

Wallingford Planning & Zoning Commission
Monday, December 14, 2020
Remote Meeting
MINUTES

Chairman Seichter called the meeting to order at approximately 7:50 p.m.

Pledge of Allegiance was recited by all.

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

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

Approval of Minutes – November 9, 2020

Commissioner Venoit: Motion to approve the Planning and Zoning Minutes of the November 9, 2020 meeting as submitted.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve

Chairman Seichter reviewed the remote meeting protocol and noted that the following agenda items will not be heard this evening at the request of the applicant.

1. **Special Permit (Fill & Excavation)/Pfizer/21 Tolles Road #409-20** No Action Requested

PUBLIC HEARING

2. **Zoning Text Amendment/Section 6.11.C. (Restaurant Parking)/PZC #901-20**

Commissioner Fitzsimmons read the legal notice and noted all correspondence pertaining to this application for the record. Inter-Departmental Referral, dated October 28, 2020, from the Town Engineer; correspondence from the South Central Regional Planning Commission, dated December 8, 2020, to Thomas Talbot, Planner; correspondence sent to the River Council of Governments; correspondence to the South Central Regional Council of Governments dated November 3, 2020; Inter-Departmental Referral, dated October 23, 2020, from the Fire Marshal; correspondence from Wallingford Law Department, dated October 26, 2020, to Kacie Hand; correspondence dated November 4, 2020, from the Lower Connecticut River Valley Council of Governments.

Mr. Talbot provided an overview of the amendment to the parking regulations for restaurant parking requirements. Currently, the regulation is 1 space for 75 sq ft of the total gross floor area of an eating establishment. The change would make it one space per 75 sq. ft. applying only to customer seating areas. This reduces the parking requirement. This proposal is related to how much a restaurant's square footage is devoted to the non-customer area. This is in line with conventional standards.

Chairman Seichter noted that this is being considered because, during the pandemic, one of the executive orders allowed seating in parking lots for outside dining. When business gets back to normal,

some restaurants might want to continue this expanded outside dining. It's also in line with the regulations of other towns and cities.

Mr. Kohan commented that he is in favor.

Hearing no public comment, Chairman Seichter asked for a motion to close the public hearing.

Commissioner Venoit: Motion to close the public hearing for #901-20 Zoning Text Amendment/Section 6.11.C.(Restaurant Parking)/PZC

Commissioner Fitzsimmons: Second

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

Commissioner Venoit: Motion to approve application #901-20 Amendment to Section 6.11.C of the Wallingford Zoning Regulations, Planning and Zoning Commission to base restaurant onsite parking requirements on customer service areas rather than entire restaurant areas effective date December 18, 2020, because it ties the parking requirement directly to customer occupied portions of restaurants.

Commissioner Fitzsimmons: Second

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

The application is approved.

3. Zoning Text Amendment/Section 4.9 (IX), Sec. 4.10 (I-5), and Sec. 4.13 (WPD), and Sections 2.1, 5.1.C., 6.1.C, and 6.12.B./PZC #902-20

Commissioner Fitzsimmons read the legal notice and noted all correspondence pertaining to this application for the record. Interoffice Memorandum, dated November 18, 2020 from Erik Krueger, Senior Engineer, Water & Sewer to Thomas Talbot, Acting Town Planner; Interoffice Memorandum dated December 7, 2020 from Erik Krueger, Senior Engineer, Water & Sewer to Thomas Talbot, Acting Town Planner; correspondence dated November 17, 2020 from South Central Connecticut Regional Planning Commission to Thomas Talbot; correspondence dated November 3, 2020 from Naugatuck Valley Council of Governments to James Seichter, Chairman; correspondence sent to the CT River Council of Governments dated November 3, 2020; Memorandum dated October 27, 2020 from Janis Small, Corporation Counsel, to Thomas Talbot, Planning and Zoning Department; Inter-Departmental Referral, dated October 28, 2020 from Town Engineer; Inter-departmental Referral, dated October 27, 2020 from Fire Marshal; correspondence dated December 10, 2020 from Kristen Demilio to James Seichter, Chairman; memorandum dated December 11, 2020, to the Inland Wetlands Commission, from Erin O'Hare, Environmental Planner; and a copy of the regulations.

Chairman Seichter stated that these regulation changes have been worked on for quite some time by request from the Economic Development Commission to expand uses. Several workshops were held to discuss them. The proposed changes were provided to the Corporation Counsel and the Water & Sewer Division. Their comments are incorporated into the changes being considered tonight (attachment 902-

20J) He thanked Tom Talbot for the work to put this together incorporating discussions from the workshops as well as comments received.

Mr. Talbot provided an overview by section. Section 4.9, the IX District, use permitted by site plan now includes data centers, financial centers, clarified research operations, and related uses. It eliminates self-storage facilities and allows hotels and motels with fewer than 150 rooms with a minimum of 60,000 sq ft in building area. It allows for ground-mounted solar panels and windmills as special exception uses. It increases the amount of waivable required parking from the current 25% to 50%. It would require that at least 75% of required open space either remain or be converted to an undisturbed or natural condition. So, no more large lawns. A related change in 5.1.C changes the required open space reduced from 50% to 40% in non-watershed areas only and maximum building coverage increased from 20 to 30% on all properties.

For the I-5 district, section 4.10, the permitted uses will include data and financial centers, clarified research operations and related uses, and allows hotel and motels with fewer than 150 rooms but must be at least 60,000 sq. ft. It allows by special permit manufacturing and similar uses include breweries and cideries and accessories as well as warehouses, but only on properties not in the watershed protection district. There are new regulations for screening for parking areas. No outside storage of any type is permitted. Height limits on spires and towers, etc. strictly limited to 50 ft. There would be increased front landscaping standards. Included are provisions for ground-mounted solar panels and windmills as special exception uses. Included is the proposed language that the amount of waivable parking could be lowered from the existing 25% to 50%. The requirement that at least 75% of the required open space remain or be converted to an undisturbed or natural condition. Minimum open space reduced from 50% to 40% in non-watershed areas. Max building coverage increased from 15% to 20%.

In Section 4.13, the Watershed Protection District, there are a series of technical revisions directly related to the quality of stormwater runoff in all the watersheds in Wallingford. Stormwater runoff treatment measures have been approved so that the 1st 1 inch of rain must now be collected and treated rather than a half-inch of the initial rainfall. There are new provisions for new structures, methods, and procedures that are more detailed and comprehensive. Maintenance requirements in all non –single-family residential properties watershed areas are listed. Parties responsible for both the implementation and enforcement are made clear. Categories of use exempt from these standards are much more clearly defined. Specific measures would include any parking lot of over 10 spaces and all sidewalks in the watershed protection district are prohibited from using sodium chloride for ice control. The maximum number of parking spaces on a site, including tractor-trailer and loading spaces can be no more than 120% of minimum the minimum parking or loading requirement for pertinent use. This means for the first time there is a parking maximum instead of a minimum. All special permit applications for properties located in watershed areas will now be evaluated by a specific set of standards found in section 4.13.F.

In Section 2.1, there are new definitions for breweries, wineries, and cideries, financial institutions, and a revised definition of open space.

Chairman Seichter stated that there is a lot proposed and to be considered. He stated that he didn't think the Commission is in a position to act tonight. A detailed discussion is needed. Once we have come to some conclusion we would need to see a clean copy before we act on it. He suggested discussing one section at a time. He asked Commission members for comments on the I-X district amendments first.

Commissioner Kohan referenced 4.9.B.5, on the first page, specifically the terms building storage and warehousing. He asked for a definition of warehousing.

Commissioner Hine referenced the same section and suggested removing the word building. He noted a similar provision in 4.10.C.7 where we don't use the word building, just storage, and warehousing. If the intent is to limit this zone to building storage and warehousing, that's fine. But we need to be clear on the intention. He also questioned the exceptions in 4.8.B.8, first page, which states storage of fewer than 100 gallons of fuel oil. He asked what would be exempted from that. Would it be an amount over that? Is that the intent? Chairmen Seichter stated that Mr. Talbot would check. Commissioner Hine also referenced section 4.10 with a similar provision. He noted that the I-5 allows storage and warehousing except for properties in the watershed protection district. We don't have a similar exception to the IX zone for storage and warehousing. He asked why and suggested getting input from the Water Department.

Mr. Talbot stated that the intent of the term building storage is stored inside a building. He noted that the same regulations in the Interchange District say storage and warehousing in a building. The pertinent section, F.10 reads storage and warehousing in a building. Regarding the bulk storage of fuels, he stated that that's all existing language. He noted that it's always better to be permissive in regulations, by stating only things that are permitted. When you start prohibiting things it can be problematic. He agreed can look at this wording.

Commissioner Hine stated that the language between the two, concerning storage and warehousing, is different. He stated that he likes the language in 4.10. Section 4.9.B.5 seems to be building equipment storage or construction equipment. He stated that it's clearer to say storage and warehousing in a building. Regarding fuel oil, he agrees that it's permissive zoning. But the first part permits storage and warehousing and the only exception concerning the fuel oil is 4.8.B.8 which is for less than 100 gallons. So storing more is permitted. Mr. Talbot disagreed. He stated that prohibiting leads people to make assumptions. He stated that it is broken down to less than 100,000 and more than 100,000. He stated that he can take it out. Because if it's not permitted, no point in mentioning it. If you want to leave the regs as permissive, why put in things that are not permitted. Commissioner Hine stated that if we take out the exception, then all fuel oil is permitted because we permit storage and warehousing in a building. Mr. Talbot replied that the industrial regulations list storage of fuel oil. Mr. Talbot doesn't think that would be allowed in the general category of building storage and warehousing. Commissioner

Hine agreed if that is the interpretation. He asked if the industrial zone regs incorporated into the IX district? Mr. Talbot replied, no but they are part of the zoning ordinance in its entirety. Chairman Seichter noted the point is well taken and suggested that Mr. Talbot talk to the Corporation Counsel to get her opinion on how to handle this. Commissioner Hine agreed that he would like her opinion. Commissioner Hine referred to section 4.9.BE.10 which permits outpatient medical treatment facilities. He asked if there is a reason we don't want inpatient. Why do we allow one and not the other? If we don't allow one, we should not allow the other. He stated that he doesn't mind both being allowed.

Chairman Seichter asked for comments on allowing inpatient medical treatment centers. Commissioners Fitzsimmons, Venoit, and Kohan indicated they had no objections. Commissioner Allinson stated that he didn't either but recalled that this had to do with the size of the facilities. Outpatient facilities tend to be smaller and inpatient tend to be mega hospitals.

Chairman Seichter referenced page 4, D.4 which talks of solar panels as well as windmills. Mr. Talbot stated that the language needs work. It lists ground-mounted solar panels as a permitted use with a special exception. It is not clear if it means primary or accessory use. Primary means a solar farm. The Water Division wanted this not included. If an accessory to a building it's one thing. A solar farm is something different. These zones have low rates of building coverage. So it would not be economically feasible to build a solar farm. He continued that the term Windmills seems to refer to wind turbines. This is also not clear if it's proposed as primary or accessory uses. The problem with wind farms is coverage and noise. The regulation calls out a max height of 50 feet while Commercial wind farm structures are usually 4 times that height. These also don't seem to be realistic as primary uses. Chairman Seichter stated that we need to be clear about what the regulation is talking about for solar panels and windmills. He stated that he sees them more as an accessory, but asked Commission members for their opinions. Commissioner Fitzsimmons and Venoit agreed they would support an accessory use. Commissioner Kohan stated that solar panels could be either accessory or primary use. He noted that some of the newer technology uses a small field of panels. He thought it would be a good primary use. He agreed that Windmills would be ruled out due to height. Wind turbines are a new emerging technology and may need to be considered. Commissioner Hine stated no strong opinion but he was under the impression that the provision was added as a primary use. He proposed keeping it in since it would be by special exception. Commissioner Allinson stated no preference as far as an accessory or as farms or turbines as long as it fits the plan. The regulation gives the Commission oversight to ensure it fits the zone and the plan. Chairman Seichter stated that if we were to include solar panels as primary, they would be restricted by building coverage. He agreed we need to look at it and have further discussion. He noted that the Water Division had comments on solar as a primary use in the watershed.

Cynthia Mancini, Quarry Run, Wallingford, stated that she opposed the regulation. She stated that her family moved there for privacy about a year and a half ago. She noted that traffic has increased significantly on Research Parkway and Rt. 68. Regarding the prohibition on Sodium Chloride; she asked how the town will monitor it and asked what the state uses. She asked who plows Research Parkway. Chairman Seichter replied that Wallingford and Meriden plow their sections of Research Parkway. Mr.

Talbot replied that the sodium chloride prohibition doesn't apply to public streets, only to non-residential property in the watershed. Ms. Mancini noted that the public road will have run off into private property and water systems. Chairman Seichter stated that if a property is developed or not there would still be runoff from plowing the roads. Ms. Mancini asked how they know if sodium chloride is from private property and how the prohibition will be enforced. Mr. Talbot noted that 4.13 applies only to non-residential private property in the watershed district. It includes technical requirements and language about inspections. He stated that someone from the Water Division maybe able to describe how these inspections and enforcement would be done.

Aili McKeen, 13 Burke Heights Drive, Wallingford, stated that windmills and wind turbines are the same things. They are both used to generate energy. Residentially to install one would need massive setbacks. She asked if the regulation change only applies to the IX area. Chairman Seichter stated that this is just the IX and I-5 zones.

Neil Amwake, General Manager Water Division shared a presentation that covers the Industrial Expansion and Interchange Districts but not sections 4.13, the Watershed Protection District (WPD). His presentation included maps of the Watershed Protection District and the sources of the town's drinking water. He noted that in 2011 the Public Utilities Commission created a policy recommending against any increases in zoning densities and zoning changes that would potentially result in a detrimental impact on water quality.

Regarding ice control in parking lots in the WPD, per existing section 4.13.D, he read that facilities located within the watershed with parking lots of more than ten (10) spaces are prohibited from using sodium chloride for ice control. He noted that straight calcium chloride, magnesium chloride, and/or unsalted sand are acceptable alternatives. He also noted that an annual letter is sent to all commercial addresses within the watershed with 10 or more parking spaces and postcards are sent to all residential addresses within the watershed. He explained that the Water Division conducts quarterly water quality sampling of raw water sources including Muddy River, McKenzie Reservoir, and Pistapaug Reservoir for Chloride and Sodium. He noted an upward trend in both chloride and sodium with the height during the winter ice control season. He also noted that once in the raw surface water sources, both chloride and sodium remain in the water.

Mr. Amwake showed how they check stormwater quality basins to see if they are adequately maintained. He showed evidence of several that are not maintained on Research Parkway. He noted that property owners are responsible for the maintenance.

Mr. Amwake continued with Water Division feedback on the proposed regulation changes. Regarding section 4.9.E.3 in the IX district they recommend not deleting the language "In properties located within the Watershed Protection District, additional parking provisions as noted in Section 4.13.D shall apply." Mr. Talbot noted that they are proposing the same language in both the IX and I-5 districts. He noted that it wasn't included in the proposal. It's unnecessary because it's in another section. All it does is

refer to this section to the Watershed Protection District section. Mr. Talbot stated that he put it back in the latest draft.

Mr. Amwake continued regarding section 4.9.F.5 for the IX. The Water Division recommends the following text revision: "Open space shall promote natural and native landscaping rather than regularly mowed and maintained lawns to limit the application of fertilizers and pesticides." In 4.9.F.6, the Water Division asks for a reorganization of the text to read: "At least 75% of the minimum required Open Space located on properties within the WPD shall consist of undisturbed, natural and native land or other land areas that will be returned to a native or natural state." Chairman Seichter replied that that is already included in the current draft revision.

Chairman Seichter asked for public comment on the proposed revisions to the IX district regulations.

Tim Ryan, Economic Development Commission, stated that the EDC standpoint is trying to grow business responsibly. He stated that responsible business growth and protecting the watershed are not mutually exclusive. He stated that he is aware stormwater basins are not maintained. But this doesn't mean no further development. EDC is charged with trying to generate business to control taxation on the residents. He referenced section 4.9.B.10 on page 1, on outpatient medical treatment facilities versus inpatient facilities. Mr. Ryan stated that typically inpatient is larger hospitals and not taxable. There is limited space that's developable and taxable events in that space is important to our community. Lastly, he referenced page 2 and renewable energy. If industrial zone space is used as a solar or wind farm, it doesn't generate jobs, so would not be the highest and best use. He stated that as an accessory use it would be worthy.

James Wolfe, Economic Development Commission, commented regarding the section requiring open space to be natural and native land. He thinks this is terrific and would help groundwater.

Jen Frechette stated that Mr. Amwake's presentation was excellent. She stated that we can find good uses for this property that don't include warehouses and dirty businesses that will drag down our water supply and increase traffic. She noted that Research Parkway was intended for research, which would be the highest and best use, not warehouses.

Thomas Nagy, 1298 Barnes Road, Wallingford, stated that he is concerned with property values. He understands the Town is trying to raise money to be a better town. He asked that when decisions are made that you keep in mind that you could ruin lives by affecting property values. He asked if someone has applied or asked for these changes and if so, in what area, so we'll know who could be affected. Chairman Seichter replied that the discussion of these modifications started a year or more ago when the EDC suggested considering allowing additional uses. He stated that there have been no discussions about changes to accommodate a specific development. Mr. Talbot added this has been an ongoing discussion and that no one approached the Commission about any of these changes. Mr. Nagy continued that he is not against change. He noted that the people that live in the area need to fight to protect themselves. The Town doesn't look at it from the resident's perspective. The power lines are a

good example. He also noted that it was hard to find out what's going on and to locate the proposed changes. People being affected are not notified. Chairman Seichter will talk to staff about making sure information is accessible. He also suggested calling the Planning office to be put on the mailing list for agendas.

Bob Demaio, 14 Murray Lane, Wallingford, stated that the IX changes are great. He likes the balance of adding uses while incorporating protective measures. He mentioned that he doesn't understand why we would not apply the same restrictions to IX as the I-5. He believed this opens the Town up to liability. He asked the Commission to think about that.

Bill Stuckey, 54 High Hill Road, Wallingford, agreed that manufacturing in the watershed should be a special permit. He asked why we are adding motels and suggested they be removed from both districts. He commented on the existing language for loading docks in the rear. He noted that the backs of the buildings face the neighborhoods with no protection from the noise. Mr. Talbot stated that it's not unusual to find language about screening related to where business properties abut residential areas. Chairman Seichter agreed that the Commission will look at that.

Tim Ryan of the EDC clarified that the discussion of the changes to the regulations started in 2016 at the EDC. He stated that it is not in response to a particular application.

Chairman Seichter turned the discussion to the I-5 district regulations and asked Commission members for any comments.

Commissioner Hine noted that the IX district permits storage and warehousing with certain limited exceptions but not in the watershed overlay district. The I-5 district allows storage and warehousing with an exception for properties in the watershed protection district. He asked why it is not consistent in 4.9.B.5 (IX) and 4.10.B.7 (I-5). Mr. Amwake agreed to check his notes and report back.

Brian Freeman, 5 Hampton Trail, Wallingford, stated that he is opposed due to his concerns about water quality, characteristic of the neighborhood, noise, traffic, and property values. He bought his property in 2007 for the semi-rural feel. He asked that they take into consideration the neighbors. He invested in his property under the existing conditions of the I-5. The changes could negatively affect the residents. He acknowledged that the noise from I-91 is always there and they are used to it.

Kristen Demilio, 677 Williams Road, Wallingford, stated that for more than two years there have been meetings on expanding uses in both zones. She stated that she owns property in the I-5 in the watershed. She added that she is fully committed to the protection of the watershed. She noted that only 10 of her 26 acres are available for development. Her property would not be visible to neighbors. She noted that the meeting information has been publicly available. As a result of these meetings, a determination was made to make any projects proposed around the expanded uses a Special permit. So Planning and Zoning can have full oversight over any development in the watershed. She stated that we

can have clean drinking water and still develop the I-5 area prudently. She urged the Commission to resolve this.

Tim Ryan echoed the comments by Ms. Demilio. He stated that the special permit is the sanctuary. He noted that the EDC not all about tax revenue. The EDC wants clean water and responsible development. He restated that the P&Z has the authority in the special permit to protect the watershed. On page 7, item C.6, lists allowable uses by special permit. People think of manufacturing as a dirty use. He gave an example of a company classified as manufacturing that is actually assembly. This is a very clean use. P&Z has the authority to accept or deny these special permits. He recommended that we try to balance watershed needs and to grow the tax base.

James Wolfe, EDC, referenced item 4.10, paragraph A, which states "locations of land which are accessible to I-91 while protecting the Town's public water supply watershed by requiring high standards of development." He stated that as long as you follow that paragraph and the watershed protection under 4.13, you don't have to limit what can go in there.

Bob DeMaio, 14 Murray Lane, Wallingford, stated that he disagreed strongly with Mr. Wolfe's comment. He thinks it's coming together nicely that the P&Z is taking the initiative to try to find a balance. He noted that there are already a fair amount of uses in the district. He stated that the town shouldn't be chasing shiny objects to fill up the tax rolls. He felt that we can do both, but the safety and protection of the health and well being of residents has to come first. He added that the Commission is on the right track.

Mr. Amwake, General Manager of Wallingford Water & Sewer Division, continued his presentation with section 4.10.C.6 for the I-5 district, and a recommendation for the text be revised to: "Manufacturing, compounding, packaging and assembling materials and products,except for those types of manufacturing listed in section 4.8.B.9 except that any such use on properties located in the Watershed Protection District shall not be permitted." Chairman Seichter noted that that has been included in the latest revision. Mr. Amwake continued with Section 4.10.C.6 and asked for greater clarification in the following "It is requested that 'appropriate parking...to support the specific accessory uses' be defined and contain a maximum limit on the size of the parking area (number of parking spaces) associated with these uses." In Section 4.10.C.8 he asked for greater clarification of uses not allowed as follows: "Indoor and outdoor recreational facilities should be more specifically defined, and the following uses shall not be allowed: Golf Courses and Amusement Parks. Chairman Seichter stated that these are already excluded, but will consider a better definition of indoor and outdoor. Mr. Talbot noted that he welcomed identifying any specific uses that are more problematic than others. Chairman Seichter asked if there are additional indoor or outdoor recreational uses that he recommends excluding.

Mr. Amwake continued with section 4.10.E.3.b regarding covered parking. He stated that the Commission may wish to consider keeping or revising the paragraph on covered parking and underground parking in the regulations as it encourages covered parking, and covered parking in the Watershed Protection District is better than surface parking lots in regards to stormwater runoff quality.

Mr. Talbot added that the covered parking wording would have to be fixed to reflect the current proposed building coverage standards.

Mr. Amwake referenced section 4.10.G.2.b and recommended a text change similar to the IX zone. "Open space shall promote natural and native landscaping rather than regularly mowed and maintained lawns to limit the application of fertilizers and pesticides At least 75% of the minimum required Open Space located on properties within the Watershed Protection District shall consist of undisturbed, natural and native land or other land areas that will be returned to a native and natural state."

Mr. Amwake highlighted section 4.10.A, showing the purpose of the interchange district (I-5) versus the Industrial expansion (IX) district is to use the key location with accessibility to Rte. I-91 while protecting the public water supply by requiring high standards for development. The intent of the permitted uses in the I-5 is in relationship to the adjacent highway, so they are separate and distinct from the permitted uses in the industrial expansion district.

Mr. Amwake wrapped up with the comment that zoning regulations play a significant role in influencing whether the watershed is adequately protected by limiting the use of the land in the watershed to those which do not harm water quality. Since a significant portion of the Industrial Expansion (IX) zone and a majority of the Interchange District (I-5) are within the Watershed Protection District the proposed zoning regulations will harm water quality in the public drinking water supply. The Wallingford Water Division feels that a balance can be established between the needs to protect the public drinking water supply and responsible development. The revisions requested by the WWD to the proposed regulation changes are made in an attempt to strike this balance.

Jen Frechette reiterated that it's not just a few people, but hundreds of homes that are impacted. High volumes of tractor-trailers should not be allowed in the I-5. She did not want to be continuously fighting special permits. She stated that she hopes the Commission will take into consideration the quality of life in this part of town.

Thomas Ringrose, 675 Williams Road, Wallingford stated that the future is electric vehicles and that winters are milder so less salt is used. He noted that if there is salt in the water, Charcoal in the catch basins will suck up all the salt. He noted that he is in marketing and no manufacturers are interested in the 56-acre block behind the Hilton Garden Inn. People worry about warehouses, but the most interest in developing land is warehouses. These are tax dense operations. In the future cost are going up so without a booming tax base, everyone's taxes go up.

Kristen Demilio, the I-5 is an industrial zone that will be developed. As an owner, she is trying to make sure the property is as prudently developed as possible in the best interest of the Town.

Linda Prinzhorn, 10 Martin Trail, Wallingford, stated that she is on Spring Lake. She is concerned that the Town takes care of the watershed that has been destroyed. Sometimes the lake is not very nice. She asked that the town correct what companies have destroyed.

Chairman Seichter asked Commission members for comments on the Watershed Protection District amendments.

Commissioner Fitzsimmons stated that he liked the change in the WPD regarding restricting the maximum number of permitted parking spaces. With 66% of the I-5 in the watershed and 35% of the IX, this is a good move.

Commissioner Kohan commented on Mr. Amwake's presentation regarding section 4.13.B.6. He disagreed with the strikeout and replacement with a less invasive testing process. He would like that strikeout section maintained. He questioned the testing process. Commissioner Kohan asked for a separate session to find out more. For now, he suggested maintaining the existing wording and go back to it at a later point. He believes it adds extra protection for the watershed. Chairman Seichter noted that the Water Division agreed on that change. He agreed to get clarification from Mr. Amwake. Commissioner Hine stated that he looked forward to hearing from the Water Division and relies on their recommendations.

Mr. Amwake stated that this language is very technical and was developed by the Water Division and provided to the Planning Office. Chairman Seichter asked for clarification of the strikeout and replacement in 4.13.B.6 as it appears the more aggressive wording was taken out. Mr. Amwake stated that the Water Division looked at the practicality of operation of staff sampling. They have a water quality team that already tests continuously. They have a state-certified laboratory for water and wastewater. This is something that they had never done in the past. The proposed wording is more acceptable by developers and property owners for managing expectations for water quality basin, oil-water separator, and documentation. He is not opposed to maintaining the language but never used that language.

Commissioner Kohan stated that if Mr. Amwake is willing to leave the original language, he's okay with that. He would like to revisit it as it's an important protection to our watershed. He'd like to review the process.

Ed Bradley, 2 Hampton Trail, Wallingford. He stated that he objected to the strikeouts in 4.13.B.1. The criteria for class AA drinking water are removed. Section 228426 of CT General Statutes defines water quality standards for class A along with water quality classification maps of the water that flows into our reservoirs. The Class A designation, per the state, includes public or private drinking water supplies, fish and wildlife habitat, recreational use, and agricultural or industrial supply. Mr. Bradley stated that he lives in an R18 zone just south of the I-5 district. The only area actually separating the R18 from the I-5 is Hampton Trail with homes on the North. Along with that boundary is open space owned by Cedar Glen homeowners. In the R18 zone are hundreds of people on well water. Some homeowners show high levels of sodium in our wells from runoff from Rt. 68 and Research Parkway. The State map shows a culvert along the West of Rt 91 that traverses into the upper end of the Muddy River. The headwaters of the Muddy River extend almost to the Meriden Line. He has lived here 46 years, through the

disastrous construction of Research Parkway and Bristol Myers that inundated them with floodwater and sedimentation. His concern is with removing that section and feels that the designation Class A should stay in there. He questioned where the Water Department tests quarterly. Is the testing done at the reservoir level or if they come up to where it flows into Spring Lake? As far as the EDC, he questioned if they take into account the adjacent houses, the effects on the ecosystem, the wildlife habitat, and quality of water. He stated that he would like to see the I-5 section be acquired for open space. He plans to meet with the Conservation Commission to see if this can be done.

Chairman Seichter stated that this has been a good discussion and suggested that Mr. Talbot incorporate the comments into another draft. He noted that another workshop was suggested. Commissioner Fitzsimmons stated that he is in favor of seeing a cleaner version of the regs. He'd like to see a hard copy of the Water Department presentation too. He proposed leaving the public hearing open and continue it at another meeting. Commissioner Venoit agreed. He'd like to see a clean document and a hard copy of the presentation. He also agreed with keeping the hearing open for more discussion. Commissioner Kohan agreed to continue the public hearing and to make sure the information is out to the public to review. Commissioner Allinson agreed and suggested that some of the comments be earmarked to agenda items in a clean copy to be reviewed at another workshop or continuation of the hearing.

Chairman Seichter, regarding comments on some of the eliminations in Watershed Protection District regs, asked Mr. Amwake to discuss them with Mr. Talbot.

Commissioner Venoit: Motion to continue the public hearing for Zoning Text Amendment/Sections 4.9 (IX), 4.10 (I-5), 4.13 (WPD), 2.1, 5.1.C., 6.12.B./ PZC #902-20 to the next meeting.

Commissioner Fitzsimmons: Second

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

Chairman Seichter stated that he appreciated all the comments and looks forward to hearing more at the next meeting.

4. Special Permit Revision (in house car washing)/1254 South Broad Street LLC/1254 South Broad Street #411-20

Commissioner Fitzsimmons read the legal notice and noted all correspondence pertaining to this application for the record. Interoffice Memorandum dated February 4, 2020, from Erik Krueger, Senior Engineer, Water & Sewer to Kacie Hand, Town Planner; correspondence from Neil Amwake, General Manager, Department of Utilities, dated May 12, 2020, to Coastland Enterprises, LLC; Inter-Departmental Referral dated November 18, 2020, from Fire Marshal; Memo dated November 25, 2020, from Fire Marshal Mike Gudelski to Tom Talbot, Planning and Zoning; Interoffice Memorandum dated December 7, 2020, from Erik Krueger, Senior Engineer, to Thomas Talbot, Acting Town Planner; correspondence dated December 9, 2002, from Thomas Talbot, Town Planner to 1254 South Broad Street, LLC; Inter-Departmental Referral dated November 4, 2020, from Town Engineer; Site Plan dated June 21, 2019, for 1254 South Broad Street, Wallingford, CT

Dennis Ceneviva, of Ceneviva Law Firm, 721 Broad Street, Meriden introduced John Orsini, the property owner. The property is two acres in an RF zone with an existing building of 11,784 sq ft. In February application 401-20 to revise special permit to allow for car dealer vehicle storage was approved. That approval limited the ability to do car washing or detailing due to the private septic system. Mr. Krueger had said that if there was a tie-into a public municipal sanitary sewer system then the activity of car washing would no longer be regulated in the aquifer district. The applicant obtained permission from the State, the Town, and the Water & Sewer Division and was able to tie into the municipal sewer system. This was done to take the activity of car washing out of prohibited activity. Atty. Ceneviva continued that per Mr. Krueger, car detailing is not regulated if the amount of each hazardous material on-site is less than 2.5 gallons and that the total of all of these materials cannot exceed 55 gallons. He noted that the only hazardous materials used in car detailing are cleaners for the interior of vehicles. None are washed off or removed from vehicles. An oil-water grid separator was incorporated. He asked for the revision to allow not only the storage of dealership vehicles but to be washed and detailed onsite.

Commissioner Kohan stated that he is in favor and asked Mr. Talbot if since they are in an Aquifer Protection District (APD) if they would have to do regular inspections. Mr. Talbot stated yes, due to the APD. Chairman Seichter noted that Water & Sewer has no objections.

Hearing no public comment, Chairman Seichter asked for a motion to close the public hearing.

Commissioner Venoit: Motion to close the public hearing for Special Permit Revision (in house car washing)/1254 South Broad Street LLC/1254 South Broad Street #411-20.

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

Commissioner Venoit: Motion to approve application #411-20 Special Permit Revision for 1254 South Broad Street, LLC to permit car washing and detailing for car dealer use only at a vehicle storage facility located at 1254 South Broad Street as shown on plans entitled Site Plan 1254 South Broad Street, Wallingford, CT dated June 21, 2019, revised to August 21, 2020, subject to:

- 1. Sedimentation Erosion Control Bond of \$3,000,**
- 2. Comments in Interoffice Memorandum from Erik Krueger, Senior Engineer, Water & Sewer Division to Thomas Talbot, Planner dated December 7, 2020, and**
- 3. Comments in Interoffice Memorandum from the Fire Marshal to the Planning and Zoning Commission dated November 18, 2020.**

Commissioner Fitzsimmons: Second

Vote: Fitzsimmons – yes; Venoit – yes; Kohan – yes; Allinson – yes; Chair Seichter – yes
The application is approved.

- 5. Special Permit (Convenience Store/Gas Fueling Facility)/7-11 Inc/1033 North Colony Road #412-20**

Commissioner Fitzsimmons read the legal notice and noted all correspondence pertaining to this application for the record. Letter dated November 16, 2020 from Tom Talbot, Planner, to Alison Kapushinski, Town Engineer; Inter-Departmental Referral, dated November 20, 2020, from Environmental Planner; memorandum from Town Engineer dated 2/3/2020; Inter-Departmental Referral, dated November 18, 2020, from Fire Marshal; Interoffice Memorandum dated December 8, 2020, from Erik Krueger, Senior Engineer, Water and Sewer, to Thomas Talbot, Acting Town Planner; Memo dated December 10, 2020, from Department of Engineering, to Planning & Zoning Commission; Memo dated December 9, 2020, from Alison Kapushinski, Town Engineer, to Tom Talbot, Planner; correspondence dated December 7, 2020, from Thomas Talbot, Town Planner to 7-Eleven Inc.; Engineering Report prepared for 7-Eleven Inc. by Stonefield Engineering & Design, dated October 5, 2020, revised November 5, 2020; special permit site plan for 7-Eleven, Inc. Proposed Convenience Store with Fueling Operations; Land Title Survey for 1033 North Colony Road, Map 37, Lot 29, Wallingford, CT; Traffic Impact Study, Proposed 7-Eleven, 1033 North Colony Road, Wallingford, CT dated November 6, 2020.

Dennis Ceneviva, of Ceneviva Law Firm, 721 Broad Street, Meriden introduced Josh Kline Project Engineer with Stonefield Engineering & Design; James Kimball, project architect from Phase Zero Design Architects; David Sullivan, a project traffic engineer from Malone & McBroom as well as a representative from 7-Eleven.

Chairman Seichter noted that the applicant has yet to receive the wetlands approval and the Commission does not yet have a peer review of the traffic study. He also noted that Mr. Talbot had lots of questions. He suggested that this be a broad overview since the hearing will be continued.

Atty. Ceneviva stated that this parcel is 3.55 acres of which 1.4 acres are the Sonic Restaurant. The original application included two additional buildings on the site. The original approval has lapsed. He stated that they intend to divide the parcel into two parcels, which they can do without subdivision approval. The request is to develop the 2.1-acre southern portion into the 5463 sq. ft 24-hour gasoline/ convenience store. The entrance and exit will match the existing traffic light. Att. Ceneviva stated that they support the Town's selection of the traffic study peer reviewer.

Project Engineer, Josh Kline stated that this will not be a typical 7-Eleven. It will have enhanced architecture. He showed how Meeting House Brook hugs the back of the property. Due to the steep slope at the rear of the property, there is no stormwater management improvement on that side of the property. He noted that there is a flood plain associated with the brook. Mr. Kline reviewed the planned improvements. He stated that they pushed the parking lot and building away from the brook. They will be installing 9000 sq ft of additional landscaping over the previous application. This will include screening around the trash area. The canopy is a 12 MPD fueling canopy with 24 positions. There will be 50 total parking spaces with 7 of them for use by Sonic. He noted that 27 spaces are required. The additional spaces will allow for snow staging which they will not be doing above the brook. Mr. Kline stated that lighting will meet industry standards and town requirements with a focus on pedestrian safety and security. They will be full cut off LED and all dark sky compliant. Regarding stormwater

management, they understand the sensitivity to the brook. Their stormwater management design uses grating techniques and stormwater design to separate the fueling area from the rest of the stormwater management system. They are incorporating infiltration techniques designed to capture a completely different part of the site. This allows them to reduce the amount of water off-site by 30%. They are also reducing impervious surfaces. They are pre-treating 100% of runoff entering the infiltration basin. They are doing a multiphase soil erosion sediment control plan for the project. He noted that the applicant takes the fueling portion very seriously. The equipment and systems are above and beyond the State's requirements.

James Kimball, the architect with Phase Zero Design, Simsbury, CT, presented renderings of the building. He discussed the design of the building and canopy with the intent to create a building with a New England character.

Commissioner Kohan asked if it's blacktop or colored pavement. Mr. Kline replied that it will be a combination of concrete and asphalt, concrete along with the buildings and asphalt in the aisles.

Commissioner Hine asked if electric vehicle charging stations would be provided. Atty. Ceneviva replied that they would check and report back at the next meeting.

David Sullivan, a traffic consultant with Malone and McBroom, New Haven., explained the scope of their study. They determined the impacts and what needs to be done to mitigate those impacts. They made recommendations and prepared the traffic study which has been given to the peer reviewer. They also sent it through the encroachment permit to the Division of Traffic in Newington. Key findings include a projection for high traffic volume. He explained that they expect their mitigation efforts, including road widening on the site side, a left turn into the site, and a double left turn out of the site, will be effective.

Commissioner Fitzsimmons referenced the volume to the capacity ratio on page 7 "the table only shows overall conditions for North Colony Road at the Rt. 15 Northbound ramps because traffic volumes into and out of Yale Avenue which is part of the clustered intersection were not available". He asked for an explanation at the next meeting. Mr. Sullivan stated that they have done a further analysis and provided it at the DOT's request. He stated that they are still working with the DOT on that intersection.

Commissioner Kohan stated his concern with Yale Avenue as well.

Hearing no public comment, Chairman Seichter asked for a motion to continue the public hearing to the January meeting

Commissioner Venoit: Motion to continue the public hearing for Special Permit (Convenience Store/Gas Fueling Facility)/7-11 Inc/1033 North Colony Road #412-20 to the January meeting.

Commissioner Fitzsimmons: Second

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

NEW BUSINESS

6. Site Plan (multi-family conversion)J. Ostrofsky/19 North Street #214-20

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record. Correspondence from the Fire Marshal's office to Planning and Zoning, dated September 15, 2020; letter from the Planning and Zoning office to the applicant on September 16, 2020; letter to Tom Talbot, Acting Town Planner on October 2, 2020, from Erik Krueger, Senior Engineer, Water & Sewer Division; email from the applicant to the Planning and Zoning Office dated October 13, 2020; email to the Planning and Zoning office from the applicant November 6, 2020; updated comment from the office of the Fire Marshal dated October 14, 2020; Site plan prepared for Jordan Ostrofsky, 19 North Street, Wallingford, CT, dated July 15, 2020.

Jordan Ostrofsky, 19 North Street, Wallingford, explained that he has owned the property since 2008 and he wants to convert the two-family house to a three-family. He does reside there. It's in an R6 zone.

Mr. Talbot stated that all his comments have been addressed on the map. The last concern is with the driveway which is encroaching on the next-door neighbor's property. The applicant was asked to get an easement. The office needs evidence that the easement is filed on the land records. Otherwise, the plan complies.

Hearing no public comment, Chairman Seichter asked for a motion on the application.

Commissioner Venoit: Motion to approve application #214-20 Site Plan for Ostrofsky to add a third dwelling unit on the third floor of an existing two-family home as shown on plans entitled Existing Conditions Survey for Jordan Ostrofsky., 19 North Street, Wallingford, CT dated July 15, 2020, revised to October 16, 2020, subject to:

1. **Comments from Thomas Talbot, Planner, to Jordan Ostrofsky, dated September 16, 2020, including \$500 site sedimentation and erosion control bond;**
2. **Comments in Interoffice Memorandum from the Fire Marshal to the Planning and Zoning Department, dated September 15, 2020;**
3. **Comments in Interoffice Memorandum from Erik Krueger, Senior Engineer, Water & Sewer Division to Thomas Talbot, Planner, dated October 2, 2020;**
4. **Completion of site work parking before issuance of a certificate of occupancy for a new apartment; and**
5. **Filing of driveway easement as shown on plans on the Wallingford Land Records before issuance of a certificate of occupancy for a new apartment.**

Commissioner Fitzsimmons: Second

Vote: Fitzsimmons – yes; Venoit – yes; Kohan – yes; Allinson – yes; Chair Seichter – yes
The application is approved.

BOND RELEASES AND REDUCTIONS

7. **Site Plan (parking area)/Benhaven, Inc./125 North Plains Industrial Road #202-20)**
Mr. Talbot stated that this one can be released.
8. **Site Plan (parking area)/Adams Landing/90 South Turnpike Road #219-10**
Mr. Talbot stated that this one can be reduced from \$10,000 to \$5,000.

Commissioner Venoit: Motion to release and reduce the bonds as recommended by Mr. Talbot.

Commissioner Fitzsimmons: Second

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

REPORTS OF OFFICERS AND STAFF

9. ZBA Decisions – no questions from Commissioners

10. ZBA Notice – It was noted that the wrong Legal Notice was included.

11. Zoning Enforcement Log

Commissioner Kohan asked for a status of the winery that is still on the violation logs. Chairman Seichter asked Mr. Talbot to follow up with Mrs. Torre and ask her to get back to Commissioner Kohan.

12. Food Truck Regulations

Mr. Talbot reviewed the initial draft to put some of the Commission’s concerns into the regulations. He identified all the existing sections that referenced food trucks. He drafted wording to regulate food trucks at wineries in a fair and consistent manner. He noted that the existing regulations allow for food trucks on all properties in residential districts. He noted that there is a section that deals with food trucks in several different districts. He attempted to combine the language to remove the contradictions and confusion. He invited feedback.

Chairman Seichter stated that the original concern was with the wineries, cideries, and breweries and the allowance of food trucks at wineries under the Governor’s Executive Orders. He stated that our regulations do not permit that. He called attention to attachment 11A from the Corporation Counsel. She raises some good questions regarding what we want to consider, for instance in residential zones, or an accessory use vs. a separate use. Chairman Seichter stated that we need to think about this before we draft regulations.

13. Administrative Approvals

a. Survey Waiver/Nolan/235 New Cheshire Road #817-20

b. Change of Use/Rogers/237 Hall Avenue #311-20

No comments were made regarding these approvals.

Commissioner Venoit: Motion to Adjourn the December 14, 2020 Planning and Zoning Commission at approximately 12:20am and wish everyone happy holidays.

Commissioner Fitzsimmons: Second

Vote: Unanimous

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary