

Special Meeting
Wallingford Planning & Zoning Commission
February 24, 2015

SPECIAL MEETING

Wallingford Planning & Zoning Commission

February 24, 2015

Town Hall, Room 315

7: p.m.

MINUTES

PRESENT: Chairman Jim Seichter; Commissioners J.P. Venoit, Secretary; Patrick Birney, Vice-Chairman; Alternate Rocco Matarrazzo; Town the Special Permit for Town of Wallingford, 346 South Elm Street, and Site Plan modification Planner Kacie Costello.

Chairman Seichter who called the meeting to order at 7:20 p.m., announced that Special Permit (public parking facility for park)/Town of Wallingford/345 South Elm Street and Rocha, 682 South Colony Road, Dunkin Donuts, have both been WITHDRAWN.

APPROVAL OF MINUTES

1. Minutes of January 12, 2015

TABLED TO THE NEXT MEETING

PUBLIC HEARINGS – 7:00 P.M.

1. Special Permit – Traffic Generator Restaurant – McDonald's Real Estate Company/ 608 North Colony Road. #401-15

Secretary Venoit read the Legal Notice and noted all correspondence for the record: correspondence from Kacie Costello Town Planner to McDonald's Real Estate Company, dated Dec. 30, 2014; plan review dated December 16, 2014; memo from Matthew Broughton to Kacie Costello, Town Planner, dated January 21, 2015; memo from Vincent Mascia, Sr. Engineer, Water & Sewer Divisions, to Kacie Costello, Town Planner, dated January 5, 2015; memo from Matthew Broughton to Vincent Mascia, Sr. Engineer, Water & Sewer Divisions, dated January 21, 2015; memo from Vincent Mascia, Sr. Engineer, Water & Sewer Divisions to Kacie Costello, Town Planner, dated January 28, 2015; notice of proposed development from the Chief Sanitation Officer dated January 26, 2015; notice of proposed development from the Fire Marshal dated December 9, 2014.

Appearing in front of the Commission was Michelle Carlson, Professional Engineer, BL Companies, representing the Applicant. She presented a plan of the existing site. She said the current building is approximately 5,000 sq. ft. with 77 parking spaces and noted there are drywells on-site which collect the storm water runoff. She said part of the proposal is to take the pavement out of the front area setback on the main drive on North Colony Rd and will landscape this area to conform with the regulations. She said they appearing in front of the ZBA for a variance for the parking .

She said there will be more green area then before so the variance was approved. Ms. Carlson . She noted the existing site is 75% impervious and the proposed plan will be 65% imperious with 10% more green space. She said the storm water will be managed by collecting all the storm water on-site, pre-treating it and sending it to an underground detention system which will be discharged into North Plains Rd. She said the Engineering Dept. has approved of this storm water management plan.

Ms. Carlson noted that perimeter trees will be installed along North Colony Rd. and North Plains Rd. and a new fence will also be installed. She noted the original building was constructed in 1975, so a new state of the art building, environmental friendly will be installed. She said currently there is a single drive-thru on-site and with the new plan there will be a double drive-thru with two order boards, with three windows; the first window for payment, the second for pick-up and the third window will deal with order problems.

Ms. Carlson went over sample materials which would be used on the building façade. She said red brick and cultured stone will be used. She said the existing pylon sign will stay but noted there will be a new play-place constructed.

Ms. Costello said all of her comments were addressed to her satisfaction. She recommended a \$16,000 S & E bond. She said the Engineering Department had no comments. Chair Seichter requested Ms. Costello to ask the Engineering Dept. to indicate in writing they have no comments on applications. Ms. Costello asked Ms. Carlson if any permit modifications were required from CT DOT. Ms. Carlson once they get approval from P &Z, they will meet with CT DOT because an encroachment permit is needed when the Applicant ties into the water system. In the Right-Of-Way. Ms. Costello suggested this be made a condition of approval.

There were no public comments.

Chair Seichter entertained a motion to close the Public Hearing.

MR. BIRNEY: MOTION TO CLOSE THE PUBLIC HEARING.

MR. VENOIT: SECOND.

VOTE: UNANIMOUS

Chair Seichter entertained a motion on the application.

MR. BIRNEY: MOTION TO APPROVE THE SPECIAL PERMIT APPLICATION MCDONALD'S REAL ESTATE COMPANY, TO CONSTRUCT A NEW RESTAURANT AT 608 NORTH COLONY ROAD, DATED NOVEMBER 7, 2014 UPDATED TO January 21, 2015, SUBJECT TO THE CONDITION OF APPROVAL CONTAINED IN THE MEMO FROM THE DEPT. OF PUBLIC UTILITIES DATED JANUARY 29, 2015, AND CONDITIONS OF APPROVAL FROM THE WALLINGFORD CHIEF SANITARIUM; A \$16,000 S & E BOND AND RECEIPT OF THE CTDOT ENCROACHMENT PERMIT.

MR. VENOIT: SECOND

VOTE: MATARAZZO-YES; VENOIT-YES; BIRNEY-YES; SEICHTER-YES.

APPLICATION APPROVED

2. Special Permit (Location of Use)/Cheap Auto Rental LLC/396 and 392-420 North Colony Road - #402-15.

Secretary Venoit read the Legal Notice and noted all corresponded for the record: memo from Kacie Costello, Town Planner, to Lewis Shattan, Cheap Auto Rental, LLC., dated December 30, 2014; memo from Cheap Auto Rental, LLC ., no date; memo from Kacie Costello, Town Planner, to Louis Shattan, dated January 15, 2015; memo from Vincent Mascia, Sr. Engineer, Water & Sewer Divisions, to Kacie Costello, Town Planner, dated January 8, 2015; memo from Vincent Mascia, Sr. Engineer, Water & Sewer Divisions, to Kacie Costello, Town Planner, dated January 26, 2015; map for existing site conditions received January 9, 2015.

Appearing in front of the Commission was Lewis Shattan of Cheap Auto Rental who told the Commission he has a long standing issue with overcrowding at 384 South Colony Road. He said he has two choices: downsize which isn't viable or purchase the coding machine property and have a larger footprint. Mr. Shattan said the new building at 392 S. Colony Road is not for the public part of Cheap Auto Rental, it will be for storage and internal repairs. The other building at 384 would still be the used car display and public area. He said he has six locations with most of the repair work done in Wallingford. He said this is like the kitchen for everyplace else, where everything happens and by expanding his footprint, he can decongest the area and make his neighbors happy.

Ms. Costello asked the Applicant if he had an opportunity to address her second round of comments. Mr. Shattan said the building itself can accommodate 20 vehicles inside. He said he believes there is more than enough parking. He said the ceiling is low, 10 to 11 feet and hasn't figured out how to install lifts without disturbing the flow of the building. He said he would probably begin with one lift.

Ms. Costello said the first five comments speak to parking. She said Mr. Shattan indicated in his first response there would be three repair bays but the zoning regulations require a minimum of 18 parking spaces in order to have three repair bays which the Applicant doesn't have. Mr. Shattan said he has 16 spaces marked off without modifying the grounds. She said the 16 spaces aren't all compliant and noted if inside vehicle storage is desired, the Applicant should provide a floor plan. Mr. Shattan said this building has nothing in it all the way down to the office. Ms. Costello said there needs to be an understanding of how the Applicant is going to provide legal parking, and if the Applicant wants to make the argument of some vehicles being stored indoors, perhaps this could happen, but she said she needs to understand how this is going to work.

Chair Seichter said the Commission is looking for a proposed interior layout of the building and where the parking will be located. He said all the Commission has is the footprint of the building. Mr. Shattan said at this point he isn't doing anything with the new building because of the ceiling height. He said he would be starting at the south end of the building and leaving the rest for parking. Chair Seichter said the Commission is looking to see plans which show 12 or 15 cars will fit in the building, so there will be a level of comfort after the bays and storage area and office are completed so the P & Z can see there will be ample parking in the building.

Ms. Costello said several of the outdoor spaces are not compliant and are needed. She said if the Applicant wants to provide less than that, he must go to ZBA to apply for a parking variance. She said the existing area is packed with vehicles not compliant with this plan. She said they are double-stacked and not consistent with this plan. Mr. Shattan said there are not 16 cars there currently but the parking plan is for double stacking and is not a public parking area, but a vehicle storage area. Ms. Costello said this is an argument for ZBA.

Commissioner Birney told Mr. Shattan this application will not be approved tonight. He said the application is incomplete and the Commission's time is being wasted. He said he appreciated the time and money Mr. Shattan spent trying to come into compliance with the regulations, but urged him to call Rosalind Page to work with the Town Planner to get the plans into compliance so they can be approved. Commissioner Birney requested the application be withdrawn with a waiver of the fee and re-file. The Applicant agreed to withdraw the application.

THE COMMISSION VOTED UNANIMOUSLY TO WAIVE THE FEES ON THE REFILEING OF THE APPLICATION.

3. Special Permit (Location of Use)/500 North Colony Road Associates/500 North Colony Road - #403-15

Secretary Venoit read the Legal Notice and noted all correspondence for the record: memo from Kacie Costello, Town Planner to 500 North Colony Road Associates dated Dec. 30, 2014; a plan preparer (no date); memo from Anthony Doornweerd, Cardinal Engineering, to Kacie Costello dated Jan 15, 2015; notice of proposed development from the Environmental Planner dated

Jan. 2, 2015; site plan report from the Fire Marshal dated Jan. 6, 2015; memo from Vincent Mascia, Sr. Engineer, Water & Sewer Divisions to Kacie Costello, Town Planner, dated Feb. 8, 2015; map received Jan. 20, 2015.

Appearing in front of the Commission was Joan Molloy, Attorney, Loughlin Fitzgerald representing the Applicant. She said this is an application for a location of use approval regarding the Barberino Nissan Dealership. She said the property is located on a parcel on a portion of the dealership property. She said her client, Mr. Barberino, was able to obtain this property from an abutting property owner in order to be able to store more vehicles at his dealership. Atty. Molloy noted that by law, a location of use approval is required for anything associated with a dealership. She said a plan was submitted by Cardinal Engineering which shows how the additional property will be merged into the dealership. She said the Applicant responded in writing to Ms. Costello's comments and other Town departments don't object to this application and also spoke with the Dept. of Transportation. She said the existing driveway will be closed off and a new driveway constructed.

Mr. Doornweerd went over the site plan. He said the vehicle holding spaces will be expanded on the south side about ½ acre and the parking will be accessed from the existing site. He said there will be landscaping in the front and a buffered area. He noted that additional lighting will be added. Mr. Doornweerd said the site currently drains towards the back and will be swaled about 20 ft. from the property line to a double catch basin which will go to a series of underground pipes, which will be sized for a 25 year storm. He said in addition to erosion control, there will be a silt fence installed on the south side of the property boundary and a check dam installed. Mr. Doornweerd said there will also be a silt fence around the catch basin. He addressed a comment by Erin O'Hare, Environmental Planner. Atty. Molloy said Ms. O'Hare recommended the installation of the silt fence but had difficulty to the perpetuity of the request. Ms. Costello said she agreed the IWWC had been concerned and very involved with stormwater management. She said this request comes as a suggestion from the Environmental Planner, and is necessary during the construction but not for perpetuity.

Ms. Costello said she spoke with DOT which verified that as long as the Applicant is closing off the curb cuts, no additional approvals will be necessary and that the State is pleased with the proposal. She suggested a condition of approval be submittal as required to the DOT. Ms. Costello said she didn't receive comments from Engineering who stated they had no problem with the application, but recommended a condition of approval be that the Engineering Dept. sign off on the storm management system be signed off by the Engineering Dept. prior to construction. Chair Seichter requested that the Applicant park the vehicles in the parking spaces. He said the applicant hasn't complied over the past several years. Atty. Molloy said she wanted to make it clear that this is vehicle storage. Chair Seichter said he was talking about all the spaces on Colony on the existing lot or the Applicant will be cited for a violation. Ms. Costello said there will be a \$2,000 S & E bond.

THERE WERE NO PUBLIC COMMENTS

Chair Seichter entertained a motion to close the Public Hearing

MR. BIRNEY: MOTION TO CLOSE THE PUBLIC HEARING

MR. VENOIT: SECOND

VOTE: VENOIT-YES; BIRNEY-YES; MATARAZZO-YES; SEICHTER-YES.

Chair Seichter entertained a motion on the application.

MR. BIRNEY: MOTION TO APPROVE THE SPECIAL PERMIT LOCATION OF USE FOR 500 NORTH COLONY ROAD ASSOCIATE SUBJECT TO THE FOLLOWING CONDITIONS:

1. **CONDITIONS OF APPROVAL OF THE WATER & SEWER DIVISIONS DATED JANUARY 8, 2015**
2. **SUBMITTAL OF PLANS AS REQUIRED TO THE CT DOT**
3. **STORMWATER MANAGEMENT PLANNED BE SIGNED OFF BY THE ENGINEERING DEPT. PRIOR TO CONSTRUCTION**
4. **S & E BOND OF \$2,000 AND**
5. **COMPLIANCE WITH PARKING AS PREVIOUSLY APPROVED BY THE COMMISSION AS SHOWN ON THE PLANS**

VOTE: MATARAZZO-YES; VENOIT-YES; BIRNEY-YES; SEICHTER-YES.

SPECIAL PERMIT APPROVED

4. **Special Permit (public parking facility for park)/Town of Wallingford/346 South Elm Street – WITHDRAWN**

NEW BUSINESS

5. **Site Plan Modification (additional suite at approved Bed & Breakfast/The Wallingford Victorian Inn LLC/245 North Main Street - #203-15**

Chair Seichter entertained a motion to continue the Application to the March meeting.

MR. BIRNEY: MOTION TO CONTINUE TO THE MARCH MEETING

MR. VENOIT: SECOND

VOTE: VENOIT-YES; MATARAZZO-YES; BIRNEY-YES; SEICHTER-YES.

WALLINGFORD VICTORIAN INN MOVED TO THE MARCH MEETING.

OLD BUSINESS

6. Site Plan (site modifications)/Rocha/682 South Colony Road (Dunkin Donuts) - #247-14-WITHDRAWN.

REQUESTS FOR ACTION

7. 8-24 Referral – Request for Road Acceptance/Toll Bros./Mae Lane, Poppy Lane, & portion of Twin Pines Drive (Estates at Wallingford)

Ms. Costello said this is a request for a road acceptance which is ready to be approved but noted is not ready for a bond release.

Chair Seichter entertained a motion for road acceptance at this time.

MR. BIRNEY: MOTION TO ACCEPT THE ROAD

MR. VENOIT: SECOND

VOTE: BIRNEY-YES; VENOIT-YES; MATARAZZO-YES; SEICHTER-YES.

8. 90-day Map Filing Extension/ATA Realty Inc./195 Chimney Hill Road - #105-14

Ms. Costello said this was a 16-lot subdivision approved on Chimney Hill Road and a 90-day extension is being requested to file mylars. Commissioner Birney asked about mylars, why they needed to be recorded and why an extension was needed.

Ms. Costello explained the mylars are the form of “paper” used to record the information on the land records for the maps and what validates the subdivision. She said issues may still be in the process of being worked out.

MR. BIRNEY: MOTION TO APPROVE THE 90-DAY EXTENSION

MR. VENOIT: SECOND

VOTE: VENOIT-YES; BIRNEY-YES; MATARAZZO-YES; SEICHTER-YES.

90-DAY EXTENSION GRANTED.

9. Survey Waiver Request/Sunwood Development Corporation/860 Clintonville Road.

A representative from Sunwood Development told the Commission that 860 Clintonville Road was destroyed by fire and Sunwood Development is under contract to rebuild. He said in the redesign of the house, some modifications were made with additional square footage above the main level being proposed. He said he believed if a house is destroyed by fire and being rebuilt, no site plan is required, but because there are modifications a new site plan is required. He said a redesigned site plan will cost a few thousand dollars and nothing bigger is being rebuilt,

it is the same footprint, so the homeowners are requesting a waiver. Ms. Costello said because this is a Class D, this doesn't quite comply with the requirement but is the same footprint just going vertically above the house.

Chair Seichter entertained a motion at this time.

MR. BIRNEY: MOTION TO APPROVE THE SURVEY WAIVER REQUEST AT 860 CLINTONVILLE ROAD.

MR. VENOIT: SECOND

VOTE: VENOIT-YES; BIRNEY-YES; MATARAZZO-YES; SEICHTER-YES.

SURVEY WAIVER APPROVED

ELECTION OF OFFICERS

10. Election of Officers

TABLED

BOND RELEASES AND REDUCTIONS

11. Change of Use/Site Plan (Nail & Wax Salon)/Thomas/189 Ward Street

Ms. Costello said the bond is ready to be released at this time.

Chair Seichter entertained a motion at this time.

MR. BIRNEY: MOTION TO RELEASE THE BOND FOR 189 WARD STREET (NAIL & WAX SALON).

MR. VENOIT: SECOND

VOTE: VENOIT-YES; BIRNEY-YES; MATARAZZO-YES; SEICHTER-YES.

BOND RELEASED

DISCUSSION

12. Scheduling of Workshop(s) for February/March

Ms. Costello said there were four items talked about for workshopping: oversized garages, medical marijuana, Paradise Hills Winery and application fees. She suggested scheduling all these items as one workshop later in the month. Chair Seichter said he wasn't sure if there should be four items to discuss. He preferred medical marijuana for the first workshop along with oversized garages and possibly have another workshop for the other two items. He

suggested having the workshop the third Monday of March. Ms. Costello suggested March 23 or March 30 because of availability. Chair Seichter asked Ms. Costello to send correspondence to the Commission members who were not present at tonight's meeting.

REPORTS OF OFFICERS AND STAFF

13. Annual Report

Ms. Costello told the Commission they received a draft of the annual report.

14. Plan of Conservation and Development update

Ms. Costello said she had an initial meeting with the consultant, Milone&MacBroom. She said she has been sending them available information and they have submitted their contract which is still being reviewed. She said she is meeting with Corporation Counsel Janis Small on Thursday to finalize the contract. Ms. Costello said a kick-off meeting /workshop is being planned with the Commission and the public. She said there will be focus groups for the different elements including one for the downtown. She said at the first meeting there will be a proposal for a full-time line for the Commission. Ms. Costello said she spoke about the Plan of Development which is due July 1 with the Consultant. She said she spoke with OPM who encouraged Towns such as Wallingford to request an extension and anticipates this will be requested. Commissioner Birney said he feels we are way behind schedule and had our plan submitted months ago to the State. He asked why we aren't moving forward and where the contract was. Ms. Costello said we are behind because her department didn't have the time to move forward and now have a full staff which she didn't have for nearly two years. She said while the Town hasn't had a lot of big development applications, having one staff person to handle zoning enforcement and day-to-day questions, took up a lot of her time. She said she wants to ensure this is done correctly and that this is a very important time for Wallingford and to involve the public and want to make sure we get a good product out of this.

Ms. Costello said Milone & MacBroom proposed the extension run to the end of 2015. She said she has begun the data collecting and updating. She said she met with Steve Knight and a few members of the EDC and WCI who expressed an interest in improving downtown and take this as a citizen approach. She said one of the components in the Plan of Development is a special section downtown which would be part of the bid. She said there is \$70,000 from the Town but \$82,000 would be needed to do a full study of the downtown. Ms. Costello said she just applied and received a grant to study transit oriented development around the train station. She said both of the consultants know about each other and will collaborate.

Chair Seichter asked about the Annual Report regarding parking site improvements at the two Dunkin Donuts and the track and athletic field replacement at Lyman Hall High School and home occupation which regulations were approved in January. He requested this be put on the next agenda for Commission members not in attendance at tonight's meeting.

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15. Sign Violation Notices

Tabled to the next meeting.

16. Administrative Approvals

- a. Site Plan (tree lighting)/M. Papa/1181 Barnes Road (Hilton Garden Inn) - #255-14

"NOTED AS APPROVED"

Ms. Costello explained that decorative lighting was requested on the trees.

- b. Site Plan (antenna support poles)/T.O.W. Fire Department/37 Hall Road - #202-25

"NOTED AS APPROVED"

Commissioner Venoit asked about "Cease & Desist" order. Ms. Costello said this is an order to stop doing what one is doing and is structured to stop the violating activities and is not stayed by an appeal of the Cease & Desist Order. She said if this is ignored, it comes to fruition when it goes to court because the violator can be back fined. She said it is less pushing for the money but to have the violator come into compliance. Ms. Costello said she can ask up to a\$2,500 for a single violation and \$150 every day of the violation.

ADJOURNMENT

Mr. Birney made a motion to adjourn the meeting at 9:20 p.m. Mr. Venoit seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary