

Wallingford Planning & Zoning Commission

Monday, Sept. 11, 2017

7:00 p.m.

Robert F. Parisi Council Chambers

Town Hall – 45 South Main Street

MINUTES

PRESENT: Chair Jim Seichter; Vice-Chair J.P. Venoit; Commissioners James Fitzsimmons; Jeffrey Kohan; Gina Morgenstein, Alternate; Kacie Hand, Town Planner.

Chair Seichter called the Meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Approval of Minutes – August 14, 2017

On page 7, the last full paragraph should include “Mr. DeCarlo said”; On page 12, the second full paragraph after the Public Comment heading, should read “if” (the parcel).

Chair Seichter entertained a motion on the revised August 14, 2017 Minutes.

Mr. Kohan: Motion to accept the August 14, 2017 PZC Meeting Minutes as amended.

Ms. Morgenstein: Second

Vote: Morgenstein-yes; Kohan –yes; Seichter-yes; Venoit and Fitzsimmons-abstain.

OLD BUSINESS

1. Site Plan (Multi-family conversion in CLB zone)/DeCarlo/143 South Main Street - **#221-17 – (NO ACTION REQUESTED)**
2. Site Plan (Accessory Apartment)/Aszklar/4 Gina Lane - **#222-17**

Chair Seichter announced Ms. Morgenstein would be voting in place of Mr. Matarazzo. Mr. Fitzsimmons noted all correspondence for the record: Inter-Departmental Referral from the Fire Marshal dated July 18 2017; Notice from the Dept. of Health dated July 12, 2017; Memo from the Water and Sewer Division Sr. Engineer dated Aug. 21, 2017; Letter to Richard and Elaine Aszklar, dated July 25, 2017, from Kacie Hand, Town Planner; Letter from Kacie Hand, Town Planner, dated Aug. 29, 2017, to Richard and Elaine Aszklar.

Appearing in front of the PZC was Richard and Elaine Aszklar. Mr. Aszklar explained he originally had an unpermitted room in his home to allow his mother to reside with him and his wife. Mr. Aszklar noted that as his mother aged, a bathroom and kitchen were added for his mother's caretakers. He said this came to the Town's attention but noted during the assessment, everything was noted and taxed, and he didn't believe he needed to anything further. Ms. Aszklar explained that when her husband's mother passed on, her mother moved in. Mr. Aszklar said this is basically now an in-law apartment. He said he believes at this time this apartment meets the criteria to be an in-law apartment. He said he wasn't sure about the exit into the garage. Ms. Aszklar said this doesn't exit to the outside, but into the garage. Mr. Aszklar said the kitchen is used as a summer kitchen for backyard pool parties.

Chair Seichter asked how long this area was an in-law apartment. Mr. Aszklar explained that his mother lived in the apartment for five years and his wife's mother lived in the apartment for a few years.

Ms. Hand noted the entrance into the garage wasn't an issue because the Applicants still had the apartment. She explained that what makes this an apartment, is there is access without one having to go through the primary unit.

Public Comment – none

Chair Seichter entertained a motion on the application.

Mr. Venoit: Motion that a Site Plan for Aszklar be approved for a 489 sq. ft. accessory apartment at 4 Gina Lane as shown on untitled plans, fax received on July 7, 2017.

Mr. Kohan: Second

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons-yes; Venoit-yes; Seichter-yes

3. Site Plan (Traffic circulation modification)/Lafond/968 Yale Avenue - **#223-17**

Mr. Fitzsimmons noted all correspondence into the record: Letter from Town Planner Kacie Hand, dated July 27, 2017, to Richard Lafond; Letter from Kacie Hand, Town Planner, dated August 31, 2017 to Richard Lafond; Inter-Departmental Referral dated July 10, 2017 from the Water and Sewer Division Sr. Engineer Erik Krueger; Letter from Rosalind Page, Winterbourne Land Services, to Kacie Hand, Town Planner, dated August 17, 2017; Inter-Departmental Referral dated July 10, 2017 from the Fire Marshal; Inter-Departmental Referral dated July 10, 2017, from the Fire Marshal; Letter from Rosalind Page, Winterbourne Land Services, to Kacie Hand, Town Planner, dated August 7, 2017; Revised letter dated August 9, 2017 addressed to the Planning & Zoning Office.

