

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

March 23, 2009

MINUTES

A Special Joint Meeting of the Wallingford Town Council and the Planning and Zoning Commission was held on Monday, March 23, 2009, at 7:00 p.m. in the Robert Earley Auditorium of the Wallingford Town Hall Municipal Building, 45 South Main Street, Wallingford, CT. In attendance were: Town Councilors Mr. Michael Brodinsky, Chairman; Mr. Vincent Testa, Jr., Vice Chairman; Mr. Michael Spiteri; Mr. Jerry Farrell, Jr.; Ms. Rosemary Rascati; and Mr. John LeTourneau. Absent were Town Councilors Mr. Robert Parisi, Mr. Vincenzo M. DiNatale, and Mr. Nick Economopoulos. Present from the Planning and Zoning Commission were: Regular Members Mr. James Fitzsimmons, Chairman; Ms. Marci Baxter, Vice Chairperson (arrived as noted); Mr. David Fritz, Secretary; Mr. James Seichter; and Mr. Patrick Birney; also Alternate Members Mr. Jon-Paul Venoit and Ms. Stacey Voss. Absent was Alternate Member Mr. Armand Menard. The Town staff persons attending were Town Planner Ms. Linda Bush, Assistant Town Planner Ms. Kacie Costello, and PZC Recording Secretary Ms. Kathleen Burns. Present were 18 persons in the audience. Note: All motions were voted by roll call, except as noted.

Town Council Chairman Michael Brodinsky announced this Joint Meeting, which he called to order at 7:13 p.m. He asked everyone to stand for a Moment of Silence and the Pledge of Allegiance to the Flag. He introduced the Town Councilors. Chairman Fitzsimmons introduced the Commissioners and consultants Attorney Timothy Hollister of Shipman & Goodwin of Hartford and Ms. Karen Cullen, AICP, Senior Planner, from Concord Square Planning and Development of Palmer, Massachusetts.

1. Proposed Incentive Housing Zone

The topic of this Joint Meeting is the proposed Incentive Housing Zone that is being prepared by the Town of Wallingford and its consultants to comply with Connecticut General Statutes § 8-13m et seq., the HomeCT legislation. Reference is made to the Draft Proposed Zoning Amendments as of 2/25/09 and as amended 3/11/09 by the Planning and Zoning Commission. The Proposed Amendments consist of Amendments to Wallingford's Zoning Regulations § 2.2 Definitions and § 3.1 Special Districts, and to add a new § 4.22 – Wallingford Incentive Housing Zone (Att. 1A). Copies are available from the Planning and Zoning Department Office.

Town Council Chairman Brodinsky asked for opening remarks.

Chairman Fitzsimmons: Thank you very much for your availability to meet with us. The Planning and Zoning Commission has been meeting for several months, both the Commis-

sion and the staff with Karen and Tim, to explore creation of a Downtown Incentive Housing Zone (IHZ). We had met with you last year to get your feedback. Two weeks ago, the Commission saw a revised draft, which you have tonight (Att. 1A). The Wallingford Incentive Housing Zone will have a significant impact. First, this is not about the Town acquiring and developing property. This is an overlay zone that would allow private property owners to have another housing opportunity to develop their land. Second, this potential zoning is not dependent on the possible commuter railroad between New Haven and Hartford. It's not part of what the Town and State are considering as far as a train platform in Wallingford. Finally, this is something that the State has funded, should the Town proceed with an application to the Connecticut Office of Policy and Management (OPM). If accepted, we'd be first in line to receive significant State funding based on the use of this zone in the downtown area.

Note: Commissioner Ms. Baxter arrived at this time.

Ms. Bush: This began over a year ago. It was my goal to find a way to expand the retail space available in downtown Wallingford, which is also the goal of downtown merchants and Wallingford Center Inc. (WCI). The Town funds WCI each year and spends thousands on streetscape improvements. After visiting Blueback Square in West Hartford, it occurred to me that we could help the downtown and the Town. If the Town adopts the IHZ, it's only an amendment to the Zoning Regulations book and the Map. It's an overlay zone, and the existing zoning that's there will stay. People can continue to use the benefits of the existing zone. But, if they choose to, they can use the benefits of the overlay zone. These are some of the buildings in the proposed IHZ (display board shown). We'd like them to look like buildings on North Main Street, the Caplan block. The proposed zone has design standards written in. This is just a zoning regulation. The only reason we're sending our regulations to OPM is that it has to comply with the State statute. We can put whatever we want in our Zoning Regulations. But to be part of this HomeCT program, our regulations have to comply. In this zone, 20% of the units will be affordable. For example, Olde Oak Village on the Hartford Turnpike is 30% affordable units. In Wallingford, "affordable" is considered that a family of four makes \$60,000 per year.

Ms. Bush continued: There's been news stories about the rail platform recently. That's not directly related to this. It's possibly to be in this block over here. If the commuter line starts and DOT needs more parking, they're going to pave all this and a lot more. In addition, whenever the train stops now, it stops traffic. When the money comes in for development, I think the Town can use that money for parking later. So we're trying to move the platform to two blocks from here where Amtrak owns land—not far away. Additional considerations: All of these IHZ developments will be by site plan only. Developments in the underlying zoning are by site plan only, but we'd have development by Special Permit if it's a major traffic generator. We had a traffic engineer participate on this, to make sure that the traffic and parking would work. I pulled out one of the earlier proposals from the Wooding-Caplan property. That proposed a three-story building with retail on the first floor and a density of 26 units per acre and parking. My office has done several downtown parking studies. There is a parking problem in front of stores. Any building that gets built will have to have parking. Tonight we're not asking the Planning and Zoning Commission or the Town

Council to adopt this zoning. We're hoping that you will pass resolutions to allow it to go to OPM for a preliminary review. If that happens, then we'll have to have a public hearing about having Zoning Regulation Amendments and Zoning Map changes. We think it might have a major impact on the land by Center Street, Quinnipiac Street, and Hall Avenue to benefit the Town of Wallingford.

Attorney Hollister: We're nearing the end of this process. The assistance from Town staff has been exemplary. Wallingford is farthest along on this in the State, which is a testament to the leadership of the people in this room and the Town staff. Housing is part of the solution to our economic and social needs. The team has been working to prepare this Incentive Housing Zone regulation. We're not asking the Town Council or Planning and Zoning Commission to enact a regulation but to pass resolutions that will allow the team on your behalf to make an application for a preliminary determination from OPM in Hartford for the district regulation and supporting materials. HomeCT is a particular program to give incentives to municipalities to allow builders to have a higher density to build more units, which is how low-cost housing is created. This is the fourth public session. Materials have been available at the Town offices throughout. We have had several meetings with the public and area property owners. I think the process has been clear and transparent. I'd describe the "Town of Wallingford Application to Connecticut OPM". This is the same assembly of documents that I gave you two weeks ago. Changes were made to the regulation from the March 11th PZC meeting, and I added in a draft Traffic Study, which you did not see. We've been working on this the last seven months. It's unusual for the Town Council to be partnering with the PZC on this as a zoning regulation. The reason is that the Town is not just approving a zoning regulation but also asking the State to provide an incentive payment for it. That's why the Town Council is involved. The State Legislature wants to know, when the application is being made to OPM, that both the legislative side, being the Town Council, and Planning and Zoning are on board.

Attorney Hollister continued: The application includes:

- A transmittal letter from the Mayor
- A summary table showing that we have met all the requirements of the HomeCT statute
- The two resolutions
- A petition from property owners within the area indicating their support for the program
- Photographs of the existing district and streetscape
- Legal descriptions of the three sub-districts
- The proposed Zoning Regulation and design standards. It's an overlay zone with an additional set of uses. The PZC has limited discretion because design standards are in the detailed regulation. The trade-off is that it's an as-of-right approval for what the applicant must do.
- A developable land calculation, prepared as the basis for the incentive payment from the State. Payment would be \$2,000 per residential unit. That's not for the actual building permit count, but based on the conceptual application of the regulation to the land in the zone.
- An Affordability Plan with a 20% set-aside for families earning \$60,000 or less,

- and a set of regulations as to how those will be administered.
- First draft of the Traffic Report from Fitzgerald & Halliday and a set of supporting remarks from Mr. Thompson and Mr. Mascia. This is so the traffic and the mixed-use development are both served by the infrastructure.
- A statement that the local Plan of Conservation and Development that applies to the IHZ is consistent.
- The State Plan of Conservation and Development
- Wallingford Train Station information
- And qualifications of the consultant team.

Ms. Cullen described the slide presentation: This shows the existing conditions in the area with the buildings, parking areas, and driveways. The dotted line around the six blocks is the outside boundary of the entire Incentive Housing Zone District. It is an overlay district, which means that the existing zoning remains in place. So the existing owners can use the existing zoning to develop their property, or they can redevelop their property under the IHZ regulations. There's no mix-and-match. You choose one, or you choose the other. This shows the existing zoning now, such as R-6, CA, CA-12, CB-40. We decided we needed three sub-districts to enhance the compatibility of new development with the surrounding areas. These are the Downtown Core, Meadow Street, and North Cherry Street Sub-Districts. This graphic highlights the Downtown Core Sub-District of over 10 acres with 40 parcels. This shows the zoning as it is now. The goal is to create a vibrant area with restaurant, retail, residential, and other uses. Use of vertical space will enhance achieving that goal, to drive more customers to the new businesses and existing businesses. The proposed regulation requires retail on the street level and office and residential on the upper floors. Residential density would be 20 to 26 units per acre. Some 240 units could be developed within the entire district.

Ms. Cullen continued: The Meadow Street Sub-District has .69 acre or 2/3 of an acre. There are five parcels: four are currently in residential use and one is a parking lot for the adjacent residential uses. There's currently eight units on these four lots. These four lots are nonconforming, so additional units could only be by Special Permit. So this regulation allows a higher number of units in townhouse development, at the density of 15 units per acre, or a maximum here of nine units. It was thought that a higher density would not be compatible. The North Cherry Street Sub-District has 4.29 acres. Of the six existing parcels, three are eligible for redevelopment. Across the street are residential uses and one industrial use. Development would have retail use and then between 16 and 26 residential units per acre, for a maximum of 110 units. It could increase walkability along North Cherry Street. First-floor nonresidential uses would be nearer to the train. Retail use on the first floor would be limited to 15%, with office use as the rest, for mixed use. Residential would be on the upper floors, up to four stories.

Ms. Cullen continued: The unit count for the entire zone would be 361 dwelling units, if developed at maximum: 242 in the Core; 9 on Meadow Street; and 110 on North Cherry Street. Standards are included for a pedestrian-friendly environment plus design standards. Building design would be compatible with the surrounding buildings. Where there are no existing surrounding buildings, then the first buildings that are proposed for the district

would be looked at to meet the intent and to be close to the design standards. Buildings should have interesting windows, sidewalks that are inviting place to walk around, and brick exteriors if possible. Front facades would include a variety of treatments for architectural interest. In the sketch are four buildings of three to four stories. They all have retail on the first floor and a variety of windows and detailed top treatments on the buildings. You'll see the repetitive design pattern we're looking for at the windows and the cornice lines and the use of compatible materials on the facades. Clapboards are allowed in the Meadow Street Sub-District, although we don't allow vinyl siding there. This illustrates a four-story building with a couple of different ways of treating the fourth floor for perception from the street. They all have the same living space. This one gives the sense that it's a three-story building. Or you could use a flat roof with a strong cornice line at the third/fourth story to make the building not seem so imposing. Site standards include signage, streetscapes, and lighting in the regulations. Wallingford's current sign regulations were adapted for the IHZ District. Visual aesthetics are important to create the pedestrian scale and environment that we're seeking. I'd thank Mr. Steve Lazarus, architect, for his drawings. This example would fit between North Cherry Street and the train tracks. This is the area we're talking about: the half block between Quinnipiac, Hall, North Cherry, and the train tracks. There's a few small buildings and a couple of parking lots now. This is a potential renovation with an existing structure and a modified façade adding some windows. This particular building is located at the corner of Center Street and North Colony Street. It shows what could happen with that structure—not necessarily what you will see. This is a potential Meadow Street with townhouses that look like they have individual building detail and façade treatments. Here are existing houses in the Meadow Street Sub-District right now. This illustrates the character that we're looking to maintain in this neighborhood. That's the presentation.

Chairman Brodinsky: Good job, O.K. Do you have any clarifications, Linda?

Ms. Bush: No. One thing: In the Hartford Courant two weeks ago there were two articles on transit and transit-oriented development. Both mentioned that land surrounding transit stops usually increase in value. So that zone would be in place before the rail improvements happen. You'd have people there to utilize the shops.

Mr. Testa: I like the idea that this is voluntary on the part of the property owner. People have asked me about this. How would you handle development such as this and the impact of the parking on all the pieces that now use that parking?

Ms. Bush: Minimum lot size in the zone is 25,000 square feet, which the Commission discussed at our last meeting, for more cohesive development. Developers would probably have to assemble pieces. On each minimum 25,000-square-foot lot, they would have to provide adequate parking for all the uses. If anyone did the whole block, they might feel that a parking garage would work. They would have to provide parking.

Mr. Testa: Given this example, if we O.K. this, where do all of an owner's customers park? Would this take up the parking lot he uses now?

Ms. Bush: The Town would have to work with the developers to design how the parking works. Maybe the \$670,000 that would come from OPM would be put by the Town into a parking garage fund, to see if we can partner with DOT or private developers to build a parking garage or something. Maybe we'd look out of the district to build parking lots. Some businesses downtown don't have parking, and they depend on the Town lots. If the Town chooses to partner with somebody else, then we'd have to include alternate parking in those discussions.

Ms. Cullen: We looked at whether it was viable, as in the area between North Cherry, Quinipiac, Hall, and the railroad station. We said if we're going to completely redevelop that to the maximum density permitted and have retail on the first floor, office on the second floor, is that going to be able to occur? I felt that those 81 spaces would need to be replaced with a parking structure in the center of the block. Since the Town is the prime landowner, you'd do it, or you'd require that number of spaces to be reserved for public parking in a facility. We did test cases in the district to be sure that all the number of spaces were workable. Instead of the 25,000 square feet with 50% of the building being nonresidential and 50% as residential, with 28,000 square feet you may be fine. There's flexibility built in.

Mr. Farrell: How is this different from the parking that's behind Simpson Court, where parking is leased? Residents and commercial tenants will have to have more than two-hour parking. If we're talking that some public ownership of parking, it's possible it's not going to work. Second, would it be transit-related or not? I thought that it was premised on that. Now the platform might be away from the railroad station, up by Parker Street or farther up on Route 5? Farther up, the transit-oriented aspect of development goes away. It's not for people to walk from here to a train station that's way up on Route 5. I'd ask Tim Hollister about how the map of the property at the northwest corner of Hall Avenue and North Colony Street affects Holy Trinity Church. Were there any discussions with Holy Trinity about their easement, since that was brought up last fall?

Attorney Hollister: The zoning line has been drawn. I'm not aware of further discussions.

Mr. Farrell: The point I made back in the fall: Here's the right-of-way that the church has, and about 32 units are being shown on that property. Where is the right-of-way going?

Ms. Bush: I brought up the site plan that CVS had proposed before. They showed an easement to Holy Trinity out to Hall Avenue. Holy Trinity never issued any comments on that because they have a legal easement. That could be developed, so long as they address the legal easement. If the easement doesn't work, then development can't take place.

Mr. Farrell: You've said the easement is movable, and I'd beg to differ. That's a problem.

Attorney Hollister: I don't know the traffic circulation around the church. This is an enabling zoning regulation for when a zoning application would be in front of us.

Mr. Farrell: Mr. Fitzsimmons said tonight that we're not taking anyone's property. But when you're planning to take church property, there's going to be some winners and losers.

Hopefully, Holy Trinity Church shouldn't be a loser. There's several hundred people who attend that church at a time. If you restrict it to Route 5 entrances, there will be problems.

Chairman Brodinsky: If we use a 25,000-square-foot lot in the Downtown Core area, and if a developer wanted to do this to make money, what would that business model be for a hypothetical building? How many units and how much parking?

Ms. Cullen: In the Downtown Core with a 25,000-square-foot site, 26 units are allowed per acre. Fourteen residential units would be allowed in a four-story building, with first-floor retail of 6,250 gross square feet or ¼ of the site—actual would be a bit less. The second floor would have five units at 1,000 square feet each. The third floor would have five units at 1,000 each, and the fourth floor would have four units at 1,300 square feet each. Parking would be 17 for retail use and 14 for residential use, or 31. Parking is at 400 square feet per space, including driveways and aisles, so 12,400 square feet would be used for surface parking, and the building footprint would be 6,250 square feet. Area left for landscaping and open space would be 6,350 square feet. If you wanted to have a second floor of office space, then your residential spaces in the upper stories would be a little smaller. You wouldn't want to go below 850 square feet for residential units.

Chairman Brodinsky: Based on current conditions and the future, would residential be more profitable to build than office?

Ms. Cullen: It depends. I don't know the market well enough, whether it would be offices or residential units. Smaller residential units are definitely needed, at lower cost.

Ms. Bush: Based on the proposals for the Wooding-Caplan property, I think this would work. That's where I got the idea. Smithcraft was willing to pay the Town some \$2.2 million to be able to construct 177 units. So there's interest for housing and retail.

Chairman Brodinsky: The 6,200 square feet of retail space, would that be more than one space? So a couple of retail businesses on the ground floor and then five residential units on the next floor, five, and four. Have you done the rental computations?

Ms. Cullen: Usually you'll have relatively small, 3,000-square-foot, retail spaces. You may have someone going in who wants more, say a CVS looking for more than 6,000 square feet. We didn't do the numbers, but Ted Carman in our office and I talked about this. He felt that it would be very workable and very successful if it were done this way.

Chairman Brodinsky: As the regulation is drafted, we think it would not look like that because you'd need a space next to the building to lead you to the back of the building, right? They'd have a driveway leading to a parking lot?

Ms. Cullen: It could look like this if someone had the entire block and had the driveway on North Cherry Street. It depends if there's accessway to a rear portion of a building or a lot.

Chairman Brodinsky: The size of the units on the second and third floor would be about 1,000 square feet? One-bedroom apartments? What if you had a two-bedroom apartment with one parking space?

Ms. Cullen: Yes. Second and third, 1,000; fourth, 1,300. Typically, two bedrooms. Or, likely, they would be looking somewhere else.

Chairman Brodinsky: The more units they can build, the more profitable it becomes. What if it was going to be 1,300 square feet per apartment?

Ms. Cullen: Because it's limited to a 25,000-square-foot site, they can't get 15 units. They can only get 14.

Attorney Hollister: Three of those units would be affordable units, about \$1,000 to \$1,200 per unit, not including heat, hot water, and utilities. The mid-rate units would be somewhere above that, in the \$1,400 to \$1,500 range.

Chairman Brodinsky: I understand there's to be a pre-approval meeting with the staff as to the concept and to get the staff's "blessing".

Ms. Bush: We don't give "blessings" or approvals. We tell them whether it complies with the Planning and Zoning Regulations or not.

Chairman Brodinsky: Then they would go and get architectural plans and start with the detail and then make their submission to you. Page 8 says they must submit at least one day prior to a regular meeting. Why is that?

Ms. Bush: That's our submission deadline today. All we do at the first meeting is hand out a list to the P&Z Commissioners, which gives them a month to look at it before we schedule a hearing. That's by State law.

Chairman Brodinsky: Then at some point there's a public hearing. Page 9, number 6 says: "The time limits for rendering a decision . . . shall be governed by the Connecticut General Statutes, as applicable." What are the time limits, if the law doesn't change?

Attorney Hollister: It's 65 days, with an option to extend for another 35 days.

Chairman Brodinsky: So it would go to the full Commission and then there would be some finding that it does or doesn't comply?

Chairman Fitzsimmons: In a typical application, if something is in general conformance or complies and the applicant has met with the Town staff, when it gets to the Commission level we have papers in front of us. There may be issues with Water and Sewer or Engineering that are hashed out at the meeting. That's all part of it. We don't receive recommendations from the Planning and Zoning staff, but we solicit from the Planning and Zoning staff advice on conformance.

Chairman Brodinsky: It's as a matter "of right", if it complies. It sounds simple, but it's not?

Chairman Fitzsimmons: That's the issue we talked about two weeks ago. The use is by right; but, if someone is not in compliance, then we'd discuss delaying the approval because there's issues before us. We have a number of Commissioners who have sat for a number of years in our meetings. We rely on materials from Town department heads. That could be covered in number 4 (page 9) under "Referrals to Town Agencies".

Ms. Bush: This does refer to our Site Plan section. If they can't proceed without water and sewer, they can't build.

Attorney Hollister: On page 9, paragraph 8: "Conditions shall be imposed on an Incentive Housing Development approval by the Commission only as necessary:" And then paragraph 9 gives the circumstances upon which an application may be denied. Those are in "a" or "c". That would cover water and sewer and utilities.

Chairman Brodinsky: That's saying about "adverse . . . impacts on nearby properties".

Attorney Hollister: If they did not have fire safety, it would affect nearby properties.

Chairman Brodinsky: I'd look at that language.

Chairman Fitzsimmons: It's very general. With any application, the Commission and staff rely on our Town department heads to provide comments, and occasionally from the Board of Education and even on bus transportation issues. So the application process is in our book. This does refer back to our regulations.

Ms. Bush: We handed out a draft sentence that Kacie and I made up (Att. 1B). We faxed it to Karen on Friday. This is a change to add at the end of 4.22.C. (by removing the last sentence and adding in its place): "The provisions of other sections of the Wallingford Zoning Regulations shall apply to an Incentive Housing Development proposal except for the following:

- a. Required on-site parking shall be governed by Section F.1. of this regulation.
- b. All landscaping and buffer requirements shall be covered by Section L. of this regulation.
- c. All signage shall be governed by Section J. of this regulation.
- d. All dimensional standards shall be governed by Section E. of this regulation.
- e. The application process shall be governed by Section G. of this regulation."

Ms. Bush continued: We require adequate water and sewer and storm drainage, which are in the regulations. In the townhouses, the parking space behind a garage is not a parking space, even if it's on your property. So you'd have to pave a little extra on the site to have two cars

in the IHZ. Kacie and I reviewed our regulations, with the exceptions in the language that we handed out tonight.

Chairman Brodinsky: That's a good answer. Page 9 paragraph 8 says: "Conditions shall be imposed on an Incentive Housing Development approval by the Commission only as necessary: a. to ensure substantial compliance of the proposed development with the requirements of the incentive housing zone regulations including the design standards. Or b. to mitigate any extraordinary adverse impacts of the development on nearby properties." When that might apply?

Attorney Hollister: It might be an issue of building materials or parking, etc. It's a broad delegation of authority, to be sure that the neighbors are respected in their existing homes, such as a condition "That the site plan would be approved as modified in the following respects:" A neighbor or anyone could bring it up at the public hearing.

Ms. Rascati: There may be a parking garage—would that be up to the developer? Or do you have a location in mind? I'd hate to see something lovely go up and then to have a parking garage.

Ms. Bush: You'd have to see the parking garage in Blueback Square. I think a garage would have to be done in cooperation with the Town. Our regulations do not allow them to be visible on the street. They would have to look better or have retail stores in front.

Ms. Cullen: There's ways to have a parking garage relatively close to the street and with street-level retail and parking on the second and third floors. It depends on how many parcels a developer would be able to acquire. A smaller site probably won't have a garage.

Mr. Testa: I was opposed to the prior Smithcraft proposal for the Wooding-Caplan property because it focused on renters and bringing in a very attractive demographic. I like this idea, but I have concerns. There's the phrase "initial occupancy" (see within 4.22.H.1.). For rental units, how would we handle that down the road, if units would become rental units? And you have design standards. I've been concerned about the condition of lower Center Street, appearance and the quality of life. Business owners and residents tell me there are parking lots behind some buildings that you can't safely park in. Just how much control would you have through design standards and occupancy requirements to prevent a large number of units that could become rental units? Are there any restrictions as to how low rent can go? Over time, do we look to controls as to appearance and ownership?

Ms. Bush: We don't regulate the ownership. The use can be rented or owner-occupied. A developer cannot afford to build and rent them for \$500 a month. So I think these will be available for the average Wallingford resident.

Mr. Testa: Not \$500 a month. But numbers were thrown out earlier of \$1,500.

Ms. Bush: In the old Record-Journal building, the renovated apartments upstairs, two- and three-bedroom units, rent for \$1,300 to \$1,500 a month. That's an older building. So I think the rentals could be the same or higher. I don't know about the concern over quality of life.

Attorney Hollister: Under the regulations, the PZC and the Zoning Enforcement Officer have more control as to initial and continuing quality requirements. Design becomes a quality of the site plan. You're not abandoning design control after the initial construction.

Mr. Testa: Are there going to be restrictions on satellite dishes on the building? I thought under Federal law you can't restrict that.

Ms. Bush: You can't. But I think someone who would do these buildings would put cable in there. Presently, there's no cable in those buildings.

Chairman Fitzsimmons: The former R-J building has a satellite dish that you don't see. It can be done. It's not been done consistently on Center Street.

Mr. Testa: I want this idea to go, to work. But are there any controls you have that could prevent in five or 10 years from having a large number of rental units, where we would have a big version of what we have on lower Center Street now?

Chairman Fitzsimmons: We discussed this. Consider the area across from Brothers on North Cherry Street, Wallingford Crossing. That's less than 20 years old, an attractive redevelopment there. Across the street is the old Riley's. That's an example of an apartment that has maintained its character. For this, we're not talking strictly residential but with an important retail component. We call it an Incentive Housing Zone, but the first floor will have retail as the key element, a Subway, shoe store, etc. The EDC and WCI have been aware of this. The housing part is what makes it attractive for the private property owner and the developer. So it's not to be a large CVS, but it could have a smaller type of store.

Mr. LeTourneau: The old Record-Journal building near my store was renovated by a developer from outside of Wallingford, my landlord. He turned the upper part of that building into five high-end apartments. So the economics are there. Three or four years ago another developer was looking at the Wallace Silversmith factory, to do something similar. I asked him why. He said someday the rail line is going to come up, and that right now the highways are here, and this is an area where people who work in New Haven, New York, and Southern Connecticut would want to live. I also worked on the Caplan-Wooding project. I asked Smithcraft, why Wallingford? They said it would work well here because Wallingford is not much different from Milford in demographics. The retail component is what we need, from 1,100 to 1,500 square feet for storefronts. Many on Center Street are 400 to 500 square feet, so you're limited. Bigger storefronts are easier to rent. I like the concept and I like the area it's proposed for. Lower Center Street and onto Quinnipiac and Hall Avenue has been underdeveloped. But downtowns are coming back, and strong. Blueback Square is wonderful for West Hartford center. The parking garage was well hidden, blending in with the buildings. There's not a lot of on-street parking. I see this whole thing doing well on all the properties. Whether the rail line comes in, we don't know. If it comes, it's going to have

a huge impact. I've seen it happen to other towns on Metro North. It's Wallingford's time to grab onto this and move forward. We need to be ready when the economy turns.

Chairman Brodinsky: There's a reference to "disability glare" on lighting?

Ms. Bush: It's in our present regulations.

Chairman Brodinsky: This regulation talks about how the developer "should" or "shall" do things. So, if they don't do it, it's not complying and it's denied?

Ms. Cullen: "Shall" says that they must do something. "Should" means it's strongly recommended. Circumstances on the site may not allow you to do it quite this way.

Chairman Brodinsky: Who is the Incentive Housing Administrator?

Ms. Bush: It would be whoever the developer selects. At Olde Oak Village, it's the Wallingford Housing Authority under 8-30g. Juniper Ridge has an attorney. It's someone to make sure that the qualifications are met for the affordability plan.

Chairman Brodinsky: I think I brought these things up to check the "ping" on crystal, and I think all the answers that came back are good. It seems to be crystal. I think we're ready to go to public question and answer. Any P&Z Commission comments? None. We'll open it up to public Q&A.

Mr. Craig Fishbein, Grieb Road: You call this an Incentive Housing Zone, and there doesn't seem to be any incentive for a developer. I have only heard about payment to the Town. Is there incentive, other than income from rents, to the developer? I'm totally against moving the train station platform. This morning I drove downtown and saw from the crest of Center Street down to the American flag and the train station. You don't destroy the center of a Town. Currently, developers on upper Main Street can get parking variances. Are we going to have variances for parking? They won't come if the cars can't park there. I don't want to see an ugly parking lot. I commend Blueback Square, but that is downtown West Hartford.

Ms. Bush: The incentive for builders to build is to make money—not to help the Town, but to make money. I used the HomeCT model. Wallingford Crossing has 21 units per acre; Judd Square has 36 units. The train station—we don't know what will happen. Variances—our office does not oppose variances for downtown parking. I wrote a draft regulation that would exempt them, because there is no parking for any downtown buildings. Restaurants have brought vitality to upper Center Street. We'd like to see vitality for lower Center Street. But we would oppose variances for new construction.

Ms. Cullen: If the train platform is moved away from its current location between Hall and Quinnipiac, that wouldn't mean that the train station will go away. It's a historic structure. It's just that the platform would be moved.

Chairman Brodinsky: It's a separate process for the platform. If there's objection to moving the platform, I think that would be an opportunity for the public at a later time.

Ms. Bush: It's DOT's call. We can make recommendations.

Mr. Jim Wolfe, Economic Development Commission Member: In our February meeting we reviewed the proposed zone changes in full. The EDC is in favor of this. If you implement this zoning, some buildings that need to be redeveloped will take advantage of this.

Attorney Joan Molloy, 150 South Main Street: The staff and the consultants have tried to give some examples to help us understand this. It does not mean that those examples are going to be what you're going to see—say, for what may go at North Cherry Street to the train tracks. That could happen, the four stories. Talking about parking garages: That's a possibility, but nobody is saying that. So I'd urge the Town Council and the Commission to continue talking about this. There's no application in front of you. You could find this is something quite valuable to downtown Wallingford.

Mr. John Gervasio, Jodi Drive: This is described as only a zoning regulation, but it's really more than that. It might actually happen. You may wind up with several four-story buildings in a very small place off Hall Avenue and Quinnipiac Street. What is the cost to the Town if this is built out?

Ms. Bush: There's no cost to the Town. The Town will gain tax dollars.

Mr. Gervasio: It's important to understand that West Hartford had to bond nearly \$50 million and another \$10 million for Blueback Square to happen. That garage is three stories. The City of Norwalk is anticipating bonding nearly \$100 million to make a similar project work. In North Haven, the Pratt & Whitney site developer went through several years. It was also a transit-oriented project, and costs look to be in the tens of millions. So, there has to be a cost to the Town. Has there been discussion with developers?

Ms. Bush: No, because it's just a zoning regulation.

Mr. Gervasio: It's not. You're putting it in place for developers to come in and do this. Affordable housing: How much do we need in Wallingford? Do we have a study?

Chairman Brodinsky: In order to get this approved, I think we have to include a certain percentage of affordable housing.

Mr. Gervasio: I'm not against "affordable". It means that a family of four that makes \$60,000 is eligible. But then you tell us that it's not families with children who are going to move into here. That's an inconsistency. So maybe not 20%, but maybe 30%. What are we going to do for lower-income folks? There's no senior units, why is that?

Attorney Hollister: The State will not pay the incentive money for age-restricted units.

Ms. Bush: Our Zoning Regulations have no provision for senior housing. The Commission made a decision years ago not to put that in. A developer can do that, but they wouldn't get any high-density benefits for it, as it wouldn't be part of the Zoning Regulations.

Mr. Gervasio: I think folks who design workable, livable environments will tell you that those are perfect for seniors who wouldn't want to drive and who want transit. Will anybody be penalized for not being part of this zone?

Chairman Brodinsky: No. The present property owner, who is renting to a commercial tenant on the first floor, may decide that an offer is too good to refuse. That owner may decide to sell. Then that lease on the commercial business may not be renewed. But no one is required to sell to anybody. They can refuse an offer.

Mr. Gervasio: I heard that. So would you agree to include in this regulation a statement that would preclude you from using eminent domain and to not impose any special taxes on anybody that does not want to be part of this special district? West Hartford imposes a special tax. You shouldn't be taxed because you're sitting in this special zone.

Chairman Brodinsky: I don't think a special district tax would be consistent with our plan. I don't think that would fly. There's no public project going on down there.

Mr. Gervasio: But put it in writing that you will not use eminent domain in this zone to accomplish what the full build would look like.

Ms. Bush: The Planning and Zoning Commission has no authority over taxes. We can't include it because it's not part of our authority.

Attorney Hollister: Mr. Gervasio is right. It's been stated several times that eminent domain is not intended here. It could be in the Mayor's letter to OPM that there's no intent to use eminent domain.

Mr. Gervasio: I understand it's a schematic, but Karen has made the statement in the past that with 300-plus units there's more room for outdoor space. Can you explain that?

Ms. Cullen: Where patios or balconies could be, something like that—balconies on the street side are probably not something that the community is going to want; on the back, balconies would be acceptable. We don't have common outdoor space, but this is more of an urban type of structure that you'll end up getting.

Mr. Gervasio: But making a community "workable" and "livable" are the whole catch-phrases of this. You'd have hundreds of people in units with no place to go. This has no vest-pocket parks where people can gather and walk and sit and talk. It flies in the face of the principles of designing a project that has a "walkable, livable" environment. When you put in a regulation that says "by right", you can put something in this way.

Ms. Bush: There's a vest-pocket park in the district, the railroad station green. And there are two other parks within walking distance, Wallace Park and the Linear Trail.

Mr. Gervasio: Except that it's smack in the bull's eye of 30,000 car trips a day. There's little respite from the urban landscape we're creating. I heard the idea of "cohesiveness". But this won't come out looking similar right away because it's voluntary. How in the short-, mid-, and long-term do you have any cohesiveness? Suppose there's a four-story building with a one-story building next to it?

Chairman Brodinsky: One project is supposed to complement the other by the design regulations. It could take years. It's likely to start with 25,000-square-foot projects. The design standards are in there. If this works, the people will have to buy into the design standards.

Mr. Gervasio: Do we have any walking-distance studies from your new elements and other part of downtown to where the platform would be moved? Mr. Farrell has this exactly right. I heard that you and the Mayor suggested that the platform would be moved to Parker Place.

Ms. Bush: We're hoping that the railroad platform would stay in the downtown. Maybe there would be a parking garage built on North Cherry Street. I suggested that the platform would be moved to the Amtrak property at North Cherry and Parker Place.

Mr. Gervasio: If you look at the Urban Land Institute's walking distance, it's probably outside that. How do you know the parking garage on your schematic is in the right place? Is the parking garage shown on the schematic necessary for the four buildings?

Chairman Brodinsky: I think a parking garage is years away, highly speculative. And looking for another platform location is hypothetical now.

Ms. Bush: The schematic shows the potential. It's highly unlikely it will be built like that. It depends on what property owners in that block want to do.

Mr. Gervasio: You show a potential garage. But what if they have enough on-site parking?

Ms. Bush: Then they have to put in a certain number of parking spaces.

Mr. Gervasio: The schematic shows something that goes from North Cherry to the railroad tracks. Why look at something that's not real?

Ms. Bush: That's not. Schematics aren't real.

Ms. Cullen: The schematic that you're referring to shows the series of buildings and the parking garage. We looked at two things: 1) the parking demands to be provided, such as for restaurants; and 2) to deal with the existing public parking in that area. If the surface parking was going to be maintained, you wouldn't have room to do any development. Brothers Restaurant has very little parking on its own site. Most of its parking is taken care

of in the public lot. There are five other parcels privately owned in that block. If you wanted to redevelop that whole section and service the existing public parking, then you'd be looking at a parking garage. That was just an example, not definitely what's going to happen.

Mr. Gervasio: The land behind the train station that has public parking. If it's developed for other purposes, will have to have a parking garage?

Ms. Cullen: Yes.

Mr. Gervasio: Can this zone be enacted elsewhere in Town, or what? Could it be used in an I-5 zone?

Ms. Bush: No, there's no reason the Planning and Zoning Commission would do that. This zoning is only for what's been talked about tonight.

Chairman Brodinsky: We're talking about the zone that's proposed, not other areas.

Mr. Gervasio: The Gilbert & Bennett project in Redding, it's a transit-oriented project with a train station, a 600-car parking garage, and 100 residential units and retail, which could be what you'd want to do in an I-5 or IX zone, if you wanted something outside of downtown.

Chairman Brodinsky: Other questions from the public? None. Then we'll close the public Q&A. Other questions from the Council or Commission? None.

MOTION: A motion was made by Town Councilor Jerry Farrell, seconded by Town Councilor Rosemary Rascati, to remove from the plan the properties at the northwest corner of Hall Avenue and North Cherry Street, designated on the map with the label "32 units".

In discussion:

Mr. Testa: Can we do that? It's not our zone; it's not our regulation.

Chairman Brodinsky: It would be to remove our approval from that.

Chairman Fitzsimmons: Can you clarify? It's the way to Holy Trinity Church?

Mr. Farrell: It's the Pasciolla, Valenti, and Travelli properties.

Chairman Fitzsimmons: All the way to the railroad track?

Mr. Farrell: Right.

Chairman Fitzsimmons: The Hall-Elton building wouldn't be included?

Mr. Farrell: Right.

Ms. Bush: If Holy Trinity Church felt strongly about this, that's their right. But this is part of this project, visually. If they had come to the Planning and Zoning Commission or the Town Council to express their concerns that there's no way that they could coexist—I don't see the reason.

Mr. Farrell: As an elected representative, I need to do any measures that I feel are appropriate to protect my constituents.

The vote on the Motion by the Town Council was:

YES: Ms. Rascati, Mr. Farrell

NO: Mr. LeTourneau, Mr. Brodinsky, Mr. Testa, Mr. Spiteri

By a vote of 2 Yes to 4 No, the motion failed to pass.

Chairman Brodinsky called for a motion by the Town Council on the proposed Resolution for the entire zone.

Mr. Testa: For clarification: We're not adopting a zone tonight?

Chairman Brodinsky: No.

MOTION: A motion was made by Town Councilor Testa, seconded by Chairman Brodinsky, to accept the following Resolution of the Town Council:

WHEREAS, the Planning and Zoning Commission of the Town of Wallingford has drafted proposed regulations establishing a Wallingford Incentive Housing Zone; and

WHEREAS, the Commission seeks to have the draft regulations forwarded to the Office of Policy and Management for a preliminary determination of eligibility for zone adoption payment pursuant to Connecticut General Statutes §8-13m, et seq; and

WHEREAS, the Town Council of the Town of Wallingford supports the application to Office of Policy and Management for a preliminary determination of eligibility for zone adoption payment, pursuant to Connecticut General Statutes §8-13m, et seq.

NOW THEREFORE BE IT RESOLVED that the Town Council approves the application and authorizes the submittal of the Application to the Office of Policy and Management.

Said Resolution was passed by the Town Council of the Town of Wallingford on the 23rd day of March, 2009.

In discussion:

Mr. Testa: This is to simply approve the application to OPM for a determination of whether or not this zone has eligibility for the money we could received in the future, correct?

Chairman Brodinsky: Correct.

The vote by the Town Council on the Motion and Resolution was:
YES: Mr. LeTourneau, Ms. Rascati, Mr. Brodinsky, Mr. Testa, Mr. Spiteri.
NO: Mr. Farrell.
By a vote of 5 Yes to 1 No, the Motion and Resolution were approved by the Town Council.

Chairman Fitzsimmons: The Commission has a similar Resolution.

MOTION: A motion was made by Commissioner Baxter, seconded by Commissioner Fritz, that the Planning and Zoning Commission adopt the following Resolution:

WHEREAS, the Planning and Zoning Commission of the Town of Wallingford has drafted proposed regulations establishing a Wallingford Incentive Housing Zone; and

WHEREAS, the Commission seeks to have the draft regulations forwarded to the Office of Policy and Management for a preliminary determination of eligibility for zone adoption payment pursuant to Connecticut General Statutes §8-13m, et seq.

NOW THEREFORE BE IT RESOLVED that the Planning and Zoning Commission approves the application and authorizes the submittal of the Application to the Office of Policy and Management.

Said Resolution was passed by the Planning and Zoning Commission of the Town of Wallingford on the 23rd day of March, 2009.

There was no discussion by the Planning and Zoning Commission. Chairman Fitzsimmons asked for a roll-call vote by the Regular Members:

The vote by the Planning and Zoning Commission on the Motion and Resolution was:
YES: Ms. Baxter, Mr. Fritz, Mr. Seichter, Mr. Birney, Mr. Fitzsimmons.
NO: None.
By a vote of 5 Yes to 0 No, the Motion and Resolution were approved by the Planning and Zoning Commission.

Adjournment:

Chairman Brodinsky asked for a motion by the Town Council to adjourn the meeting.

MOTION: A motion was made by Councilor Testa and duly seconded to adjourn the meeting.

The motion was passed unanimously in a voice vote of the Town Councilors.

Chairman Fitzsimmons asked for a motion by the Planning and Zoning Commission to adjourn the meeting.

MOTION: A motion was made by Mr. Fritz and duly seconded to adjourn the meeting.

The motion was passed unanimously in a voice vote of the Planning and Zoning Commission Regular Members.

This Special Joint Meeting was adjourned at 9:37 p.m. by Chairman Brodinsky.

Respectfully submitted,

Kathleen L. Burns
Planning and Zoning Commission
Recording Secretary

Atts. 1A-B