

Wallingford Planning & Zoning Commission
Monday, May 10, 2021
Remote Meeting
MINUTES

Acting Chairman Venoit 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; Rocco Matarazzo, Secretary; JP Venoit, Acting Chair; Steven Allinson, (voting for Seichter); Jaime Hine, Alternate; Staff: Thomas Talbot, Planner; Kevin Pagini, Town Planner; Amy Torre, Zoning Enforcement Officer.
Absent: Jim Seichter, Chairman; Armand Menard, Alternate.

Consideration of Minutes – April 12, 2021

Commissioner Fitzsimmons: Motion to accept the Planning and Zoning Minutes of the April 12, 2021 meeting as submitted.

Commissioner Fitzsimmons noted a correction to the minutes, on page 8. His amendment to the motion should read:

Commissioner Fitzsimmons: Second and asked to add and in support of the Plan of Conservation and Development.

Commissioner Kohan: Seconded with the correction

Vote: Unanimous to approve

Acting Chairman Venoit reviewed the remote meeting protocol and noted that the following agenda items will not be heard this evening at the request of the applicants. These will be heard at the June meeting.

1. Public Hearing: Special Permit (Convenience Store/Fueling Facility)/7-11 Inc./1033 No. Colony Rd #412-20
5. Public Hearing: Text Amendment/PZC/Food Trucks #901-21
6. New Business: Site Plan/6 Research, LLC/4A Research Parkway #210-21

PUBLIC HEARINGS

3. Special Permit/1070 North Farms Rd. LLC/1117 and 2 Northrop Road #402-21

Acting Chair Venoit announced that this applicant has requested the Public Hearing be opened and continued to the next meeting.

Commissioner Kohan stated that he objected to this procedure last month. He stated that he believes it puts us and the applicant in a tough position. The intent is to get all the information in a timely manner.

Acting Chairman Venoit agreed with the concern.

Commissioner Hine noted that this is the second application to do this and asked why. Mr. Talbot replied that their peer review was not ready in time and that they are willing to give up 30 days so they don't have to re-notice. Commissioner Hine asked if the Governor's Executive Order extending the deadline for these applications is still in effect. Mr. Talbot stated he believes it is.

Commissioner Fitzsimmons stated that the applicant knows what they are doing and he is not opposed.

Commissioner Fitzsimmons: Motion to open the public hearing application for #402-21, Special permit for a 25,000 sq. ft. warehouse/office on 46.05 acres of property located at 1117 Northrop Road and 2 Northrop Industrial Park Road East and to continue to the June meeting.

Commissioner Kohan: Second

Vote: Allinson – yes; Fitzsimmons – yes; Kohan – yes; Matarazzo – yes; Acting Chairman Venoit – yes

The application is continued.

2. Special Permit (Warehousing)/Montante Construction/5 Research Parkway #401-21

Commissioner Matarazzo read the legal notice and noted all correspondence: Special Permit for a 219,000 sq. ft. warehouse facility on 179.85 acres on property located at 5 Research Parkway. Zones: IX, WPD and it's a continuation. Correspondence dated March 31, 2021 from Thomas Talbot, Planner to Montante Construction, LLC; correspondence dated April 1, 2021 from VN Engineers, Inc. to Thomas Talbot, Planner; Inter-Department Referral, dated January 8, 2021 from the Fire Marshal; correspondence dated April 5, 2021, from James and Carol Mikulski to Wallingford Planning and Zoning Office; correspondence dated April 7, 2021 from Jeffrey Dewey, BL Companies to Thomas Talbot, Planner; correspondence dated April 9, 2021 from Michael Dion, BL Companies to Thomas Talbot, Planner; Interoffice Memorandum dated April 8, 2021 from Erik Krueger, Senior Engineer, Water & Sewer Divisions to Thomas Talbot, Planner; email dated May 13, 2021 from Alison Kapushinski, Town Engineer, to Jeffrey Dewey, BL Companies; correspondence dated April 22, 2021 from Dale and Nancy Hourigan to Wallingford Planning & Zoning Commission; Memorandum dated April 28, 2021 from Alison Kapushinski, Town Engineer to Planning & Zoning Commission; correspondence dated April 29, 2021 from Robert & Jane DeMaio to Wallingford Planning & Zoning Commission; Executive Summary, received April 30, 2021 from BL Companies; correspondence dated April 22, 2021 from Michael Dion, BL Companies to Thomas Talbot, Planner; correspondence dated May 2, 2021, from Tom and Louse LaButis to Kevin Pagini and Planning & Zoning Commission; correspondence dated May 3, 2021 from Christopher Van Zanten, VN Engineers to Kevin Pagini, Town Planner; email dated May 3, 2021 from Roger Anderson to Kevin Pagini, Town Planner; Memorandum dated May 5, 2021 from Erin O'Hare, Environmental Planner to Kevin Pagini, Town Planner; memorandum dated April 28, 2021 from Alison Kapushinski, Town Engineer, to Planning & Zoning Commission; correspondence dated May 4, 2021 from Jack Arigoni to Wallingford Planning & Zoning Commission; email, May 6, 2021 from Penny

Angelastro to Wallingford Town Planner Kevin Pagini; email dated May 4, 2021 from Joan Munger; email dated May 6, 2021 from Shirley and James Shadish to Kevin Pagini, Town Planner.

Commissioner Hine asked about some additional documents he has that appear to pertain to this application. Mr. Talbot clarified that they are all part of item G in the packet.

Acting Chairman Venoit noted that the Commission does not have the final plans that were approved by the Inland Wetlands Commission and also do not have the revised report on the traffic peer review.

Thomas Cody, an attorney at Robinson & Cole, 280 Trumbull Street in Hartford presented for the applicant, Montante Construction. He stated that the full report was sent to the Planning and Zoning Commission at the end of last week, including the report from the Environmental Planner and the notice of decision with all the conditions of approval. Regarding the Peer Review of the Traffic Study, the first review was completed and the applicant responded on April 7th and made an additional submission on April 30th. VN Engineers has not yet reviewed the supplemental materials. Atty. Cody stated that the applicant expects the public hearing to be continued and they consent to the extension. He summarized the application for the former Bristol Myers Squibb location. He explained that all the buildings have been removed from the 180 acres, leaving the two parking fields. He noted that two warehouse buildings with over 1.1 million sq. ft. of building space was approved for the property by the Inland Wetlands Watercourses Commission in 2018 and the special permit application was denied by Planning & Zoning. Atty. Cody explained that they are proposing a much smaller building at 219,000 sq. ft. This application had significant review during the Inland Wetland process including peer review of the Erosion & Sedimentation Control measures and stormwater management. He stated that Inland Wetlands and Watercourses approved the wetlands permit on April 7th with conditions including an independent erosion control plant implementation monitor to monitor the construction activities. The monitor will be selected by the town and will report to town staff but will be paid for by the permittee. Atty. Cody stated that one of their main design goals was to take advantage of as many existing development infrastructure aspects as possible which means using the existing driveways and impervious surfaces. He shared the proposed site plan. Principle access will be retained at Research Parkway with limited secondary access on Carpenter Lane. The application complies with zoning bulk and dimensional criteria.

Jessica Schumer, Economic Development Manager for Amazon, based at 7 West 34th St, New York, presented the planned operations of this last-mile delivery station. The facility will operate 7 days a week, 24 hours a day. She explained that they expect to have 25 – 35 tractor-trailer trucks enter the property, 80% in the overnight hours. The building will have 17 loading docks. Employees will mostly use the Carpenter Lane access and they also mostly arrive overnight. They anticipate 150 to 200 full-time employees. In addition, there will be a fleet of delivery vans (DSPs), owned by Amazon but driven by third-party contractors. There will be 300 – 400 vans per day during the non-holiday period. The vans stay on the property and the drivers leave their personal cars there during the day. The vans are sent out in waves of about 120 vans starting around 9am and are out all day. They also use Amazon Flex

drivers who do deliveries in their personal cars starting late afternoon. They expect up to 90 of these a day. The vans come back starting around 7pm.

Michael Dion, BL Companies, 355 Research Parkway explained the traffic study. There will be 1508 parking spaces. Mr. Dion stated that during steady-state (non-holiday) they would need just over 800 parking spaces and during the holiday peak that would go up to 1400. The property was previously approved Office of Safety and Traffic Administration (OSTA) site, so that is another layer of review of the traffic information. In response to the initial peer review, they added two more intersections to the study and included morning and evening peak hours counts as well as generator counts. Amazon has scheduled their deliveries so they are during off-peak traffic. Their proposal has been approved by CT DOT. He stated that they looked for proposed development that would impact traffic and didn't find any. Based on their steady-state operations, they estimate 148 trips mid-day and 136 trips during PM peak hour. Their analysis shows the impact on traffic will be less than peak hours when Bristol Myers Squibb was there. He reported that with their expected volume the service grading at most nearby intersections is acceptable to the traveling public. When they add in holiday peak season traffic the expectation is that only a couple of intersections will have poor service. They have made recommendations to OSTA to restripe the left onto Barnes Road from Research Parkway to 11 feet for a wider turning radius. They also recommend stop signs and stop bars and a raised median to eliminate right out of the site onto Carpenter Lane and a left into the site from Carpenter Lane. Mr. Dion said that they are waiting for Peer Review comments on the revised study and then the study will be submitted to OSTA for review.

Wayne Violette, a landscape architect with BL Companies, 355 Research Parkway, reported that most of the existing vegetation and buffer will remain. They propose a Zone compliant landscape plan meeting front yard landscaping, residential buffer, parking interior, and perimeter regulations. They will supplement the buffer to the south with 96 six-foot evergreens. On the east side, they will retain the existing vegetative buffer. They will use large canopy trees in parking lot islands and along the perimeters. In the perimeters, they propose a seed mix of native grasses, wildflowers, and shrubs. In the stormwater management areas, they will use wet & dry tolerant restoration seed mixes for the basin bottoms and slopes. They will be planting over 180 trees in total and are exceeding the interior area landscaping requirement.

Christopher Gagnon, Architect, BL Companies reviewed the building design. This is a new construction with concrete walls and canopies over the loading areas for the vans. There will be 17 loading docks. The Height of the building is 44 ft. There is an 8 ft parapet wall to screen the roof units. Canopies will be 5500 square feet. He reported that there has been extensive 3rd party peer review of the building design.

Jeffrey Dewey, senior design engineer for stormwater management and erosion control for BL Companies. He explained the robust stormwater management system which conforms to the Wallingford Watershed Protection regulations. They will exceed the requirements of the CT DOT stormwater manual and the DEEP water quality manual. Roof areas will discharge to infiltration trenches

for groundwater recharge. They are proposing nine stormwater management basins and 8 sand filter basin systems. There will be multiple discharge points to minimize stormwater runoff concentration. There will be no increase in the peak run-off rate or volume. The proposed erosion control exceeds DEEP Erosion control manual. Plans include stormwater and erosion control for construction with multiple layers of protection. They worked with the Water Department and Erosion Control Peer Reviewer to create controls for any potential sedimentation in the site runoff. They provided a contingency plan should the other efforts have an issue. He reviewed their stormwater management Treatment Train system.

Atty. Cody summarized the redevelopment and reuse of this developed site. It complies with zoning regulations and the Inland Wetlands permit was approved with conditions. There have been extensive peer reviews of all aspects of the project. The design meets or exceeds all stormwater design standards and requirements. The traffic impact study demonstrates no significant impacts to the area roadway network. The design includes measures at Carpenter Lane to protect the neighborhood.

Commissioner Fitzsimmons asked for the PowerPoint presentation to be submitted for the record. Atty. Cody indicated it had already been submitted. Commissioner Fitzsimmons stated his concern that the Commission does not have all the information including the final maps from the Wetlands Review and the traffic peer review of the revised traffic study. He noted that the situation is similar to the application a couple of years ago for this site. He stated that he supports the continuation of the application. He stated that he believes this application falls under Section 7.5B, criteria 1 for appropriateness of location of use including size and intensity, and compatibility of use since it abuts a residential district. He asked for the applicant to provide written evidence that the application meets all the criteria in Section 7.5B, specifically A and B for the next meeting. Commissioner Fitzsimmons noted a concern with Carpenter Lane and asked if they had considered not opening that entrance to full access. Mr. Dion explained their mitigation efforts to stop vans from taking a right out of the site or left into the site. He stated they did not look at closing that entrance. He explained that Amazon tries to minimize associate vehicles in van traffic. Commissioner Fitzsimmons asked the applicant to consider limiting that entrance to emergency use only. Commissioner Fitzsimmons asked if Amazon Prime Day is considered a holiday. Commissioner Fitzsimmons asked for data from the last couple of years of Amazon Prime Days for the next meeting. Ms. Schumer replied that the holiday period is considered from mid-November to year-end but agreed that there is more volume around Amazon Prime Day. She explained that this site's operation will be a new design model and agreed to get back to the Commission to see what the expectation is for traffic volume for the Prime Day period. Commissioner Fitzsimmons asked about the impact of exterior lighting and noise pollution. Atty. Cody stated that they are aware of the noise code, Chapter 144, which sets noise limits for industrial sites based on surrounding land use. He reported that they have retained an acoustical engineer who believes that the project will comply. Atty. Cody agreed to provide a summary of the findings. Commissioner Fitzsimmons noted that the I-91 north exit would move from a D rating to an F rating based on the presentation. Mr. Dion noted that the plan will be shared with the town and is part of the OSTA proposal. The proposal is to restripe the ramp from a double left and single right turn to both double lanes. Commissioner Fitzsimmons noted that no roadway improvements other than striping are

proposed. Mr. Dion confirmed. Commissioner Fitzsimmons asked if the State requires Town approval before they will act. Mr. Dion confirmed. Commissioner Fitzsimmons referred to exhibit 401-21L, the Executive Summary of the traffic study. Specifically the line "It should be noted for the town of Wallingford planning purposes, delivery station shall be interpreted as warehouse." He asked who is proposing this and if the Town was asked to agree. Mr. Talbot stated that the assumption is based on the approval for the same type of operation as a warehouse on South Cherry Street. He doesn't know if there was a formal interpretation for that site. Atty. Cody stated that Amazon refers to facilities like this as a delivery station and it is a warehouse is under Wallingford Zoning regulations.

Commissioner Kohan asked in the past that the Commission define a warehouse. He does not believe this is a warehouse. A delivery station is not allowed in the zone. He believes this issue needs to be addressed. He stated that traffic on Carpenter Lane is a concern. He believes that not using Carpenter Lane is an important issue. There is another warehouse proposed on Northrop and a pending warehouse down the street that affects access to Rt. 68 and Rt. 91. He asked how many more additional trips will push these intersections to an F grade. He noted the comment on the maximum decibels at night of 51 and asked the duration of the truck's backup signals. He asked if the trucks are running continuously at night. He noted that the 219,000 sq ft warehouse with additional parking makes the proposed site larger than the prior site. He asked for an overlay view comparing the two sites and asked for the total surface area of the site (buildings and parking lots).

Commissioner Allinson thanked the presenters for the detailed presentation. He agreed with the request for how the use complies with Section 7.5 but asked that the entire section be addressed, not just A and B. He referenced Exhibit 401-21 J, memorandum from the Town Engineer, and asked to see the response to those concerns at the next meeting. Regarding the proposal for the Rt. 91 off-ramp, he asked if it was north or south. Mr. Dion replied it is the northbound off-ramp. Commissioner Allinson noted that the intersection has a no turn on red because of an obstructed view. He asked if that would affect the OSTA approval of the center lane for both left and right turns. Mr. Dion replied that the turn on red prohibition would not change but he thinks OSTA will approve the change. Commissioner Allinson noted his concern with tractor-trailers turning there. He asked to hear more at the next meeting on the parking area and use and a justification for such a large area. He noted that behind the property are high voltage lines where the vegetation was removed. The only insulation from sound is on the property. Due to the dip in the land, it will create echoes of sound. He asked if the acoustical engineer can visually inspect the adjacent property and provide some data on sound.

Commissioner Hine stated that the economic impact is not really a consideration but he noted that there will be a considerable number of vehicles owned by Amazon and leased back to the DSPs. He asked if they would be registered in CT. Ms. Schumer replied that the steady-state vehicles will be registered in Connecticut, but couldn't say for the additional rentals for the holiday season. Commissioner Hine had the impression that there were additions and revisions to the original traffic study. He expected the revised study to be submitted for review. Mr. Dion stated that they submitted the revised traffic study with the additional intersections and holiday hours on April 30th. Mr. Talbot noted that the packet only includes the Executive Summary, not the full 700 pages revised traffic study

as 401-21 L. Mr. Talbot will distribute the full report. Commissioner Hine asked if the revised study includes the number of trips anticipated during the holiday season. Mr. Talbot replied yes and that it justifies the parking spaces on the plan. Commissioner Hine noted that pending warehouse projects will affect traffic and asked if they were considered in the study. Mr. Dion stated that they were not aware of the warehouse on Northrop Road but can add it to the traffic study. Commissioner Hine noted his concern about the grade of F at the Rt. 91 intersection not including that project. Mr. Dion replied yes, they would include it. Commissioner Hine asked if any vans would be using the Carpenter Lane entrance in addition to the associates. Mr. Dion replied that the plan includes some vans using that entrance. Commissioner Hine asked if it is possible to add additional plantings along the eastern side as a buffer. Mr. Violette replied that they can add more. He noted that spruce has been planted on and near the top of the slope over the last few years. Commissioner Hine asked how many tractor-trailers will be coming on-site during the holiday period. Ms. Schumer replied around 63 and roughly 80% would be during the overnight hours. Commissioner Hine asked how long the trucks stay on the property. Ms. Schumer explained that the tractor drops the trailer and when a new tractor drops a trailer, they pick up the empty trailer. She stated that the tractor-trailers start arriving in the evening. The staff arrives around 1 or 2am to unload. There are 17 docks. She noted they don't allow idling tractors. Commissioner Hine asked how long it takes to drop off and pick up a trailer. Ms. Schumer agreed to find out. She explained that the truck bays are not on the residential side but the southern end. Commissioner Hine asked for the response to the Town Engineer's comments.

Commissioner Matarazzo asked if any refrigeration trailers would be on the property. Ms. Schumer said no. This site only handles standard packages, not groceries. They have a separate delivery system for large items.

Mr. Pagini suggests referring any further comments or determination until the final traffic peer review and finalized site plans are received.

Christopher Van Zanton, VN Engineers, the traffic study peer reviewer, summarized his report. He stated that they haven't finished their analysis of the revised report. They recommend that 1117 Northrop Road and 850 Murdock should be included in the study. He brought up in the original review the history of crashes at Research Parkway and Carpenter Lane and asked for improvements. He'd like to see if there are any impacts to their planned improvements. Regarding trip generation, they asked if the applicant has submitted for Step 1 with OSTA to get feedback on the trip generation being used. This can be started now. The applicant provided holiday peak analysis. He would like to see if the improvements are consistent in the off-holiday analysis and the holiday analysis. They had questions on Carpenter Lane and if it is possible to direct more traffic to Research Parkway. He noted that the Carpenter Lane site lines are barely adequate. He noted that van spaces total 1033 and based on holiday peak they need 800 van spaces. Are the extra spaces needed? He stated that he will be documenting his concerns for the Commission.

Commissioner Fitzsimmons asked if this is the second review. Mr. Van Zanton said yes. Commissioner Fitzsimmons asked if the applicant has provided funding and approval for the second review. Mr. Pagini

replied not yet. Commissioner Fitzsimmons stated his concern that there be time for the peer reviewer to present to the Commission for the next meeting. Mr. Van Zanton stated that if they receive the go-ahead soon they can be ready for next month's meeting. He asked if they should be waiting for further revisions to the traffic study. Mr. Talbot stated that they expect the payment for the peer review of the revised traffic study by the end of the week. Commissioner Fitzsimmons stated he needs an assurance that there will be ample time for the peer reviewer to present their findings to the Commission before the next meeting. He asked for clarification that they are waiting for updates from the applicant. Mr. Talbot replied that the review should proceed on the revised traffic study and not wait for additional information.

Bob DeMaio, 14 Marie Lane, stated that he has lived in town for over 25 years. He is in favor of the property being developed, but not in favor of this development. It is incompatible with the nearby rural residential neighborhood and would change the rural residential area. He noted that the town purchased 94 acres on High Hill road 20 years ago as open space to preserve rural heritage. The Town shouldn't feel pressured to lower its standards on protecting the welfare of residents. He noted concerns with the roadway issues on Rt. 68, at Williams where it becomes a single lane. The applicant focuses on peak traffic when they need to look at traffic all day and how many trips per hour. Over 24 hours it will exceed the traffic caused by BMS. He noted that BMS was just cars while this will be trucks and vans 24 hours a day. He stated that this site is not appropriate for a fleet delivery station.

Will Brennan, 75 Thorpe Avenue, stated that this area was not always zoned this way. The industrial tracts have enveloped the neighborhoods. He stated that Inland Wetlands received a verbal, not documented, promise to comply with the conditions of approval. He stated that this is unprecedented. He also noted that there was no sign on the property notifying the public of this hearing. The lack of transparency is alarming. Traffic generated by this proposal will be a disaster. The 2003 study is not a fair comparison, so he is skeptical of the data. He asked how school buses were factored in. He stated that this is not a good development for the location.

Jen Frechette, 29 Valley View Drive, stated the project proposed a couple of years ago was a disaster and many people came out to speak against it. She would like the applicant to consider what would be best suited for the area. She stated concern about traffic and the backup alarms on trucks at night. She stated that this is not appropriate for the neighborhoods and won't generate as much tax revenue as BMS did.

James Wolfe, Economic Development Commission, asked if this development would replace the Last Mile facility at the south end of town. Ms. Schumer replied that there is no intention to eliminate that location as they serve different areas.

Larry Jones, 4 Marie Lane, stated that he moved to this area for the quiet after living in town for a long time. He noted the increase in impervious areas and asked how much they are exceeding the DEEP standards. He commented on the acoustics of the 24/7 facility and asked that they measure the current

acoustics and the expectation with the vegetation. He asked if it was approved would Amazon be required to hire a certain number of residents.

Adelheid Koepfer, 35 Whiffle Tree Road, asked if the Inland Wetlands Commission concerns were met. Atty. Cody replied that the Inland Wetlands Commission approved the wetland permit with conditions. The concerns were resolved and they approved the application unanimously. Ms. Koepfer stated that this will affect the drinking water supply in Town. She asked if there is an additional request for the traffic study to include the proposed warehouses and if that would be included in the peer review. Mr. Talbot responded that the peer review will review what was submitted to date. Since time is an issue, the review will start work on the revised study and hopefully, the additional information will come in so it can be included. Ms. Koepfer asked if air pollution data has been required due to the number of trucks and vans and if not, can it be included. Ms. Schumer stated that the site will be made ready for electric vehicles but she didn't know how many they will be getting. Mr. Talbot stated that air pollution is typically not a consideration but it can be. Ms. Koepfer asked that it be requested.

Edmund Hohmann, 12 Marie Lane, stated that he has lived there for 21 years. He referenced the proposed language changes to I5 and IX regulations, specifically the watershed protection Section 4.13. The 5 Research Parkway property sits in a critical watershed district, which feeds the McKenzie reservoir. The proposed changes to the Watershed Protection District regulations are to better protect the town's drinking water supply. The proposed language was approved by the Lower Connecticut River Valley Council of Governments and the South Central Regional Planning Commission. After two years worth of discussion and workshops, this Commission endorsed the changes for a vote at the December 2020 meeting. The vote was delayed to January when a letter was received from the Mayor asking to hold off on the vote. Due to all the delays, the 5 Research Parkway application came in under the existing Watershed Protection District regulations. Because the proposed changes were not adopted this application includes 1500 parking spaces when they would have been limited them to 227 spaces. This application is unsuitable for this property from both a water protection perspective and a negative impact on the welfare of the residents.

Christine Mansfield, 29 Tammy Hill Road, thanked the Commission and presenters for the details and the analysis. She stated she is not surprised that Amazon is here. Wallingford has a commitment to business and the community. She stated that the neighbors are putting their trust in the Commission's hands. This is about business, revenues, people, reservoirs, and wildlife. There are many stakeholders. This is a pivotal vote that can set the destiny for the next 50 to 100 years for all the stakeholders. It's about balance and planning. She implored the Commission to vote for all the stakeholders.

Bill Stuckey, 54 High Hill Road noted that callers were not invited to ask questions. He suggested an artist rendering of the facility from the perspective of High Hill Road. He asked how many trucks between 10am and 12pm would be using the Carpenter Lane exit. He noted that the presentation stated there were 148 new trips per day during non-peak. He asked how they arrived at that number.

Atty. Cody stated that they have made note of all the comments as well as the remarks from staff and the peer reviewer. They will get answers to the Commission as soon as possible so the Commission can move on this at the next meeting.

Commissioner Fitzsimmons: Motion to continue Special Permit Public Hearing for application#401-21 to the regularly scheduled June meeting.

Commissioner Kohan: Second

Vote: Allinson– yes; Fitzsimmons – yes; Kohan – yes; Matarazzo – yes; Acting Chairman Venoit – yes

The application is continued.

4. Special Permit/Cigarro Mobile, LLC/180 Cheshire Road #403-21

Commissioner Matarazzo read the legal notice and the correspondence: Special Permit #403-21 for a 480 sq. ft. Cigar Lounge structure accessory to a Country Club at 180 Cheshire Road. Zone: RU-40. Inter-Departmental Referral dated March 11, 2021, from the Deputy Fire Marshal; correspondence dated April 26, 2021, from Thomas Talbot, Planner to Nicholas Giordano; Inter-Departmental Referral dated April 28, 2021, from Deputy Fire Marshal; Memo dated April 28, 2021, from Alison Kapushinski, Town Engineer, to Planning & Zoning Commission; application for special permit 403-21 dated March 8, 2021; set of plans; and correspondence dated May 5, 2021, from Gregory Piecuch, Esq., to Thomas Talbot, Planner with revised plans.

Acting Chair Venoit recused himself from this discussion and named Commissioner Fitzsimmons to chair this application. Commissioner Fitzsimmons asked Commissioner Hine to vote in place of Acting Chair Venoit.

Gregory Piecuch and Nick Giordano of Cigarro Mobile presented. The property is the Farms Country Club at 180 Cheshire Road. The building will be 480 sq. ft (16 ft. x 30 ft.) and is a small accessory structure in an overflow parking lot near the 9th green. This will be an amenity for members and guests to enjoy cigars. He noted that an accessory structure is permitted by special permit in the RU 30 Zone. The prefabricated structure will be provided by Cigarro Mobile as a lounge area where members and permitted can purchase and smoke cigars. It will not be open to the public and won't increase traffic. This is a structure for an existing use. There is no exterior lighting or entertainment and there will be plantings in front of the building. The revised plan was submitted May 5th in response to town staff comments. The only outstanding issue is whether a step or ramp will be needed and asked that this be determined post assembly. The other outstanding issue is the plan for electric service which will be provided at the building permit stage.

Rosina Feser, 185 Cheshire Road, asked if members can smoke cigars while playing golf. Mr. Piecuch replied that the separate lounge was developed due to the concern of having people smoking near the pool or the bar. The building will be 79 feet from the property line and at least 100 feet from the road.

Ms. Feser stated that her home is near the driving range and she is concerned with people congregating and smoking there. Mr. Piecuch stated that nothing will change with regard to what is currently happening. Smoking is currently allowed. He explained that there was a temporary cigar smoking area in this spot already. Most smoking will happen there, before and after golfing. Richard Flandreau, General Manager of the Farms, stated that there is currently no specific smoking area. There will be no additional smoking by the driving range. Most of the cigar-smoking will be at the new lounge.

Commissioner Fitzsimmons asked if there would be any signage on the building. Mr. Piecuch replied not at this time. Commissioner Fitzsimmons stated that congregating is not an issue of concern for this Commission, the use and location of the building is.

Commissioner Kohan: Motion to close the public hearing for application #403-21.

Commissioner Allinson: Second

Vote: Unanimous to close the public hearing.

Commissioner Kohan: Motion to approve Special Permit #403-21 for Cigarro Mobile, LLC for a 480 sq. ft. cigar lounge accessory to the Farms Country Club at 180 Cheshire Road as shown on plans entitled Site Plan The Farms Country Club, Cigar Building, 180 Cheshire Road, dated 4/21/21 subject to the following conditions of approval:

- 1. Comments in Interoffice Memorandum from the Fire Marshal to the Planning & Zoning Commission dated April 27, 2021;**
- 2. Comments in Interoffice Memorandum the Department of Engineering to the Planning & Zoning Commission April 26, 2021;**
- 3. Electrical to be completed and shown on a plan pending the occupation of the building;**
- 4. The step/ramp access into the building be approved per Town Staff requirements.**

Commissioner Allinson: Second

Vote: Allinson – yes; Hine – yes; Kohan – yes; Matarazzo – yes; Acting Chair Fitzsimmons – yes; The application is approved.

Commissioner Fitzsimmons gave chairmanship back to Commissioner Venoit.

BOND RELEASES AND REDUCTIONS

7. Subdivision/Raup/322 East Main Street #103-16

Commissioner Fitzsimmons: Motion to release the bond for Subdivision/Raup/322 East Main Street, #103-16 as recommended by the Town Planning Staff.

Commissioner Kohan: Second

Vote: Unanimous to approve

8. Special Permit/AMAZON/425 South Cherry Street #414-19 – not ready to be released
9. Site Plan/Davenport Associates/14 Fairfield Boulevard #208-19

Commissioner Fitzsimmons: Motion to release the bond for Site Plan/Davenport Associates/14 Fairfield Boulevard #208-19 as recommended by the Town Planning Staff.

Commissioner Kohan: Second
Vote: Unanimous to approve

REPORTS OF OFFICERS AND STAFF

10. ZBA Decisions – April 19, 2021 – no questions
11. ZBA Notice – May 17, 2021 – no questions
12. Zoning Enforcement Log - no questions

CORRESPONDENCE

13. I-5, IX, WPD Regulation Amendments/Mayor's Office

Commissioner Matarazzo noted the correspondence for the record: a letter dated May 6, 2021, from Mayor William Dickinson Jr. to James Seichter, Planning & Zoning Commission.

Commissioner Kohan noted that the Mayor had promised to have this updated back in March. We respected the request from the Mayor to hold off adopting the regulations. This is another delay. Commissioner Kohan stated that he doesn't know what the concern is with the regulations and noted that this impacts the Amazon application. He stated that the Commission and the public deserve insight on the issue.

Commissioner Fitzsimmons echoed the concern. He proposed a workshop for the Town to present the concerns to the Commission. Acting Chair Venoit agreed and will discuss it with Chairman Seichter.

Commissioner Hine agreed that it would have benefitted everyone if this was resolved before these applications were submitted. He noted that more warehouse applications are coming.

ADJOURNMENT

Commissioner Fitzsimmons: Motion to adjourn at 10:45pm

Commissioner Kohan: Second
Vote: Unanimous to approve

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary