

SPECIAL JOINT WORKSHOP MEETING  
OF THE  
WALLINGFORD TOWN COUNCIL  
AND  
WALLINGFORD PLANNING AND ZONING COMMISSION

Monday, October 27, 2008, 7:00 p.m.  
Wallingford Senior Center, 238 Washington Street, Wallingford, CT

MINUTES

Town Council Chairman Michael Brodinsky called the meeting to order at 7:02 p.m. He welcomed the members of both the Town Council and the Planning and Zoning Commission, along with Town Attorney Janis Small, Town Planner Linda Bush, Assistant Town Planner Kacie Costello, and 30 members of the public. All the members introduced themselves:

Town Council – Chairman Mr. Brodinsky and Councilors Mr. Vincenzo DiNatale, Mr. Nick Economopoulos (arrived at 7:06 p.m.), Mr. Jerry Farrell, Jr., Mr. John LeTourneau, Mr. Robert Parisi, Mrs. Rosemary Rascati, Mr. Michael Spiteri, and Vice Chairman Mr. Vincent Testa, Jr. (arrived at 7:06 p.m.).

Planning and Zoning Commission – Chairman Mr. James Fitzsimmons and Regular Members Secretary Mr. David Fritz, Mr. Patrick Birney, Mr. James Seichter (arrived at 7:08 p.m.), and Alternate Members Ms. Stacey Voss and Mr. Jon-Paul Venoit (arrived about 7:20 p.m.).

Chairman Brodinsky said this is likely the first time that the Town Council and the Planning and Zoning Commission have held a joint workshop. In looking for an exchange of ideas on the topics, Chairman Brodinsky asked those present to allow the two groups to spend time on the first five agenda items. Then he would invite public comment under Item #6.

1. Downtown Transit Zone: Discussion and Presentation

Appearing were Attorney Tim Hollister and Attorney Allison M. McKeen of Shipman & Goodwin, LLP, of Hartford, along with Ms. Karen M. Cullen, AICP, Senior Planner from Concord Square Planning & Development, Inc., of Palmer, Massachusetts. Another member of the team, a transportation planner, could not attend tonight. Reference is made to these documents: “The HOMEConnecticut Program and an Incentive Housing Zone for Downtown Wallingford”, which was Attorney Hollister’s PowerPoint presentation dated October 27, 2008 (Att. 1A); the one-page colored rendition of “Potential Incentive Housing Zone – Downtown Wallingford”, as prepared by Concord Square Planning & Development on October 23, 2008 (Att. 1B); and the originating legislation from Attorney Hollister, as found in Connecticut General Statutes Section 8-13m-x, known as Chapter 124b Incentive Housing Zones, enacted in 2008 (Att. 1C). (Note: Copies of all attachments are available from the Planning and Zoning Department.)

Attorney Hollister said the HOMEConnecticut Program is funded through a planning grant from the State of Connecticut Office of Policy and Management. The name "Incentive Housing Zone" comes from the legislation, so the concept will no longer be called a "Downtown Transit Zone" here in Wallingford. HOMEConnecticut seeks to assemble stakeholders from the local economy, industry, and the environment, plus State and local government officials in a collaboration to create lower-income and moderate-rate housing units at medium and high density plus retail and office opportunities as an incentive for the economy. Transportation opportunities would be an aspect of the overall plan, as well.

This concept is borrowed from actual practice in many Massachusetts communities. It was noted that from 2000 to 2006, housing prices rose in Connecticut by 63%, while incomes rose by 18%. Many young adults aged 24 to 30, who do not find affordable housing choices, have moved out of state. One goal here is to keep this age group living and working in Connecticut. The HOMEConnecticut legislation is an alternative to C.G.S. 8-30(g), the Affordable Housing statute. This IHZ legislation should produce development results more quickly. However, it was noted that no 8-30(g) housing can be built within an IHZ.

The HOMEConnecticut program for Incentive Housing Zones is a front-loaded process, in which a town studies, develops and adopts a Zoning Regulation for a detailed, specific local overlay that includes design standards. Any applications for a site plan or a subdivision plan would be approved by right. The PZC-adopted zoning regulation would have to be approved by the Town Council and also submitted to the Office of Policy and Management for its approval before local implementation. To date, Wallingford has applied for and received a \$50,000 grant from OPM to study creating an IHZ, to find the location, to draft a regulation, and to create a housing plan for the zone. These tasks are in progress. Upon implementation, Wallingford would receive from the State \$2,000 per potential residential unit that could be built in the zone, as unrestricted monies for the Town's General Fund. When actual residential unit building permits are approved, then the Town would receive \$2,000 more per unit. The Connecticut Legislature is working to continue supporting this funding.

An Incentive Housing Zone (IHZ) must meet these criteria, among others:

- An eligible location near transportation services, or an area of concentrated development, or an area where the infrastructure will support such a zone. Being considered here is the downtown area generally near the train station. The train station, which is an historic building, is includable in the zone.

- Housing densities of: six units per acre for single-family detached units; 10 units per acre for townhomes or duplexes; or 20 units per acre for multi-family units. Land is calculated on a net-developable basis after exclusions for slopes and other factors. There is a minimum set-aside of 20% of units to be built for households earning 80% or less of the annual regional median income. Prices of such units must remain affordable for 30 years. The remaining 80% of units to be built would not be price-restricted.

- Only site plans or subdivisions are allowed to be proposed within an IHZ. The object is to increase “as-of-right” residential density in the IHZ by at least 25%. Attorney Hollister noted that age-restricted units can be built, but they do not qualify for State funds.

Ms. Karen Cullen represents a planning and zoning consulting firm that has participated on many similar projects in Massachusetts. She has read the Plan of Conservation and Development, “Envision Wallingford”, as adopted in 2005. Her idea of an overlay zone in the downtown would address parking, signage, landscaping, and setback issues. It would encourage development of new housing units plus revitalization of the commercial base. It will likely implement the recommendations of the 2004 Downtown Parking Study. She noted that, during formal discussions on the Plan of Conservation and Development, the concept of “expansion of the commercial district” was considered but rejected. That was in recognition of the residential character of areas close to downtown Wallingford. The colored map shows about 15 acres in the central downtown. There are 48 identified parcels, three parking lots, and 58 housing units. The study area extends from the Dream Weaver business on South Colony Street to the Checkers Convenience Store on North Colony Street. It goes north on Center Street to Wentworth’s Ice Cream and south on Quinnipiac Street and Hall Avenue to intersect with South and North Cherry Streets, and extends along North Cherry to the Connecticut Acoustics and Steel Fabricators buildings. Ms. Cullen showed an aerial image. Holy Trinity Church and rectory and buildings northward on North Colony Street are not included in the study area. The Connecticut Acoustics and Steel Fabricators properties were included in case the Town would want to move the current train station stop northward, so as to reduce traffic delays. PZC Chairman James Fitzsimmons asked to add the Holy Trinity Church parking lot to the study area, since it is possible that that lot could provide weekday shared parking for rail commuters. Attorney Hollister offered to show the plan again, with and without the Holy Trinity Church parking lot.

Ms. Cullen said there are many issues to study: parking; traffic circulation for trains and roadway vehicles; land assembly for logical development; creating the allowable density to meet State regulations; promotion of area commerce; the commuter rail service potential, and others.

Mr. Fritz asked if there could be a publicly-financed parking garage, or if one would have to be developed privately. Could the Connecticut DOT assist? Attorney Hollister said the DOT could be called upon. Having a parking garage would depend on a number of variables. Mr. Testa asked if the minimum density per acre applies to each acre or to the whole zone. Would some areas be more densely developed? Attorney Hollister said the computation is for the zone: total acreage minus certain categories of land that are excludable yields the net developable land. He cited the different housing densities allowed and pointed out that the boundaries are not firm yet. Ms. Bush stated the densities of some existing downtown housing.

Potentially, about \$400,000 could be disbursed to Wallingford through this project. Mr. Farrell wanted to know if State funding could be withdrawn in the future. Attorney Hollister did not think that would happen; but, if the money were withdrawn, then Wallingford would have to decide whether to proceed. Ms. Bush thought, in the absence of State funds, that the overlay zone still could be beneficial to the Town.

Mr. Brodinsky thought that developers would like to know in advance what they have to comply with. Attorney Hollister said that two types of IHZ applications to the State are allowed: those that are developer-driven and those that are Commission-driven. If Wallingford's is a Town-driven application, then it would be helpful to incorporate design standards that are realistic for developers to achieve.

The overall project timing will include a PZC-held public workshop meeting on December 15, 2008, followed by the Town's application to OPM for a preliminary determination, probably in February 2009. The OPM application will state Wallingford's proposed regulation, the expected boundaries, the design plan, and the housing plan. OPM will respond, and then the PZC will consider adopting the IHZ regulation and process. The Town Council must also approve it. But Attorney Hollister pointed out that there is no deadline for adopting the regulation. Council Chairman Mr. Brodinsky asked if the zoning regulation could be amended afterward. Attorney Hollister said any proposed amendment would have to be reviewed and approved by OPM.

2. What is the future of the Interchange District (I-5 Zone)?

Reference is made to the letter submitted by Dr. Barry R. Gillespie to Wallingford Zoning Board and Town Council Members dated 10/27/08 (Att. 2).

Council Chairman Brodinsky said the I-5 zone is in the area of Route 68 near I-91. He believes that the I-5 zone presently has limited uses, and he asked the Planning and Zoning Commission to comment on the status of the zone. PZC Chairman Fitzsimmons said that both the I-5 zone and the IX zone were established by the Planning and Zoning Commission many years ago, well before he and the current members joined the Commission. Both zones are specific, with specific requirements. Mr. Fitzsimmons said the recent discussions on these zones originated a number of years ago at the time of the auto auction application, when the PZC had asked the Economic Development Commission for comments. Since then, the PZC has held workshops concerning the I-5 and IX zones, but the regulations remain as originally adopted. Individuals and developers have made applications for changes to the I-5, but they have been generally denied by the Planning and Zoning Commission.

Chairman Brodinsky said he would like to see development but not overdevelopment in the I-5 zone. The Town could benefit from tax revenues. He asked the Town Planner and the Commission about the potential for development or even of liberalizing the permitted uses in the I-5 zone. Chairman Fitzsimmons said the PZC has been working with and sought input from the Economic Development Commission on the two zones, much as it has worked with Wallingford Center, Inc., regarding the downtown. He said the EDC believes the I-5 zone is properly zoned right now. The Mortgage Lenders project, for about 300,000 square feet of office space, was built recently in the I-5 zone, but the building is not occupied. Mr. Fitzsimmons added that the PZC examines and initiates its planning function during its public workshop meetings. PZC regular meetings are more administrative in nature, when the Commission acts on applications made under the existing Zoning Regulations. But the PZC does consider and adopt new regulations and make amendments from time to time.

PZC Commissioner Mr. Fritz suggested opening the I-5 zone to light retail and/or restaurant uses. He thought that the Route 68/I-91 interchange area would be appropriate for an Evergreen Walk-type development at that entrance to Wallingford. Mr. Fritz thought that the Town could acquire the Mortgage Lenders property for a senior high school, move a middle school into one vacant high school, put the Police Department into the middle school, and make the other high school into a Vo-Ag school. He said that Wallingford intends at some point to use land on Route 68 across from Leigus Road for a new, improved volunteer fire station.

PZC Chairman Fitzsimmons said, if the Town Council is interested, the Planning and Zoning Commission is open to holding a workshop meeting on the IX or I-5 zones. He noted that soon there will be four hotels opened up in the I-5 zone and that there is no restaurant in the vicinity. Also, water and sewer issues in that area have contributed to a lack of development activity in the I-5 zone. Chairman Brodinsky said he would be willing to talk about changing the conditions in the zone in order to bring about additional development but not uncontrolled development.

PZC Commissioner Birney asked about the last application for the I-5 zone and the position of the Economic Development Commission. Ms. Bush said a number of property owners had asked for a regulation change that would permit two-story development with first-floor retail stores and second-floor offices. Their property is next to the new Hilton Garden Inn. At the time, the Economic Development Commission was opposed to a change in the zone. Mr. Fritz thought that the EDC is looking for Class A office development, similar to development in Shelton. But he pointed out that Wallingford has about 400,000 square feet of open Class A office property, including the Mortgage Lenders building at 302,000. Councilor DiNatale cautioned about the possibility that small restaurants, rather than larger, full-service restaurants, would come in and use up the intended Class A office-zoned, potentially higher-use and higher-revenue land. Councilor Testa said it is desirable to have all the entries to Wallingford look well. He did not want to refuse a particular use just because it may not look well. The workers in office buildings still need to eat. He has traveled elsewhere, where office parks have housing nearby plus restaurants in the area. That makes sense and convenience for travelers. The Marriott hotel has a restaurant that is open to the public. But he did not want to see all the potential development go to restaurants and retail outlets: There needs to be some control to achieve a mix of development. Chairman Fitzsimmons stated that restaurants are permitted within an office building, up to a certain percentage of the square footage. Ms. Bush said the Workstage/Mortgage Lenders building can have a food venue inside, but primarily to serve the workers. Right now, the hotels are permitted to have restaurants within them. Chairman Fitzsimmons said the PZC could have a workshop meeting to review the present zone along with the views of the Economic Development Commission. So far, he does not think the Commission has had significant applicant interest in changing the regulations.

Councilor Mr. Economopoulos said he has organized sports tournaments, here and elsewhere, for years—basketball, soccer, the annual Wallingford TWIST soccer tournament. Visitors ask where they can go in between games for meals and shopping. Frequently, visitors are directed to the I-91 corridor to more distant locations because it is more convenient than directing them down Route 68 to Route 5 and local destinations. But Mr. Economopoulos thought that the

present circumstances mean missed opportunities for Wallingford. People who stay in hotels do not want to drive additionally for supper.

Mr. Birney recalled that the EDC's position was that allowing stand-alone restaurants in the I-5 zone would create competition for other local restaurants. Councilor Mr. LeTourneau is a downtown businessman. He said his business does increase during the times of the TWIST tournament or when Choate parents come in for weekend events. He preferred to see fewer but single-market types of stores in the I-5 zone, rather than a broad spectrum of retailers, which may permanently draw business away from the downtown. He would oppose allowing small- to medium-sized retail development there—stores of 2,200 square feet up to 5,000 or 6,000—because that would represent a threat to the downtown. But he does admire the look and concept of Evergreen Walk. Councilor Mr. Parisi agreed that the PZC should not hurt the existing downtown retail and restaurant businesses, which have made Wallingford what it is.

Councilor Mr. Spiteri said he favors layered development in the I-5 zone, such as retail and food-court locations on the first floor with offices on the second floor. Workers in the Route 68/I-91 area would go there. Chairman Fitzsimmons said the present Zoning Regulations allow that right now, but no one has made that type of application.

Mr. Economopoulos pointed to the cars going Monday through Friday from Durham to Cheshire and back. Those people would not likely go downtown, but they might go to a destination in the I-5 zone on Route 68. He had tried to buy the Mortgage Lenders property in 1991 in order to build a four-court basketball facility. The land cost \$400,000 less for Mortgage Lenders than that. The current I-5 zone plan is for more office space.

Chairman Brodinsky did not know whether a view of protectionism for the downtown has led the Economic Development Commission to be stricter about development possibilities for the I-5 zone. But he felt that, with the right standards, there is room for development in both locations. Mr. LeTourneau said he is interested in having the Economic Development Commission join the discussion.

3. What other zoning issues do we need to talk about?

None were mentioned.

4. Can zoning help with downtown revitalization?

Ms. Bush said the proposed Incentive Housing Zone in Item #1 tonight would have a major impact on downtown revitalization. Also, the Plan of Conservation and Development has some recommendations for the downtown. The PZC could create a new zone for downtown signage and parking. She would prefer to remove most of the parking standards to make it easier for applicants. Most of them have to obtain zoning variances for their required parking. She would encourage having more residences downtown, including more upscale residential development. Chairman Fitzsimmons agreed. We did a Downtown Parking Study. There is plenty of parking downtown, but it is not in front of every building. The PZC would have to change the regula-

tions. Also, Mr. Fitzsimmons suggested waiving application fees, to encourage people to be more creative in their approach to downtown revitalization. The PZC has listened to input from Wallingford Center, Inc., in its workshops. One workshop dealt with the permitted uses that should be encouraged or discouraged. One discussion was whether to allow tattoo parlors or spas downtown. Also, a lot of time was spent on downtown signage.

Councilor Mr. Testa wanted to know whether the current zoning hinders downtown revitalization. He did not think so. There's a lot of parking. People would like more. At a mall, people have to park and walk a quarter mile to the store. He thought that people go to malls because of the variety of the stores. Ultimately, Mr. Testa said he is interested in the psychology of how to attract people to the downtown.

Mr. LeTourneau said he has been a downtown retailer for eight years. There is two-hour parking, but cars are parked there all day. There are parking spaces in the rear lot for the apartment tenants, but many of them park in front on the street. But the types of businesses downtown seem to fit into the two-hour parking plan. Municipal lots are behind the Center Street businesses, but some lots can only be accessed by a one-way street. William Street should be two-way access. It should be done. Chairman Fitzsimmons said it may be time to bring back parking meters on Center Street, whereas the free spaces would be in the rear lots.

Mr. Brodinsky thought that revitalization of the downtown should be a stated, high goal for the Town. Second, there should be short-term goals for signage, parking, etc., that could be accomplished faster. An option is to use zoning to make sure that retail development is contiguous downtown, window after window on the first level, with offices upstairs. Right now, there is a mix of retail and offices. Office or residential uses could be upstairs. Maybe the Incentive Housing Zone will help.

#### 5. Do we need to improve the way we enforce zoning regulations?

Mr. Seichter stated that the Planning and Zoning Commission has had workshops over the last three years about having a citation ordinance for zoning enforcement. Some Town Council members did attend the workshops. Corporation Counsel Adam Mantzaris has assisted greatly in developing the draft citation ordinance. It sets out the steps for zoning enforcement notification when a violation continues. For example, there are problems with chronic violators, such as dealers who display cars for sale on the landscaped front yard on Route 5. They comply for a while and then resume the violation. Separately, Attorney Mantzaris has been helpful in taking violators to court.

Chairman Fitzsimmons said the citation ordinance proposal is with the Ordinance Committee of the Town Council. Ms. Bush said the Planning and Zoning Office has been in favor of having an ordinance. The PZC staff would rather have the enforcement power reside with the Planning and Zoning Commission, so the violations would have to go to the PZC for action. PZC member Mr. Birney thought that citations—fines—could be effective, if permitted by ordinance. Councilman Mr. Parisi agreed. He said that people know that the Zoning Enforcement Officers do not have any real enforcement power, as it is now.

Mr. DiNatale asked whether the blight ordinance would suffice. Ms. Bush said, for example, that illegal temporary signs are not considered blight. They are zoning violations. Right now, one citizen has been watching for illegal signs on Route 5 and has been reporting the violations to the Department. Town Attorney Small advised that the Town Council would have to enact an ordinance in order to authorize citations for zoning violations.

Mr. Brodinsky noted also that some PZC or Inland Wetlands conditions of approval are not observed. The Town has difficulty enforcing them. Sometimes people obtain a building permit, even though the conditions of approval for preconstruction issues have not been satisfied. Chairman Fitzsimmons said the PZC has worked with the Planning Department staff and the Department of Law when problems occur. Usually, the PZC looks to uphold its imposed conditions of approval. But, at times, the Commission has modified them.

#### 6. Public comment

Mr. Jim Wolfe, a member of the Economic Development Commission, said the discussion on any changes to the I-5 zone seem to relate to having design standards. How would that work? Ms. Bush said design standards, such as for architecture, would be written standards in the Zoning Regulations. Mr. Wolfe said then the applicant would know what is being imposed. He thought that there is much more to discuss about the I-5 zone than has been brought up tonight. One of the major issues the EDC would have would be how to control development if the I-5 zoning regulation were changed. How could zoning prevent having a fast-food restaurant instead of a full-service restaurant? But he thought the EDC would be willing to discuss the issues.

Mr. Jason Zandri read aloud the letter from Mr. Geno J. Zandri, Jr., to Mr. Michael Brodinsky Chairman, Wallingford Town Council, dated 10/23/08 (Att. 6). In it, Mr. Zandri asked why the resident owners in an OSPRD are not allowed “to enclose/enlarge pre-existing decks” on the dwellings. He asked that the particular zoning regulation would be repealed and that the “use of private property in an OSPRD should be determined b the owners’ Association and not the Town of Wallingford.”

Mrs. Lucille Trzcinski asked that the first floor of downtown buildings should be zoned strictly for retail use. Some retail rents are costly now, and landlords cannot get businesses to come in. Mrs. Trzcinski thought that Wallingford needs to address certain issues to attract a level of clientele, both by changes to the I-5 zone and for attracting downtown retail uses on the first floor.

Mr. Steven Lazarus, President of Wallingford Center, Inc., agreed with Mrs. Trzcinski about having first-floor retail uses. He asked both the Planning and Zoning Commission and the Town Council to be engaged in the downtown zoning process. He thought that a lot of parking is available but it is not clearly signed for the public. The last Town budget allowed money for improvements to the parking lots behind the Simpson Court businesses, trees and lighting. It would be good to have people who are happy to park behind the buildings on Center Street.

Attorney Joan Molloy said she represents some of the property owners in the I-5 zone. They are receptive to, even supportive of regulation change for the I-5 zone, as discussed earlier. A lot of owners cannot do anything with their properties. There is vacant office space. Attorney Molloy asked the PZC, the Economic Development Commission and the Town Council to see what is productive for the Town as well as the owners.

Ms. Carol Ringrose Perrotta, an owner of about 50 acres in the I-5 zone near I-91, said she has paid taxes on that land for over 40 years. She liked the exchange of ideas that occurred tonight, and she called for an open dialogue to continue, so as not to ignore companies and businesses that could be good for the Town. She referred to Dr. Gillespie's letter, which was received as noted in Item #2.

Ms. Bush reminded the downtown property owners in attendance tonight about the December 15<sup>th</sup> Planning and Zoning Commission Workshop Meeting on the Incentive Housing Zone for the downtown area.

This Joint Workshop Meeting was adjourned at 9:00 p.m. by Council Chairman Michael Brodinsky.

Respectfully submitted,

Kathleen L. Burns  
Planning and Zoning Commission  
Recording Secretary

Atts. 1A-6