

**Wallingford Planning and Zoning Commission  
Special Meeting – Workshop Format  
Tuesday, February 4, 2020  
6:00 p.m.  
The Hubcap – 128 Center Street, Wallingford**

Chairman Seichter called the meeting to order at approximately 6:00 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, Vice Chair; Jim Seichter, Chairman, Jaime Hine, Alternate.

Staff: Kacie Hand, Town Planner

Absent: Armand Menard, Alternate; Steve Allinson, Alternate

**DISCUSSION**

**1. Proposed Clarification and Possible Changes to the Town Center (TC) Zone**

Chairman Seichter noted that the TC Zone has been discussed at four workshops and a couple of public hearings.

Mrs. Kacie Hand, Town Planner noted that prior to the adoption in 2018, there were no regulations specific for the Town Center area. After review, Mrs. Hand decided to make the regulations more clear and succinct. This is mostly an attempt to simplify and reorganize them. There was no intent to change the intent of the regulations.

She explained the changes in the Use categories (page 2 of the draft changes). Examples of services as a permitted use have been added to clarify the category. The language on accessory special events and sales (4.26d3) was simplified. The proposal removes the mention of mobile food vendors from the section on indoor food special events and makes the language clearer as to type of events. There are two proposed changes in this section. First, there were no timing limits on accessory events. She proposed changing it to a maximum of 35 days in any calendar year to apply to the whole section. Second, there was no maximum for fairs. The proposal is to change it to totaling no more than 14 days in any calendar year. The other language added in that section to clearly specify town sponsored community events on town owned property. Instead of an assumed accessory use, explicitly state.

She then outlined the proposed language clarifications. There is no intent to change the intent of the regulations. On page three, is a clarification on inclusion of basement dwelling units, just making it clearer. There is also a proposed clarification in the parking section. The proposal is to make it less wordy and clearer. It does not change the parking requirements or provisions. A further language simplification is in the section regarding compliance with building form standards. This is the requirement that if applying for a special permit, which is overly wordy. The proposal simplifies the language.

Next she outlined the proposed simplifications to the parking requirements on pages 13 – 15. This section talks about compliance with the parking requirements, but it is reiterates and redundant. The proposal is to take out the repeating of the provision. This doesn't take away the provision, it just stops repeating it. On page 13& 14 under parking, the proposal is to resolve the lack of clarification on how parking requirements apply to new residential units. The Commission discussed this at more than one workshop and decided that if there were new residential units it would trigger compliance with parking requirements. This specifically cleared up in G2 page 13, to make it consistent. There is no change to intent. Mrs. Hand noted that on page 14 some sections with incorrect references were corrected and made more user friendly.

Mrs. Hand explained the sections that were reorganized, starting on page 5. That used to be called Building Form/Site Layout Standards. The proposal is to split them out into subsections under Site Layout Standards as the master category. Under that would be (1) Lot and Bulk Requirements; (2) Building Form Standards; and (3) Other Site Layout Standards. Things moved within those sections to clarify what applies when and where. These are now separate from Parking Design Standards. The proposal takes out the section on non-conformities as it's not necessary. Other sections have provisions where if compliance is not achievable, have Commission has certain options. It's not applicable in these standards because either they have a legal right to grandfathering or would be required to conform. Mrs. Hand gave an example of front yard requirement when the existing building is already at the street. The other example is the maximum number of alley ways. There is no situation when Ccommission would use discretion. Lastly Parking Design got moved to its own section. The Access Management section on page 9 is now under Other Site Layout. Mrs. Hand proposed moving it to Parking Design section.

Mrs. Hand mentioned new language at the bottom of page 8 into page 9. This is in regard to what requirements for landscaping for front yard for situations where there is a building right on the road and there is no front yard, but for situations where there is no front yard because there is no building. Our definition of the front yard is between the building and the front property line. An example would be a parking lot, we still would want a small front landscaped area. The proposal added a 5 foot landscaping buffer adjacent to any other front yard that is not a building; this is technically a change.

Mrs. Hand summarized the proposed intent clarifications. There is a requirement in the parking design section (Page 11, F1b) regarding parking areas that are visible from the street or public sidewalk is to be screened. The originally written regulation said it had to be at least 3 feet high. She proposes taking out that requirement as shrubbery may be more appropriate.

The next proposed change is in Letter D on same page. Under the current zoning regulations there's an internal landscaping requirement for parking lots, which is 10 square feet of landscaping per parking space. The existing Town Center regulation has reduced that to 25% of normal requirement. The proposal is to change it to 50% because esthetics and landscaping in Town Center parking lots are important. We don't want to require so much landscaping to be detrimental to providing parking. We have significantly reduced parking requirements. In order to create a feel that we want to have in the Town Center we need to require some landscaping. Mrs. Hand noted that the standard requirement is for 10 sq.ft. of internal landscaping per parking space. If require 30 parking spaces, that's 300 sq.ft. of landscaping. At 50% it would go down to 150 sq.ft., which is less than the size of one parking space. Changing to 25% would be too small. The recommendation is to change to 50% and recommend it's got to be internal or immediately part of parking lot.

These are the only actual changes proposed in the regulation.

Mrs. Hand acknowledged, Jason Myers, a high school student interning with her office. She credited him with ideas he has helped to develop to simplify the regulation that will appear in the next draft. There will be no change in intent. Mrs. Hand reported that those changes would be incorporated depending on the decision tonight.

Mrs. Hand noted that during her upcoming absence, Amy Torre, Zoning Enforcement Officer, will keep the ball rolling. Amy has had some relevant inquiries to topics being discussed tonight.

Mrs. Hand brought up the topic of potential office use under Uses in the zone on page 2. It is up to the Commission to keep or modify the regulation. The way it's written right now, general business offices or Medical /Dental offices, clinics or outpatient medical treatment facilities are allowed in the zone but not on the front 50 feet of the first story. They can be on an upper story or the back of the building. The definition appears in Section 2.2. This was discussed when the regulation was developed. It was decided to allow them in the back of the first story and on the upper stories because they are appropriate for supported use but they don't promote the same level of vibrancy that we want in the Town Center. The issue has been raised lately for the properties on corner lots. The way the regulation is written it applies to both street facing sides of the building. One option to consider is to remove the requirement for the secondary road and only apply it to the primary road. This would still accomplish what we want for activity on street level. Another option is to change the classification of the road. For example, Rte. 5 and Center Street have a different classification than roads like Meadow Street and North Orchard. Wallace Street is something to think about if considering a situation like this. Generally if we include the major streets as Rte. 5 and Center that would stick to the intent of the regulation. The limitation to upper story and rear of the building was to try and accommodate potential needs for office space in the Town Center and acknowledge that it is an important supportive use. Mrs. Hand stated that one suggestion is to consider removing the 50 ft. classification off the secondary road for corner lots. Mrs. Hand noted that she has mixed feelings about it, but the question has come up. So, in addition to the 50 feet, does the Commission want to revisit the issue of offices altogether? She stated that if all of Center Street became all first floor offices it would not create the same level of vibrancy and pedestrian activity that we are looking to promote. At the same time there is an interest in promoting business and use of the buildings. To that end, our Economic Development Specialist and Wallingford Center Inc. are talking about, and are engaging in, a demand market study for the Town Center area. This will look at other successful town centers for potential uses. That information will inform the larger discussion about office use. The 50 feet off the side road question can be decided now, though Mrs. Hand suggested that the Commission wait until we have additional information before discussing the larger issue.

Joe Mirra of the Economic Development Commission confirmed that they are working with an organization that specializes in redevelopment of downtowns and they have a commitment of a report in 90 days.

Mrs. Hand recapped the major changes she had presented.

Actual proposed changes are:

- The addition of restriction of 14 days for fairs
- Landscaping - clarifying the front area has to have 5 foot landscape buffer with or without building
- 25% internal landscaping requirement to 50%.
- The office space applying to primary road only.

Commissioner Hine asked how we categorize businesses. If one building can have multiple businesses or services, and if all are under the same name, how do we differentiate for medical portion of the business? Mrs. Hand replied that they have to submit floor plans as part of the Change of Use application to show use distinctions. She stated that they also have to provide the floor plan to the Fire Marshal and Building Department for any internal changes or for their use. If they are proposing a permitted use then can approve the single permitted use. If they are proposing multiple uses, have to go through change use process and show how broken up, particularly if there's a question of whether it's permitted or not. i.e. if half office and half retail, their Change of Use application would have to demonstrate compliance. Commissioner Hine asked if a business combined medical with other services, how would it affect the application? Mrs. Hand replied that in general with a Change of Use the floor plan would be required. It is incumbent on the applicant to give the information to show compliance. If there is uncertainty, Mrs. Hand would recommend that they come to the Commission for a determination. Commissioner Hine asked how it fits into regulations. It causes difficulty if a business doesn't fit into a particular category. A customer may be going in front door for medical services. Mrs. Hand explained that it's how the uses are broken out. For example, for microbreweries, only certain percentage can be the manufacturing component and a certain percentage has to be the tasting room area. Every one of those has provided a floor plan showing how the space is broken down so the Commission can determine compliance. Commissioner Hine stated that it's hard to pigeonhole that type of business (mentioned in a recent newspaper article). The argument could be made that wherever the medical portion is in the building, it's still part of the overall business. The problem for us is to figure out how the regulation applies to that business. Mrs. Hand replied that it is up to the applicant to show compliance with the zoning regulations. Commissioner Hine gave an example of a business that is a one stop shop for number of different services. Who sends them to the ZBA, who tells them it's not permitted? Mrs. Hand replied that the applicant decides what to apply for. If they want an office outside of what's currently permitted, they would apply for variance for the use. If they feel they don't fall under a land use category, Mrs. Hand would recommend they come to the P&Z Commission and make that determination. The zoning regulations are permissive, so if it's not explicitly allowed in regulations, then it is not allowed. If you are not maintaining the existing use then you have to change to another permitted use or it's not allowed. The question for the Commission is whether or not to allow office use in the front of the first floor in the Town Center.

Commissioner Fitzsimmons suggested making the proposed change on page 11 to the internal landscaping requirement. He proposed 33% instead of 25%. He asked for clarification on when this was last discussed. Mrs. Hand replied that the regulations were adopted in 2018, so the only revision is the December 1, 2019 draft. Commissioner Fitzsimmons asked if there is a current parking study. Mrs. Hand replied that she has an updated count in 2018 and will send a copy to Commission members. Commissioner Fitzsimmons stated that he didn't object to the proposed changes regarding parking, but is opposed to strict parking requirements we are putting in the Town Center. If we want to encourage a pedestrian friendly Town Center then there's a problem with 6 pages on parking requirements. We have an active back door for parking variances. This looks good on paper, but in reality most uses downtown get parking variances. Mrs. Hand told a story about a Change of Use application for upper story residential in the Town Center with active use on the 1<sup>st</sup> floor. They were asking about a parking variance. Mrs. Hand worked with them, using our current regulations with the reduced parking requirements, and was able to find 4 parking spaces for them. This is an example of seeing it work. Commissioner Fitzsimmons – general business office and Medical / Dental office, this is an opportunity to strike the reference to ground floor level facing the side of the building. General business offices are fixtures of many downtown areas. Medical/dental offices are normal downtown. It's what's selling in

office space. He recommends removing it until we have further information from Main Street board. This is for #6 & #7 stating general business offices not allowed. Who makes that determination? He suggested we be careful of definitions. Because there are so many different uses and we want foot traffic, he can see this kind of use continuing on first floor.

Commissioner Kohan noted that 4.26 section B1 needs an 'and/or'. He asked about listing specific businesses not in the regulations previously. He stated that highlighting them is fine, but should we expand that list of allowed? Mrs. Hand noted that she was only trying to give examples of what's already allowed in an attempt to clarify. She agreed that there is a risk that it gives the perception that only those things allowed. She offered to not include the examples. Maybe instead we should include "personal service establishments" or something like that. Commissioner Kohan stated that he had no preference. Commissioner Kohan asked for confirmation that the changes proposed tonight included nothing with major impact on the Town Center. Mrs. Hand concurred that the intent is not to change intent of the regulations or what's allowed. The office conversation will be the most impactful, but the intent is to clarify and reorganize.

Commissioner Hine proposed waiting until that study comes back and decide how to address those provisions. Chairman Seichter agreed with waiting until we see the study. Chairman Seichter recommended considering changing the 50 feet on Main Road vs. Side Road issue for corner properties. If building on a corner, he's in favor of considering 50 feet from Main Road only not Side Road. He also agreed with the 33% change in landscaping.

Chairman Seichter pointed out that we are not intending to rewrite the regulations this evening. The Town Planner proposed mostly clarification of the regulations. We are talking about some minor changes.

#### **PUBLIC COMMENT**

Jim Wolfe, Economic Development Commission, asked a question about usage. Hypothetically if someone wanted to use the entire building for arts, would it conform? Mrs. Hand replied yes. The permitted uses are permitted on all the floors unless otherwise stated. For example retail on all floors, residential only upper floors. This is not spelled out because it is a permitted use. Mr. Wolfe asked if medical would be allowed on the 2<sup>nd</sup> floor? Mrs. Hand replied that it specifically states that it can't be on the first floor, within 50 feet from the front.

Steven Lazarus, 63 Curtis Ave, asked how define use when limit in different buildings. How determine office use vs. medical office. There is a huge difference between medical office and an office. Offices generally have few visitors. A medical office has more foot traffic. Medical office should have its own definition because of this. And there should be a discussion about where medical offices are allowed. He encouraged the Commission to think about that. He stated he had mixed feelings about allowing offices on ground floor, because they don't generate foot traffic.

Charlie DeFranco, stated he had a business for 47 years and has a corner building. He stated that he could have had a dental office but it was refused. He stated that renting commercial space is tough in the town of Wallingford and it's hard to rent space downtown. This is depriving him of making a living by taking away office space.

John LeTourneau, 3 Regent Court, stated that he knows the purpose of the regulations is to make the town better. Right now, the town is at a crossroads – what do we want our downtown to look like? Can

we strive for both retail and business? He stated that he's been here for 20 years and has seen businesses come and go. He feels that's because they don't know what they are doing. He believes there is interest in the Downtown area. He would like to see more effort in Economic Development with the downtown on how attract business. He stated that it's prudent to wait for the report. Where does the conversation on retail vs. office stop. At some point a decision has to be made. He expects the conversation to go on, but this is a good start. He and other downtown business owners are very concerned with downtown. The situation can turn quickly and not for good.

Mike Glidden, 29 Pomeroy Ave offered written comments. He suggests scrapping the parking regulations as they are archaic. It's time to get rid of parking ratios. Regarding Uses, we want a vibrant downtown with a multitude of business and thriving activity. How do it. He recommended walking away from zoning based on uses. He suggested going to a Form Based code which puts the importance on the design. He asked for clarification on the parking study that was mentioned. Mrs. Hand replied that there was a parking count done in 2004 and 2007 and that the numbers were updated. Mr. Glidden asked if the Engineering Department had done a Town Center parking plan yet. Mrs. Hand said no. Mr. Glidden stated that if you are changing your parking regulations then you did not follow your POCD. Considered if not doing a study why change regulations. Chairman Seichter replied that we are not changing the regulations. Mr. Glidden stated that not consistent with POCD. Using a Form Based Code, the plan identifies sub districts where different height buildings are applicable, parking setbacks come into play. Comes down to limited vacancies and walk to businesses. He stated that he likes being able to walk to the center. Few other comments on some sections such as the building site layout standards on page 5. He asked for clarification on when a waiver is granted, and references public benefit. The line about max front yard may be increased up to 20 feet, to allow outdoor dining, may be away to provide public benefit. He felt that this is a little discretionary and not a measurable standard. In the Parking design section, page 10, under Existing parking layout. He questioned a situation where some features are non-conforming, is it saying you need to apply for a special permit. Mrs. Hand replied that yes existing in the regulation but not what it says. Mr. Glidden recommended clarifying that section. Page 11 subsection D reduced to 50%, not measurable. This could be clearer. Overall, he feels there's a lot of work to do and that we should scrap this approach and go toward more Form Based Code.

Joe Mirra, Economic Development Commission stated that there is plenty of parking downtown. The EDC is working with committees including Choate and Wallingford School system on a survey for small businesses. As for office and retail, he suggests people think about what they want from downtown? There are a lot of vacant offices. If looking for retail environment what is traditional New England downtown. This is something to think about.

Jason Myers, 7 Davenport Place commented on the parking regulations. They are quite complicated because they are necessary. He stated that you can't compare Wallingford to a city with parking garages and more options for public transportation. Wallingford is very suburban and car centered. Cars are an essential part of town function. It's an extreme move to get rid of parking regulations. It could have consequences that affect development in the future. He added that he is compiling a list of all the uses around town. Vibrancy and sense of community is important to consider when look at Town Center. This is the vision for our Town Center. Gathering place feel includes restaurants, retail and community, public meeting places. He recommends sticking to your vision. An office is not the same as restaurant and retail. It is important to keep track of uses and be able to delegate them to different parts of town.

John Letourneau, 3 Regent Court asked how does the incentive housing zone regulation on 1<sup>st</sup> floor differ from the Town Center regulations? Mrs. Hand replied that the Incentive Housing Zone has three

sub zones. Two allow residential on the first floor. The prime subzone, downtown core, restriction is mix use development provided that office on 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> floor and no more than 25% gross floor area of the building. So it's even more restrictive. Mr. LeTourneau asked if there were size requirements. Chairman Seichter replied that it depends on the coverage.

Chairman Seichter stated that he is comfortable with the revisions and clarifications being made and reviewed the actual changes, which were: (1) landscaping from 25% to 33%. He asked for agreement from Commission Members. Consensus was positive. (2) office to eliminate the 50 feet set back on non-primary road, Consensus was positive; (3) Regarding the Office and Medical Office discussion, he asked for consensus to wait to see what the EDC report says before discussing medical offices. Consensus was positive. Chairman Seichter stated that the other general clarifications were okay. The consensus of the group was to proceed with the proposed revisions as presented by Mrs. Hand.

## **2. Proposed Changes to the Interchange (I-5) District and Industrial Expansion (IX) District**

Mrs. Hand offered to email the proposal to anyone who wanted it. According to the recommendations of the Plan of Conservation and Development we need to revisit some of the permitted uses in the zone Mrs. Hand reported that they talked about the potential to allow some additional uses in the zone. And then count balance that by making sure we are protecting watershed. Both the IX and I5 are commercial zones that have watershed properties. She offered to review the draft recommendations based on the last discussion. She reported that she has received comments from Water & Sewer; Law Department and Environmental Planner on the draft recommendations.

For the IX District, Mrs. Hand explained the changes to uses. For clarification, under the office uses, the proposal is to include call centers and financial institutions. In item 4, which is research facilities, laboratories, and scientific and technical research and development. It's already in there but wasn't as clearly spelled out. It's currently permitted in the I5 and we were looking to add it to this zone. Attorney Small recommended taking out "investigative activity of a scientific or technical nature". The proposal is to make the language the same in IX and I5.

Atty. Small had some comments on the existing zoning. In item 5 to clarify the language: storage & warehousing except that self storage and the types of storage listed in 4.8b and 4.8b9g shall not be permitted. This is reworking that language. It was reworked in the I5 as well. Mrs. Hand noted that those were the only proposed changes in the IX zone. At the end of the day, the I5 as proposed ends up, use wise, looking more like IX. But there are additional special requirements in that zone. The IX is an industrial expansion zone and is less visible and the I5 more visible. That's why we pay more attention design wise and layout wise to the I5 zone.

Chairman Seichter asked for comments on the proposed changes to the IX district.

### **PUBLIC COMMENT**

Jim Wolfe, Economic Development Commission noted on the first page, in 4.9 Financial Institution, he thought it should say non-retail. This is because a financial institution could be a bank and a bank would be retail. Mrs. Hand replied that financial institution does include bank. Mr. Wolfe asked if they would allow a retail bank. Mrs. Hand replied yes, envisioning bank with drive through and asked if there was an objection. Mr. Wolfe commented that he doesn't see a bank branch up there. Mrs. Hand suggested striking Financial Institution. Chairman Seichter stated that doesn't have a problem with a bank but doesn't expect a bank to build a branch there. In the unlikely event that had financial institution with office and branch, doesn't have a problem. Mr. Wolfe asked if there was mention of drive through in

IX. Mrs. Hand replied that most uses don't require a drive through. She stated that we could explicitly prohibit drive through.

Elizabeth Verna, 26 Mapleview Road, commented on the minimum open space requirement and asked the Commission to look at the Plan of Conservation and Development. That plan talked about the vision for the IX zone and bringing economic development to Wallingford. It supported allowing businesses that already exist to expand. She recommended bringing the required open space down to 30% and increasing max coverage of building and parking lot to 35%.

Thomas Ringrose, 675 Williams Road. He would like to see open space down to 10%. He wants as much development as possible. ATMs are banks of the future. Drive through doesn't hold up traffic.

Robert DeMaio, 14 Marie Lane. A significant portion of IX is in watershed. Asked if the Commission had considered when looking at the use that when and if a property is in a watershed, would it always require Special Permit. Just to give it a little more oversight. Language in hotels in IX vs. I5 looks different, though he thinks it's supposed to be the same. He asked the Commission to look at this.

Brian Freeman, 5 Hampton Trail. Where is delineation for IX and I5. Mrs. Hand explained that Rt 68 & Rt 91 intersection is I5. IX is north and west. The Bristol Myers property is IX.

Jim Wolfe, Economic Development Commission. Looking at the last page of the handout, the IX was changed from 50% to 40%, he thanked the Commission for that. The coverage stays 25%. He asked if it should go to 35% if move open space to 40%. Mrs. Hand replied that did talk at length about reducing the open space requirement in the IX and I5. The proposal is to go from 50% to 40% except for properties in the watershed. In the watershed it would not change based on feedback from Water & Sewer. Coverage can be modified. The max coverage in I5 is 15%. Then you have parking requirements, driveways, etc. take up remaining open space. Because the lot size requirement is large in these zones, 5 acres. Have not had problems with coverage but have had problems with open space requirements. In most cases it's the parking that they are bumping up against. The building size hasn't been a problem. It was not changed since it is not an issue. Mr. Wolfe commented that businesses today should use less parking. Mr. Wolfe commented that the Rec Center is at 37% build out and stated that it is only fair to allow people with buildings up there to give them the same rights as give to Rec Center. Mrs. Hand replied that she didn't know how it was approved. We are only doing planning for the future. The property was purchased by the Town. It was an office building and the Rec Center property is smaller than the minimum lot size in the IX.

Jack Arrigoni, 18 Martin Trail, asked for clarification of maximum coverage. Mrs. Hand replied in creating our 5 acre lot, there are limitations on what % can be satisfied by wetlands and steep slope. If you have a lot of wetlands, that's land you can't build on anyway. It's what you are going to use for open space. Mr. L asked, can you cover every square inch that isn't wetlands? Mrs. Hand replied that could be if you have so much wetlands that you comply with open space requirements. Mr. Arrigoni commented on the chloride in water now, and in his well chloride has doubled. He asked if something had changed. Chairman Seichter replied that he couldn't comment. Mr. Arrigoni stated that it seems like wetlands and watershed in the IX needs to be looked at differently than the rest of the zone. Mrs. Hand replied Water & Sewer did weigh in on regulations, but their comments were more about the I5 changes. That's why we didn't include the open space expansion for watershed properties. Planning and Zoning is working with Water & Sewer to protect watershed area. She also stated that Water & Sewer may revisit our watershed regulations.



Commissioner Hine commented on 4.9b2, that it would be better to be consistent in regulations. We lump together offices and financial institutions in the IX but separate it out in Town Center. He suggests separate out financial institutions. Suggest list as separate use to be consistent. Mrs. Hand asked for clarification that there is no consensus to take financial institutions out. Chairman Seichter confirmed. He stated that he is comfortable with the regulations.

Commissioner Fitzsimmons referred to the last page, where we cut open spaces 50% to 40%. There is no adjustment to max coverage proposed. Mrs. Hand stated that it is now 25% on 5 acre lot is over an acre of one story building. These zones were intended to have park look. She suggested maybe 30%. Commissioner Fitzsimmons stated that there should be a slight bump in coverage due to the reduction in open space. Chairman Seichter asked for consensus on increasing max coverage in the IX zone from 25% to 30%. Consensus was positive.

For the I5 zone, Mrs. Hand summarized the proposed changes. The Town Attorney's language for research facilities was incorporated in the first category. This zone includes a 6500 sq.ft. minimum building area for most uses. Added wording for call centers and financial institutions. She will break out financial Institutions in a separate line item.

For uses, big additions were uses that are allowed in IX now (manufacturing, compounding, packaging and assembling materials and storage and warehousing) in I5. Water & Sewer's position is that they would only support those additional uses if we add language removing properties in Watershed. They proposed language that was approved by the Town Attorney. These uses are allowed but only for properties that are not in the watershed overlay district.

Mrs. Hand reported on a question that came up in last couple days, in terms of uses. The question has been bounced around in the past. In discussion with the Economic Development specialist decided to request an option to include recreation facilities of some sort, including indoor or outdoor. Water and Sewer hasn't weighed in yet. Mrs. Hand expects them to have comments on the use in watershed areas. We need that input if the Commission is interested. Mrs. Hand recommends that that use be a special permit in I5 not in IX because it's not consistent with the industrial zone. Mrs. Hand recommended the Commission consider both inside and outside as a special permit. These can vary widely with their intensity, impact on water quality, and parking needs.

Chairman Seichter agreed we should look into recreational facilities in I5, as a special permit and asked Mrs. Hand to get comments from Water & Sewer. Consensus to proceed.

Mrs. Hand continued with a proposal to remove outside storage from section 6.12 as it's not consistent with the desired site design elements. It is currently allowed with screening. Under Special Requirements, if we are going to allow more intensive uses as an I5 we need to have site design requirements in place to ensure we maintain the appropriate esthetic. Mrs. Hand proposed some additional site design requirements including truck parking and loading areas only permitted in rear or side yards and entirely screened from view of right of way or adjacent property.

In regards to general watershed and water quality, Water & Sewer recommends wherever feasible open space shall be large areas contiguous land except those areas that are part of landscaping. Water and Sewer had a recommendation to add language that open space areas promote natural and nature landscaping versus manicured lawns. Mrs. Hand asked for approval to add it and received permission.

Mrs. Hand continued, with proposed revisions to the sight layout requirements. No outside storage shall be allowed in this zone. And in section 6.1 there are exemptions to the height restrictions used for smokestacks, etc. These are not consistent with the intent for this zone. We had talked about not allowing these exemptions. Landscaping for front is not actually changing, it just moved.

The proposal for the Open Space requirement is to change it from 50% to 40% except for properties in the watershed. The majority of properties in the I5 are in the watershed. Mrs. Hand noted that there is 15% coverage, and asked how high the Commission wanted to go. Consensus was to change it to 20%.

Commissioner Kohan asked about uses in the IX and I5. We had discussed adding data centers. Is it covered under call center? Mrs. Hand agreed that we had decided to add data centers. Commissioner Kohan asked about allowing solar farms. Mrs. Hand apologized for not including it and stated it could be put under special exceptions because currently the ZBA handles solar farms in residential zones. Then it would go to ZBA first and then to P&Z for site plan.

Commissioner Hine noted that 4.10b subsection 10 & 11 sets minimum GFA's 60,000 sq ft. So if small scale manufacturing or storage and warehousing, it's not permitted. We are talking about large scale only. Mrs. Hand replied that the Commission made the determination that for 5 acre pieces, they didn't want to under utilize the property. Small belongs in a different zone. Commissioner Hine stated his concern that these provisions don't create maximum GFA only a minimum. A project the scale of Bristol Myers would be subject to just a site plan approval as opposed to a special permit. Mrs. Hand replied that we have a maximum building coverage that would come into play. Issue with 5 Research Parkway was because an enormous lot. If they split that into a bunch of 5 acre pieces, it would look different, unless you want to go to a building coverage of 5%. Commissioner Hine doesn't know size of specific properties in that area. He asked if there were any properties in that area large enough to create traffic issues. He stated that he would much rather those potential uses be subject to a special permit instead of just a site plan. We need to keep some control over size of a business that could go in there. Mrs. Hand replied for I5 zone, traffic over 100 vehicle trips always triggers special permit. If there are other issues related to the intensity of the uses in 10 & 11 for manufacturing /compounding/packaging/ assembly/storage and you want to make it a special permit, you can do that. There is one other large piece in the I5 but none the size of 5 Research Parkway. They are all in the watershed so this isn't applicable for them

Chairman Seichter stated he is okay to leave as is and not make it special permit. Mrs. Hand suggested manufacturing/compounding /packaging/assembly have special permit because of the variety of types of uses. But in terms of coverage she recommended don't increase building coverage to address that issue. Commissioner Fitzsimmons agreed with #10 yes to have a special permit due to potential various uses. For #11 he doesn't object to special permit. Consensus to make it special permit. Mrs. Hand confirmed the consensus on increasing coverage from 15% to 20% as long as there is a special permit.

#### **PUBLIC COMMENT**

Kristin Demillio is a trustee of the parcel at 677 Williams Road. She asked about the recreational component. There is interest in that particular parcel for recreational use. She asked if any ancillary uses would be considered such as a restaurant to serve the recreational facility. At the last workshop the idea of data centers came up, and she asked if it is it an option. She asked if breweries, wineries and cideries are still an option for a potential use. She also asked if the 20% coverage would also cover the

watershed. Her parcel would be 50% open space. So increasing the coverage to 20% or 25% would go from 170,000 sq.ft. at 15% coverage to 280,000 sq.ft. with 25% coverage. This would not impact watershed and the building would be completely screened. Mrs. Hand replied that data centers were added as acceptable. She continued, breweries and wineries, typically fall under the manufacturing component. If they involve more than manufacturing, which most do, Mrs. Hand was not sure of support from Water & Sewer. She needs more input from them. Yet there was a desire to move forward with the things that were a little more concrete now. Mrs. Hand reported that we will be pursuing recreational facilities with Water and Sewer as well. Their input is important. Regarding coverage, Mrs. Hand stated that they don't disagree if open space number stays the same. So if 2.5 acres is open space, whether other 2.5 acres is a parking lot or a building, not sure that's something Water and Sewer is comfortable supporting at this time, though she can't speak for them. They don't support any increases in watershed properties in general. The bigger the building makes the parking bigger, depending on the use. Mrs. Hand will take the question back to Water and Sewer if the Commission is interested. Chairman Seichter agreed and commented that as for a restaurant, like hotels if it's included in the building, its fine. The Commission has no enthusiasm for standalone restaurants in this zone. Ms. Demillio asked if language can be added to clarify restaurants if part of the facility if recreational use is added. Chairman Seichter agreed it could be discussed if we go that far. Commissioner Hine stated that there is language in the I5 zone, in 4.10.b 1 that a building .....may include ancillary food service in research and laboratories. Mrs. Hand replied that that would be for use of employees or clients. If it's half the building, it's not ancillary. So we could include similar language.

Susan Hizinga, Wallingford Public Access Association, 28 South Orchard, referenced a comment made about smokestacks and conveyor belts and asked if it meant that windmills would be disqualified because of its height. Mrs. Hand replied that it is not a permitted use right now in those zones due to the concern with impacts such as noise and killing birds. Ms. Hizinga stated that there is new technology that does not make noise or kill birds. She stated that they are considering adding to this 3 foot windmill to the roof of 29 South Orchard in the Town Center. Mrs. Hand replied that the section we are talking about is for structures over 30 or 50 feet high in the IX or I5 zones. Ms. Hizinga asked if the Commission was aware that wind technology has changed and there are ways to put it on a roof. She asked if they would need a special permit to put one on their roof in the Town Center. Mrs. Hand stated that if not over 35 or 40 feet in Town Center then wouldn't need anything and in the Town Center zone you'd be eligible for that exception for things that occupy less than 10% of the roof structure.

Robert Demaio, 14 Marie Lane asked for clarification that warehousing and storage are disallowed in the watershed in the I5. Commissioner Seichter said yes. Mr. Demaio then asked why not change for IX as well. Mrs. Hand replied because it's already permitted and a smaller percent of the zone is watershed properties. Mr. Demaio stated that it would become an issue down the road with questioning. He asked the Commission to consider that within IX if there's a warehouse and storage in watershed at the very least it's a special permit. He stated that it feels very inconsistent that I5 disallows warehousing and storage while IX having a special permit for it. Mrs. Hand explained that the charge for this particular pursuit came from a recommendation in our POCD to look into expanding uses in IX and I5. She talked with Water & Sewer about strengthen watershed regulations in terms of what are our treatment requirements, etc. The use may or may not have impact. Mr. Demaio asked the Commission to consider special permit for warehousing and storage when in the watershed in the IX.

Joe Mirra, Economic Development Commission asked if a special permit put an extra layer of expense for businesses to come to town Mrs. Hand replied that it's a slightly more expensive application and there are notice requirements. Procedurally it's not all that different but the potential negative impact

from developer's standpoint is a much lower level of certainty. Mr. Mirra stated its important to consider cause and effect on commerce.

John Keogh, Commercial Real Estate Broker commented on an anomaly in the regulations. It has a 60,000 sqft minimum building size in I5, while most market demand is for single story uses. In order to support a 60,000 sqft single story building at 15% site coverage, would need over9 acres. If you bump up coverage to 20%, you need 7 acres. Site coverage ought to recognize that you could have considerably higher site coverage as long as you engineer the construction properly to avoid damage to watershed.

Thomas Ringrose, 675 Williams Road stated that there is interest in a very large warehouse on 26 acres in the I5. They are looking for big warehouse sites, 200 – 250m sq ft. A lot is getting automated with pharmaceutical warehouses now vertical with few human beings. In the future trucks are going to be autonomous; can the Commission live with autonomous trucking?He is dealing with people who want to build. He can bring big warehouses to town, if the regulations are going to kick them out should he even bother. These are big investments. Chairman Seichter stated that we welcome businesses that meet our regulations.

Joe Mirra, Economic Development Commission thanked the Chair, and the Commission for the process.

Mrs. Hand talked of next steps. She proposed attempting to get the revised drafts of both sets based on tonight before her leave. The Commission needs to decide what to do next. Mrs. Hand will talk to Water and Sewer before her leave regarding the topics mentioned tonight.

Commissioner Hine asked whether we should get the Water and Sewer position on the watershed in the IX zone. Do they have a position on whether manufacturing and warehousing should be permitted in the watershed in that zone. The regulations should be consistent. If they don't think there's an issue, they should tell us that. Mrs. Hand agreed to ask for something concrete from them.

**Commissioner Fitzsimmons: Motion to adjourn the February 4, 2020 Planning and Zoning Commission Special Meeting at 8:50pm.**

**Commissioner Matarazzo: Second**

**Vote: Unanimous to approve**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary