

Wallingford Planning & Zoning Commission

Monday, July 8, 2019

7:00 p.m.

Robert F. Parisi Council Chambers

Town Hall – 45 South Main Street

MINUTES

PRESENT: Chair James Seichter; Vice-Chair J.P. Venoit; Commissioners Jeff Kohan & James Fitzsimmons; James Hine, Alternate; Kacie Hand, Town Planner.

Chair Seichter called the Meeting to order at 7 p.m. and the Pledge of Allegiance was recited. Chair Seichter designated Mr. Hine as Secretary for the evening. Chair Seichter noted Item #3 under “New Business” – Site Plan (retail/mfg)/M/ Galarraga (New England Cider)/110 North Plains Industrial Road - #220-19 would not be heard this evening by request of the Applicant.

Approval of Minutes – June 10, 2019

Mr. Venoit – Motion to approve the June 10, 2019 as presented.

Mr. Fitzsimmons: Second

Vote: Unanimous

PUBLIC HEARINGS

1. Zoning Text Amendment/PZC/Secs. 4.6.D.10; 4.8.c.11; 4.16.C.1.h; 4.22.D.2 (clarification Modification of these Sections of the Zoning Regulations pertaining to electric vehicle charging stations) - #902-19

Chair Seichter noted this was a continuation of the public hearing from the last PZC meeting and pointed out there was an extensive discussion at that meeting. He said this was not taken up at the last meeting because there were no comments from the South Central CT Regional Planning Commission which has since submitted comments.

Ms. Hand presented a brief summation. She noted this was a proposal which came to her attention by way of an inquiry regarding electric charging stations. She said this application did not end up going forward but brought to light the Town’s Regulations were not up to date with the new technology for electric car charging. She said she wanted to ensure the Regulations clearly address under what circumstances these electric car charging stations would be allowed. Ms. Hand noted

the proposal is to place these into the same category as gasoline service stations. She said while some of the impacts may be significantly different than the impacts of a gas station, i.e. environmental, the land use is a similar category, (providing energy to a vehicle). Ms. Hand said the Commission believed it was appropriate to put this into the category of gas fueling stations as a Special Permit in the zones these will be permitted. Ms. Hand said the Commission will consider this on a case-by-case basis, i.e., appropriately designed circulation and traffic generation. Ms. Hand said moving forward, any car charging facility would be a land use category which is allowed by Special Permit in the majority of the main commercial zones (CB – RF-40), and industrial zones.

Ms. Hand added that car washes, detailing and oil change facilities are not explicitly mentioned, so this language has been added as proposed. Ms. Hand also noted a favorable recommendation was received from the RPC members. Vice-Chair Venoit noted a memo from Michael Calhoun to Kacie Hand, Town Planner, dated June 17, 2019. Chair Seichter noted the Legal Notice was read at the June PZC meeting.

Mr. Hine said that in reviewing the proposed change, he noticed a reference to Section 4.6.D.10 as one of the Sections to be revised. He said he believed this was an error and the Section should be 4.6.D.9. Ms. Hand said Mr. Hine was correct and the motion should reflect this. Mr. Hine asked Ms. Hand if she was comfortable that this would not affect the notice in this particular instance. Ms. Hand pointed out the proposed change to the Regulation has been properly notice and the substance hasn't been impacted.

Mr. Fitzsimmons asked Ms. Hand if the electric charging stations at Stop and Shop would be included in this. Ms. Hand said this would be included, noting the local Stop and Shop does have one of these regular electric car chargers. She said this is more of a convenience for the shopper and not a land use. Ms. Hand said everything will now be under this Special Use category with the PZC having the option to look at this on a case-by-case basis. Ms. Hand said she has noticed when they are super chargers, they have been more removed from the building or the shopping center. Mr. Fitzsimmons said he is in favor of this, but asked if someone could just apply to do this under the Regulation change or will it always be considered an accessory use to the primary use. Ms. Hand said she believed someone could come in to do just a charging facility.

Public Hearing – No Comments.

Chair Seichter entertained a motion to close the Public Hearing at 7:12 p.m.

Mr. Venoit: Motion to close the Public Hearing on #902-19.

Mr. Fitzsimmons: Second

Vote: Unanimous

Chair Seichter entertained a motion on the application.

Mr. Venoit: Motion that Planning & Zoning Electric Vehicle Charging Stations be approved Zoning Text Amendment, Application #902-19 to modify Section 4.6.D.10; 4.8.c.11; 4.16.C.1.h; 4.22.D.2as proposed, to clarify the allowance of charging stations for electric vehicles as a primary use by Special Permit, and to clarify the application of this category for car washes, detailing, oil change facilities and other similar uses by clarifying and modifying the current use category of gasoline service stations because it clarifies usage of the charging station and also clarification of categories of gasoline service stations; subject to:

- 1. An effective date of July 29, 2019**

Mr. Fitzsimmons: Second

Vote: Hine – yes; Kohan – yes; Fitzsimmons – yes; Venoit – yes; Chair Seichter – yes

Application approved

- 2. Zoning Text Amendment/PZC/Modifications to Sec. 6.9 to :1) Define and prohibit digital signs (a.k.a. electronic signs, electronic message boards; LED signs, etc.) except for a limited allowance for gas stations; 2) no longer regulate signs, other than advertising signs, that are not visible from any public Right-Of-Way or other property; 3) correct language in reference to temporary signs; 4) correct an incorrect Section reference - #903-19**

Acting Chair Venoit read the Legal Notice and noted all correspondence for the record: Memo from Michael Calhoun to Kacie Hand Town Planner, dated June 17, 2019; Inter-Departmental Referral Notice of Proposed Development, by the Fire Marshal dated June 13, 2019; Zoning Amendments for #903-19 Digital Signs, etc., with digital modifications dated June 25, 2019; Memo from Michael Calhoun, South Central Regional Planning Commission, to Kacie Hand, Town Planner, dated June 17, 2019; Excerpt from Local Regulations of Dynamic Displays; Excerpt of the Town of Southington Zoning Regulations; Memo from Wallingford Senior Center, Bill Viola, Executive Director, to Kacie Hand, Town Planner, dated April 13, 2018; Meeting discussion Minutes from workshop dated April 24, 2017; Memo from the CT Planning Commission, to Kacie Hand, Town Planner, dated May 30, 2018; Article “Looking Ahead – Regulating Digital Signs and Billboards”; Wallingford PZC Minutes dated Tuesday, May 30, 2017; Special Meeting Minutes dated Monday, March 15, 2019.

Ms. Hand noted this issue was raised from concerns and complaints, regarding some digital signs which had been permitted in Town and the issues they were creating i.e., distraction and light trespassing. Ms. Hand stated that before the moratorium, the Regulations prohibited flashing, scrolling and blinking but didn’t prohibit digital signage so a digital sign was legal as long as it was static. Ms. Hand pointed out most of the permitted digital signs now in Town don’t comply with this restriction. Ms. Hand said a moratorium was placed on digital signage so the PZC could discuss how to handle them. She noted there were also workshops and the moratorium was extended several times. Ms. Hand said as a result of the 2017 workshops, she drafted a potential Regulation which would have allowed a limited amount of digital signage. She said this was based on a lot of provided information from several sources. She said

after seeing the proposed Regulations, the potential challenges and how this would be applied, the consensus was the PZC was more comfortable with prohibiting the digital signs outright. She said there was also concern about enforcement and the evolution of the technology. Ms. Hand said the one exception proposed after speaking with the Law Dept., is a limited amount of signage for gasoline service stations and the electric charging stations. Ms. Hand said there is a certain volatility to these prices that isn't applicable to most other products, noting this is a single-product facility and people need to be able to ascertain which gas station to go to.

Ms. Hand said the PZC can't regulate what the signs say; i.e. the PZC can't say these have to be pricing signs, but can say that gas stations can have a limited amount of signage. She said she designed the Regulation to be geared towards pricing signs. She said the proposal is for two signs for a certain square footage, based on Regulations from the Town of Southington, provided by Mr. Kohan and from other municipalities. She said the proposal would be to allow two signs, not to exceed 10 inches in height, and 25 inches in width. Ms. Hand told the PZC that State law doesn't require gas stations to post the big pricing signage; they only require the pump topper pricing. She noted that if one price is posted, both the cash and credit price have to be posted for a particular type of fuel. Ms. Hand spoke about Section C "signs requiring a registration" noting that approximately 10 years ago, a Regulation was adopted allowing for temporary signage on a limited basis. She said unintentionally, these are listed as advertising signs. She said our definition of advertising signage is an off-site advertising sign which is the opposite intention of that Regulation.

Ms. Hand said Atty. Janis Small have discussed this at length, and it has been determined that we need to revisit how advertising signage is defined and what this actually means. She said this will be coming back to the PZC in the near future. Ms. Hand said business signage is on premise advertising signage and this was the intention of the temporary sign Regulation. Ms. Hand said this proposal language change is just to address this and is not related to digital sign and is a fix in this Regulation. Ms. Hand mentioned there was in the original submittal, a reference to a proposal to no longer regulate signage not visible from adjacent property or the public way. She said in speaking with Atty. Small, it was determined it was too soon to do this and the PZC would want to have more discussion on this issue regarding the extent of this allowance i.e., menu boards for drive-thrus; and scoreboards for sports teams. She also mentioned possible discussion regarding lighting pollution. Ms. Hand discussed regarding digital signage, the proposal for gas station permitted digital signage, does have requirements regarding restrictions in terms of maximum intensity, the coloring and the flashing and blinking. She said there is also a proposed definition of digital signage.

Ms. Hand said proposed clarifications were made to the business sign and advertising sign definitions which will be revisited in the future.

Mr. Kohan commented that he has been one of the outspoken persons on the one offending sign on the other side of Town which is very bright and flashing. He said didn't know if he was ready to support restricting digital signs and their entirety. He said this is sort of the wave of the future and don't want to diminish advertising for businesses. Mr. Kohan spoke about a neon sign at an ice cream establishment.

He said if this is passed, would this sign, which already exists, be allowed for a new business. Ms. Hand said there is a list of current prohibited signage which involves flashing, or intermittent lights of changing degrees of intensity. She said she added neon illumination or other similar exposed unshielded illumination. Ms. Hand said anything inside of a window inside the building, is not regulated which is currently true and would stay true. Mr. Kohan noted a late email from a resident and wanted this to be part of the record. Ms. Hand noted this can't be part of the record and can't be considered in the PZC conversation tonight. She said this could be considered ex-parte. Ms. Hand said if someone forwards this to her, she could be put into the record next month.

Mr. Kohan said the intensity, brightness and amount of flashing should be focused upon. Ms. Hand noted she wrote a Regulation to this effect that the PZC could revisit if this is the general consensus. She said she is still awaiting RPC input and recommended continuation to next month's PZC meeting. Ms. Hand said the moratorium expires next month and the PZC would have to simultaneously extend the moratorium. Mr. Hine asked about the revised Regulation, noting advertising is being taken out and business signage is being added. Ms. Hand noted there is already a definition for advertising signage and business signage. She said the proposal corrects these definitions. Ms. Hand noted the distinction currently between an advertising sign and a business sign in the Zoning Regulations is that an advertising sign advertises off-site products, and a business sign advertises a business product. She said she believes there is a better way to do this. Ms. Hand said the temporary signage which is allowed for two weeks, was done a few years ago because the business community was concerned they couldn't get extra attention for a special event. Ms. Hand said the way the Regulation was written at the time, was as a temporary advertising sign which would mean an off-site sign, which was the opposite of the intention of the Regulation.

Mr. Hine said in reviewing the temporary business sign section, he noted some of the Sections were redundant and there might be a better way of ordering these Sections. Ms. Hand spoke about a Federal and CT Supreme Court decision over the past several years regarding what can be regulated and how it can be regulated. She said in the near future, there may be a total overhaul of the signage section. Mr. Hine asked about the gas station exception, pointing out there is a reference to two digital signage displays and asked Ms. Hand what she envisioned these two digital sign displays being, displays on the ground, or over the pumps. Ms. Hand said one ground sign is permitted per property. She said if the signage was to be put on the building, this would be part of the total signage and part of the wall signage. Mr. Hine noted many gas stations have different types of gas and if they had to advertise both the cash and credit price, wouldn't more than two signs be needed.

Ms. Hand said six signs could be allowed, but that would be going overboard. She noted having two signs would be enough to give people what they need. She said she has seen a lot of gas stations which just advertise the cash and credit price for regular gasoline. Mr. Hine said he believed signage for each type of fuel was needed. He asked about grandfathering, noting there are already these type of signs and how the Town would police these signs in the future. He said we are going to tell these businesses they are grandfathered in, but do we really know what we are telling them. Ms. Hand pointed out there

was a sign court case years ago in Wallingford where the determination was made that a sign even removed, can be replaced in kind. She said she believed the same would apply to digital signage. Ms. Hand noted that every legitimate digital sign in Town has a permit so there is a record. She said the digital signs as defined; don't include the video boards as signs, so a video board couldn't be added to replace an approved digital sign because this is different technology. Ms. Hand said the sign also couldn't be made larger, but could be made smaller.

Mr. Fitzsimmons said on the record that Ms. Hand has done a tremendous job in keeping the PZC on point on this particular topic. He said the PZC has been discussing this topic for years and is excited we are at this point. Mr. Fitzsimmons said there is a need to move forward and supports the change the PZC is proposing. Regarding digital signage, Mr. Fitzsimmons noted we are all trying to regulate because there is one large offender and this signage is what is not wanted. He pointed out the sign section of the Regulation is the longest in the Zoning Regulation book. He said it is very fair we move forward noting the moratorium has been extended numerous times. He said he is also open for further discussion. Mr. Fitzsimmons said pending the decision from Regional Planning, the PZC should move forward in August. Mr. Fitzsimmons noted the Zoning Complaint log used to be filled with sign violations and is now down to eight violations this month. He thanked Ms. Hand and her staff.

Mr. Venoit also thanked Ms. Hand for putting this together. He said he was also in favor of the PZC moving forward with this item in August. Chair Seichter said both Mr. Fitzsimmons and Mr. Venoit summed up his feelings on this issue. He noted a lot of time has been spent on this topic and the Town Planner has presented the PZC with various options over the course of the workshops. He said there was a thorough discussion at the last workshop. Chair Seichter said he would be in favor of moving forward with this application at the August PZC meeting. He said the Town Planner has pointed out the sign violations has been one of the larger area the ZEO has dealt with. He said the sign technology over the years will change and we will always be looking to try to catch up with the Regulations. Chair Seichter said the PZC would also be looking to be able to monitor these signs to ensure they are in compliance with whatever type of restrictions that will be placed on these signs.

Ms. Hand said if this goes forward as is, we can always add something in and revisit this topic. She noted she was not in favor of writing a Regulation around enforcement challenges because to some degree they are separate issues. She pointed out that with digital signage, they do seem to present an ongoing challenge; the ones that exist in Town seem to be a constant enforcement issue. Ms. Hand said she reached out to many municipalities to find out what they do and if they had similar Regulations. Ms. Hand said a lot of municipalities seem to do what Wallingford currently has which is the idea, pre-moratorium that there could be digital signs, but they cannot flash. Ms. Hand said she was surprised by the amount of Towns which prohibit these digital signs or strongly limit them (i.e., time, temperature and gas stations).

Public Comment

Tim Keogh, 10 Huntington Ridge Road, said he wanted the PZC to not make the digital signs illegal because of one sign. He noted this sign was much larger and was installed without a permit which was flagged by Zoning and a permit was pulled for the other sign ahead of the time the Town was ready to regulate. He said there are two things to worry about with these signs: animation (flashing) and automatic dimming. Mr. Keogh noted Milford does a good job of regulating these digital signs, but there are fines. He said if these signs are not conforming to the Regulations, they should receive a ticket.

Mr. Keogh said he owns a sign and graphic company and noted that for businesses with less than 50 employees, these digital signs are an affordable way to get their message out. He spoke about measuring ambient light. He asked the PZC to go forward with this Regulation.

Anthony Bower, 477 N. Colony Road, representing Gello Brothers Garage and Truck Towing, Inc., spoke about how the price on the sign has to be changed at the gas station noting the sign is 20 ft. in the air and is dangerous if it falls to the ground, especially during the winter.

Mr. Bower said the digital sign would benefit the business, and their property along with the Town. He said it would be a good idea to have formality with the signage. He said the less numbers there, the easier for the public to understand. Mr. Bower said he would like to just post the cheapest price at the gas station.

John LeTourneau, 3 Regent Court, said he sees merit to the gas station signs but also a danger. Mr. LeTourneau said it depends on the sign's brightness. He wondered if the signs would just have numbers or would there be a background display. Mr. LeTourneau said with LED signage, the backgrounds can be unlimited and can be changed on a computer. Mr. LeTourneau said his concern is with the brightness of these signs. He said a possible way to do this, is when a permit is being obtained, there could be a brightness level, the lumens. He suggested a demonstration of this at another meeting or workshop. Mr. LeTourneau pointed out the brightness can be controlled and this should be done at the time of permit, not after-the-fact. Mr. LeTourneau said as far as general signage goes for businesses, the entire premise of zoning is what we want the Town to look like. He said the PZC has passed Regulations on the size of buildings and setbacks, green areas, etc. He said there is signage, but it is usually over lit. Mr. LeTourneau said the digital signage is concerning because the area could turn into Las Vegas quickly if there are no Regulations.

Mr. LeTourneau said a door could be opened, but he doesn't believe the Town is ready. He said he has seen how much change there has been just over the past 10 years. He said he isn't against the technology, but how it will be dealt with. He said there are enforcement issues on how to deal with this; how this will be limited and how it will be limited. Mr. LeTourneau suggested a sign company come in front of the PZC to show how a digital sign can be dimmed.

Michael Salone, Standard Petroleum, Bridgeport, said he is on hold with the oil company he is trying to do business with because of the LED signage. He noted there is a 10 to 12 week process to order the

sign which he cannot go forward with. He showed a photo of the proposed signage showing the brightness. He said if this digital signage Regulation was approved, it would be helpful to his business.

Tim Keogh said petroleum signs are becoming the industry standard with digital and are almost all self-regulated, i.e., digits and brightness. He said he would send Ms. Hand examples.

Ms. Hand said she appreciated the Public Comment and thanked Mr. Keogh. She said some of the information provided for the workshops, was information provided to her by Mr. Keogh. Ms. Hand said in terms of the gas station permitted signs, there is a maximum NIT intensity, 5,000 NITS for both daytime hours and 3,000 NITS at night. She said there is also a restriction that the background can only be black and whatever is on the sign cannot blink or change colors.

Chair Seichter entertained a motion to continue the Public Hearing to the PZC August 12, 2019 meeting.

Mr. Venoit: Motion to continue the Public Hearing for Application #903-19 to the August 12, 2019 PZC meeting.

Mr. Fitzsimmons: Second

Vote: Unanimous

NEW BUSINESS

3. Site Plan (retail/mfg)/M. Galarraga (New England Cider)/110 North Plains Industrial Road - **#220-19 – NOT HEARD**
4. Site Plan/Reno Properties/718 North Colony Road (former Eyelet Building) - **#219-19**

Mr. Venoit noted all correspondence into the record: Inter-Office Memorandum from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, to Kacie Hand, Town Planner, dated July 5, 2019.

Appearing in front of the PZC was Atty. Bernard Pellegrino, Pellegrino Law Firm, representing the Owner/Applicant and Dan Garafalo, representative of the property ownership.

Atty. Pellegrino went over the history of the site noting this is a 35 acre site and is in an R-18 zone. He said the site borders, N. Colony Rd., N. Main Street and Beaumont Road and other land owned by the Town. He went over the Site Plan. He pointed out the green areas on the map indicate heavily wooded areas and noted the site slopes down from the wooded areas. He said the existing vegetation screens out the building because the site is lower in this area, but the site is more visible from Beaumont Rd. and North Colony Road.

Atty. Pellegrino said the application is to make minor site plan modifications to the driveway on the easterly side, the rear of the building, where three loading docks for existing tenants will be installed. Atty. Pellegrino pointed out this area on the site plan and also the location of the driveway where the trucks would come around and utilize the existing bays. Atty. Pellegrino said there would also be some

site work to redo the existing topography in order for the trucks to access the bays. Chair Seichter noted this application was originally submitted to the PZC for administrative approval, but requested this be placed on the agenda because of several zoning violations on the property currently as far as storage. Chair Seichter said it is difficult for Commissions to approve an application because of the zoning violations and asked Atty. Pellegrino to address these violations. Atty. Pellegrino put into the record copies of correspondence from Nov. 2013, prior to his client purchasing the property and also from April 2019 when the client refinanced the property on request of the lenders who requested zoning compliance letters, which he said were obtained.

Atty. Pellegrino said his client wants to do this work and also to internally reorganize the site to make it more efficient operationally. He noted the site is non-conforming on setbacks and landscaping. Atty. Pellegrino said he came into the Planning Office to discuss this. He noted Toyota of Wallingford parks excess vehicles on the site which according to the Planning Office requires a Special Permit. He said this may be one of the zoning violations. Atty. Pellegrino said his client is prepared to rectify this situation and will file a Special Permit application before the August PZC meeting to deal with Toyota of Wallingford. He said on its face, this issue is as simple as the three loading bays in the back. He said this area has had cars parked on it for 50 years and is paved to the road. Atty. Pellegrino said his client is prepared to propose new landscaping and pointed out the areas on the Site Plan. He said his client is prepared to increase plantings in the 10-foot strip; repair the fence by installing slats. Chair Seichter asked Atty. Pellegrino to focus on his clients application noting there are zoning violation with Toyota of Wallingford and also some truck storage violations.

Chair Seichter said he looks at the application before the PZC as rather minor. He said there are specific deadlines in place whether an application is brought before the PZC and when the application is completed and brought into compliance. Chair Seichter said the PZC has seen Applicants who have promised to do various things which don't get done. He said he didn't have an issue with what is being proposed, but said it is important to have hard deadlines set for a plan to bring this into compliance and to see this plan brought to fruition.

Atty. Pellegrino said there is some desire to get the current application approved and are engaged to work through this process to move forward in getting issues resolved. He said the site is tricky because of its history and the non-conformities. Ms. Hand said the actual widening of the driveway is not a major impact. She said there is a net zero in terms of impervious surface and noted the comment from the Water and Sewer Divisions regarding the depth of some of the piping. She pointed out this didn't get reviewed by the Engineering Dept. Ms. Hand noted the Planning Dept. doesn't do compliance letters because they can't be guaranteed. She said she was aware of the Toyota issue, but didn't become aware of the truck issue until the April meeting with the property owner. She said she hadn't been pursuing this as a violation until something moved forward with the property. Ms. Hand said timing is important, and noted it is important that whatever proposal comes before the PZC is compliant and appropriate. She said she has some concerns about the proposal. Ms. Hand spoke about the on-site truck storage. She said she has met with the Applicant many times but wanted to know what the truck

storage plan would be. Atty. Pellegrino said he is still working through this portion of the plan and trying to understand the tenant operations and some of its site use and desires. He noted there are many tractor-trailers on this site. He said many of the existing tenants have warehouses and storage. Ms. Hand said these aren't the ones in question. Atty. Pellegrino said there are a number of trucks in question for an existing tenant who presently doesn't have a distribution center on site. He said his client is in discussion with them regarding utilizing some of the area that is part of the pre-existing use to coincide with the trucking operation. Atty. Pellegrino said he was asked to put together a complete parking table, showing fire parking and existing parking. Chair Seichter noted this would be part of an application which would be presented to the PZC which expects and anticipates when an application is brought before the PZC, it is compliant with the Zoning Regulations.

Chair Seichter asked Ms. Hand about a time limit noting there is a zoning violation which the Applicant is looking to address. He asked if the site could be brought into compliance by the end of the year. Ms. Hand said the Applicant could make a good faith agreement to this as a condition and if compliance wasn't achieved by the agreed upon time, then the PZC's direction there would be that aggressive enforcement. Chair Seichter said this could be an option depending upon where the plan and process is. Chair Seichter spoke about aiming towards the end of the year.

Mr. Fitzsimmons said he appreciated the Applicant appearing before the PZC, but wanted to give the Applicant more time possibly to next spring. He said sometimes work takes longer and considered that it was already July. He said there has to be a good faith issue. He noted it was good to see something happening at this site and was in favor of the application.

Chair Seichter said he understood it may take time to get work done, but as far as some of the violations, they have been known well before this spring. He said there were several conversations between Ms. Hand and Toyota regarding the car storage. He said he would like to see a plan before the PZC that can be acted upon and wouldn't like to see this go out until the spring. Ms. Hand said this application, at least one of them, will be a Special Permit. She said with at least the Special Permit, any time limit can be put onto this. Chair Seichter said with a Special Permit to be approved by the end of the year would give the applicant additional time and all the work completed by April 30. Ms. Hand said compliance should be pursued between now and the end of the year and then the Special Permit will tie into completing the work.

Public Comment – None

Chair Seichter entertained a motion on the application.

Mr. Venoit: Motion to approve application #219-19, Site Plan for Reno Properties to widen the rear driveway to allow better truck access to loading doors at 718 North Colony Road, as shown on plans entitled "proposed loading docks prepared for Reno Properties, 718 North Colony Road, Wallingford, CT., dated April 16, 2019, revised to May 28, 2019; subject to:

- 1. Sedimentation & Erosion (S&E) bond for \$1,000;**

2. **Comments of the Wallingford Water and Sewer Divisions Sr. Engineer dated July 5, 2019;**
3. **Review and approval by the Wallingford Engineering Dept.;**
4. **Special Permit to be approved by the end of 2019 in compliance of variances and the pursuance of compliance by the end of the year**

Mr. Fitzsimmons: Second

Vote: Hine – yes; Kohan – yes; Fitzsimmons – yes; Venoit – yes; Chair Seichter – yes

BOND RELEASES AND REDUCTIONS

5. **Special Permit/J. Blichfeldt (Quality Subaru)/711 North Colony Road - #416-16**

Ms. Hand said this bond is not ready for release

6. **Site Plan/M. Zaidi/1163 South Broad Street - #225-17**

Ms. Hand said she is recommending reduction of the bond to \$300. She noted there was a dead tree which needs to be replaced.

Mr. Venoit: Motion that the bond for application #225-17 to \$300 for Site Plan for M. Zaidi. 1163 South Broad Street

Mr. Fitzsimmons: Second

Vote: Unanimous

EXETENSIONS

7. **Site Plan/D. Ahearn/88 Woodhouse Avenue - #237-14**

Ms. Hand said this was a housing opportunity district approval, i.e., mixed income housing, 30% affordable approved at 88 Woodhouse which hasn't been constructed. She noted this approval expires in November 2019 so an extension is being sought. Ms. Hand said the extension can be up to a five-year period. She noted that typically, the extensions are done in a one-year timeframe. Ms. Hand recommended a two-year extension to Nov. 10, 2021. Chair Seichter asked if Ms. Hand had any discussions with the Applicant regarding a timetable. Ms. Hand said she believes the property may be on the market.

Mr. Venoit: Motion to extend application #237-14, Site Plan, D. Ahearn, 88 Woodhouse Avenue, for two years to expire Nov. 10, 2021.

Mr. Fitzsimmons: Second

Vote: Unanimous

REPORTS OF OFFICERS & STAFF

8. Administrative Approvals
 - a. Survey Waiver/J. Hilbert/1020 Durham Road - **#806-19**
 - b. Site Plan/Polish National Alliance (PNA)/171 North Plains Industrial Road - **#218-19**
 - c. Survey Waiver/R. Rinaldi/4 Vaz Place - **#807-19**
 - d. Survey Waiver/G. Swanson/132 Fair Street - **#808-19**
 - e. Change of Use/V. Gibbs/235 Center Street - **#310-19**
9. ZBA Decisions of 6/17/19

Ms. Hand noted both variances applications were approved for vertical additions.

10. ZBA Notice of 7/15/19

Ms. Hand said there were a few applications of note: Item #1 is for N. Colony Road, the property which contains Wendy's and a few other buildings. She said the proposal would enable the property to be split into two pieces, though one property would still have the Wendy's and the other property would have the other two buildings. She said if this moved forward, the PZC would see an application for the development of the property with the two buildings. Ms. Hand said the current issue is the lot is compliant with the overall open space requirement, but the way the line would get drawn would give one lot extra open space and the other lot would be short on open space. She said the recommendation as a Condition of Approval is that if the property was developed, it would have to be brought into compliance. She said the intention is for a parking lot in association with a dealer and repairer's license.

Ms. Hand said the second application involves Protronix on Parker Street which are looking to do an addition onto the property which is a tight site to get trucks in and out. She said if this is approved, this will be brought in front of the PZC. She said it should be ensured that loading is not going to occur from the road, i.e., no trucks are to back in off of Parker Street.

Ms. Hand noted item #5, Parker Place condos. She noted this property has frontage on three sides so on the northern side is the location of the dumpster. She said the Applicant is looking to put in a trash compactor so a front yard landscaping variance is being requested in order to fit the trash compactor. Ms. Hand noted item #6 12-16 Northfield Road which is a house in a commercial zone across from True Blue. She said the Applicant is seeking to rebuild this house. Ms. Hand said she is trying to see if there is another way to do this and make this more compliant.

11. Zoning Enforcement Log

Ms. Hand told Mr. Kohan there was problem closing out some of the violations which she closed out and then disappeared. She said the Wal-Mart violation was not closed as of yet so as not to become lost. Ms. Hand the OSPRD's were remnants of old court cases which were closed out. Ms. Hand said she spoke to Rob Baltramaitis, Town Engineer, regarding the cemetery question. She said she issued Mr. Baltramaitis a letter summarizing some of the issues. She said there were also internal meetings as well.

Ms. Hand said the issue is primarily the driveway and Mr. Baltramaitis has some ideas of how to address this. She said this issue may come back to the PZC in the future but is moving forward. Mr. Kohan noted the driveway covers part of the cemetery and is still willing to contact the State Archeologist. Ms. Hand said this has to come from the Town Council regarding contacting the State Archeologist. Mr. Kohan said he would be happy to do this.

Ms. Hand requested an addition to the agenda for 12 Old North Colony Road Properties LLC. Chair Seichter entertained a motion to add this item to the agenda.

Mr. Venoit: Motion to add 12 Old North Colony Road properties LLC.

Mr. Kohan: Second

Vote: Unanimous

12. 12 North Colony Road Properties, LLC.

Ms. Hand explained these are two properties on S. Broad Street known as Old North Colony Road which loops around the Buick Dealership on the corner of S. Broad. She said they are both approved for different stockpiling and fill permits with the idea there would be development on the properties years ago which didn't occur. Ms. Hand said the front property has the type of stockpiling permit which is ongoing, but the rear property doesn't which requires a yearly extension. Ms. Hand said this year she only recommended a three-month approval because she believed there were issues at the site.

Ms. Hand said she performed a site visit with Erin O'Hare Environmental Planner and noted there was materials in places that it shouldn't been in. She said the property owners have done a fabulous job of cleaning up. She said she was at the site today. Ms. Hand said there is one portion where the materials are being brought down but there is a dramatic improvement. She said there was also a wetlands violation. Ms. Hand said the owners are recommending another three-month approval. She said she is comfortable recommending another three-month extension.

Mr. Venoit: Motion to extend Special Permit #404-09 for a three-month extension to October 9, 2019.

Mr. Kohan: Second

Vote: Unanimous

ADJOURNMENT

Mr. Venoit made a motion to adjourn the Meeting at 9 p.m. Mr. Kohan seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary