

DRAFT

**Wallingford Planning & Zoning Commission
Monday, August 10, 2020
Remote Meeting
MINUTES**

Chairman Seichter called the meeting to order at approximately 7:00 p.m.

Pledge of Allegiance was recited by all.

Roll Call: Present: James Fitzsimmons, Regular Member; Jeff Kohan, Regular Member; JP Venoit, Vice-Chair; Jim Seichter, Chairman; Steven Allinson, Alternate (voting for R. Matarazzo); Jaime Hine, Alternate.

Staff: Kacie Hand, Town Planner; Tom Talbot, Planner.

Absent: Rocco Matarazzo, Secretary; Armand Menard, Alternate.

Chairman Seichter explained how the meeting would be conducted in the remote environment.

Approval of Minutes – July 13, 2020

Commissioner Venoit: Motion to accept the minutes of the July 13, 2020 meeting as submitted, seconded by Commissioner Fitzsimmons: Second

Vote: Unanimous to accept

Chairman Seichter noted that the following New Business items will not be heard this evening.

4. Site Plan / W. Ulbrich / 71 Curtis Avenue #207-20 Withdrawn

5. Site Plan/D.T. Warren Family Trust/809 North Main Street Ext. #210-20No action.

PUBLIC HEARING

1. Special Permit (Location of Use)/S. Abdelsalam/1191 North Colony Road #406-20

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record. Inter-Departmental Referral from the Fire Marshal dated July 28, 2020; Memorandum from Erik Krueger, Senior Engineer, Water & Sewer to Kacie Hand, Town Planner and Tom Talbot dated July 28, 2020; correspondence from Christopher Gagnon, BL Companies to Tom Talbot, Planner received July 31, 2020; updated Memo from the Fire Marshal to Planning and Zoning dated August 4, 2020; correspondence from Thomas Talbot, Planning and Zoning office to the applicant on July 23, 2020.

Christopher Gagnon, a professional engineer with BL Companies 355 Research Parkway, Meriden, represented the applicant, Sam Abdelsalam. He explained that Mr. Abdelsalam would like to use the property at 1191 North Colony Road as a used car dealer and repair shop. It has a history of automotive use. The special permit is to allow for car sales. He noted that the building has 5 repair bays. Mr. Abdelsalam will use two as repair bays and three for car sales inventory, like a showroom. The site plan shows the required number of parking spaces for the two repair bays and the employees as well as

associated parking for anyone using the site. He will add seven spaces exterior to the property for sales inventory with any remaining inventory stored inside. Mr. Gagnon thanked Mr. Talbot for his assistance. He reported that the applicant understands the three requirements from Water & Sewer and will respond this week. There are no site plan revisions, excavation, or new construction.

Commissioner Fitzsimmons asked for their signage plan and asked for confirmation that there will be no site changes. Mr. Gagnon confirmed that there are no site changes. Mr. Abdelsalam replied that they will follow the requirements of the town for signage.

Commissioner Kohan asked about the application for the expired aquifer protection permit. Mr. Talbot noted that it is an administrative approval and usually takes two weeks. He noted that the Commission should have the application. He expects to be able to sign off on the updated registration within the week.

Commissioner Hine asked about the aquifer protection license application. He noted that several activities that fall under the APA regulations that were spelled out in Mr. Krueger's July 28th memo. This included repair or maintenance of vehicles, car-washing, and auto detailing. He asked for clarification if those are the activities that are to be conducted or that are never to be conducted on the property. Mrs. Hand replied that this site was previously registered for certain regulated activities which, she thought, were limited to the repair of vehicles. The registration expired but there is a 5-year look back under the statute and our regulations are modeled based on the State regs. So they can re-register for the same activities that were previously registered for. If they want to add new activities, that's a more involved process. Instead of just a new registration, they would have to apply for a permit and the major difference is instead of just having Best management practices, they would provide information about what they'd do if there's a spill and provide a materials management plan. Best management practices are required for every registration. If they wanted to add new activities with a permit, which a registered site can do, they would have to take further steps in terms of stormwater management and things like that. Ms. Hand's understanding is that they are reregistering the previously registered activities. She noted that she has spoken to the State Aquifer protection contact and adding dealership activities or sales of vehicles is not considered a regulated activity. The repair is a regulated activity. So adding that component doesn't need a new permit. Commissioner Hine asked the applicant if they would be doing car washing or auto detailing on the property. Mr. Abdelsalam confirmed that there would be no car washing, no detailing, and no bodywork. Commissioner Hine asked how the cars would be cleaned up for sale. Mr. Abdelsalam stated that cars ready for sale would be driven to a nearby car wash.

Joan Rivers Bardwell, 98 Beaverdam Road, Woodstock Valley, CT 06282. Ms. Bardwell stated that she has owned the property since 1978. She noted that there is a sign pole on the property that has been there since 1978 when it was approved. She also noted that the property has had muffler shops and several Amoco dealers. She stated that the aquifer protection permit came about in 2006 when it was an Amco. It has been maintained since then. She apologized that the last tenant did not pay the fee so it lapsed. She noted that she has paid the fee.

Mr. Gagnon thanked Town staff for their assistance with this application.

Chairman Seichter asked for a motion to close the public hearing.

Commissioner Venoit: Motion to close the public hearing for application #406-20 Special Permit (Location of Use) for Abdelsalam for a Used Car Dealers and Repairers License at 1191 North Colony Road, Zone: RF 40.

Commissioner Fitzsimmons: Second

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

Commissioner Venoit: Motion to approve application #406-20 Special Permit Used Car Dealer and Repairs for Samar Abdelsalam to allow a Used Car Dealer Repairers at 1191 North Colony Road, as shown on plans entitled Proposed Development 1191 North Colony Road and South Broad Street, Wallingford CT dated July 8, 2020, revised to July 31st, 2020, subject to:

1. **Maximum of seven for sale vehicles displayed outside in area shown on the submitted site plan;**
2. **Comments and letter from Tom Talbot, Planner to the applicant, dated July 23, 2020;**
3. **Comments and recommended conditions of approval in Interoffice Memorandum from Erik Krueger, Senior Engineer, Water & Sewer Divisions to Kacie Hand Town Planner and Tom Talbot, Planner, dated July 28, 2020, including obtaining an updated aquifer protection district registration; and**
4. **Comments from the Fire Marshal dated August 4, 2020.**

Commissioner Fitzsimmons: Second

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

Chairman Seichter declared the application approved.

2. Special Permit (Location of Use)/New England Truck Equipment/4 Barker Drive #407-20

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record. Correspondence from Keith Hemstock from New England Truck Equipment dated July 25, 2020; Correspondence dated July 28, 2020, from the office of the Fire Marshal; correspondence dated July 31 to Kacie Hand, Town Planner and Tom Talbot Planner from Erik Krueger, Senior Engineer, Water & Sewer Divisions; correspondence from Thomas Talbot, Planner of the Planning and Zoning Office dated August 6, 2020, to Mr. Keith Hemstock, New England Truck Equipment.

Keith Hemstock stated that he has been the co-owner of New England Truck since 2002 with his partner Ronald Burr. They own the building and have been on Barker Drive since 2013. They sell and install truck equipment; currently they build snow and ice removal vehicles for municipalities. He stated that they have recently been appointed a GapVax Dealer. GapVax manufactures and installs vacuum equipment on trucks. The trucks are manufactured in Pennsylvania. Mr. Hemstock stated that he will represent

them and sell them through this facility. They found out that to take the title for these vehicles they must be a licensed dealer in the State of Connecticut. This is for all new vehicles, they don't do used vehicles or engine repair. Everything is clean and brand new.

Mr. Talbot stated that because of the nature of the permit there are no proposed site changes and they are not storing vehicles on the site

Chairman Seichter invited public comment, but hearing none asked for a motion to close the public hearing.

Commissioner Venoit: Motion to close the public hearing for application #407-20 Special Permit (Location of Use) for New England Truck Equipment for a New Vehicle Dealers and Repairers License at 4 Barker Drive, Zone T-30.

Commissioner Fitzsimmons: Second

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

Commissioner Venoit: Motion to approve application #407-20 Special Permit New Vehicle Dealers and Repairers for New England Truck Equipment to allow a new vehicle dealer repairer at 4 Barker Drive, as shown on plans entitled Proposed Site Development Plan New England Truck Holdings, LLC, 4 Barker Drive, Wallingford, CT dated June 28, 2020, revised to July 6, 2020, subject to:

1. **Comments and recommended condition of approval in Interoffice memorandum from Erik Krueger, Senior Engineer, Water & Sewer Divisions to Kacie Hand and Tom Talbot, Planners, dated July 31, 2020;**
2. **Comments from the Fire Marshal dated July 24, 2020.**

Commissioner Fitzsimmons: Second

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

Chairman Seichter declared the application approved.

3. Special Permit (Location of Use)/C. Malave/3 Buel Street #408-20

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record. Correspondence dated July 28, 2020, to the Planning and Zoning office from the office of the Fire Marshal; correspondence dated July 29, 2020, to Kacie Hand, Town Planner, and Tom Talbot, Planner from Erik Krueger, Senior Engineer, Water & Sewer Divisions; correspondence dated August 6, 2020, from Thomas Talbot, Planner to Carlos Malave.

Carlos Malave, 3 Buel Street, explained that he wants to get a permit for a dealer and repairer. He is in Unit 2 with 4 bays. It is 1500 square feet. He has a total of 13 spaces and plans 5 for display, with parking in front including handicapped, and seven spaces in the rear, including handicapped. He will perform general repairs and sell a few cars. The location is off of Old Church Street and Buel is on a dead-end, off of Rt. 68.

Atty. James Laughlin, of North Main Street, stated that he represents a neighbor, Robison Properties; t

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they are at 60 Church Street. He stated that his client endorses the application as it improves business on the dead-end street. He is not against the application. Atty. Laughlin asked for a delay in the vote so more information can be presented. He noted that the site plan provided by Mr. Malave is from 2003, from an application for a self-storage facility. His client is concerned with water runoff. He stated that there is already a problem as the client's property is at the lowest point. The water comes down from Barnes Park, through the movie theatre, across Rte 5 and onto this property. His client's concern is that this new use might aggravate the issue. He noted that the Fire Marshal is also looking for more information. He also noted that the approved use of self-storage does not apply to repairers or car dealership. He asked for a postponement so more information could be provided.

Mr. Malave replied that he understood the concerns. He stated that he talked to Water & Sewer. He noted that cars will be washed at a car wash, not on the property. He will only be repairing, polishing, and buffing cars.

Mr. Talbot noted that based on the site plan, there is nothing to indicate that any current activity would adversely affect 60 Church. None of the proposed activities would cause a problem. He stated that those wanting the application tabled, should be specific about what they feel is missing on the plan and what the concerns are. He noted that a new survey is not required for the application unless the boundaries have changed. He asked for specific concerns from the neighbor. Atty. Laughlin agreed that the concerns are not specific, but noted that the plan does not address car repairs, just self-storage. If there is water runoff or if there's not proper management of auto waste there could be a problem. He asked for the Town Engineer to review and sign off on the plan. He stated a concern that the same standards may not be applied to everyone. Chairman Seichter noted that the Town Planner gave his opinion. Mr. Malave restated that there will be no car washing on the property, there will be no floor washing. He knows that any spills need to be dried up and he has set up an account with Safety Clean for oil or antifreeze or anything else that has to be taken out.

Chairman Seichter invited public comment, but hearing none asked for a motion to close the public hearing.

Commissioner Venoit: Motion to close the public hearing for application #408-20 Special Permit (Location of Use) for Malave for a Used Car Dealers and Repairers License at 3 Buel Street, Zone: I-40.

Commissioner Fitzsimmons: Second

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

Commissioner Venoit: Motion to approve application #408-20 Special for a Used Car Dealers and Repairers License for Malave to allow a used car dealer and repairer at 3 Buel Street, as shown on plans entitled proposed site development plan, Buel Street and Church Street dated January 1, 2003, revised to October 1, 2003, and further amended by the applicant, subject to:

1. **Comments and recommended conditions of approval in Interoffice Memorandum from Erik Krueger, Senior Engineer, Water & Sewer Division to Kacie Hand, Town Planner and Tom Talbot, Planner, dated July 29, 2020;**
2. **Comments from Fire Marshal dated July 24, 2020; and**
3. **Outside display of for-sale vehicles limited to five parking spaces shown on submitted plans.**

Commissioner Fitzsimmons: Second

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

Chairman Seichter declared the application approved.

NEW BUSINESS

6. Revocation of Notice of Nullification of Subdivision/1345, 1411, 1443 Durham Road #118-86

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record.

Memorandum dated July 29, 2020, from Janis Small, Corporation Counsel to Kacie Hand, Town Planner;

Correspondence dated May 11, 2020, from Norman Fishbein, Fishbein law firm to Corporation Counsel Janis Small and the Zoning Enforcement Officer.

Mr. Talbot gave an overview. A three lot subdivision was approved in 1986 on Durham Road which is a state highway. At the time there was a requirement for road improvements along the front of the three lots. Subsequently, the applicant posted a bond for the road improvements with the state and the state decided they did not want the improvements so they returned the bond. Two of the three properties were transferred to separate owners. The Town still wanted the road improvements. After the 10 year subdivision period was up, the Town filed a notice on the Land Records essentially nullifying the subdivision which left the three lots in legal limbo. The Town issued a Building Permit for one of the lots and there is a house there. Now someone wants to transfer a lot and the nullification makes it difficult. Atty. Small says the Town had no right to ask for the road improvements and the nullification was improper. She stated that the Commission is asked to revoke that nullification so a notice can be posted on the land records that will allow the lots to go back to the original subdivision, without a road.

Atty. Norman Fishbein, Fishbein Law Firm, represented the applicant. This particular Lot (#3) has been taxed as a valid building lot. Lot #1 is assessed as not a building lot. The Town had no legal authority to nullify the subdivision. He stated that for equity to apply, the nullification should be revoked so the property owner of Lot 3 can get a Building Permit.

Commissioner Kohan commented that this came to light because someone wants to do something with the property. He is concerned that the situation has existed for a couple of decades. He asked if there aren't other checks and balances in place to avoid these issues. He stated that it seems like something in the process didn't work right and that this should not have gone on for so long. Chairman Seichter replied that that's a question for legal counsel. He noted that the action was recommended by the prior Town Planner. He will ask the Corporation Counsel to address the issue of the timing.

Commissioner Hine stated that it is long past due to fix this. It is the right thing to do. Chairman Seichter agreed that it shouldn't have happened and it is long overdue to address it.

Atty. Fishbein stated that he appreciated Atty. Janis Small and the Town Planners office for their help with this complex situation.

Commissioner Venoit: Motion to revoke the action of the Wallingford Planning and Zoning Commission of Jun 10, 1996, declaring that the three lot subdivision number 118 through 86 for Wilbur Pelatzky is null and void and filing of a new notice of the Town Land Records acknowledging the existing lots of 1345, 1411 and 1443 Durham Road as legal lots of record because road improvements along Durham Road that were not completed and were the basis for the nullification were improperly required by the Commission per the memorandum of Janis M. Small, Corporation Counsel to Kacie Hand, Town Planner dated July 29, 2020, and the subdivision map had been filed on the Town Land Records so lots had transferred into individual ownership in a single-family dwelling constructed at 1411 Durham Road previous to the Commission's June 10, 1996 action and June 14, 1996, following of notice of expiration on the Town Land Records.

Commissioner Fitzsimmons: Second

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

Chairman Seichter declared the revocation approved.

BOND RELEASES

Tom Talbot, Planner, recommended releasing the following bonds:

7. Subdivision/DiNatale/605 North Elm Street #101-17
9. Site Plan/John Gargano Limited Partnership/9 & 11 First Street #226-16

Commissioner Venoit: Motion to approve the release of bonds for application 101-17, Subdivision/DiNatale/605 North Elm Street and application 226-16 Site Plan/John Gargano Limited Partnership/9 & 11 First Street.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve

REPORTS OF OFFICERS AND STAFF

10. Administrative approvals – no questions from the Commission
11. ZBA Decisions – July 20, 2002 - no questions from the Commission
12. ZBA Notice – August 17, 2020 – no questions from the Commission
13. Zoning Enforcement Log – no questions from the Commission

Mrs. Kacie Hand announced that she is leaving her position as Town Planner after 12 years. She thanked the Commission for their hard work and dedication and for the opportunity to work with them. She

feels fortunate to work with a Commission that is so professional and thoughtful in their decisions. Chairman Seichter and Commission Members thanked Mrs. Hand for her professional manner and how she conducted the operation of the Planning Department in a professional manner. Chairman Seichter stated that he appreciated how approachable and knowledgeable she is about the regulations. He thanked her for her contributions to regulations changes, planning conservation development, and her willingness to work with applicants to bring them through the application process and navigate the regulations. He noted that Tim Ryan the Economic Development Specialist for the Town is very complimentary of Mrs. Hand and the work she has done to help make big projects happen. He stated that she will be missed. On behalf of the Commission, he wished her the best as she goes into the next chapter of her life.

Commissioner Venoit: Motion to Adjourn the August 10, 2020 Planning and Zoning Commission meeting at 8:20pm.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve.

Respectfully submitted

Cheryl-Ann Tubby

Recording Secretary