Appearing in front of the PZC was Rosalind Page, Professional Land Surveyor, Winterbourne Land Services, and Richard Lafond, 38 Fieldstone Court, North Haven.

Ms. Page went over the site plan for the property located at 968 Yale Avenue. Ms. Page said the property is triangular, and has been operating as a car wash since approved by the PZC in 1989. She said Mr. Lafond purchased the property in 1994, and has been operating as a car wash since that point in time. Ms. Page said the property has six self-service bays with an office space on the second floor. Ms. Page said everything has essentially remained the same since 1989. She said Mr. Lafond is appearing in front of the PZC because of the traffic circulation/traffic pattern. She noted that it came to the Town's attention that the counter-clockwise circulation system was going in the opposite direction which was not part of the site plan approval, and thus Mr. Lafond was asked to obtain a site plan modification to keep the traffic flowing as it has been the past 23 years.

Ms. Page said she and Mr. Lafond has been working with the Town Planner and has addressed most of her comments. She said Mr. Lafond has agreed to construct an island in the driveway throat on the property to improve the egress and ingress and install more directional arrows in the parking lot to facilitate traffic movement.

She said Mr. Lafond prefers to install planters instead of an island to direct the flow of traffic. She said the Applicant would work with the PZC if they desired to have the island installed and submit revised plans.

Chair Seichter asked Ms. Page to point out on the site plan where the requested landscaping is to be extended on the southeast portion of the property. Ms. Page pointed out the area of the bump out and the increase in the landscaping which was proposed by the Town Planner in order to force the traffic to stay in single line up to the stop bar.

Ms. Page said the Applicant would have no problem installing curbing around the new landscape island in the center along with low-growing shrubs and flowers and specify the types. She said the Applicant would provide details on any planters which remain on-site. Ms. Page said the Applicant will modify the dimension of the shade trees to six inches required for each 50 ft. She added the existing light fixtures are full cut-off. Ms. Page said the only remaining issue is the landscaped island.

Ms. Hand said she has concerns about the intersection of traffic at the entrance and exit. She said this has been seen at the Dunkin Donuts drive-thru on S. Colony and additional requirements were added there to make the area traffic safe. Ms. Hand suggested elongating the time when a vehicle goes down the drive before reaching the intersecting section; this will give the motorist time to realize they are crossing traffic. Ms. Hand said she believes the planters will not make it clear enough and are not permanent enough. Chair Seichter said if this is between extending the island and the planters, noting the planters are not permanent, there would be an issue with the winter weather with snow, ice and plowing. He said this would be a

challenge with the planters, once they are moved, then attempting to put them back in the proper position. Ms. Morgenstein noted that if vehicles entered from the front instead of from the rear, there wouldn't be the crossing traffic. Mr. Lafond said if vehicles enter from the front of the building, the first two or three bays would have cars waiting and back up and no one would drive to the other bays entering from the front. He said he made the planters and said they are more pronounced because they are two feet in height. He pointed out a customer may not see the curbing.

Mr. Lafond said when the planters were installed; all the traffic entered from the rear of the building and this opened up the entire lot to traffic flow and it was made easier. Mr. Lafond said when the vehicles enter from the rear they have a better sight line of what is in the front and in the back of them. Ms. Morgenstein said what is gained at that end is lost at the entrance where people have to cross over as they are leaving and are forced to cross traffic to take a left. Mr. Lafond said this traffic flow has worked well for nearly 24 years and noted there has never been an accident. Mr. Kohan said he has never seen a traffic problem with the way the traffic flow is set up currently and is fine with this plan.

Mr. Fitzsimmons said the site with the addition of the elevated curb cut is an improvement. He asked the Applicant if he was proposing to elevate the curb cut because currently it is wide open. He said his concern with the additional permanent landscaping, vs. the planters, causes a flow of traffic with people spending time with their cars vacuuming and parking there. Mr. Fitzsimmons said the landscape island at the entrance is the biggest proposed improvement.

Chair Seichter said the choice is either extending the island to the southeast or keeping the rodeo approach with the barrels. Ms. Hand addressed Mr. Fitzsimmons concern about the landscaping, noting it could be shortened up. She said her primary concern is at the entrance point, not at the last vacuum stall. She said this landscaping could be pulled back a few feet to get people in and out. She requested the dumpster be located in the back corner with the screening. Chair Seichter said the landscape island could be brought up to where the three barrels are shown on the plan instead of the five barrels. The Commission concurred.

Public Comments – none

Chair Seichter entertained a motion on the application.

Mr. Venoit: Motion to approve a Site Plan for Lafond to modify the site circulation parking and associated elements for the existing car wash at 968 Yale Avenue as shown on plans entitled "Improvements location survey, existing conditions, map and proposed improvement, land of Richard A. and Carol A. Lafond, 968 Yale Avenue, Wallingford, CT., dated June 1, 2017, revised to August 15, 2017; subject to:

- 1. Bring the landscape island southeast bringing it down to three barrels as noted by the Town Planner.**

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons-yes; Venoit-yes; Seichter-yes.

4. Site Plan (Dental office/retail space)/Signore/1163 South Broad Street - **#225-17**

Mr. Fitzsimmons noted all correspondence into the record: Letter dated August 3, 2017 from Kacie Costello, Town Planner, to Steve Signore, dba Pine Glen Builders; Letter dated August 31, 2017 from Christopher Juliano, P.E., Juliano Associates to Kacie Hand, Town Planner; Letter dated September 7, 2017 from Christopher Juliano, P.E., Juliano Associates, to Kacie Hand, Town Planner; Inter-Departmental Referral dated Sept. 6, 2017 from Erin O'Hare, Environmental Planner; Letter dated August 3, 2017 from Kacie Hand, Town Planner, to Steve Signore, dba Pine Glen Builders; Letter from Eloise Hazelwood, Health Director, to Amy Torre, Zoning Enforcement Officer, dated April 3, 2017; Inter-office memorandum dated August 4, 2017 to Kacie Hand, Town Planner to Erik Krueger, Sr. Engineer, Water and Sewer Division; Inter-Departmental Referral dated July 17, 2017 from the Fire Marshal.

Appearing in front of the PZC was Christopher Juliano, P.E., Licensed Land Surveyor, Juliano Associates. Mr. Juliano went over the site plan and addressed various comments from Town Staff.

Mr. Juliano said what is being proposed is a dental office and general office space in the old Café Ra 5,000 sq. ft. building. He said there is associated parking in the front and off to the south. He said a change of use is being proposed from the former restaurant/bakery deli use. He said the first floor will house a dental office and a portion of the second floor will be for general office rental with approximately 1,500 sq. ft. of storage. Mr. Juliano said the plan is to rent the upstairs general office to a yoga studio which will be an evening operation and won't conflict with the dentist office which will operate Monday through Friday 7 a.m. to 4 p.m.

Mr. Juliano said a number of changes were made to the site in order to become compliant. He said these changes mainly applied to the parking and noted dental/medical/orthodontist use have a higher parking ratio than a general office. He said a one-way traffic flow was created around the north, west and south sides of the building with added parallel parking for staff only. Mr. Juliano noted that Ms. Hand's technical comments regarding site plan layout were addressed. He said the only remaining outside comment involves Ms. Hand's suggestion that the two parking spaces on the north side of the driveway be removed so the 25 ft. of landscaping is also on the north side of the driveway. Mr. Juliano said if these two parking spaces are removed, it will drop below the parking lot count. He said he believes two more parallel parking spaces can be placed on the south side of the building. He said this will be done on the final change of the plans.

Mr. Juliano said the corners of the parking lots will be closed off to meet landscaping requirements and gravel will be removed along the southeast corner of the parking lot. He said two catch basins will be installed at that location. Mr. Juliano said a small detention area has been created to deal with the small amount of runoff from the parking lot. He noted because of concerns expressed by the Water and Sewer Department, there will be a small detention area that overflows to the westerly abutting property owner and then to the watercourse to the west. Mr. Juliano noted that runoff from the site goes to the abutting property owner naturally. He said the storm water management will control the flow of the water. He said there will be no negative impact on the abutting property owner and noted a letter sent from the abutting property owner who states he has no problem with what is being proposed and there will be no negative impact.

Mr. Juliano addressed the Health Dept. concerns regarding the change of use from a restaurant to the dentist and office retail. He said he looked at water use data from both operations showing how much water Café Ra used daily in comparison to water usage by the current orthodontics use across the street on a daily basis and what the proposed office would use. He said water usage will be approximately half of what Café Ra used. He said the Town Sanitarian was provided this information and agreed with the report. Mr. Juliano said the site plan also addresses the issues with the water usage and sanitation. Mr. Juliano said the site plan addresses usage with the aquifer protection district, water use and sanitation.

Mr. Juliano addressed the issues raised by the Environmental Planner and noted Ms. Hand has received his letter and these issues have been taken care to her satisfaction. Mr. Juliano addressed comments from the Town Engineer who would like the Applicant to create an outlet which takes the water from the detention basin into the drainage onto Rt. 150. Mr. Juliano said the drainage there is a State drainage system and their mandate is to not put additional water into their system. He said he would like the ability as a Condition of Approval to meet with the DEEP to discuss this additional drainage. He noted that if DEEP doesn't approve of this drainage plan, everything will remain the same.

Mr. Kohan asked about the Yoga Studio and asked about conflict of hours of operation. Mr. Juliano said the dentist office will operate during the day and the Yoga Studio at night and noted there may be overlap, but enough parking has been provided to deal with this situation. Mr. Kohan asked about the Aquifer Protection District and Ms. Hand's comments regarding certain activities regarding hazardous materials being prohibited from this site. Mr. Kohan asked if the dental operation used hazardous materials. Mr. Juliano said he wasn't sure but any hazardous materials used would be stored inside. He said he will find out and get back to Ms. Hand.

Mr. Fitzsimmons asked about the 39 parking spots and requested a snow removal area be added. Mr. Juliano noted there are 47 total parking spots and said a snow storage area will be put on the final plans.

Upon request from Chair Seichter, Mr. Venoit read Mr. Cone's (abutting property owner at 1173 S. Broad Street) Sept. 7, 2017 letter into the record regarding the runoff issues. Mr. Cone said in the letter he had no issues with the project or their continuing to drain storm water onto his property. Chair Seichter asked Ms. Hand to expound on the Environmental Planner's comments. Ms. Hand said she didn't have a direct response from the Environmental Planner, but stated those were also the same comments raised in the Town Engineer's comments regarding the functioning of the basin and general runoff onto adjacent property. She said the comments from the Town Engineer should cover this.

Public Comment

Jim Wolfe, Economic Development Commission member, said the EDC has voted to support this project.

Ms. Hand said she was very pleased that we were able to come up with a conforming site design for these modifications.

Chair Seichter entertained a motion on the application.

Mr. Venoit: Motion to approval for a Site Plan for Signore to construct dormer additions, change the use to dental office/storage and make associated site updates improvements at 1163 S. Broad St. as shown on plans entitled "Land of Mansour Anwar Zadi, 1163 S. Broad Street, Wallingford, CT., dated May 24, 2017 and updated to Aug. 31, 2017 and floor plans Mansour Zadi building renovations, 1163 S. Broad Street, Wallingford, Ct. dated Oct. 2016 subject to:

- 1. Comments of the Environmental Planner dated Sept. 6, 2017;**
- 2. Memo from the Director of Health (Wallingford), dated April 3, 2017;**
- 3. Comments from the Dept. of Public Utilities, Water and Sewer Division, dated Aug. 4, 2017;**
- 4. Comments from the Fire Marshal dated July 14, 2017;**
- 5. Comments from the Town Planner dated Aug. 3, 2017;**
- 6. Approval of storm water runoff by DOT and Town Engineer;**
- 7. Snow shelf be depicted in plans;**
- 8. Parking changes be addressed removing two parking spaces in front and relocate to south side;**
- 9. S&E bond to be determined by the Town Planner**
- 10. Information providing any use of hazardous material**

Mr. Fitzsimmons

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons-yes; Venoit-yes; Seichter-yes

NEW BUSINESS

5. Site Plan (use of lots for vehicle storage)/Gargano Ltd. Partnership/9 &11 First Street - #232-17

Mr. Fitzsimmons noted all correspondence into the record: Letter dated August 31, 2017 from Kacie Hand, Town Planner, to John Gargano Limited Partnership; Memorandum from Erin O'Hare Environmental Planner to Kacie Hand, Town Planner, dated August 30, 2017; Inter-Departmental Referral dated August 29, 2017 from Water and Sewer Senior Engineer; Inter-Departmental Referral dated August 15, 2017 from the Fire Marshal; Inter-Departmental Referral dated August 30, 2017 from the Environmental Planner.

Appearing in front of the PZC was Atty. Bridget Gallagher, representing John Gargano Limited Partnership and Michael Lambert, Professional Engineer.

Atty. Gallagher went over the plans. She said this is in conjunction with two lots off of First Street which is a paper street created in the 1920's for a subdivision which was never constructed. Atty. Gallagher said her client operates Wallingford Auto Park and said these lots are zoned residential. She noted in May 2016, the ZBA granted a use variance and subsequent to that, Mr. Gargano went to Superior Court on a Quiet Title action to have the right to access and make improvements on First Street and construct infrastructure. She said in March 2017, a judgment was obtained which was recorded on the Land Records.

Atty. Gallagher said the Applicant wishes to have a location to store vehicles and for employee parking. She said this will not be a retail area open to the public and for employees only. She said Mr. Gargano is trying to make additional space because of a lot of movement with vehicles and employee vehicles. She said there will be 84 parking spaces, with 69 being stacked and 25 not stacked.

Atty. Gallagher said employee parking would be in the compliant spaces. She went on to note her client worked with residential neighbors to develop an acceptable screening plan which she said includes an addition to a fence being constructed along with a number of arborvitaes to be planted. She said she and Mr. Gallagher met with Ms. Hand to discuss the type of surface to be installed within the fenced-in area. She said Mr. Gargano preferred stone and to install mulch or grass under the arborvitaes.

Chair Seichter noted Ms. Hand's comments that the site is not presently in compliance with parking. Ms. Hand said this has come up through various iterations with this project on First Street, and projects on the North Colony Street primary site which are separate pieces of property. Ms. Hand said one condition of the variance is that this be associated with an approved Dealer's and Repairers License meaning that someone couldn't randomly purchase these pieces of property and store 80 vehicles there. Ms. Hand said there have been some issues over the years with overcrowding on the lot and vehicles being parked where they shouldn't be parked. She said she went by the site this afternoon (Monday), and noted it was significantly improved but not up to full compliance. Ms. Hand said she spoke with the property

owner last week. She said she was made to understand that by approving this application, this would help to alleviate the condition on the other piece of property but there is still some non-compliance on the other piece of property. Ms. Costello said she understood with the conversation with Mr. Gargano, was that the most recently approved site plan from 2006, seemed to be too restrictive to come into full compliance. She said alternatives were discussed such as possibly modifying some of what has been approved on that site in order to create flexibility and this would be alleviated by this property and allowance of storage on this property.

Atty. Gallagher said Ms. Hand brought in the 2006 site plan and noted this was the first time she had seen this. She noted that her client was apologetic and when he went back to the site, he would tell his employees to begin to remedy this situation. She said the possibility of closing off one of the entrances on North Street was also discussed to free up storage space for vehicles. She said Mr. Gargano is very much aware of the problem now and adding the 84 spaces can make a difference in being able to deal with the inventory and the service vehicles. Atty. Gallagher said Mr. Gargano leased a year ago; a location up the street for overflow because of the discussion about ensuring Mr. Gargano kept the number of on-site vehicles down.

Chair Seichter said he would feel more comfortable continuing this application to the October meeting so Mr. Gargano could be present and perhaps be in a position to bring the site in compliance. He said he finds it difficult to approve an application when a site is not in compliance. Ms. Morgenstein said she agreed and wondered why the PZC would look to approve a new application when the Applicant is currently not in compliance and not meeting up to the agreement. Mr. Fitzsimmons and Mr. Kohan said they were also in favor of continuing the application to the October meeting. Chair Seichter suggested if there are some considerations being made for the current site, it may be appropriate in having this brought to the PZC. He said he was very hesitant on approving something and still having an issue on the site. He said if there are some areas that could be addressed on the existing site; he encouraged the Applicant to bring those issues before the PZC.

Chair Seichter entertained a motion to table.

Mr. Venoit: Motion to continue application #232-17 to the October PZC meeting.

Mr. Kohan: Second

Vote: Unanimous

6. Site Plan (772.67 sq. ft. accessory apartment)/A. Porier/121 Simpson Avenue - **#233-**

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Mr. Fitzsimmons noted all correspondence for the record: Inter-Office Memorandum from Erik Krueger, Sr. Engineer, Water and Sewer Divisions dated August. 28, 2017 to Kacie Hand, Town Planner; Inter-Departmental Referral dated August 15, 2017 from the Fire Marshal.

Appearing in front of the PZC was Daniel Lyon, Architect representing the Applicant, Anne Porier, property owner.

Mr. Lyon said the property is large enough for the addition which is approximately 774 sq. ft. which is the allowable sq. footage for an accessory apartment. He said the apartment will stay within the rear and side setbacks and the percentage of coverage. He said there will be parking for two cars in the garage, and a space for two cars in front of the garage. Mr. Lyon addressed the letter from Water and Sewer regarding a possible enlargement of the water line which will be completed if necessary.

Mr. Lyon noted there is a common space (office), which will be located on the second floor which will be accessible to the people in the apartment. Mr. Lyon said Ms. Hand brought up a possible issue with the office only being accessible through the bathroom. Mr. Lyon said this will be rectified. Ms. Hand said there is a second story over a portion of the addition. She said she received a copy of the second story floor plan updated to Sept. 20, 2017, submitted by the Applicant and submitted this to the PZC. She said the second story goes over the main house and noted one area that goes over the accessory apartment addition. Ms. Hand said she wanted to ensure this wasn't being counted towards the sq. footage of the accessory apartment.

Ms. Hand said there is a spiral staircase from the apartment up to the office and the other access is through the bathroom and said she was uncertain about this. She said a different access to the primary unit should be provided which the Applicant agreed to. Chair Seichter said he didn't have an issue with the office being designated as shared space and didn't believe this was an issue for any other PZC member.

Public Comment – None

Chair Seichter entertained a motion on the application.

Mr. Venoit: Motion to approve a Site Plan for Porier for a 772.67 sq. ft. accessory apartment at 121 Simpson Avenue, as shown on plans entitled: "Zoning Location Survey Map depiction existing house and proposed accessory apartment and land and M. Porier 121 Simpson Avenue, Wallingford, CT"., dated Aug. 7, 2017 and architectural drawings entitled "Accessory Apartment" for Roy and Carol Francesca, 121 Simpson Avenue, Porier Residence, dated August 2017 updated to September 2017, subject to:

- 1. Comments of the Water and Sewer Divisions dated August 28, 2017;**

2. **Final Building Official inspection approval;**
3. **Providing different access to the primary unit satisfactory to the Town Planner**

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons-yes; Venoit-yes; Seichter-yes

7. Site Plan (775 sq. ft. accessory apartment))/J&N Whitehouse, 245 North Airline Road - **#234-17**

Mr. Fitzsimmons noted all correspondence into the record: Letter from Jonathan and Nichol Whitehouse to the Planning & Zoning Commission dated August 11, 2017; Inter-Departmental Referral dated August 16, 2017 from the Chief Sanitarian; Inter-Departmental Referral dated August 28, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions; Inter-Departmental Referral dated August 28, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions; Inter-Departmental Referral dated August 15, 2017 from the Fire Marshal.

Appearing in front of the PZC was Jon Whitehouse, 245 North Airline Road and David Bahuna, 25 Seneca Road, New Haven.

Mr. Whitehouse told the PZC he seeks approval for a 775 sq. ft. accessory apartment attached to his existing home. Ms. Hand said she had a discussion about the exact location of the accessory apartment, but noted she had come to a good conclusion. She noted the floor plan depicts a portion of the apartment which shares a wall with the living room for the main home and there is a portion of the apartment that shares a wall with the garage and laundry space. She said the requirement is that the wall has to be shared with the primary unit if it will be attached.

Ms. Hand noted that 12 ft. of the wall will be shared with the primary unit, and the 19 will abut the shared laundry space which she said she was comfortable with. Chair Seichter said he supported the Town Planner's assessment of the situation. Chair Seichter noted a request by the Applicant to have the variance fee used towards this application fee. Ms. Hand said she believed the variance was withdrawn because the Applicant came up with a different plan in order to come into compliance. She said she had no objection to applying the funds for the variance. The PZC concurred, but Mr. Kohan said he was unsure why this fee wasn't given back when the application was withdrawn and no work was done.

Ms. Hand explained that typically when someone applies, the fee is not returned. She said there has been work done associated with the application as was with the variance, but because the Applicant was willing to bring this project into compliance, that work can be applied to the application fee. She noted also that by the time people withdraw, the Legal Notice has already been posted.

Public Comments – None

Chair Seichter entertained a motion on the application.

Mr. Venoit: Motion to approve a Site Plan for Whitehouse for a 775 sq. ft. Accessory Apartment at 245 North Airline Road, as shown on plans entitled "Improvement Location Survey Land of Jonathan R. and Nicol S. Whitehouse, 245 N. Airline Road, Wallingford, CT.," dated April 25, 2016 revised to May 2, 2016, and further revised by the Applicant to show the proposed accessory apartment garage addition and closed-in porch and associated submitted floor plans, subject to:

- 1. Final Building Official inspection and approval;**
- 2. Waiver of fee that are credited to the Planning & Zoning fees**

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons-yes; Venoit-yes; Seichter-yes

8. Site Plan (retail restaurant & 256 sq. ft. addition to building)/D. Plummer/654 North Colony Road - **#236-17**

Mr. Fitzsimmons noted all correspondence into the record: Inter-Departmental Referral dated July 7, 2017 from Ed Rizzo Chief Engineer; Letter dated August 31, 2017 from Kacie Hand, Town Planner to Don Plummer; Inter-Office Memorandum dated August 29, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions to Kacie Hand, Town Planner; Inter-Departmental Referral dated August 15, 2017 from the Fire Marshal; Inter-Departmental Referral dated August 15, 2017 from Eloise Hazelwood, Dept. of Health.

Appearing in front of the PZC was Don Plummer, 2168 Chamberlain Highway, Berlin, CT. He told the PZC he seeks approval to construct a 16 ft. x 16 ft. kitchen off the back of what he believes was a former old rental car facility. He said he has already been approved for the variance. Mr. Plummer said this will be a steam kitchen to steam crabs consisting of a three-bay sink, a hand sink, four or five steam pots operating off of natural gas or propane. He said there will be no stove, other than steam pots. Chair Seichter asked about seating. Mr. Plummer said he is allowed 12 seats that will be outside on a deck, with no indoor seating or eating of food.

Ms. Hand said her comments have been addressed. She noted that technically, this is an addition onto a building on the property and which would normally require the entire site to be brought into compliance. Ms. Hand noted this isn't the primary building on the property and there are several non-conformities on the site and a variance was granted to allow the 16 x 16 addition without having the Applicant bring the entire site into compliance.

Chair Seichter entertained a motion on the application.

Mr. Venoit: Motion to approve a Site Plan for Plummer to construct an addition onto the smaller building at 645 N. Colony Road, and the Change of Use of that building to retail restaurant as shown on submitted plans subject to:

- 1. Satisfying comments from the Chief Engineer dated July 7, 2017'**
- 2. Satisfying comments from the Town Planner dated August 31, 2017;**
- 3. Satisfying comments from the Water and Sewer Divisions Sr. Engineer dated August 29, 2017;**
- 4. Satisfying comments from the Fire Marshal dated August 15, 2017;**
- 5. Satisfying the Health Dept. comments dated August 15, 2017**

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons-yes; Venoit-yes; Seichter-yes

BOND RELEASES AND REDUCTIONS

9. Special Permit/Choate Rosemary Hall Foundation/East Main Street (Kohler Env. Center - **#414-10**)

Ms. Hand said #9 is ready for Bond Release and #10, #11 and #12 below, are not.

10. Site Plan/Gem Properties/720 North Main Street Ext. (S&E) - **#256-05**
11. Site Plan/Gem Properties/720 North Main Street Ext. (Sidewalk & Driveway) - **#256-05**
12. DiGioia.48 Jones Road

Chair Seichter entertained a motion to release the Choate Rosemary Hall Foundation Bond.

Mr. Venoit: Motion to release the Bond for Choate Rosemary Hall Foundation, East Main Street, Kohler Env. Center - #414-10

Mr. Fitzsimmons

Vote: Unanimous

ELECTION OF OFFICERS

13. 2017 Election of Officers – TABLEDF

REPORTS OF OFFICERS & STAFF

14. Administrative Approvals
 - a. Survey Waiver/Yocum/52 Laurel Drive
 - b. Site Plan/T. Massaro/33 North Plains Industrial Road - **#235-17**
 - c. Site Plan/Masonicare@ Ashlar Village/Cheshire Road - **#231-17**
 - d. Survey Waiver/C. St. Pierre/224 Hall Avenue

e. Site Plan/Collyer/150 North Plains Industrial Road - #237-17

Ms. Hand discussed the Administrative Approvals.

15. ZBA Decisions August 21, 2017

Ms. Hand noted there were two child daycare centers approved, a sign setback approved and a variance for a garage addition approved.

16. ZBA Notice September 18, 2017

Ms. Costello noted a 3000 sq. ft. covered structure for growing figs which came to the Planning Dept. as a complaint. She said the Applicant is applying for a variance on the property that is one acre in size. She said this is in a residential area and is an active zoning violation. Ms. Morgenstein said 3,000 ft. is bigger than her house. Ms. Hand said there is a concern about the size and the hardship. Chair Seichter said he would stress the concern about the hardship.

Mr. Fitzsimmons asked if this structure was being called a greenhouse. Ms. Hand said it was not being called a greenhouse but noted there is a watering system and some sort of footing or foundation but it is not enclosed on the side. She said with a greenhouse there is the same 300 sq. ft. restriction for residential.

17. Zoning Enforcement Log

Ms. Hand noted that as requested, she went by the property on N. Turnpike Rd. and it didn't appear anyone had been on the property for some time. Ms. Hand said there has been discussion on a potential workshop on Town Center Zoning. She suggested the Monday, Oct. 2 2017 workshop. Chair Seichter noted at last month's meeting, the Health Care structure was discussed. He said the plan was to have a public hearing for this month, but is now planned for October.

Ms. Hand said this is based on a change in State Legislation, called Temporary Health Care Structures which allows for a detached accessory permanent building which would act like an in-law apartment but be a separate detached accessory building with full utilities. She said this is allowed for someone who needs a caretaker and documentation must be provided. She said there were concerns she raised at the last meeting and discussed among other Planners regarding basing a land use on someone's health care situation and how that affects HIPPA provisions and once someone doesn't need this anymore, one is left with a permanent structure with utilities. Ms. Hand said at that point, the municipality would require someone to remove this structure which could cause problems.

Ms. Hand noted the Town already has an accessory apartment provision which she believes serves this purpose and serves it in a way she is more comfortable with by maintaining it as a real accessory use. She said the Legislation would allow a Town to opt-out of the provision, but

this has to be done by formal action of the PZC and the Legislative body of the Town. She said the idea of holding a public hearing to discuss the potential of opting out was discussed. Ms. Morgenstein said we are trying to get the elderly to age-in-place but wondered if there could be permission granted for a mobile home. She said rather than saying the Town doesn't want this, the Town could consider a mobile home that could be rolled in and out. Ms. Hand said this could be considered, but noted she gets a lot of complaints about people having mobile homes parked in their driveways for a long period of time. She said the Accessory Apartment provision could also be tweaked. She said the PZC could opt-out and could come up with other options for Wallingford.

Mr. Fitzsimmons said the current regulations are favorable to accessory apartments/accessory uses. Ms. Hand said this could be scheduled as a Public Hearing for discussion. Chair Seichter asked Ms. Hand to send out notice to the Town Council to be aware of the Public Hearing.

ADJOURNMENT

Mr. Venoit made a motion to adjourn the Meeting at 8:42 p.m. Mr. Fitzsimmons seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary