

DRAFT

**Wallingford Planning & Zoning Commission
Wednesday, October 14, 2020
Robert F. Parisi Council Chambers
Town Hall – 45 South Main Street
MINUTES**

Chairman Seichter called the meeting to order at approximately 7:05 p.m.

Pledge of Allegiance was recited by all.

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

Absent: JP Venoit, Vice-Chair; Rocco Matarazzo, Secretary; Armand Menard, Alternate.

Chairman Seichter read a meeting protocol provided by Janis Small, Corporation Counsel on how the meeting would be safely conducted in the COVID-19 environment.

Approval of Minutes – September 14, 2020

Commissioner Fitzsimmons: Motion to approve the Planning and Zoning Minutes of the September 14, 2020 meeting as submitted.

Commissioner Kohan: Second

Vote: Unanimous to approve

Chairman Seichter reviewed the COVID-19 meeting protocol and noted that the following agenda items will not be heard this evening at the request of the applicants

1. **Special Permit (Fill and Excavation)/Pfizer/21 Toelles Road** No Action Requested
5. **Site Plan (Multi-family conversion)J. Ostrofsky/19 North Street** No Action Requested

PUBLIC HEARING

2. Special Permit (public parking area)/TOW-Eng. Dept./33 North Cherry Street #410-20

Commissioner Allinson read the legal notice: #410-20 – Special Permit for a 128 space public parking lot for the Town of Wallingford on 1.31 acres located at 33 North Cherry Street, 120 Hall Avenue, and 87 Quinipiac Street, zone TC. He noted all correspondence pertaining to this application for the record. Inter-departmental Referral, dated September 15, 2020, from the Fire Marshal; Inter-departmental Referral, dated September 30, 2020, from the Environmental Planner; email dated October 12, 2020, from Gina Morgenstein, Councilwoman; email dated October 13, 2020, from Tara Gorvine; email dated October 13, 2020, from Ben Martin.

Alison Kapushinski, Town Engineer presented the application for a 128 space parking lot. There are three parcels to the existing lot located at Hall & Quinipiac and Quinipiac & North Cherry. The proposal is to incorporate the old Brother's Restaurant spot on the northwest side. The town will repave and reconfigure the entire lot, including eliminating two curb cuts, narrow the driveway on the northeast corner, and maintain the existing driveway mid-block. She described the landscaping they will do along the railroad tracks and the rights of way. They will use screening shrubs as required along with parking spaces that front a public right of way. She explained that they will replace the bituminous sidewalk along the train tracks which is separated from the tracks by a black picket fence. They also propose

relocating the Welcome sign so it is more visible. Regarding storm drainage, Ms. Kapushinski explained that they will maintain the existing catch basins and are proposing two new ones. They are reducing impervious by 8.6%, exceeding their MS4 goal. She noted that they have submitted for an encroachment permit from the DOT due to minor work on Hall Avenue as well as the storm system tie into the state system. They will be relocating one utility pole and adding pedestrian lighting (the period lighting used downtown) on the walkway and fixtures in the parking lot.

Commissioner Fitzsimmons asked about handicapped parking. Ms. Kapushinski replied that there are 5 and indicated their locations. Commissioner Fitzsimmons asked about dumpsters for the existing businesses. Ms. Kapushinski showed the locations on the site plan and indicated that there will be adequate access. Commissioner Fitzsimmons noted that the location of the handicapped spaces doesn't help the four businesses that are there and asked if the spaces could be relocated. It was noted that the businesses don't have their own parking. He asked for clarification that there would be no dumpsters for private businesses on this property. Ms. Kapushinski confirmed. Commissioner Fitzsimmons noted that three letters were received suggesting that the parcel be left as developable space or something useful to the town. He asked if other uses were explored. Ms. Kapushinski replied that she did not but noted that Mr. Ryan from the Economic Development Commission can speak to why this was chosen as the best option. Commissioner Fitzsimmons asked how many lights will be in the lot and how many will be period. Ms. Kapushinski replied eleven total with four of the period type. She noted they will be full cut off.

Commissioner Hine asked why they are seeking a special permit. Ms. Kapushinski replied that she met with Mrs. Hand who recommended a special permit because one spot has 19 ft to the property line. A section of the Town Center regs allows seeking a permit if you cannot be compliant without losing several parking spaces. There is plenty of space to maneuver but it's outside our property line. Commissioner Hine asked how many spaces would be lost without the special permit. Ms. Kapushinski replied: four spaces. Commissioner Hine verified that this is out of 128 spaces. Ms. Kapushinski replied it would also cause an odd configuration in an already geometrically odd area on Quinipiac Street. Commissioner Hine noted that the regulation says "A significant reduction in number of parking spaces". Ms. Kapushinski replied that the goal of this parking lot is to serve many different areas, so losing 4 spaces near the four businesses would be substantial. Commissioner Hine asked Mr. Talbot if the Town has the right as the property owner to create a parking lot under the regulations. Mr. Talbot stated that it is clear in the regulations. Commissioner Hine replied that he wanted it clear for the record because of the letters submitted objecting to the project. He stated that it is clear that it is not the role of the Commission that this is permitted by the regs. Mr. Talbot clarified that it is regulation 4.26B11 which references government facility buildings and uses. Commissioner Hine noted that the role of the Commission is to enforce the regulations and this is permitted.

Chairman Seichter asked for clarification that the project is looking to reconfigure 74% of the entire 3 parcels which are currently a parking lot. The other part of the project is proposing, on a parcel that was purchased by the Town, about 26%, to include that in the parking configuration. We are not creating a new parking lot but adding about .3 acres to the existing parking lot.

PUBLIC COMMENT

Tim Ryan, Economic Development Commission, stated that the EDC enthusiastically supports this proposal. The EDC supported the Town purchasing the lot for parking for the Town Center. He and the former Town Planner, per the POCD (Plan of Conservation and Development), looked at several site-specific opportunities and would they work as mixed-use developments. The exercise looked at cost, what could be built there, etc. The P&Z in the Downtown regs approved higher levels of density in the incentive housing zone and lower parking. They have also had conversations about the old railroad station. The EDC feels it is historically significant but underutilized. It could be something more if was developed. It has no parking. To energize the lower part of the hill we need more parking. Off-site parking in proximity is necessary for the density. He has had some feedback from people wanting to park there. He suggested looking at as a parking lot could turn into a park if development doesn't happen.

Commissioner Fitzsimmons asked if the whole lot will be paved and striped and asked for the timeline. Ms. Kapushinski replied that yes it would be paved and striped and that they are hoping to do construction in the spring if they receive the grant.

Commissioner Kohan stated that using it as a parking lot does not conform to the POCD. The parking lot is the end border of the Town Center. Originally when the regulations were established, they discussed the problem of requiring large parcels to make development worth their while. When this parcel came up, he agreed with the purchase with the hope for a developer to buy the adjacent property. But that didn't happen. A parking lot takes the property off the tax rolls. Commissioner Kohan agreed it would be great to have better use of the old train station. The new station is ½ mile up the street. Nothing has been done with the old train station for years. He referenced pages 24, 30, and 16 of the POCD which has comments about what to look for in the Town Center. He stated that in his opinion, a parking lot doesn't enhance the vitality of the Town Center. He noted that the POCD executive summary also says that when something significant changes there should be a committee to discuss a proposed enhancement like this. There is a POCD Implementation Committee that he is not sure if they've weighed in. He read from the executive summary, page 112, regarding the Town Center Survey: "further, a majority of respondents favor an extensive new development in this area and the lower Town Center area centered on Center Street and Colony Road." He stated that he doesn't think the parking lot serves the Town well. It may serve some in the area. He noted the POCD didn't indicate a parking crunch in that area. It did say that along Center Street, behind the businesses, the parking areas need to be fixed up. He is not in favor of the application. He stated that he doesn't know if a park is the right thing either. He believes a committee needs to discuss what's needed.

Chairman Seichter asked if Commissioner Kohan would have a problem with the 74% of the parking lot that is being fixed up or if his concern is with the Brothers lot. Commissioner Kohan confirmed. Chairman Seichter stated that his concern is, as far as planning for what we want to do with the property, he recalled the Wooding lot which was purchased with plans for a parking lot. He stated he would hate to see this .33 acre parcel languish in its existing condition. He noted that if we don't do anything for that parcel, he suspects that the other two parcels might not be fixed. He stated that he thinks this is one of the best plans for what's there now. We need to keep our fingers crossed that someday there will be interest in developing in that area. He stated that he supports the application.

Commissioner Hine stated that he was excited when the Town bought the parcel. He viewed it as a great opportunity for the Town to partner with a developer to develop the lot. He is disappointed that it is going forward as a parking lot. That being said, if there is no interest in the property for development, he would hate to see it languish. He doesn't think fixing it up will attract development. It could sit for years so it might as well look nice. He fears that it is never going to get developed. He noted that even if the Commission denied this tonight the Town could change the layout and make it a site plan; so, from a practical standpoint, we can't stop this from happening.

Commissioner Fitzsimmons stated that for the record he agrees with the previous comments. The Wooding Caplan piece was acquired more than 30 years ago and the quality of the parking is disgusting. Wallingford Downtown has quantity but not quality of parking. The plan presented tonight makes sense. This portion of the town is an entryway to town; letting it stay in its current state is not optimal. Commissioner Fitzsimmons asked if Ms. Kapushinski knew the cost per parking spot. She replied that she did not off the top of her head. Commissioner Fitzsimmons stated that even with the right pavement and landscaping, he is not in favor of a parking lot, per se, but thinks it conforms to the regulations. He will support the application because of the vision and the history of what happened with Wooding Caplan.

Commissioner Kohan agreed with all the comments and doesn't want to see it languish. The problem is that once it's turned into a parking lot nothing else will ever be done with it. He doesn't think it has been given due diligence to make a big exciting decision. We need to think bigger.

Chairman Seichter noted that regarding the Wooding lot, the Commission approved a plan for that about a year ago. He asked Ms. Kapushinski to ask Mr. Baltramaitis when that work is going to be done and to report back. This has been going on for quite some time and that lot is not in good condition. Ms. Kapushinski agreed.

Ms. Kapushinski stated that this is not a band-aid project. It is the best effort with the funds that are available to give it a brand new look with improved landscaping, giving safer and esthetically pleasing parking.

Commissioner Fitzsimmons asked for clarification that there is no bond because it's a Town project and no conditions. Chairman Seichter confirmed there is no bond. Mr. Talbot stated that he did not recommend any conditions.

Commissioner Fitzsimmons: Motion to close the public hearing on Special Permit (public parking area)/TOW-Eng. Dept./33 North Cherry Street #410-20.

Commissioner Kohan: Second

Vote: Allinson (for Matarrazo): yes; Fitzsimmons: yes; Kohan: yes; Hine (for Venoit): yes; Chairman Seichter: yes

Commissioner Fitzsimmons: Motion to approve application #410-20, a Special Permit for the Town of Wallingford Engineering Department to permit a 128 space paved public parking lot for the Town of Wallingford on 1.31 acres located at 33 North Cherry Street, 120 Hall Avenue, and 87 Quinnipiac Street

as shown on plans entitled "Site Plan, North Cherry Street Parking Lot Improvements, Town of Wallingford" Town of Wallingford Connecticut Department of Engineering dated 9/9/20.

Commissioner Kohan: second

Vote: Allinson (for Matarrazo): yes; Fitzsimmons: yes; Kohan: no; Hine (for Venoit): yes; Chairman Seichter: yes

Special Permit #410-20 approved.

3. Zoning Text Amendment/ATLAS ONE – Malton/100 Center Street #504-20

Commissioner Allinson read the legal notice: #504-20 – Amendment to Section 4.26.B.7 of the Wallingford Zoning Regulations to add Wellness Centers as a permitted use in the Town Center District. He also noted all correspondence pertaining to this application for the record. Inter-departmental Referral dated September 15, 2020, from Fire Marshal; Inter-departmental Referral dated September 15, 2020, from Town Engineer; correspondence dated October 5, 2020, from Thomas Talbot, Planner to Tracy Malton; correspondence dated October 6, 2020, from Steven Lazarus to Planning and Zoning Commission; a multi-page Petition; a set of information received October 9, 2020, including a blog from The American Heritage Dictionary, a presentation from Fitzgerald and Halliday, a National Association of Realtors commercial market insights and a site plan by Lazarus and Sargeant.

Mark Bergamo of the Marcus Law Firm, 275 Branford Road, North Branford presented that they are requesting a change to Section 4.26.B.7 allowing medical, dental office, clinics, and outpatient treatment facilities on the ground-floor, street-facing side of any building or in the alternative to allow wellness centers to be located thereon. He stated that they are advocating for the removal of the restrictions in the Town Center District for those medical and dental treatment centers. He stated that the regulation is too restrictive and doesn't take into consideration the uniqueness of the Town Center area, the availability of such health care treatment centers, the very nature of the patients' physical hardships for accessibility to such centers. The regulation deprives access to such a facility. He noted that the Planning and Zoning office is supportive of the removal of the restriction, as noted in the letter dated October 5, 2020. He stated that they support change in the language that the Planning and Zoning office recommended. He stated that the Economic Development office and the ZBA supports, based on Dr. Malton's attempt to get a variance. The allowance of such other treatment centers that are allowed includes veterinarians and animal hospitals yet don't have treatment for humans. This seems inconsistent. Ground floor uses should be allowed due to patients with mobility issues needing access with reasonable accommodation. The Commission should take into consideration the uniqueness of the area. The applicant's building has a unique character. The regulations almost limit all use on the ground floor. Atty. Bergamo noted that ex-commissioner Mike Glidden previously submitted a letter that cited the American Heritage Dictionary for definitions of service establishments that are allowed. Zoning regulations are meant to facilitate the use of the municipalities' land on behalf of and the betterment of its citizens. He stated that he can't believe it was meant to restrict access to treatment. The availability of parking spaces was an issue during the change to the regulations. This building has parking spaces. Back in 2018, during the changes in the regulations, several issues were raised regarding medical and dental offices, including that they might restrict the use of other facilities. Actually, patients use the downtown area for dining and shopping. Due to the COVID situation, small businesses may shut down. He shared a retail memorandum from August 2020 by the National Board of Realtors that stated retail is

going to be reduced. Medical facilities and professional offices have a way of attracting business and thrive in the downtown area. He referenced page 23 of the TOD plan which encapsulates what he is advocating. This is a good mixed-use, and Medical should be part of that. He is asking to allow general medical/dental offices and wellness centers. He put together a definition.

Dr. Tracey Malton, 167 Stonehedge Lane, Guilford. She stated that they are proposing to allow medical on the 1st floor. She is using a 'wellness center' to keep to the spirit of the decree. She stated that her business brings people downtown. Those who come for medical use go to other shops. Right now her business is in the Town Center on the corner of Hall Avenue and North Colony. She is trying to increase the vitality there. A larger location would allow her to bring more people downtown. Many of her patients come from out of town. She believes that medical offices do bring people downtown.

Atty. Bergamo asked Dr. Malton to explain the type of people that she treats. Dr. Malton explained that she doesn't only see back pain but also vertigo, autoimmune disorders, Parkinson's, Alzheimer's. Not just what you'd expect in a chiropractic office. She noted that if patients have lower back pain, they can't walk upstairs.

Commissioner Kohan stated that he is in favor. He noted that the Commission spent a lot of time revising these regulations. He agreed that this is a great business and it will bring people downtown. Are we setting ourselves up for another revision in the future? Chairman Seichter noted that we don't have to revise our regulations. The Commission needs to determine if we want to.

Commissioner Hine stated that he is in favor. He noted he has brought this up before. This type of business is different than a purely medical or dental office. He liked the reference to a Wellness Center. Looking at the list of services to be offered, he noted that we already have those businesses in Downtown. He stated that he doesn't see why we would prevent a chiropractor from conducting her business in the same manner as those businesses just because it's on the ground floor. He suggested that it might be easier just to say medical and dental offices. The problem was that we defined the services. If we get into what's a wellness center versus a medical office, it might be better to keep it simple and allow it. Then get rid of limitations for the 1st floor. He stated that he thinks the regulation needs to be changed. This is a different situation than what was initially contemplated. He recalled that we did discuss trying to encourage retail in downtown and didn't want medical offices taking up storefronts. This is not a concern with this type of business. The question is how to structure the revision.

Chairman Seichter agreed to some degree, but he doesn't want to see the storefronts in downtown changed to medical and dental offices. However, he agreed that there are some businesses in downtown providing services that a wellness center would provide. He stated that he can't support allowing medical and dental offices on the first floor, but the idea of a well-defined wellness center meets the intent of the regulations but still needs some work. He stated he would support a well-defined wellness center.

Commissioner Fitzsimmons noted a letter from the Planner that states: "This office understands that this proposed amendment has been submitted in response to a denial for a use variance by the Wallingford Zoning Board of Appeals for first-floor medical offices with direct frontage on Center and William." He

asked if the application is more about 1st-floor medical use or about the definition of adding a wellness center. Dr. Malton replied that they are trying to bring a wellness center into downtown on the first floor. Because people who want to visit a wellness center can't necessarily make it to the second floor. She is happy to have other wellness centers in town. She stated that they are trying to bring more people downtown and to expand her business. They are doing it as a wellness center to honor the spirit of what the Commission wanted. She noted that the building has no storefront windows. Commissioner Fitzsimmons asked about licensing of the professionals that would work in the wellness center. Dr. Malton, replied yes, she is licensed in the State of Connecticut as would be the nutritionist and therapists.

Commissioner Fitzsimmons stated that he is having a tough time with the second part of the request having to do with the ground level, street-facing side. He thanked Dr. Malton for what she does. He is not opposed to a wellness center, just challenged by the first-floor street-facing. He noted that it's not just medical and dental offices that are restricted. He clarified that she is requesting the change because she was denied by the ZBA. Dr. Malton concurred and noted that the ZBA was in support of the project but the building was not a hardship. Commissioner Fitzsimmons stated that they wrote the regulation because they didn't want medical use on the ground floor, street-facing in the downtown. He noted that you proposed a change to regulations. This fix would affect everyone in the zone. He stated that they can't be so focused on one building. Dr. Malton responded that yoga and massage are approved uses on the first floor and those are usually pretty healthy people. Yet those with physical impediments have to go to the second floor. Atty. Bergamo added that in the minutes of the P&Z workshop, you made analogies to law offices that have no restrictions. He noted that veterinarians and animal hospitals are allowed.

Commissioner Fitzsimmons stated that it's not about her building but the entire zone. A zoning text amendment is not just about her building. The Commission has to look at the whole zone. Dr. Malton stated that a medical office would bring people downtown from out of town and help increase the vitality. Retail is dying and will not come back. Restaurants are closing. Medical will continue and there will be more and more demand from an aging population. It needs to be on the ground floor to be accessible. Commissioner Fitzsimmons pointed out that there are three things not allowed in the ground level, street-facing regulation: general business office (including legal offices), medical/dental offices and clinics, and residential units. So it is not discriminating because Wallingford has ample uses and diverse zoning. It's just the downtown center where the ground floor is limited.

Commissioner Allinson stated that he loves the building and loves the idea of a wellness center there. He stated that he agrees with Commissioners Fitzsimmons and Seichter that putting offices on the first floor doesn't fit with the plan. He is very sympathetic. He noted that it can't be just your building. The proposed amendment would allow dentists to rent an office to a nutritionist in their building, call it a wellness center, and use the first-floor space for office space. The problem is that this amendment opens the door to game the language. It would create a slippery slope of abuse. He noted that most offices and businesses have a step up and elevators. He stated that he understands what she's saying but it's not enough to need to amend the regulation to this degree. Maybe it should be a different amendment. Commissioner Allinson stated that he can't support the amendment as it is written.

Chairman Seichter noted that what was proposed by the acting planner is something he can't agree with. There are some components of the Wellness Center that we already have in the downtown area. He is willing to consider adding a well-defined wellness center to the regulation, but not the sweeping change to allow medical and dental offices on the first floor. He stated that this has nothing to do with your location or your building. It has to do with what a well-defined wellness center would provide.

Commissioner Hine echoed Chairman Seichter, that we are getting caught up in the fact that the applicant provides chiropractic care which we look at as a medical business. That is not what is being proposed. If we can get to a clear definition of a wellness center, we'll have something. He would hate to see the application denied because of the focus on chiropractic services. All the proposed services are already provided in the downtown area. This business is not what was contemplated when we included the limitation on medical offices. It is a worthwhile limitation but he doesn't believe that limitation applies to this type of business. He thinks that is a fault in the regulations and needs to be addressed. The applicant is helping us get there. He asked if we are stuck on what is proposed or if we can offer other language? Atty. Berman noted that they would be amenable to different language.

Chairman Seichter replied that it depends on whether the Commission believes a wellness center should be a permitted use of our downtown. If so, he suggested that it needs to be better defined and we can't do that tonight. He suggested that we make note of what we are looking for, on the record and give those comments to our Corporation Counsel. The Corporation Counsel would then meet with the applicant's representative to see if something could be worked out that meets the Commission's goal of how we see the development of downtown. He didn't recommend attempting to hash out the language tonight.

Commissioner Kohan stated that he believes a wellness center would be appropriate for downtown. He agreed with cleaning up the definition to make that happen.

Commissioner Allinson added that if we are going to discuss whether Wellness centers should be added, then we need to consider the first-floor use issue. Chairman Seichter agreed that assumed that we'd be talking about first-floor use.

PUBLIC COMMENT

Allen Jacobs, 130 Winthrop Road, Guilford, owner broker of Sunset Creek Realty. He explained that the State is losing population. Looking at the demographics the State of Connecticut loses 10,000 people between the ages of 20 – 35 every year. We are becoming an older society. He quoted from the Connecticut Commission on Women, Children, and Seniors that from 2010 to 2040 Connecticut's proportion of the population aged 65 and over is projected to grow by 57%. Ages 20 – 64 is projected to grow by less than 2%. Older adults want to stay in their community. From the commercial real estate side, retail is dying. There is an influx of people from New York moving here. They are usually older with the financial ability to make the move. This will have a long-term effect on Connecticut. This will increase the percentage of elderly people which will increase the demand for more services for the elderly, particularly mobility and ambulatory issues. A first-floor wellness center seems in concert with the goals of the ADA as well as maintaining a healthy balance for the downtown area.

Lisa Keithan, 3 Mann Memorial Drive, Cromwell, stated that she has been a patient of Dr. Malton for the last 5 or 6 years. She stated that she has Parkinson's and has difficulty with the steps at Dr. Malton's office. She gets around as well as she does thanks to weekly chiropractic care. The first-floor office with nearby parking would be great. The other services in the same place, like yoga and massage therapy, would be one-stop shopping. She noted that she appreciates businesses in Wallingford and uses the stores in town while here. She stated that she would be grateful if this was approved.

Gabriel Rodriguez, 3 Mann Memorial Drive, Cromwell, stated that a chiropractic office on the first floor would be helpful for those with disabilities.

Karen Benham, 41 South Main Street, stated that she hopes to get past the wording that seems to be holding this up. Dr. Malton's business would increase foot traffic would happen. As a resident, the building is important. It is a historic building. This is an opportunity for it to be something different that will be vital for the downtown area.

Christine Wallach, 84 Atkins Street, Meriden, stated that she is the office manager for Dr. Malton. She stated that quite a few patients need help getting in and out of the office, even though there are only two steps. In terms of the Downtown vitality, she stated that on an average Friday they may see 100 patients. Due to building capacity, people waiting outside. They get coffee and go shopping. The new location would have more options for them. She believes there would be an increase in foot traffic in the area.

Liz Davis, 31 Audet Drive, introduced herself as President of Wallingford Center, Inc. She supports Dr. Malton and the wellness center at 100 Center Street. The Wallingford Center Board agrees that a change to the wording would be beneficial for downtown. She noted that they represent a lot of merchants in the area, and there has been much discussion on this subject. They believe the-town needs something a little more exploratory in this area, as far as the wellness center. They would like to see her in that downtown space.

Jennifer Nuzzo, 4 Simpson Avenue, Wallingford, stated that her aging parents have problems getting into Dr. Malton's building. Chiropractic offices need to be on the first floor. The amount of foot traffic she brings to the downtown area is unbelievable. It would be helpful if this passes tonight and make this a wellness center. It would bring a lot of traffic into the downtown area and help other businesses.

Anthony Morgillo, 1278 Durham Road, Wallingford, stated that you are looking to revitalize downtown. He believes that Dr. Malton would be an asset. He noted that if you are looking for retail for first floor buildings, what kind of retail would be sustainable in that building. She has a sustainable business that will bring people into town.

Chris Shortell, 1a Cassella Drive, Wallingford stated that he knows the Commission looks at the regs all the time and he appreciates the willingness to compromise and find a way to make it work. He noted that the downtown has changed. What is there now and how would this fit in. Right now the Coalition for Greater Wallingford occupies a storefront on Center Street, as does the Hub Cap and a Real Estate and legal offices. At this point, he wouldn't care if it was all doctor's offices if it brought people

downtown. He believes we have to adjust our vision. He stated that he respects all the work the Commission does. Chairman Seichter replied that the regulations don't prohibit medical or dental offices. The focus is on the 1st floor. Mr. Shortell replied if it was all medical and dental on the first floor, he would be in favor.

Commissioner Kohan stated that he listened carefully to the comments from the public and appreciates the comments. He noted the first person's comments that this is visionary. Based on demographics changing, this is a visionary decision, it's a visionary business. We talk about changing with the times. He stated that this is it. He agrees with Mr. Shortell, that he could see more medical offices in downtown. He will support what we have to do to make it work. This is the future.

Commissioner Allinson stated that looking at the regulation and listening to the public, and looking at this particular building. The building is on two streets, other buildings may not. The regulation only prohibits the first-floor street side. If we think about downtown and what we want town center to look like and building frontages as well as the rest of the space in those buildings, he still thinks medical, dental, and chiropractic can have first-floor occupancy without occupying street-side fronts.

Commissioner Fitzsimmons stated that he supports what Dr. Malton does. He agrees that we are not going to bring back old Wallingford. We can't focus on the uniqueness of your property. We need to think about everyone else. He stated that he is in favor of adding the definition of wellness centers including something about the individuals have to be licensed. He is in favor of the parking requirement. Regarding section 4.26, he asked Dr. Malton, why didn't you ask just for the wellness center to be on the first floor. Atty. Berman replied that their first proposal eliminated the section or in the alternate to have the wellness center. They prepared the definition based on a review of wellness center definitions around the country while attempting to narrow the scope as much as possible. Commissioner Fitzsimmons stated that the difficulty is the impact on the zone. He stated that he thinks we can work on it and come up with a definition or revision based on the feedback. He explained that we can leave the hearing open, you can work with the town staff and come back. He stated that he is in favor of a wellness center.

Chairman Seichter agreed. He is not focusing on the building. The focus is on downtown and a use to perhaps include a new use in this downtown area. The wellness center is something, but there needs to be some work on the language between you and our corporate counsel. The Commission needs to give guidance to the corporate counsel. He would support that, but he won't support medical and dental offices or clinics on the first floor.

Dr. Malton asked for clarification. Chairman Seichter stated that medical and dental offices and clinics that are proposed by the draft regulation change are something that he can't support. He can support a well-defined wellness center allowed on the first floor. Atty. Berman asked for clarification. Chairman Seichter added that the commission needs to give guidance to the Corporation Counsel regarding the Commission's concerns. Then the Corporation Counsel would have a conversation with the applicant and her counsel to see if we can come to an agreement that works for the town.

Commissioner Hine added if you can't get agreement on language, he asked if they could make this a special permit. Everyone likes the idea that is being proposed and may approve it for this particular business. That would give us the ability to approve this business but deny others. Chairman Seichter agreed that that is an approach we can use, but first, we need to agree on the definition of a wellness center.

Atty. Berman stated that the applicant has no problem with continuing the application to November. He called for a vote to continue this application to November.

Commissioner Fitzsimmons: Motion to continue the application for zoning regulation change to section 4.26 as submitted by Atlas One, LLC, and Dr. Tracy Malton to the November meeting.

Commissioner Kohan: Second

Vote: Unanimous to approve.

NEW BUSINESS

4. Site Plan (2nd story addition)/United Concrete Products/173 Church Street, Yalesville #213-20

Commissioner Allinson noted all correspondence pertaining to this application for the record. Site plan dated December 9, 2014; Site Plan dated March 9, 2007, revised to September 28, 2020; Inter-departmental Referral dated September 15, 2020, from Fire Marshal; Memo dated September 22, 2020, from Department of Engineering to Planning and Zoning Commission; Inter-Departmental Referral dated September 30, 2020, from the Deputy Fire Marshal; correspondence dated September 29, 2020, from Thomas Talbot, Planner to Frank Giordano; Memo dated October 14, 2020, from Department of Engineering to Planning & Zoning Commission.

Frank Giordano, Construction Manager for United Concrete Products at 173 Church Street, explained the purpose of the application is to add two conference rooms to the building. One in the center of the building on the second floor (1500 sq ft) above the oldest section of the building. It's nested between three roofs. And one (800 sq ft) on the first floor in the parking lot. He explained that they need more space as well as a second egress for the second story. The building is now closed to the public. They meet with contractors under a tent. They intend to keep it that way with basically a redundant conference room separate from the building. COVID has impacted their business, making it more difficult. Both conference rooms have identical layouts with restroom and 2 small areas where can review documents.

Mr. Talbot stated that all his comments have been addressed and the Town Engineer's comments have been addressed. He noted a recommendation from the Town Engineer dated October 14th to move parking spaces that will be part of the conditions of approval. He stated that it is just restriping and that the applicant has not seen the request. He noted that no bond is needed. Mr. Giordano reviewed the comments and stated that he had no objection.

Joseph Mirra, Economic Development Commission stated that the EDC is in favor of this project.

Mr. Giordano added that the changes are not adding employees or parking spaces. They are just trying to make the operation more usable and better for employees.

Commissioner Fitzsimmons: Motion to approve application a site plan for United Concrete Products to construct two building additions totaling 2300 sq. ft. as well as revised parking plans at 173 Church Street as shown on plans entitled "Property Boundary Survey Depicting Lot Line Revision Between Land of 173 Church Street LLC Located at #173 Church Street and Land N/F Yalesville Properties LLC Located at 43 Warehouse Point Road, Yalesville Connecticut" dated 3/9/07, revised to October 8, 2020, subject to:

- 1. Comments from Thomas Talbot, Planner, to Frank Giordano dated 9/29/20;**
- 2. Comments of Alison Kapuchinski, Town Engineer, in Inter-Office Memorandum to the Planning and Zoning Office dated 9/23/20 and 10/14/20; and**
- 3. Comments of Fire Marshal Michael Gudelski in Interoffice Memorandum to the Planning and Zoning Department dated 9/15/20.**

Commissioner Kohan: second

Vote: Allinson (for Matarrazo): yes; Fitzsimmons: yes; Kohan: yes; Hine (forVenoit): yes; Chairman Seichter: yes

6. Site Plan (700 Sq. Ft. acc. apt.)/J. Lee/253 New Cheshire Road #215-20

Commissioner Allinson noted all correspondence pertaining to this application for the record. Inter-departmental Referral dated September 15, 2020, from Fire Marshal; Inter-departmental Referral dated September 15, 2020, from Town Engineer; Inter-departmental Referral dated September 15, 2020, from Registered Sanitarian; correspondence dated September 16, 2020, from Thomas Talbot, Planner to John Jr. and Terry Lee.

John Lee, 253 Cheshire Road, Wallingford, explained the application is for an accessory apartment above an existing garage at his residence.

Mr. Talbot noted a comment about parking but confirmed that it is not required, so the issue has been resolved.

Chairman Seichter noted that the only conditions are the Health Department to approve the septic system and a final inspection by the Zoning Enforcement Officer.

Commissioner Fitzsimmons: Motion to approve a site plan for Lee for a 700 Sq. Ft. Accessory Apartment at 253 New Cheshire Road subject to:

- 1. Comments in Interoffice Memorandum from the Wallingford Health Department to Thomas Talbot, Planner dated 9/15/20; and**
- 2. Final inspection of the completed accessory apartment by the Town of Wallingford Zoning Enforcement Officer.**

Commissioner Kohan: second

Vote: Allinson (for Matarrazo): yes; Fitzsimmons: yes; Kohan: yes; Hine (forVenoit): yes; Chairman Seichter: yes

BOND RELEASES AND REDUCTIONS

- 7. Special Permit/Choate Rosemary Hall/333 Christian Street**

Mr. Talbot reported that this bond is ready to be released.

Commissioner Fitzsimmons: Motion to release the bond for Special Permit/Choate Rosemary Hall/333 Christian Street as recommended by the Town Planning office.

Commissioner Kohan: Second

Vote: Allinson (for Venoit): yes; Fitzsimmons: yes; Kohan: yes; Hine (for Matarrazo): yes; Chairman Seichter: yes

DISCUSSIONS

8. Restaurant Parking Requirements

Chairman Seichter explained that a committee spearheaded by Councilor Shortell looking at zoning regulations and areas that the Town Council has purview over, looking to help businesses and restaurants with outside dining. Mr. Talbot proposed a change in zoning regulation to allow fewer required parking spaces. The zoning regulation for restaurants looks at the total square footage of the restaurant to determine the required parking. The suggestion is to instead look at the seating area square footage to calculate the parking requirement. This may allow additional space for outside dining. Chairman Seichter asked if it is something the Commission wants to consider changing the zoning regulations.

Mr. Talbot noted that this change wouldn't include Town Center because that has different parking regulations. He added that the proposal is a common standard. Typically prep, kitchen, and storage areas are not figured into parking requirements.

Commissioner Fitzsimmons stated that he fully supports the proposal.

Chairman Seichter stated that if we are all in agreement we can put it on our agenda for next month

Commissioner Hine asked about employee parking. If we are gearing toward customer seating, standing, or dancing area is there space for employees. Mr. Talbot replied that the standard is meant to include staff. Commissioner Hine stated that he was in favor.

Christopher Shortell, 1a Cassella Drive, noted that this is part of an ongoing discussion to expand the sidewalk dining time frame. That was the first step. This would be a great thing post-COVID. Anything we can do to help restaurants continue. They visited restaurants that had applied for the permit and asked if they would still want outside dining once the COVID restrictions are over. They all want it. He stated that the Commission has his support. The Council just wants to move on it as quickly as possible.

Kathy Lilley, Executive Director of Wallingford Center, Inc., resident of 27 South View Drive. She reported that they spoke to 19 restaurants so far and the response has all been yes they want to do it again. They reported that customers like sitting outside. Going forward she asked the Commission to work on getting the additional seating approved. They will continue to reach out to more restaurants. Only one restaurant would not repeat the parking lot space because they already had a patio. This resulted in a vibrant downtown.

Tim Ryan, Economic Development Commission thanked Councilor Shortell for getting the conversation started. Fundamentally COVID gave us the opportunity and it's working for the businesses. He talked to Police, Fire, Public Health, Engineering, Public Works, the Town Risk Manager, and the Mayor to ask if there were any complaints or problems that resulted from having dining to the extent that we have it. He heard of only one complaint because restaurant tables were blocking the sidewalk. This was easily resolved. He also asked if they would support the continuation of the outdoor dining and all said yes. The ball is in our court, we need to allow this to continue. This adds another dimension to downtown and throughout the town.

Chairman Seichter asked Mr. Talbot to look up any tent requirements to see if there are any restrictions. Mr. Talbot thinks the regulation amendment being discussed is a very limited thing. It is just the first step. Chairman Seichter acknowledged that with a reduction in parking it will allow outside dining while complying with the parking regulations. He questioned whether our current regulations on tents restrict this activity to ensure it's not a stumbling block.

Commissioner Allinson stated that this is a wonderful idea that he supports. He suggested also looking at subsequent issues such as temporary signage regulations and give businesses more opportunities.

Tim Ryan, Economic Development Commission added food trucks at wineries are included in this activity. He added that there were no complaints at the wineries and both wineries would like to continue the use of food trucks. Chairman Seichter noted that we need to discuss allowing them to continue and how.

Commissioner Kohan stated he was fine with this. The question is if a tent is enclosed, is it much different from being inside. He noted that this may need to be considered. Chairman Seichter stated that he believes the Fire Marshal has inspected the tents to ensure they comply with safety issues.

Commissioner Fitzsimmons noted that mobile food vendors are all over the regulations. Several regs limit the length of consecutive days they are allowed. We will need to discuss this in November to determine if a change is necessary. The only current tent regulations are related to tents for Church carnivals, selling fireworks, and Easter Flowers. Chairman Seichter stated that he just wants to make sure we cover all the areas. He noted that the restaurant parking requirements need to be added to the next meeting as a public hearing for a regulation change. He added that Food trucks at wineries will be added to the agenda as a discussion item.

9. IX and I-5 Regulation Amendments

Chairman Seichter explained that this came out of a workshop regarding making some changes to these regulations. The marked-up regulations were distributed to Commission members. He opened the discussion and noted that it would be an agenda item next month for a Public Hearing to see if we want to make changes.

Commissioner Hine stated that an issue raised at the workshop was making warehousing a special permit in the I-5 Zone, which looks like was done. Then there was another issue that certain activities were not permitted in I-5 because so many of the properties included wetlands. He had raised the question, whether these same restrictions should be extended to the IX zone properties that include

wetlands. Mrs. Hand was to follow up with Water and Sewer to see if Water and Sewer thought those limitations should be extended. He doesn't know if that was done and if any of it is incorporated in the markup. He wanted to make sure we don't lose sight of that. Chairman Seichter stated that he is aware there was some discussion with Water and Sewer.

Tim Ryan, EDC, stated that to the best of his knowledge the document is the result of the collaboration of Mrs. Hand and Water and Sewer. He clarified that it references Watershed regulations, not Wetlands Commissioner Hine acknowledged the correction but stated that he is still looking for what the result of the discussion was. Chairman Seichter suggested asking for comments from the Water & Sewer Department at the public hearing.

Mr. Talbot asked for clarification that sections 4.9, 4.10, and the watershed 4.13 were to be included in the public hearing. Chairman Seichter said yes.

Bob DeMaio, 14 Marie Lane, Wallingford, stated that the watershed issue is critical. He referenced a letter dated February 4th from the Public Utilities Commission and the Water Division that doesn't recommend storage or warehousing in the watershed in the I-5. He stated that he is thankful that the Commission brought it forward. He is extremely concerned about our watershed. He stated that it would be a huge mistake to put any storage facilities, manufacturing facilities, warehousing in the watershed. Or any more than there already is.

Mr. Ryan stated that they want to protect watersheds as well. He noted that we have several companies in the watershed actively doing business and not doing harm. He suggested looking at the new regulations and ask if any of the existing companies would be disallowed if they were new applications. If they would be denied, we need to look again at the regulations. Chairman Seichter replied that he doesn't know who would do that. The Commission has staffing constraints. He asked if the Economic Development Commission could do it. Mr. Ryan stated that the EDC doesn't understand the depths of regulations. Mr. Talbot stated that it would involve gathering anecdotal information which would take time. Chairman Seichter stated that we need to figure out how it would be done. It might be something the EDC with Water & Sewer and Mr. Talbot can figure out a way to do that. Mr. Ryan agreed to look into it. Chairman Seichter stated that this is an important issue and needs to be addressed.

John Keogh, Commercial Real Estate Broker with Colliers International, stated that for the last 10 years he has worked with the Gillespie Demillo family which owns 23 acres at 677 Williams Road in the I-5 Zone. They have been trying to sell the property but the only allowed use is an office building. Kristin Demillo, the sole trustee of the entity that owns the property, enthusiastically supports expanding the allowable uses in the zone so she can sell the property. The current regulations allow about a 200,000 sq ft office building, which will cause a lot more potential damage to the watershed than a warehousing and distribution facility would. There are methods by which stormwater can be managed to not adversely impact the watershed. He recommends adopting regulations to allow intelligent and productive development of the property.

Ed Hohmann, 12 Marie Lane. He asked if we are looking at the IX and the companies are not having any issues with the watershed, can they be grandfathered in? Will the new restrictions apply only to new

applications? Chairman Seichter replied that pre-existing businesses would be allowed to operate. If they attempt to expand, it may create an issue.

Commissioner Kohan stated that he doesn't know how anyone can comment that all the businesses in watershed doing well. We don't inspect every single business. He doesn't know if Water & Sewer does inspections on businesses in the watershed. Certainly, they test the water coming into the reservoirs.

Chairman Seichter stated that whatever we approve, we want to be sure it complies with what the Water & Sewer Division is requiring.

REPORTS OF OFFICERS AND STAFF

10. ZBA Decisions – September 21, 2020 – no comments
11. ZBA Notice – October 19, 2020 – no comments
12. Zoning Enforcement Log – Commissioner Kohan noted that the log looks smaller and congratulated staff.

Commissioner Kohan noted that back in July when we started with remote meetings, he asked Councilman Laffin at a Council meeting, whether there were plans for hybrid meetings where we are here but the public can dial in. He stated that Mr. Laffin said they were looking into it. Commissioner Kohan stated that he never heard back. Someone sent us a memo with comments on the Wellness Center and spelled that out. He noted that not everyone wants to come to Town Hall. Without that capability, we are disenfranchising people. He stated that he will go to the Council and ask if it can be done. Chairman Seichter agreed it was something to look into. He also noted that people are free to write to us and we read it. So we are not disenfranchising people. He agrees there is a benefit to have in-person or real-time interaction. He supports Commissioner Kohan's plan to approach Council

Commissioner Fitzsimmons made a Motion to adjourn at 10:15pm.

Commissioner Kohan: Second

Vote: Unanimous to adjourn

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary