the past. He said all the emergency services equipment is currently housed on-site.

Mr. Ciardullo said it seems this is a dilemma that the Town created. He asked if the PZC played a role in approving the plans for municipal projects, i.e, the purchase of Wooding. Ms. Costello said this is a Town Council decision but the planning side gets referred to the PZC. She said if the PZC recommends against, the Council needs a majority to get it passed.

Larry Morgenstein, S. Main Street, said this was a complicated issue. He said there is the Police side of this issue, public safety and the storage side and the long-term planning for the use of the rest of the property. He asked if the storage was considered as part of the plan of the police staying where they are currently located. Chief Wright said 10 years ago, the Police had proposed a new building on this site and the estimate then was approximately \$20 million on a piece of property that was town-owned and was a non-starter. He said it has been his goal to have a storage facility put on this location to get all the equipment inside. Mr. Morgenstein said this equipment is needed but it is left out and now backtracking on how it is maintained and stored. He said there is the rest of the Wooding-Caplan property which has languished for

years. He noted that temporary parking was installed in 2013 and is still temporary and stated he doesn't know what temporary means anymore as a taxpayer. He said if this parking is to be done, it should be done correctly. Mr. Morgenstein spoke about the overgrowth on the landscape. He said this isn't attractive and doesn't say the town isn't invested in a real way. He said he would like to see the town make a commitment. Mr. Morgenstein said the storage has to be done because the equipment investment must be protected.

Vivian Jones, Windswept Hill Road, said there were many applications and proposals put before the PZC that were approved and allowed to exist that are glaringly in opposition to the POCD and none as important as public safety. Ms. Jones said this property has been a white elephant in town and taxpayers are still suffering from this premature purchase which she said was made seemingly on a whim with no plan in mind. She said the Police Dept. outgrew its main home decades ago and storage was always a problem. She said resources throughout the town are crippling the town and misusing the officers. She said emergency equipment needs to be available when its needed at that time. Ms. Jones said the current storage is not efficient if it has to be in different places and should be moving away from this. She said the town is fortunate to have this equipment and applauded Chief Wright for his concern in trying to preserve it.

#### **END OF PUBLIC COMMENT**

Ms. Costello said if the PZC is inclined to move forward is making a decision on additional formal landscaping adjacent to the parking lot. Chair Seichter asked what should be proposed. Ms. Costello said she could pursue screening-type trees. Chair Seichter said this application could be approved with the condition that Mr. Baltramaitis work with the Planning Dept. in provided a plan for landscaping or screening in the parking lot. Mr. Baltramaitis said this was acceptable. Mr. Kohan said he wants to revisit the storage facility and asked the Chief about the problem with the equipment being exposed for 10 years. Mr. Kohan asked if it would be feasible to construct something at the new fire station for storage. Chief Wright said he is trying to get everything the Police Dept. owns in one place and keep it there.

Ms. Costello said the town may need to pursue doing a facilities management plan in terms of best uses of the various town properties. Chair Seichter said he believes everyone has been frustrated over the lack of development on this property. He said what is presented tonight solves a need for the Police Dept. He said looking at the parking, it is not ideal and is not sure what the ultimate disposition for this property will be. He said there is frustration over this but what is being presented here he can support.

Chair Seichter entertained a motion on the application.

**Mr. Kohan: Motion to approve a Site Plan for the Town of Wallingford Engineering Department to construct a new maintenance/storage building behind the existing police station, and to expand the adjacent public parking lot, as shown on plans**

**entitled "Police Station Storage Building & Additional Public Parking, 121 North Main Street, Wallingford, CT", dated May 30, 2017, revised to 08/09/17, subject to:**

- 1. Comments from the Fire Marshal dated July 10, 2017;**
- 2. Comments of the Town Planner in a memo dated August. 1, 2017;**
- 3. Comments from the Water and Sewer Division dated August 1, 2017;**
- 4. Final plans with landscaping to be coordinated between the Engineering Dept. and the Town Planner**

**Mr. Matarazzo: Second**

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

Mr. Kohan stated there has been 10 years to figure out what to do with the police equipment and it has come down to today's meeting to finalize these plans. He said it is necessary for public safety but we have had a lot of time to figure this out and we haven't and this impacts the POCD and there should have been more up front discussion before it came to a vote tonight. He said he would vote yes reluctantly.

**Application approved**

#### **SURVEY WAIVER REQUEST**

##### **9. Castro/174 South Cherry Street**

Mr. Matarazzo noted all correspondence for the record: memo to Kacie Costello Town Planner to Rob Baltramaitis, Town Engineer, dated July 18, 2017.

Appearing in front of the PZC was Miguel Castro, in regards to 174 S. Cherry Street and David Fedra whom Mr. Castro said is planning on removing the existing porch at his property and construct a new three-story porch. He said the proper documents have been submitted to the Town Planner. Mr. Castro said the porch will be only 10 ft. from the curb. He said the Engineering Dept. came to the site and installed stakes to indicate where the actual property begins from the porch.

Mr. Castro said the measurement from the stakes to the front porch is 7 ft. 2 inches with the requirement being 10 ft. He said the footprint of the existing structure will not be changed. He said the 6 ft. 6 inches by 21 ft. 9 inches is pre-existing and is what will be constructed. Mr. Castro said Mr. Fedra has expended over \$47,000 of his own money and said the Fire Marshal has approved the current site plan. Mr. Castro said the Fire Marshal expressed serious concerns regarding the current condition of the porch. He requested a survey waiver noting the footprint of the existing structure is not being altered.

Ms. Costello said three months ago she would have said yes that this application would have had to go before the Zoning Board of Appeals, but pointed out that because of changes in State Legislation regarding non-conforming structures, this may no longer be the case and is awaiting an opinion from the Law Dept.

Mr. Castro stated there are two ways of egress, the back and the front. He said there is no other way to get the second floor people into the house.

### **Public Comment**

Ernie Marzullo, 174 S. Cherry Street, said he would like to see a new porch at this residence where he resides. He said the porch is falling into the street.

### **End of Public Comment**

Chair Seichter entertained a motion on the application.

**Mr. Kohan: Motion to approve a Survey Waiver for Castro, to replace the front porch at 174 South Cherry Street, as represented in narrative dated May 19, 2017 and photographs submitted with the application.**

**Mr. Matarazzo: Second**

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

**Survey Waiver Request approved.**

Chair Seichter asked for a waiver of Rule 5 to add St. Pierre Survey Waiver Request.

**Mr. Kohan: Motion to Waive Rule 5 to add St. Pierre Survey Waiver Request to the agenda**

**Mr. Matarazzo: Second**

**Vote: Unanimous**

**9A. Survey Waiver Request – St. Pierre**

Mr. Matarazzo noted all correspondence for the record: Application for a survey waiver for Charles St. Pierre.

Appearing in front of the PZC was Charles St. Pierre, 224 Hall Avenue, who said the porch on his home is 6 x 6 and wants to increase the length to 28 ft. by 6 ft. He said there would be the same number of stairs going down to the sidewalk. Mr. St. Pierre said Rosaline Page of Winterbourne Land Services performed survey and is requesting an easement.

Ms. Costello said she spoke with Ms. Page and said this is not an A-2 survey but a determination of where the designated street line is and based upon the existing CAD files in the Engineering Dept. Ms. Costello said the question is whether this is sufficient and noted that because the front setback is known, it becomes less of a concern because it is apparent there is enough room for the porch in the front. She said the concern is the side and said if the porch was bumped in 6 ft. which is the sideyard setback, it would be at least as far from the property line as it could be. Ms. Costello said she believed the PZC would be more comfortable with the waiver if the porch be bumped inwards so there wasn't as much concern with the sideyard.

Ms. Costello recommended the porch be moved an additional 6 ft. Mr. St. Pierre said properties in that area has been disputed for years, but noted he has never had any disputes from his neighbors. Ms. Costello said it isn't known currently if Mr. St. Pierre's home is complying with the setback, but noted the house can stay because it is grandfathered in, but anything new must comply. She said when she spoke to Ms. Page, if the porch was bumped in the required distance, it would give a greater comfort level, and given it is a porch, the PZC may be more inclined to grant the waiver. Chair Seichter said there are two options: perform a survey to see where the house is and to see if the addition to the porch encroaches, or to have the planned porch and have it reduced at the right side by 6 ft. to give the PZC a comfort level that the porch wouldn't be encroaching. Mr. St. Pierre asked if he could construct the porch on an angle.

Ms. Morgenstein said she simply wouldn't want Mr. St. Pierre building porch to have a neighbor said there is now an illegal porch the Town allowed. Mr. St. Pierre said he could bump the porch in 6 ft.

Chair Seichter said if this is approved, to have the porch brought in 6 ft. on the one side. Ms. Costello said the 6 ft. was her recommendation. She said if the survey waiver is approved Mr. St. Pierre would still have the option of getting the survey or bumping it in with the waiver.

Chair Seichter entertained a motion on the Survey Waiver Request.

**Mr. Kohan: Motion to approve a Survey Waiver Request for St. Pierre, 224 Hall Avenue with the condition he provide the Town Planner with a revised map moving the porch in by approximately 6 ft.**

**Mr. Matarazzo: Second**

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

**Survey Waiver Approved.**

## **BOND RELEASES**

**10. Site Plan/Davenport Assoc./14 Fairfield Boulevard - #242-15**

11. Site Plan/1070 North Farms Road, LLC/4 Northrup Industrial Park Road West - #209-09
12. Subdivision/1070 North Farms Road, LLC/Northrup Industrial Park Road West - #102-02
13. Site Plan/1070 North Farms Road, LLC/6 Northrup Industrial Park Road West - #212-16
14. A. Barros/146 East Street

Ms. Costello said regarding Item #10, #11 and #12, she requested approval pending approval from the Engineering Dept. and Item #13 is not ready to be released. She said #14 is ready for Bond Release.

Chair Seichter entertained a motion.

**Mr. Kohan: Motion to approve Items #10, #11, #12, with the condition the Engineering Dept. sign off on the requests.**

**Mr. Matarazzo: Second**

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

**Mr. Kohan: Motion to approve a Bond Release for A. Barros. 146 East Street.**

**Mr. Matarazzo: Second**

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

## **DISCUSSION**

15. Public Act #17-155 – “Temporary Health Care Structures”

16. South Central Regional Council of Governments (SCRCOG) Representation]

17. Changes to State Legislation

18. Possible Scheduling of Workshop – potential topics: Neighborhood Business Districts, Electronic Message Boards, Downtown Zoning.

Ms. Costello noted that Items #15 and #17 have to do with changes made in the State Legislative sessions which are pertinent to Planning & Zoning matters. She went over the , “Temporary Health Care Structures” which would allow temporary small homes behind an existing home on a residential lot for someone who needs full-time healthcare. Ms. Costello said one concern that someone could take advantage of this. She noted this is supposed to be contingent on the person obtaining doctors notices which could be an enforcement and a HIPPA concern.

She said the home would be required to have full utilities which would have to be removed after the person who needed care did not require the care anymore. Ms. Costello said the intention of this legislation was to address the aging population in the State. She noted the accessory apartment has to be attached to the house. She said the PZC could choose to opt out and write a modified version of this and a Public Hearing would have to be conducted by the Town Council. Ms. Costello said the PZC could also or not opt out. She suggested having a Public Hearing to discuss opting out.

Chair Seichter noted that if no action is taken, this Legislation takes effect Oct. 1, 2017. He suggested conducting the Public Hearing at the Sept. 11, 2017 meeting. Ms. Costello told Chair Seichter that if the PZC schedules a Public Hearing to opt out, the PZC could make a decision the evening of the Sept. 11 meeting. Chair Seichter said the Public Hearing could also be continued.

Ms. Morgenstein said the public needs to be involved in this process. She said if one is talking temporary structures, would the Town which doesn't have a lot of senior housing which she said has been encouraged, want to encourage some of the developers to make space for temporary structures. She endorsed the Public Hearing idea. Mr. Kohan also said a Public Hearing is warranted. Mr. Matarazzo also endorsed a Public Hearing.

Chair Seichter entertained a motion on scheduling a Public Hearing.

**Mr. Kohan: Motion to schedule a Public Hearing on the Act Concerning Temporary Health Care Structures for the Sept. 11, 2017 PZC Meeting.**

**Ms. Morgenstein: Second**

**Vote: Unanimous**

Ms. Costello said concerning Item #16, the Regional Planning Agency of SCRCOG has requested Town representation of a member of the PZC. Ms. Costello said she could be a representative if no one from the PZC could attend. Mr. Kohan expressed interest in being a representative. Chair Seichter suggested Ms. Costello contact Commissioner Fitzsimmons and ask if he would be interested.

Ms. Costello spoke about attachment 17A which is related to the 8-30G Legislation, affordable housing requirements. Ms. Costello said this legislation was approved, vetoed by the Governor and then overridden, making it valid. She said it will be easier to reach the standards for affordable housing to obtain a moratorium and changes the timeframe for the moratorium and how the points are added up. She said there is a need for affordable housing in the state and noted Wallingford has an active consideration for affordable housing. Ms. Costello spoke about non-conforming uses, buildings and structures. She said currently, if someone abandons the non-conformity, they cannot get it back. Ms. Costello said this legislation changes this by stating

the non-conformity will now not be considered abandoned unless the owner makes a clear representation that it is their intention to abandon this. She noted a possible language change to the zoning regulations might have to be considered.

Ms. Costello spoke about Item #18, possible scheduling of workshop – potential topics: Neighborhood Business Districts, Electronic Message Boards, Downtown Zoning. Chair Seichter said these are items the PZC has given some priority to. He noted the current moratorium for nine months on the electronic message boards. Chair Seichter said he would like to see the most momentum on Downtown Zoning. He suggested scheduling a workshop in September on this topic only. The Commission agreed.

## **REPORTS OF OFFICERS & STAFF**

### **19. Administrative Approvals**

- a. Change of Use/Masters Manna/428 South Cherry Street - **#307-17**
- b. Change of Use/Stamidis/44 Center Street - **#308-17**
- c. Change of Use/C. Zettergren/20 Chapel Street - **#309-17**
- d. Change of Use/Domestick, LLC/5 Alexander Drive - **#310-17**
- e. Change of Use/Cadoodles, LLC/636 Barnes Road - **#311-17**

Ms. Costello noted the Administrative Approvals. There were no questions from the PZC.

### **20. ZBA Decisions – July 17, 2017**

Ms. Costello noted Item #2 which was a Special Exception Request for a total garage area of 3,234 sq. ft. which she believed was for storage for tractors and equipment.

### **21. ZBA Notice – August 21, 2017**

Ms. Costello noted the old TD Bank is being proposed for a daycare.

### **22. Zoning Enforcement Log**

Ms. Costello entertained questions. There were no questions from the PZC. Chair Seichter asked about the dog pit and quarterly inspections. Ms. Costello said the inspections are being kept up.

## **ADJOURNMENT**

Mr. Kohan made a motion to adjourn the Meeting at 10:20 p.m. Mr. Matarazzo seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary