

PLANNING & ZONING COMMISSION

MONDAY JANUARY 11, 2016

7:00 P.M.

ROBERT F. PARISI COUNCIL CHAMBERS

TOWN HALL

45 SOUTH MAIN STREET

WALLINGFORD, CT

**MINUTES**

**PRESENT:** Chairman James Seichter; Commissioners Jeffrey Kohan; James Fitzsimmons; Larry Zabrowski, Alternate; Armand Menard, Secretary; Kacie Costello, Town Planner.

**NOT PRESENT:** J.P. Venoit, Vice-Chair; Alternates Rocco Matarazzo and David Leonardo.

Not heard tonight-Items:

**#506-15** – Zoning Map Change/(RM-40 to RU-40)/Bennett/portion of 37 Harrison Road;

**#101-15** – Resubdivision (1 new lot)/Bennett/104 Harrison Road;

**#241-15** – Site Plan Modification (approved Special Permit Use)/Cariati/70 North Plains Ind. Rd.

**Approval of Minutes**

**PUBLIC HEARINGS**

1. Zoning Map Change (1-40 to DA overlay)/JFA Mgmt./ - **#505-15**

Secretary Menard read the Legal Notice and noted all correspondence into the record: letter received January 4, 2016 from JFA Mgmt. to Kacie Costello, Town Planner; Interoffice memorandum dated December 23, 2015, to Kacie Costello, Town Planner, from Erik Krueger, Sr. Engineer, Water & Sewer Divisions; Planning & Zoning Inter-Departmental Referral received December 17, 2015 from Mark Gaduski, Fire Marshal; Dept. of Engineering to Planning & Zoning received January 8, 2016.

Appearing in front of the Commission was Atty. Timothy Lee, Fasano, Ippolito & Lee, representing the Applicant JFA Mgmt; Dan Kroeber and Steve Ditsko of Milone & MacBroom.

Atty. Lee said the Applicant is requesting a change to the zoning map of two small parcels, one being approximately 2.4 acres and the other 2.7 acres, from the I-40 zone to the DA (downtown apartment) district. He noted that 2.2 acres will be changed to DA overlay, with the remaining acreage will be retained as an I-40 district. He said if the P&Z approves this application, the Applicant will then submit a Special Permit application to the P&Z to allow the development of residential units on these two properties which will be combined into one property. Atty. Lee said the property is close to the new proposed railroad station. He noted the Parker Place apartment complex, which is also owned by the Applicant, will be operated together and consistent with the Transit Oriented District, (TOD) and the Plan of Conservation and Development (POCD). He cited the letter from Ms. Costello which stated this application was consistent with the TOD and POCD.

Ms. Costello said this proposal presumably lead to an application for a multi-family development which is consistent in terms of potential development in the TOD area and with the POCD. She said her letter contained recommendations from the current POCD specifically the residential use which will likely be supportive of business development in the area in adding a residential density. She said this is consistent with the recommendations in the Economic Development Downtown section which recommends the encouragement of provision of new housing units in appropriate locations. Ms. Costello said this could potentially be considered an appropriate location.

Mr. Kohan asked Ms. Costello if this development would fall within the Incentive Housing Zone (IHZ). Ms. Costello said the IHZ ends on the south side of Parker. Mr. Kohan said he liked the fact that it was stated this application was consistent with the POCD and the wording sets a nice precedence. Mr. Fitzsimmons asked about the number of units proposed. Atty. Lee said an estimate, and noted in the DA zone, there is a sliding scale for density. He said with a one room apartment, there can be 35 units per acre, and there being 5 ½ acres, the maximum is 150 apartments. He noted if there are five room units, there could be 45 units per acre. He said the range is between 45 to 150 units, but noted the Applicant will be coming before the P&Z in a few months with a mix of studio, one bedroom and two bedroom apartments. He speculated there would be 100 to 120 units.

Chairman Seichter asked how accurate the sketch being presented tonight is. Atty. Lee said the architect who designed the project will be designing the rendering which should be fairly accurate. Chairman Seichter asked again, what the anticipated mix of apartments would be and asked about the type of apartments on Parker Place. Mr. Ditsko said there would be 118 one-bedroom units, and two two-bedroom units for a total of 120 units. Chairman Seichter asked the reason for leaving a ½ acre in the I-40. He said it would be more consistent to have the zone changed on the two parcels, rather than leaving a little sliver as I-40. Atty. Lee said that sliver of land is being exempted out to make equal size plots.

#### Public Comments

Beth Branchinski of 21 Lincoln Street asked about a business in the area. Chairman Seichter said that business would relocate to another part of Town. Ms. Costello said the underlying zone would remain the same, but until that business comes in with an application to construct the residential units and they are built, the business could remain. Ms. Branchinski said this DA zone was a good idea. Jim Wolf, member of the Economic Development Commission said this application was reviewed at the January 4<sup>th</sup> EDC meeting, and are all in favor of it. Katherine Hansen, 360 Washington Street asked about the project timeline. Mr. Ditsko said about two years. Ms. Hansen asked about a highrise. Mr. Ditsko said it would be a three-story building and showed Ms. Hansen the architectural rendering. Ms. Costello recommended January 15, 2016 as the effective date.

Chairman Seichter entertained a motion to the Public Hearing.

**Mr. Fitzsimmons: Motion to close the Public Hearing at 7:32 p.m.**

**Mr. Kohan: Second**

**Vote: Unanimous**

Chairman Seichter entertained a motion on the application.

**Mr. Fitzsimmons: Motion to approve a Zone Change (Map Amendment) for JFA Management to add a DA (Downtown Apartment) Overlay zone to 75 Parker Street and 367 Washington Avenue, as shown on map entitled "Location Map, Depicting Proposed Zone Change from I-40 to DA, 75 Parker Street and 367 Washington Street, Wallingford, CT", dated December 10, 2015, and described in the parcel descriptions labeled "2907-11-2-d715-1-idnotes" and 2709-11-2-idnotes", received December 10, 2015, effective 1/15/16, subject to:**

1. **Comments of the Water & Sewer Department Sr. Engineer, dated 12/23/15.**

**Reason for the amendment: the request is consistent with the Town's intention to develop a Transit Oriented District (TOD) and supportive of the Town's Plan of Conservation & Development (TOCD).**

**Mr. Kohan: Second**

**Vote: Kohan-yes; Fitzsimmons-yes; Menard-yes; Zabrowski-yes; Seichter –yes**

**Application approved**

2. **Zoning Text Amendment (Sec. 4.2E.3)/Paradise Hills Vineyard/Farm Wineries - #507-15**

Secretary Menard read the Legal Notice and read all correspondence into the record: letter from Mike Miller, 184 Williams Road, Wallingford, to the Planning & Zoning Commission dated January 5, 2015; Letter from Michael Glidden, dated January 4, 2016, to Kacie Costello, Town Planner; letter from Kacie Costello, Town Planner, dated January 6, 2016, to Atty. Daniel Mara re: Zoning Amendment Application; letter from Karen Marotta, 184 Williams Road, Wallingford, to the Planning & Zoning Commission; Interoffice Memorandum from Erik Krueger, Sr. Engineer, Water & Sewer Divisions, to Kacie Costello, Town Planner, dated December 23, 2015; letter from Ed Makepeace, 50 George Washington Trail, Wallingford, to Robert Baltramaitis, Engineering Dept., dated Dec. 31, 2015; interdepartmental referral notice of proposed development dated December 15, 2015, from Mark Gaduski, Fire Marshal; letter from Joseph Mirra, Chairman Economic Development Commission, dated January 8, 2016 to Planning & Zoning Commission; letter from Dee Prior Nesti, Quinnipiac Chamber of Commerce, dated January 11, 2016, to Planning & Zoning Commission; letter from Barbara Maimberg, of Long Wharf New Haven, dated January 7, 2016 to Kacie Costello, Town Planner; Letter from Atty. Daniel Mara, dated January 10, 2016, to Kacie Costello, Town Planner; letter from Brenda Ruggiero, sent January 11, 2016 to Albert Ruggiero;

Appearing in front of the Commission was Atty. Daniel Mara, representing Paradise Hills Vineyard & Winery and Albert Ruggiero, President, Paradise Hills Vineyard & Winery. Atty. Mara thanked Ms. Costello and staff for their assistance. He said the Applicant has paid attention to comments from Town Staff and neighbors and have amended the proposals. Atty. Mara went through the proposed new regulations which he noted were different from the past regarding the definition and permitted uses, what events can be undertaken at the winery, and a site plan.

Atty. Mara spoke about adding to the definition taking language from the CT General Statutes which identify a wine manufacturer's permit as being a farm winery being a farm where wine is sold. He said the Applicant added more specificity, i.e., "where fruit is grown, wine & wine products are made, the wine products are identified as wines and brandies distilled from grape products other fruit products including grappa, eau de vie, brandies, ciders and hard ciders as identified in the CT Statutes which are manufactured, stored and sold, and meet the requirements of the CT General Statutes". Atty. Mara said this adds more bulk as to what a farm winery is.

He spoke about the second part of the proposal which deals with activities and promotion of the sale of wine. He said the current Town regulations don't expressly contemplate the furtherance of sales; they identify a farm winery as a place where wine is made and sold. Atty. Mara also spoke about the site plan requirements for what a farm winery is and noted there is no definition or expansion on what can be done for wine sales. He said wineries sell their products by allowing tasting, over the counter sales by individual bottles or case and by the glass for consumption on the premises. He spoke about bulk sales which are allowed by CT General Statutes which involve selling the wine in sealed containers of not more than 15 gallons,

shipped off-site to a warehouse, processor or distributor and told the Commission the Applicant is looking for this to be set forth in the new regulations. Atty. Mara said the wineries in Town already have tasting rooms and sell by the glass and bottle as approved by the Town and sell by bottom and case. He said the Applicant is looking for this to be specific and explicit in the Regulations as opposed to implied or understood.

Atty. Mara spoke about the bulk sales which he said doesn't affect the public and said this is sanctioned by the CT General Statutes. He said the Applicant is seeking an express recognition of this in the Wallingford Zoning Regulations. Atty. Mara said the Applicant would like to sell incidental souvenirs and non-wine products, i.e. t-shirts, hats, corkscrews and are looking for a limited right to sell cold pre-packaged food and other non-alcoholic beverages. He said both are important for people who attend the winery. He said it is important when alcohol is served to pair it with food. Mr. Mara spoke about people bringing their own food to the winery. He said the Applicant would like this to be expressly allowed by the Town's Regulations. Atty. Mara said the Applicant would like to serve hot catered food at a limited number of proposed events.

Atty. Mara said the Applicant would also like to conduct a certain number of promotional and other types of events, i.e., four promotional events during the course of a calendar year which would be an anniversary day, an Italian night and Mother's Day events which would generally be open to the public and include the serving of hot food and entertainment. He said the Applicant would also like express consideration to conduct marketing events which occur during regular operations and would be open to the public. He said the marketing events would include advertising for President's Day, Valentine's Day. He said the Applicant would also like to conduct fundraisers, which would be open to the public and occur during regular business hours. He said the Applicants don't want to become an event or banquet venue or charge a fee for these venues. He said the Applicant wants to be able to open the property to serve the people in a better way. Atty. Mara said the Applicant wants to have closed private events once a month, i.e. a corporate lunch or dinner or a private party which could be catered to occur once a month. He said the Applicant is looking for four promotional events and the rights to do marketing and fund-raising events.

Atty. Mara spoke about amplified outdoor music in connection with the four promotional events only. He said the Applicant would like to have recorded music any day which stops at 9 p.m. and unamplified live music, outdoors in the summer which stops at 9 p.m.; amplified live music indoors during the spring and winter that stops at 9 p.m. and amplified live music during the four promotional events. He said the Applicant finds this consistent with the RU-120 zone which is to encourage continued agriculture use in addition to residential use. Atty. Mara said the RU-120 zone allows the sale of wine and the request is consistent with this. He said the Applicant does not want to do anything other than be a winery and everything suggested is secondary to this.

Atty. Mara addressed the music volume which he said has been discussed numerous times with the Commission and also the enforceability of the music volume. He said the music proposal is now part of the condition of approval and is subject to zoning enforcement. Atty. Mara said Ms. Costello questioned "reasonable" as being too broad of a term. He pointed out that if a reasonable definition cannot be obtained, the noise ordinance will take over. He reminded the Commission the noise ordinance allows up to 55 decibels up to 8 p.m. at the property line and 45 decibels past 8 p.m. at the property line. He said 45 decibels is basically a whisper and noted he recorded 50 decibels before tonight's meeting with just the auditorium fans running. He cited a noise ordinance report submitted to the Town a few years ago which stated the vineyard's activities fell within the Town's noise ordinance.

Mr. Kohan said he had no problem with the bulk sales, but pointed out some of the ambiguities center on the Applicant not wanting it to be a banquet facility, and noting there have been events with catered food. He spoke about item 5 regarding the regulation regarding 100 peak hour peak vehicle trips with the events and questioned how regular and special events could be differentiated. He said he sees this as being unenforceable and not being part of the regulations. Mr. Kohan said he had no issues with the indoor music, but wondered if there had been any live indoor music events and the neighbor's reactions. Mr. Ruggiero said he has had live indoor music events in the past, and said he didn't think this was an issue with the neighbors. Mr. Ruggiero said the neighbors may have had a problem with amplified outdoor music, and noted in this new proposal, that will be eliminated except for promotional events. Mr. Kohan said he is not in favor of the outdoor music. He said he has been to many wineries here and in California, and is not familiar with wineries provided outdoor music. He said this didn't fit the character of the neighborhood.

Mr. Fitzsimmons said he could support the souvenir shop and didn't have an issue of the sale of products on a wholesale level, but noted there was a lot of information presented tonight. He said he looked through the zoning book and the last POCD and pointed out the zoning book calls his facility a farm winery. He said the issues break down to that this is a combined Planning & Zoning Commission and because the winery is located in a rural residential area, this presents a challenge. He said Paradise Hills was a victim of their own success. Mr. Fitzsimmons said the noise issue is not like a noisy neighbor because it is a farm winery which could potentially generate noise and unlike the Oakdale and the nearby residences which have been in Wallingford a long time, Paradise Hills is relatively new facility. He said he supported the original application and supports the business, but the concern is how the request for amplified outdoor music will be addressed. He said he doesn't have an issue with inside music as long as it doesn't impact the neighbors. He said he doesn't want to create a zoning enforcement problem.

Mr. Fitzsimmons said he has attended events at Paradise Hills and said the regulation change will affect Paradise Hills, Gouveia and any other farm winery which could open in the future. He said parking has to be better addressed. He spoke about photographic evidence presented at

past meetings which he said was alarming. Mr. Fitzsimmons asked about Health Dept. comments. Ms. Costello said she spoke with the Health Dept. and noted any modification and changes would require site plan approval and any activity would be subject to the Health Code, i.e., food service. Mr. Fitzsimmons said there needed to be Health Dept. and Water & Sewer comments on the record in order for the Commission to consider this application. Mr. Zabrowski asked how the decibel level would be monitored. He said this would be tough to enforce. Atty. Mara said music has been monitored in the past, and violations are subject to police enforcement. He noted there is an active neighborhood nearby whose residents would probably monitor for noise and noted they can have speakers outside on their decks. Atty. Mara said the Applicant is adhering to the Town's noise ordinance and cited Oakdale.

Mr. Menard asked Ms. Costello about the noise from Bristol-Myers Squibb when the State had to be involved. He said with Oakdale, it was his understanding the State regulates sound. Ms. Costello said there is a Town ordinance which regulates noise based off of and consistent with State regulations. She said the State doesn't have the resources to actively enforce the Regulations. Chairman Seichter said the idea of ancillary sales is not objectionable, but with four events, monthly events and time to time events, are nebulous and don't work. He said he would consider allowing some special events but needs to be looked at more. Chairman Seichter said as far as the music, is to not to allow any type of amplified music, because the enforcement is questionable. He said he is not in favor of any outdoor amplified music. Ms. Costello said several of her comments were addressed, but had some technical comments. She said there are two main questions and four options for music in which the Applicant has proposed a variety of options. She said she believes the Commission would not support amplified outdoor music but is not clear on how the Commission stands on unamplified outdoor music or the amplified indoor music.

Ms. Costello spoke about the event combination and what it would look like from the outside and the number of people. She said she wasn't clear on what the difference was between a promotional event and a marketing event. She said from a land use standpoint, whether it is a charitable event or not, the land use impact is the same. She also spoke about the music proposals and asked if there would be music during the events listed and was this included in the proposed restrictions for the music. Atty. Mara said the type of music would be inside, playing the radio, unamplified and amplified live music inside. He said the Applicant wants to be able to play the radio outside, and to have unamplified music outside. Atty. Mara said the only time the Applicant wants to have amplified outdoor music is during the four promotional events.

#### Public Comments

Eric Kurpse, New Milford, said he has been to Paradise Hills Vineyard at least 100 times and has never seen a car parked outside of their property. He said music, wine and bars go together and noted he was a musician and one can't compare Oakdale with Paradise Hills. He noted the volume at a football game is louder than any music ever played at Paradise Hills. He said the

Commission wasn't being respectful of a family business that is trying to work within the law and respect the neighbors.

Dave Feda, 1308 Scard Road, said he is the Dept. Head at Platt Tech and teaches electronics. He said he was a neighbor of the winery and there is a way to monitor the sound with an audio compressor and is possible to have it self-regulate. He explained that if the volume went above the allowed decibel level, the audio compressor could be set to automatically turn the volume down.

Joel Colello, 1056 Durham Road, said he was in favor of the application and asked the Commission to grant the request. Rachel Czerniewski, 6 Windswept Hill Road, asked the Commission to give the proper review and allow the people in Town directly impacted by any change in the Farm winery regulation proper review and time for feedback. She suggested possibly having another workshop on the issue. She said she opposed any changes to the farm winery regulations.

Sharon Grindle, 46 Farm Hill Road, said she and her husband often visit the Paradise Hill Vineyards and both being CPA's, understand how the business is run. She said the Ruggiero's put their all into the business. Ms. Grindle spoke about the music and stated they have gone out to the end of the driveway and listened and is not as loud as when the Trail of Terror is operating. She said if the Commission won't allow the vineyard to have unamplified outdoor music, but allow other entities to do this, it is wrong. She said when she tells people she is from Wallingford, they speak about the vineyards. Ms. Grindle said they have been at the vineyard various hours and have never observed the owners doing anything that should result in this long-term debate as to what they can't and can do. She said she has seen music at other vineyards around the state.

Dave Grindle, 46 Farm Hill Road, spoke about the comment of Mr. Ruggiero being a victim of his own success. He said this is a poor message to people who have businesses in Town or who are considering starting a business.

Ed Makepeace, 50 George Washington Trail, said she was on the Commission in the late 80's when RU-80 zoning was established. He said this type of zoning was very restrictive. He went over copies of notes from 1999 when the winery regulations were finalized. He noted that former Town Planner Linda Bush said that the vineyards would be established by site plan and her suggestion was that there would be no more than 20 cars, including those of employees. Mr. Makepeace also noted that farm wineries now only have to grow 25% of their grapes which he said was hard to imagine. He said on Oct 13, 1999, Mr. Gouveia made a statement that he was already operating a winery and there were more than 20 cars on site. He said Ms. Bush replied this was a residential zone and these wineries would draw more traffic to Town. He said Ms. Bush emphasized this was a residential zone and wanted to be fair to the property owners. Mr. Makepeace said when these farm stand regulations were written, it was anticipated that

agriculture use would be what was expected. He said it now has been successful beyond expectation. Mr. Makepeace said his property abuts the vineyard and he is trying to protect his property. He talked about the amplified music and the vineyard possibly having more events. He spoke about car counts and noted that on Mother's Day, there were 283 cars at Gouveia Vineyards. He said he returned on Oct. 10, at 3 p.m., he counted 303 cars. He distributed photos he took on Sunday, Oct. 11, to the Commission which he said showed 423 cars at Gouveia vineyards, with 66 cars parked across the pond.

Mr. Makepeace said on one particular Saturday, he noted that three quarters of the cars on Whirlwind Hill Road were coming from the vineyard. He said the vineyards have expanded far beyond the former Town Planner and Commission's expectations. He said these vineyards have become a major traffic generator. He said the six houses on Windswept Hill Road shouldn't be subjected to this traffic and believes the Regulations should be protecting the property owners rights.

Karen Marotta, 184 Williams Road, said she was opposed to amplified music anytime. She said the winery is located uphill from her property and sounds carry from the winery from the Muddy River. She said last year was atrocious with the noise and the amount of events is confusing to her. Ms. Marotta said the traffic is dangerous. Jim Wolf, member of the Economic Development Commission said the EDC had voted last Monday in favor of this proposal. He spoke about the traffic counts and noted everyone is subject to being inconvenienced from time to time in a community. Richard Highland, 7 Windswept Hill Road said he was in favor of the proposal. He said traffic is not an issue and is being blown out of proportion. He said the wineries are good for the community.

Peter Czernlewski, 6 Windswept Hill Rd, said he was against the proposed change and said this is not appropriate for the neighborhood. Mr. Czernlewski said during the events there were hundreds of cars at the winery at one time and could turn into thousands of cars, and this is the problem. Mark Popolizzio, 3 Mettler Drive, spoke about the traffic around Oakdale and how people learn to live with it. He said Wallingford is a fantastic place to live and doesn't understand why this issue is a problem.

David Jones, 8 Windswept Hill Road, spoke about lights from the vineyard blinking in his kitchen. He noted Paradise Hills Vineyard is a winery not an event center. Nick Lombardi, 27 Grieb Road, supported the Applicant. He asked the Commission to look at the other wineries in the State and take note at what they have done. Elizabeth Hackett, Windswept Hill Road, said she is in favor of the proposal. She said she lives next door to the winery and hardly hears the music and said nothing should stop Paradise Hills from having music. Sandy Kovac, Windswept Hill Road, said she lives directly in front of Gouveia Vineyards. She asked the Commission to take into consideration the sound of the music which she noted was more pleasant than the sound of peoples voices. She spoke about the traffic and said it was inconvenient, but welcomed what the vineyards bring to Wallingford.

Kaitlyn Makepeace, 50 George Washington Trail, spoke about the hard cider and brandy saying introducing hard liquor in a rural residential area is not a good idea and should be taken into consideration. Alesia Manacone, 55 Clearview Drive, said she lives in Goshen and has three wineries and the Goshen fairgrounds within a few miles of her residence. She said what Paradise Hills is requesting is what every vineyard on the wine trail is already doing. She said this isn't a huge impact and should support the businesses in Town. Vivian Jones, 8 Windswept Hill Road, said Paradise Hills driveway abuts her yard. She present photos of cars parking at the vineyard and spoke about the proposed regulation revisions which she said were vague. She said the wineries should be kept as farm wineries. Ms. Jones also spoke about the poor sightlines on the road and the large amount of traffic. She said the traffic and the music is not meant for this area. She said the tasting room was a good addition, but there shouldn't be anything more.

Rich Ruggiero, 15 Windswept Hill Road, founder of Paradise Hills Vineyard and Winery, addressed some of the neighbor's concerns. He spoke about the roads, Scard and Whirlwind Hill Roads, which he said are not curvy and windy but have been widened and repaved. Mr. Ruggiero spoke about the 25% grape requirement. He said the grapes just have to be grown in CT, not necessarily on his farm, noting he purchases from three other farms in CT and continues to plant more grapes each year. Mr. Ruggiero said the vineyard is licensed to stay open until 9 p.m. and the one bathroom for the 66 seats was approved by the P & Z and did not increase the tasting room area. He said a study by the Liquor Commission and Dept. of Consumer Protection revealed no violations and no noise or traffic impact on the neighborhood. Mr. Ruggiero spoke about the car count sent to him by Ms. Costello. He said he believed Mr. Makepeace conducted the study himself and should not be considered as evidence. He said his sound study by a Doctor of Audiology, resulted in no impact on the neighbors. Mr. Ruggiero said he is asking for four outdoor events with live amplified entertainment and special events once a month, while boils down to 16 days of events out of 365 days. He said Paradise Hills should be allowed to continue charitable fundraisers which have been done for over 10 years. He said Paradise Hills is only doing a small fraction of what the other 32 wineries do on a daily basis and asked the Commission to grant the request which he believed was not unreasonable.

Christine Jasinski, 181 Old Stagecoach Road, Meriden, said she and her husband frequent the Paradise Winery two to three times a year. She said the music is soft acoustic and is not loud. She said the traffic volume is blown out of proportion and would like to see this application approved.. Arnold Schloemann, 41 Country Club Lane said the traffic was not a problem. He noted he has gone to the other 32 wineries in the state and noted they were all in a residential area. He pointed out the tourism in the state has increased because of the wineries and asked the Commission to approve everything.

Laura Miller, 184Williams Road, said she loves Paradise and Gouveia, but was concerned about food safety, but believed the issue was addressed. She said she was concerned about the music and had been in attendance where the music was still playing after hours. She said because of

the ridge where she lives, the sound is amplified and would hear word for word. She wondered about managing the events and whether all the regulations would be followed. Joseph Gouveia, 1339 Whirlwind Hill Road, owner of Gouveia Vineyards. He spoke about the traffic and asked people to come now to see how little traffic there is. He said he can prove that there is less business now than in 2011 because there are more breweries around, so it is important to let us do more events. Mr. Gouveia said food is important and noted the wineries are the only establishment which is not allowed to serve food with alcohol. He said he is acceptable with cold food.

Mike Miller, 184 Williams Road, said the Ruggieros seem like good people, but objects to the change to allow amplified music. He said before the cease & desist order, the music was loud and sometimes obnoxious. Colleen Makepeace, 50 George Washington Trail, said she agreed that Paradise Hills Vineyards is a wonderful place to visit, but noted the requested changes seem more appropriate in a commercial zone. She said she objected to any outside amplified music because it is disruptive to her environment and should adhere to the current regulations.

Chairman Seichter noted this Public Hearing and the Application will be taken up at the February 8th Meeting.

**NO ACTION TAKEN-PUBLIC HEARING AND APPLICATION CONTINUED TO THE FEBRUARY 8th P & Z MEETING.**

Atty. Mara said a violation is a violation; if the music is too loud or plays after hours, it is enforceable. He said the Applicant has been vocal and transparent about their wishes. Chairman Seichter asked for a motion to continue the Public Hearing.

**Mr. Fitzsimmons: Motion to continue the Application and Public Hearing to the Feb. 8<sup>th</sup> Meeting at 7 p.m.**

**Mr. Kohan-Second**

**Vote: Unanimous**

**OLD BUSINESS**

5. Site Plan Revision/Rocha/682 South Colony Road (Dunkin' Donuts) - #239-15

Secretary Menard noted all correspondence for the record: letter from Town Planner Kacie Costello dated January 4, 2016, to Manual Rocha; Inter-Departmental Referral dated December 1, 2016 from Mark Gaduski, Fire Marshal; Inter-Departmental Referral dated December 1, 2016 from Mike Gaduski, Fire Marshal; Inter-Departmental Referral dated Dec. 1, 2015 from Erik Krueger, Sr. Engineer, Water & Sewer Divisions; Memo from Dept. of Engineering to Planning & Zoning, dated January 7, 2016.

Appearing in front of the Commission was Manuel Rocha, owner/Applicant and Erica and Erin Rocha. Mr. Rocha said the drive-thru alignment was approved for S. Colony Road, but the DOT wouldn't issue the permit because they didn't like the plan which would allow vehicles to drive in front of the store. He said the concern was based on the traffic flow, there would be a dead stop of traffic if the drive-thru was busy. He said he spoke to Ms. Costello and devised another plan which was to close the entrance on Willard Avenue. He said one of the original site plans before coming to the Commission was to close this entrance because of erratic traffic patterns. Mr. Rocha said by moving the drive-thru, the traffic will move around the parking lot instead of onto Rt. 5.

Mr. Fitzsimmons asked about large trucks will deliver because of the new plan. Mr. Rocha said currently the truck drives up and doesn't use the Willard Avenue entrance and will drive in through the north side, not interfering with parking. He said there also will be no early day deliveries which are during the middle of the night, with the long trailers doing once a week deliveries. Ms. Costello said Mr. Rocha is in a tough situation and has made valiant attempts to address every condition of approval. She requested the original conditions of approval along with the January 7, 2016 letter regarding driveway width in the rear be continued.

Public Comments-None.

Mr. Rocha said the purpose is to make the situation better and safer for everyone.

Chairman Seichter entertained a motion on the application.

**Mr. Fitzsimmons: Motion to approve a Site Plan Revision (parking lot), to modify the approve site traffic circulation and curb cuts for 682 South Colony Road, as shown on plans entitled "Site Modifications, 682 South Colony Road, (Route 5), Wallingford, CT", dated 6/12/15, updated to 10/16/15, subject to:**

- 1. All the original conditions of the original site plan approval from the #221-15 approval remain in effect:**
- 2. Additional comments of the Town Engineer dated 1/17/16 as submitted**

**Mr. Kohan: second**

**Vote: Kohan-yes; Fitzsimmons-yes; Menard-yes; Zabrowski-yes; Seichter-yes.**

**Application approved**

6. Site Plan (Phase 2)/AMAZON.COM.DECD/29 Research Parkway - **#240-15**

Secretary Menard noted all correspondence into the record: Letter from Langan Engineering dated December 3, 2015 to Kacie Costello, Town Planner; Letter from Langan Engineering to Wallingford Planning & Zoning Commission dated December 1, 2015; Letter from Langan

Engineering to Town Planner Kacie Costello, dated December 1, 2015; Letter from Kacie Costello, Town Planner, to Rick Diedrich of AMAZON.COM/DEDC, dated January 4, 2016; Checklist dated December 29, 2015; Inter-Departmental Referral dated December 3, 2015 by Mark Gaduski, Fire Marshal; Interdepartmental Referral dated December 3, 2015 from Erin O'Hare, Environmental Planner; Interoffice Memorandum from Erik Krueger, Sr. Engineer, Water & Sewer Divisions to Kacie Costello, Town Planner;

Appearing in front of the Commission was John Plante, Project Engineer of Langan Engineering, and Atty. Dennis Ceneviva, Ceneviva Law Firm, representing the Applicant.

Atty. Ceneviva said the Commission approved Phase 1 on Nov. 9, 2015, which included a guard house, a smoking shelter, security fencing, some entrance modifications and additional loading docks. He said Phase 2 includes expansion of the eastern outdoor storage and expansion of the southern car parking lot. He noted approval was also given by the Inland Wetlands & Watercourses Commission on January 6, 2016. Mr. Plante explained the proposed changes on the site plan at 29 Research Parkway. He said the proposal before the P&Z tonight involve safety improvements. He spoke about the parking lot servicing the truck bays and vehicle parking which goes along the southern side and easterly sides of the building.

Mr. Plante said Amazon is proposing to separate that activity, keep all vehicular parking and pedestrian traffic in the southerly parking lot, and moving the southerly portion of the paved area five feet for the appropriate stacking and movement of the trailers, hence the additional square footage of proposed impervious pavement.

Mr. Plante said trees will also be planted in the green space in the front where there will be impervious encroachment. He pointed out the separated areas for truck and car movement and spoke about the widening of the area in the southeast corner for a truck turning template so as to not go through the vehicle area. He also mentioned that compromised pavement will also be replaced. Mr. Plante said bollards will be installed to protect the lighting apparatus and noted there will be minor modification to the weir in the detention pond to address the increase in impervious and runoff. He said these two properties in Meriden and Wallingford have shared easements.

Ms. Costello said based on the written response subject to some conditions, she would be comfortable with the Commission taking action. She requested both her comments and Water & Sewer Comments be made part of the conditions of approval. She asked about the turnaround area for the trucks, noting it was blocked off by the parking area and wanted to know what would happen if the trucks wanted to turn around with cars parked in the area. Mr. Plante said all of those parking spaces will be removed and will be truck only, with no parking in that area.

No public comments-None.

Chairman Seichter entertained a motion on the application.

**Mr. Fitzsimmons: Motion to approve a Site Plan for AMAZON.COM/DECD, to construct additional paved area and create trailer parking at 29 Research Parkway, as shown on plans entitled "Site Plan Application, BDL-5 Fit Out, Phase 2, 29 Research Parkway, Town of Wallingford, New Haven County, Connecticut, dated 12/1/15, subject to:**

- 1. Comments of the Water & Sewer Division Sr. Engineer dated Dec. 23, 2015;**
- 2. Comments of the Town of Wallingford Environmental Planner dated January 8, 2016;**
- 3. Comments of the Wallingford Town Planner dated January 4, 2016;**
- 4. All comments and revisions to be incorporated in the final plans**

**Mr. Kohan: second**

**Vote: Kohan-yes; Fitzsimmons-yes; Menard-yes; Zabrowski-yes; Seichter-yes**

8. Site Plan/Davenport/14 Fairfield Blvd & 3 Tower Drive - #242-15

Secretary Menard noted all correspondence for the record: Letter from Kacie Costello, Town Planner, dated January 5, 2016 to Davenport Associates; Interdepartmental Memorandum dated December 11, 2015 by Erin O'Hare, Environmental Planner; Interoffice Memorandum from Erik Krueger dated December 23, 2015 to Kacie Costello, Town Planner; Checklist for Davenport Associates Plan & Review

Appearing in front of the Commission was Dan Kroeber and Chris Hulk of Milone & MacBroom representing Davenport Associates.

Mr. Kroeber said Davenport Associates is a plumbing supply business and has two warehouses on Parker Street. He said the Applicant is looking to move to the property at 14 Fairfield Blvd and 3 Tower Drive which is 9.8 acres and which was subject to an application in 2007 and was going to be a CD warehouse. Mr. Hulk went over the site plan. He said a substantial amount of work was done on the property at that time, with a storm drainage basin and utilities installed as well as earth work done. Mr. Kroeber noted wetlands approval was received last week. He said the original 2007 application was for a 35,000 sq. ft. warehouse with approximately 100,000 sq. ft. of impervious coverage. He said the proposal is for a 60,000 sq. ft. warehouse with 6,000 sq. ft. office building.

Mr. Hulk said the property will take access off Fairfield Blvd with visitor and employee parking on the southern side of the proposed centrally located building. He said both buildings will be constructed of sheet metal approximately 20 ft. to 25 ft. high. He said there will be several deliveries throughout the day which will travel along the eastern portion of the building and will access an outdoor storage area to the north of the existing building. He said there will also be a loading area for pipe fittings and various deliveries every day.

Mr. Hulk said the site will have 360 degree access for fire protection via a gravel driveway. He said there will be fencing along the eastern side and existing vegetation will remain to the north of the storage area. He said on the proposed site, existing vegetation will be removed up to the property line. He said the cleared area near the storage space will remain grass and be used for snow storage during the winter. Mr. Kroeber spoke about the storm drainage system which he said will be typical and composed of catch basins and pipes draining through a grid sediment chamber before entering the detention basin which will be double in size compared to what was required.

Ms. Costello noted it would be appropriate for the Commission to make a determination as to whether the proposed storage screening in the rear of the building is appropriate. She asked about the tree line on the north end of the property being cut back further than the actual roadway. She said this is part of the greenspace and asked if there would any other item stored there other than snow. Mr. Hulk acknowledged that only snow would be stored in that area. He said the screening fence on the east side of the property will be a solid-type fence about six-foot high and travel from the edge of the building along the eastern side of the storage area and wrap around to the tree line.

Chairman Seichter noted the type of screening will be subject to review by the Town Planner.

No public comments

Chairman Seichter entertained a motion on the application.

**Mr. Fitzsimmons: Motion that a Site Plan for Davenport to construct a warehouse/office building and create associated outdoor storage space at 14 Fairfield Blvd/3 Tower Drive, as shown on plans entitled "Davenport Associates Headquarters, Barnes Industrial Park North, 14 Fairfield Blvd & 3 Tower Drive, Wallingford, Connecticut", dated December 1, 2015, revised to December 10, 2015, subject to:**

- 1. Comments of the Town of Wallingford Water & Sewer Divisions Sr. Engineer dated Dec. 23, 2015**
- 2. Comments of the Town of Wallingford Environmental Planner dated January 8, 2016;**
- 3. Comments of the Town of Wallingford Town Planner dated January 5, 2016;**
- 4. Screening of the outdoor storage area to be determined and approved by the Town of Wallingford Town Planner;**
- 5. A posting of an S & E bond in an amount to be determined by the Town Planner be added as a condition of approval.**

**Mr. Kohan: Second**

**Vote: Kohan-yes; Fitzsimmons-yes; Menard-yes; Zabrowski-yes; Seichter-yes.**

**Application approved**

Chairman Seichter thanked the Applicant for keeping his business in Wallingford

Ms. Costello noted the Commission received a paper tonight with an ad which is a survey waiver request which needs to be added to the agenda, and another gentleman who was waiting have his survey request for a stoop overhand.

Chairman Seichter entertained a motion to waive Rule 5 to add a survey relief request for 17 Sorrento Road for a 12 by 24 accessory structure and for Joseph Barone, 1183 Durham Road for a survey waiver for a stoop overhang.

**Mr. Fitzsimmons: Motion the Commission waive Rule 2 to add the above items to the agenda.**

**Mr. Kohan: Second**

**Vote: Unanimous**

Regarding 17 Sorrento Road, Ms. Costello said there was a building permit issued during staff transition for a small garage type accessory structure without a survey being provided. She said the waiver is being requested and noted the building official is comfortable that the structure is over 5 ft. away from the property line.

Chairman Seichter entertained a motion.

**Mr. Fitzsimmons: Motion the Commission approve a waiver requirement for 17 Sorrento Road**

**Mr Kohan: Second**

**Vote: Unanimous**

**Waiver approved**

Regarding the second waiver, Joseph Barone, 1183 Durham Road, told the Commission he wanted to remove the front awning from the house and construct a covered structure and two pillars which would come down to the bottom stairs. He said the clearance wasn't far enough from the street so a waiver was required. He presented a drawing to the Commission. Mr. Barone said he measured 82 ft. from the center line of the road. Ms. Costello said Mr. Barone has 30 foot designated street line and 50 ft. setback. Ms. Costello said this was a minor modification and had no objections to this waiver.

Chairman Seichter entertained a motion.

**Mr. Fitzsimmons: Motion to approve the survey waiver for 1183 Durham Road**

**Mr. Kohan: Second**

**Vote: Unanimous**

**Waiver approved**

**8-24 REFERRALS**

9. Water & Sewer Main Replacements/Water & Sewer Divisions/Water-Dutton Street, North Cherry Street, Ext., River Road, Spring Street; Sewer – Wall Street, Constitution Street

Secretary Menard noted all correspondence for the record: Interoffice Memorandum from Seth Lentz, Engineer/Planner to Planning & Zoning Commission dated December 11, 2015; Two site plan maps dated Dec. 11, 2015.

Ms. Costello said this is water and sewer main replacements being proposed by the Water & Sewer Divisions, and under State Statute 8-24, any changes of this nature to be made by the Municipality have to be reviewed and recommended by approval or denial by the Planning Commission.

Chairman Seichter entertained a motion on the referral request.

**Mr. Fitzsimmons: Per Section 8-24 of Connecticut General Statutes, to recommend (approval/denial) of water main replacements on: Dutton Street, North Cherry Street Ext., River Road, and Spring Street; and Sewer Main Replacements on Wall Street and Constitution Street, as requested by Seth Lentz, Engineer/Planner, Wallingford Water & Sewer Divisions, and depicted on maps titled: "Contract 33-Dutton Street, North Cherry Street Ext., River Road & Spring Street Water Main Project", received Dec. 11, 2015; and "Wall St and Constitution St Water Main Projects, received December 11, 2015, subject to:**

**NO CONDITIONS**

**Mr. Kohan: Second**

**Vote: Unanimous**

**BOND RELEASES AND REDUCTIONS**

10. J. Iannini/102 Harrison Road

11. J. Iannini/47-49 Martin Avenue

Ms. Costello recommended release of 102 Harrison Road and 47 Martin Avenue only NOT 49 Martin Avenue.

**Mr. Fitzsimmons: Motion to release the bond for 102 and 47 Martin Avenue as recommended by the Town Planner**

**Mr. Kohan: Second**

**Vote: Unanimous**

**REPORTS OF OFFICERS AND STAFF**

12. Administrative Approvals

a. Site Plan/Wallingford Auto Park/485 North Colony Street

13. ZBA Decisions of December 21, 2015

Ms. Costello said everything was approved by the ZBA at their December meeting.

14. ZBA Legal Notice for January 2016

15. Zoning Enforcement Log

Ms. Costello noted the Assistant Planner/ZEO had taken another position in another community. She said she is seeking a replacement. Mr. Kohan asked about the Zoning Log and noted Live Nation was still on the Log on page 10 along with Paradise Winery. He said he didn't notice a Cease & Desist referenced. He asked for a status on actions on the Legal Referrals.

Mr. Fitzsimmons asked Ms. Costello about Amazon giving their response to the Town Planner to the Commission and thought the rules had been changed. Ms. Costello said the rule is effective for next month. Mr. Fitzsimmons asked how this change is being communicated. Ms. Costello said internally this change has been communicated in that staff will have staff comments by the time of the staff meeting , which is one week and a half before the Commission meeting. She said she is in contact with whomever the design professional is and they are notified. She said she can add a note on the comment letter to require a response by a certain date.

**ADJOURNMENT**

Mr. Fitzsimmons made a motion to adjourn the Meeting at 10:40 p.m. Mr. Kohan seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary

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Wallingford Planning & Zoning Commission  
Regular Meeting  
January 11, 2016

