

Wallingford Planning & Zoning Commission

Robert F. Parisi Council Chambers

45 S. Main Street

Wallingford, CT

7:00 p.m.

Monday, May 14, 2018

MINUTES

PRESENT: Vice-Chair J.P. Venoit, Acting as Chair; Commissioners Jeffrey Kohan; James Fitzsimmons; Armand Menard; James Hine, (Alternate); Steve Allinson, (Alternate), (Acting as Secretary); Kacie Hand, Town Planner; Cynthia Kleist, Recording Secretary.

Acting-Chair Venoit called the Meeting to order at 7:15 p.m. and the Pledge of Allegiance was recited.

Voting members were Hine, Kohan, Fitzsimmons, Menard and Venoit.

Acting-Chair Venoit announced that item #5 under Public Hearings, Special Permit (Location of Use) Scrubbin Bubbles III/448 North Colony Street **#407-18** and under New Business, item # 8 Site Plan Revision/Paradise Hills Vineyard/15 Windswept Road **#205-18** would not be heard tonight.

Approval of Minutes: 1/10/18; 2/14/18; 3/12/18 and 4/9/18

Mr. Fitzsimmons made a motion to approve the January 10, February 14, March 12 and April 9, Meeting Minutes as presented. Mr. Kohan seconded the motion.

Vote: Unanimous

PUBLIC HEARINGS

1. Special Permit (Location of Use) S. Brosnan/43 Capital Drive - **#403-18**

Acting-Secretary Allinson read the Legal Notice and all correspondence into the record: correspondence from Mac Brosnan to Kacie Hand, Town Planner dated May 7, 2018; Inter-Departmental Referral from the Fire Marshal dated Feb. 14, 2018; Memorandum from the Engineering Dept. to the PZC dated April 6, 2018; Correspondence to Sean Brosnan to the Town Planner dated March 16, 2018; Inter-Departmental Referral from the Water and Sewer Division Sr. Engineer dated Feb. 14, 2018.

Appearing in front of the PZC was Sean Brosnan, Command Performance, who said he was in the process of moving from Branford to Wallingford and is seeking a zone change from industrial flex space to automotive repair. He said he will not be selling cars, just repairing and does high-end work on exotic

cars so there will be no cars stored outside overnight. He said all his work is by appointment only, so there will be no increase in traffic. Ms. Hand said her comments are generally satisfied. She said there were dumpsters in parking spaces and other items stored in parking spaces. She said the Applicant didn't do this, but need the entire site to be in compliance.

PUBLIC COMMENT – NONE

Acting-Chair Venoit entertained a motion to close the Public Hearing.

Mr. Fitzsimmons: Motion to close the Public Hearing at 7:29 p.m. Mr. Kohan seconded the motion.

Vote: Unanimous

Acting-Chair Venoit entertained a motion on the application.

Mr. Fitzsimmons: Motion to approve a Special Permit (Location of Use) Application for Brosnan for an automotive repairer's license at 43 Capital Drive as shown on submitted floor plan and in accordance with previous approved site plan for 43 Capital Drive, subject to:

- 1. Comments of Wallingford Fire Marshal dated Feb. 20, 2018;**
- 2. Comments of Water & Sewer Division Sr. Engineer dated Feb. 21, 2018;**
- 3. Approval granted for repair of vehicles only – no outside storage and no vehicle sales on-site;**
- 4. Site to be identified as 43 Capital Drive;**
- 5. Site at 43 Capital Drive must be brought into zoning compliance which includes striping of parking spots; no dumpsters or outside storage to be located in identified parking spots prior to any use of this property.**

Mr. Kohan: Second

Vote: Hine – yes to approve; Fitzsimmons – yes to approve; Kohan – yes to approve; Allinson – yes to approve; Acting-Chair Venoit – yes to approve

Acting-Chair Venoit took the agenda in the following order:

- 4. Special Permit (Location of Use)/E. Ringstrom/71 South Turnpike Road - #406-18**

Acting-Secretary Allinson read the Legal Notice and all correspondence for the record: Letter from Kacie Hand, Town Planner, to Eric Ringstrom dated March 15, 2018; Inter-Departmental Referral from the Fire Marshal dated March 12, 2018; Inter-Office Memorandum from Kacie Hand, Town Planner to Erik Krueger Water and Sewer Divisions Sr. Engineer dated April 5, 2018; Inter-Office Memorandum from Erik Krueger, Water and Sewer Divisions Sr. Engineer, to Kacie Hand, Town Planner, dated April 5, 2018; Memorandum from the Engineering Dept. to the PZC dated April 6, 2018; Correspondence from Eric Ringstrom to Kacie Hand, Town Planner, dated April 3, 2018.

Appearing in front of the PZC was Eric Ringstrom, 407 Woodhouse Avenue, who was seeking approval for a used-car dealership. Ms. Hand noted this Applicant was previously approved for repairs only, so this application would add the dealership component. Mr. Ringstrom said he would be selling high-end classic cars. In answer to Mr. Hine's concern, Mr. Ringstrom said there would be no vehicles worked on outside or offered for sale to be stored outside.

Acting-Chair Venoit entertained a motion to close the Public Hearing.

Mr. Fitzsimmons: Motion to close the Public Hearing at 7:35 p.m. Mr. Kohan seconded the motion.

Vote: Unanimous

Acting-Chair Venoit entertained a motion on the application.

Mr. Fitzsimmons: Motion to approve a Special Permit (Location of Use) Application for Ringstrom to add an automotive dealer's component to a previously approved repairer's license at 71 S. Turnpike Rd., as shown on plans entitled "Application for a used car business @ 71 S. Turnpike Rd., Unit G, Wallingford, CT 06492, Re: Eric Ringstrom, subject to:

- 1. Comments of the Town of Wallingford Town Planner dated March 15, 2018;**
- 2. Comments of the Town of Wallingford Fire Marshal dated March 19, 2018;**
- 3. Comments of the Town of Wallingford Water & Sewer Divisions Sr. Engineer dated April 5, 2018;**
- 4. Comments of the Town of Wallingford Town Engineer dated April 6, 2018**

Mr. Kohan: Second

Vote: Hine –yes to approve; Kohan – yes to approve; Fitzsimmons – yes to approve; Allinson – yes to approve; Acting-Chair Venoit – yes to approve

NEW BUSINESS

7. Site Plan (Accessory Apartment)/Connolly/91 Farm Hill Rd - #204-18

Acting-Secretary Allinson read all correspondence for the record: Correspondence from Kacie Hand, Town Planner, to Sean and Gabriella Connolly dated March 1, 2018; Inter-Office memorandum from Kacie Hand Town Planner to Erik Krueger Sr. Engineer, dated April 25, 2018; Inter-Departmental Referral dated April 9, 2018 from the Fire Marshal.

Appearing in front of the PZC was Gabrielle Connolly, 91 Farm Hill Rd. who was seeking approval for an apartment over their garage. Mr. Hine asked the primary purpose of the apartment. Ms. Connolly said this apartment would accommodate a family member who is scheduled to move in late Fall early Winter. Ms. Hand said there will be a slight expansion to the existing garage to accommodate the

apartment and complies with the necessary square footage for an accessory apartment. She said all her comments were addressed.

NO PUBLIC COMMENTS

Acting-Chair Venoit entertained a motion on the application.

Mr. Fitzsimmons: Motion to approve a Site Plan (Accessory Apartment) for Connolly for an Accessory Apartment at 91 Farm Hill Road, as shown on floor plan entitled “The Connelly Residence, 91 Farm Hill Road, Wallingford, CT.” and updated survey showing addition to garage, both dated received April 6, 2018, subject to:

- 1. Comments of the Town of Wallingford Water & Sewer Divisions Sr. Engineer dated April 25, 2018;**
- 2. Comments of the Town of Wallingford Town Planner dated May 1, 2018;**
- 3. Application is subject to final inspection by the Town of Wallingford Zoning Enforcement Officer of the accessory apartment.**

Mr. Kohan: Second

Vote: Hine-yes to approve; Kohan – yes to approve; Fitzsimmons – yes to approve; Allinson –yes to approve; Acting-Chair Venoit –yes to approve

NEW BUSINESS

6. Subdivision (1 lot)/Wallingford Industrial Improvement Co./528 S. Cherry Street (new lot to be known as 10-20 Toelles Rd) - **#102-18**

Acting-Secretary Allinson read all correspondence for the record: Correspondence from Mayor William Dickinson to R.L. Rogers, dated Dec. 13, 2017; Email correspondence from Susanne Jordan to James Seichter, Chair, PZC dated May 3, 2018; Correspondence from Brian Jones, Ph.D. to Erin O’Hare, Environmental Planner received March 5, 2018; memorandum from the Wallingford Building Official to the Wallingford Assessor dated Feb. 6, 2018; Memorandum from the Environmental Planner to the Town Planner dated April 6, 2018; Inter-Departmental Referral from the Chief Sanitarium dated Feb. 14, 2018; Correspondence from Lisa Barr to James Seichter received April 2, 2018; Wallingford Sandplains Heritage Initiative document (no date); Correspondence from Laura Saucier, Wildlife Biologist, from the Bureau of Natural Resources dated April 9, 2018; Inter-Departmental Referral from the Chief Sanitarium dated Feb. 14, 2018; Memorandum from Steve Civitelli to the Project Manager dated Feb. 20, 2018; Memorandum from the Town Engineer to Corporation Counsel dated April 9, 2018; Correspondence from Atty. Joan Molloy to Kacie Hand, Town Planner, dated April 10, 2018; Correspondence from Atty. Joan Molloy to Kacie Hand, Town Planner, dated April 12, 2018; Inter-Office Memorandum from the Sr. Engineer to the Town Planner, dated May 3, 2018; Inter-Office Memorandum from the Sr. Engineer to the Town Planner dated April 9, 2018; Inter-Office Memorandum from the Sr. Engineer to the Town

Planner dated April 6, 2018; Correspondence from the Town Planner to the Wallingford Industrial Improvement Co., dated May 8, 2018; Correspondence from the Town Planner to the Wallingford Industrial Improvement Co., dated March 14, 2018; Correspondence from Rafael Martinez to Kacie Hand, Town Planner, dated March 28, 2018; Correspondence from the Town Planner c/o Atty. Joan Molloy to Wallingford Industrial Improvement Co., dated March, 16, 2018; (2) Inter-Departmental Referrals from the Fire Marshal dated Feb. 14, 2018; Correspondence from Joe Mirra to the PZC dated May 10, 2018; Correspondence from Jeff Borne, to Kacie Hand, Town Planner, dated May 9, 2018; Memorandum from the Engineering Dept. to the PZC received May 10, 2018; Correspondence from John Thompson to the PZC dated May 8, 2018; Correspondence from Richard Couch to Kacie Hand, Town Planner, dated April 6, 2018; Correspondence from Sara Pellegrino to Jim Seichter, PZC Chair, dated May 10, 2018; Correspondence from Steven Messier to the Inland Wetlands Commission dated April 4, 2018; Correspondence from Katie Henschel and Serina Jepson dated May 10, 2018; Correspondence from Katie Henschel to Kacie Hand Town Planner, dated May 11, 2018; Email correspondence from Jeff Kohan to the Town Planner dated May 11, 2018; Memorandum from Corporation Counsel to the Town Planner received May 14, 2018; Memorandum dated May 11, 2018, from Erin O'Hare, Environmental Planner to Kacie Hand, Town Planner.

Ms. Hand noted that there are three applications before the PZC; she said this first application is the sub-division, the creation of a new lot which is not a Special Permit. Ms. Hand said technically, this is not a Public Hearing. She noted the excavation; fill proposal and development are all Special Permits and will be heard together after this application is discussed. Ms. Hand said this is because the Special Permit is based upon the creation of the lot.

Appearing in front of the PZC was Atty. Joan Molloy, Loughlin Fitzgerald, representing Wallingford Industrial Improvement Co.; Richard Couch, Martinez Couch Associates, Project Engineer. Atty. Molloy noted that Allnex USA Inc., is NOT the Applicant, but the current owner of the property. She said Allnex agreed to sell a portion of its property in response to a request it received from the Town. She said Wallingford Industrial Improvement Co. and Allnex negotiated a contract for the sale and purchase of approximately 25 acres of this parcel. Atty. Molloy said all development plans were prepared by her client, the contract purchaser. Atty. Molloy said the Applicant is going forward with the sub-division application which she said was a relatively simple application. She said Dept. comments have been received and the Applicant is aware of the recommended conditions of approval and comments from the Health Dept. the Engineering Dept., the Water and Sewer Divisions and the requirement that the road servicing St. Casimir's Cemetery be deeded to the Town and the requirement that the land establishing the Right-Of-Way along Toelles Rd. has to be deeded to the Town. She said the Applicant is prepared to comply with all of these conditions of approval.

Mr. Couch went over the sub-division plan which is a 26.5 acre parcel to be divided from a 191.4 parcel of land. He discussed the 528 S. Cherry Street address and noted to the southeast, is the 25.965 acres of land which will be divided from the Allnex parcel. Mr. Couch noted the individual requirements of the bulk regulations have been met in full. He said the proposed slopes at 25 % still leave the lot in

compliance. Ms. Hand told the PZC there was a strip of land to be deeded to the Town several years ago as part of an agreement as access to St. Casimir's Cemetery. She said this never got filed, so as part of the sub-division, it was required this issue be addressed, because it impacts where the property lines will be located. She said the Applicant has agreed to this as a Condition of Approval. Ms. Hand noted there is an odd-shape to the proposed parcel, which is compliant with the Zoning Regulations as far as size and frontage. She said there is a triangle left between the cemetery and the proposed parcel. She wanted to know the intention of this piece of land and why it wasn't included. She said she would not support creation of another lot in this area in the future. Atty. Molloy addressed the design of the lot. She said she wasn't privy to the negotiations between Allnex and the contract purchaser, but has no knowledge of an intent to do anything in that area. She added that Allnex did not want the pitch pine area disturbed.

Mr. Kohan said he was in favor of approving and working on this subdivision application together with items # 2 and #3. He asked what would happen to the sandplains and the excavation if the PZC didn't approve this tonight and go through this process of not approving this subdivision. Ms. Hand said it was the Applicant's preference to do all three applications at once. She said it was her suggesting to hear these three applications separately, because with a sub-division, the PZC has a much lower level of discretion. She said the PZC has to act on each application separately, but ultimately, when the PZC takes action, the sub-division would have to be acted upon first. Mr. Kohan said it would be easier for him to work on all three applications as one application.

Mr. Hine asked Ms. Hand if there was an environmental component to the sub-division application. Ms. Hand said for a sub-division it is just the creation of the lot. Mr. Allinson asked Atty. Molloy if this was an all or nothing application for all three. Atty. Molloy said if the PZC acts separately on the sub-division application, the Applicant will deal with whatever happens. She noted the first step is to create the parcel that is to be developed. She said if the Applicant is in compliance, the PZC is obligated to approve this (sub-division). Mr. Fitzsimmons said that all three applications should be heard together. He suggested continuing this application if the PZC wants to discuss them all.

Mr. Fitzsimmons: Motion that the PZC continue this application for a one-lot subdivision at 528 S. Cherry Street, a new lot to be known as 10-20 Toelles Road to the June PZC meeting.

Mr. Kohan: Second

Hine – yes to continue; Fitzsimmons – yes to continue; Kohan – yes to continue; Allinson – yes to continue; Acting-Chair Venoit – yes to continue.

The Applicant agreed to this continuation.

The PZC took Items #2 and #3 together.

PUBLIC HEARINGS

2. Special Permit(Fill & Excavation)/Wallingford Industrial Improvement Co./ 10-20 Toelles Rd.
#404-18
3. Special Permit(Warehouse/Office) Wallingford Industrial Improvement Co./10-20 Toelles Rd. -
#405-18

Acting-Secretary Allinson noted all correspondence for the record: Memo from Environmental Planner to the Town Planner dated May 11, 2018; Correspondence from the Mayor's Office to R.L. Rogers, dated Dec. 13, 2017; Email correspondence from Susanne Jordan to James Seichter, PZC Chair, dated May 3, 2018; Correspondence from Brian Jones, Ph.D. to Erin O'Hare, Environmental Planner, dated Feb. 23, 2018; Memo from Building Official to the Assessor, dated Feb. 6, 2018; Memo from the Environmental Planner to the Town Planner, dated April 6, 2018; Inter-Departmental Referral from the Chief Sanitarian dated Feb. 14, 2018; Correspondence (first page) from Lisa and Peter Barr to Jim Seichter, Chair PZC, dated April 22, 2018 (additional assorted correspondence), David Yi, Ph.D, Tim and Roberta Mack; Wallingford Sandplains Heritage Initiative (undated); Correspondence and exhibits from Laura Saucier, Bureau of Natural Resources, to Jim Seichter, Chair, PZC, dated April 9, 2018 (DEEP letterhead); Inter-Departmental Referral from the Chief Sanitarian dated Feb. 14, 2018; Memo from Steve Civitelli to the Project Manager received Feb 23, 2018; Memo from the Town Engineer to Corporation Counsel received April 10, 2018; Correspondence from Atty. Joan Molloy to Kacie Hand, Town Planner dated April 10, 2018; Correspondence and enclosures from Atty. Molloy to the Town Planner dated April 12, 2018; Inter-Office Memorandum from the Sr. Engineer to the Town Planner dated May 3, 2018; Inter-Office Memorandum from the Sr. Engineer to the Town Planner dated April 3, 2018; Inter-Office Memorandum from the Sr. Engineer to the Town Planner, dated April 9, 2018; Inter-Office Memorandum from the Sr. Engineer to the Town Planner dated April 6, 2018; Correspondence from the Town Planner to the Wallingford Industrial Improvement Co., dated March 16, 2018; Correspondence from Hesketh Civil Traffic Engineers and Traffic Study to the Town Planner, received May 4, 2018; Correspondence from Sandy Stetson, Secretary of Peter's Rock Association, to James Seichter, Chair, PZC, dated April 6, 2018; Correspondence and enclosure from A. Koepfer to James Seichter, Chair, PZC, received April 15, 2018; Correspondence from the Town Planner to Wallingford Industrial Improvement Co., dated May 8, 2018; Correspondence (additional traffic study) from Hesketh to Mr. Robert Rogers, dated Feb. 25, 2018; Correspondence Susan Robinson to James Seichter, Chair, PZC, dated April 5, 2018; Correspondence dated April 5, 2018 from Glenn Dreyer, Adjunct Professor of Botany at CT College Arboretum, to James Seichter, Chair, PZC; Correspondence from Lauren Brown, to James Seichter, Chair, PZC, received April 2, 2018; Correspondence from David Yih, Ph.D and Sigrun Gadwa, from the CT Botanical Society, to Jim Seichter, Chair PZC, dated April 5, 2018; Correspondence from Charles Strasser, CT Botanical Society (additional correspondence from Sigrun Gadwa attached) to Jim Seichter Chair, PZC, dated April 26, 2018; Correspondence from John Looney, Staff Attorney, CT Fund for the Environment, Save the Sound, to James Seicher, PZC Chair, dated April 3, 2018; Additional traffic study from John. P. Thompson's engineers to James Seichter, PZC Chair, dated April 4, 2018; Correspondence from Richard Couch, MCA to the Town Planner, dated April 26, 2018; Correspondence from Richard Couch, MCA, to Town Planner dated May 10, 2018; Additional correspondence from Scott Hesketh, Hesketh Engineers, to the Town Planner dated April 2, 2018; Correspondence from the Town Planner to

Wallingford Industrial Improvement Co., dated March 15, 2018; Correspondence from Richard Couch, MCA to the Town Planner, dated March 30, 2018; Correspondence from the Town Planner (enclosures) to the Wallingford Industrial Improvement Co., dated March 16, 2018; Correspondence from Richard Couch, MCA, dated March 30, 2018; Inter-Departmental Referral from the Fire Marshal, dated Feb. 14, 2018; Development Plan from Martinez/Couch Associates dated March 2018; Correspondence from Sonya Wulff to James Seichter, PZC Chair, dated May 9, 2018; Interdepartmental Referral from the Fire Marshal dated Feb. 14, 2018; Correspondence from Joseph Mirra, Economic Development Commission, to the PZC, dated May 10, 2018; Email correspondence from Jeff Borne to the Town Planner dated May 10, 2018; Memorandum from the Engineering Dept. to the PZC received May 10, 2018; Correspondence from John P. Thompson, Professional Consulting Engineer, to James Seichter, PZC Chair, dated May 28, 2018; Correspondence from Richard Couch, MCA to the Town Planner, dated April 26, 2018; Correspondence and attachment from Sarah Pellegrino, Nature Conservatory, dated May 10, 2018; Correspondence from Steven Messier, biologist, to the Inland Wetlands Commission, received May 14, 2018; Correspondence from Katie Henschel and Serina Jepson dated May 10, 2018; Email correspondence from Katie Henschel to the Town Planner dated May 11, 2018; Email correspondence from Jeffery Kohan to the Town Planner (undated); Correspondence from the Town Planner to Jeffrey Kohan, dated May 11, 2018; Memorandum from Corporation Counsel to the Town Planner dated May 14, 2018.

Appearing in front of the PZC was Atty. Joan Molloy, Loughlin Fitzgerald, representing the Applicant the Wallingford Industrial Improvement Co., and Richard Couch, Martinez/Couch Associates, project engineer. Atty. Molloy noted again, that Allnex USA is NOT the Applicant, just the property owner who has contracted to sell a lot to the Applicant. Atty. Molloy asked the PZC to provide the presentation into two categories: the technical details of the application, the traffic information and then the environmental issues. She said it would be helpful to separate these issues. The Commission agreed.

Atty. Molloy noted the Applicant received comments from various departments stating the Applicant understands any approval is subject to the Town Sanitarian and Health Dept. signing off on final septic system designs; the Applicant understands from Water and Sewer, that the amount of water the Water Division is able to supply and will work within this framework; the Applicant has no objection to any proposed Conditions of Approval from the Water and Sewer Divisions; the Applicant believes the access and water availability concern proposed by the Fire Marshal, have been addressed; sign-off on the sprinkler system typically occurs with the final building design and is a condition of approval and the Applicant has no objections; the Applicant has no objections to Engineering Dept. comments; the Applicant and the development team have met with Ms. Hand to address comment letters and concerns. Atty. Molloy publically thanked Ms. Hand for taking the time to meet with the Applicant various times. Atty. Molloy said she believed the Applicant has addressed most of these concerns with the revised plans.

Mr. Kohan stated that he was not alright with what was being agreed to with the Water and Sewer Divisions. He noted there is a big concern about the amount of water to be used with the sand

processing. He said there are many unanswered questions. Atty. Molloy said this is a technical issue and noted Mr. Couch may be able to answer these questions. Mr. Couch went over the site plan. He discussed the sand processing facility application. He said at the conclusion of the sub-division, the Applicant would need to open a temporary sand processing facility. He said the plant will have a life-cycle of three to five years and the design will incorporate a 50 ft. undisturbed buffer area around the property. Mr. Couch said the driveway and utilities will come in from Toelles Rd. He said the area inside the main property will be excavated approximately 14 ft. below existing grade to a datum of 40 ft. He said the existing elevations on the property range from 50 ft. to 57 ft. Mr. Couch said the excavated sand will be blended with an imported coarser material and exported as a processed sand. He said the sand will operate approximately 200 days per year and the downtime will be primarily during the winter.

Mr. Couch said the plant operation consists of sand excavation, processing by sieve and washing, mixing with imported coarser material, storing the finished sand material on-site and exporting the material as a sold product. He said there will be approximately 70 tons per day or 14,000 tons a day of course sand material will be imported to this site. He said 1,000 tons a day or 200,000 tons a year will be exported from the site. He said there will be 50 trucks a day, six to seven trucks an hour going to and from the site. He said the process machine will use 1,200 gallons a minute and 72,000 gallons an hour. Mr. Couch pointed out that approximately 90% of the water used for sand washing will be recycled and 5% of water usage will be lost with the sand. Mr. Couch said the dust will be stabilized by spraying and the slopes will be stabilized with trees. Mr. Kohan asked for more detail noting there is skipping over important line items regarding the water usage. He noted 576,000 gallons a day was omitted.

Mr. Couch said there will be settling basins which will be lined to stop the loss of water other than by evaporation. He said the particle free water will be re-used. He said each day the washing process will be required to be supplemented with approximately 57,600 gallons of fresh water. He said this is the new water that will need to be received from Water and Sewer. Mr. Couch said the deposited sediments require 28,800 gallons per day. He said the total proposed deposited daily deposited sediment volume will be approximately 3,850 or 4,530 cubic ft. per day. He said there will be three sediment lagoons each being 5,000 cubic ft. so the silt will have time to settle as it goes from lagoon to lagoon. He said excess water will be removed and silts can be removed from the lagoon. He said excavators, front loaders, back hoes, semi-trucks and a scale. He said proposed amenities on site will be a trailer, portable restrooms and a scale house with water, electricity and telecommunications. He said to minimize land disturbance, the sand processing operation will be divided into four phases.

Mr. Couch said the sand processing plant will be stationary. He said there will be anti-tracking pads and any sediment spilled will be removed immediately and after the site is completed, the anti-tracking pad will be removed and after the plant is no longer operational, the remaining exposed surfaces will be top soiled and seeded and permanent slopes will be planted with trees or be included in a mitigation restoration plan to the sand barren.

Mr. Couch said the tracking pad will be removed and the area restored. Ms. Hand said she prefers the first option which will ensure the site at the end is appropriate for redevelopment not left with a crater.

Ms. Hand spoke about the traffic. She pointed out the PZC has the ability to acquire or request additional reports. She said it is more important that we get the appropriate development site and push for a 1 ½% increase in the grade. She said she had no issues with the proposed aftermarket management. Mr. Fitzsimmons said he agreed with the grading suggested by the Town Planner. He said there was a lot going on here, the subdivision, then the sand excavation and the warehouse. Mr. Fitzsimmons asked about the traffic, noting the traffic study and peer review by John Thompson, speaks about the vehicle delays and the amount of traffic on Toelles Rd. Mr. Fitzsimmons noted that the current average vehicle delays are 51.29 respectively and will grow slightly. He said the current level of service is "F" on an A through F scale. He said the delays will increase to 79 seconds and 188 seconds. He said to go from a 30 second delay to a three-minute delay is a profound impact on traffic. He asked if this information was correct. Mr. Fitzsimmons pointed out that Toelles Rd. is a lot busier today than years ago. He said he was concerned because only the sand and excavation traffic was being discussed, not the fully developed site.

Atty. Molloy said as far as the truck traffic, the Applicant anticipates almost all of the traffic will go left, not right. She said the traffic report supports the majority of truck traffic coming out of the proposed sand processing operation will get on the connector and go elsewhere and that Toelles Rd. can handle this traffic. She noted that any truck traffic delays will be contained within the site. Atty. Molloy said this becomes an issue with the potential office when traffic will be traveling both ways. She said her conversations with the traffic consultant is that this is an existing condition and there really isn't a solution. She said Mr. Hesketh suggested the possibility of an all-way stop. Atty. Molloy said if this project isn't taken step-by-step and explain each process, she was fearful the PZC would not understand the application. Atty. Molloy said the Applicant understands the desire to have a site that will be developable when this is completed and are willing to come up with a remediation plan that addresses these concerns. She said after the excavating, the Applicant is ready to go forward with the development plan. She said the Applicant will have a plan to stabilize and remediate the site if the building doesn't go forward right away. Atty. Molloy noted this site is below grade so no one will probably see what is going on there.

Mr. Kohan said this is a very complicated site and he appreciated all the technical details, but noted it was hard to visualize just looking at the maps. He proposed a motion to schedule a site walk on this part of the property to review the technical details, i.e., where the excavation and stockpiling will take place, where the cut through will be located. He said he would also like to have an environmental walk as well. Atty. Molloy noted that Allnex's policy is that the site cannot be entered unless one goes through a safety course, pass a safety test and be accompanied by an approved person. She also pointed out there are limited hours. She said one can probably see what wants to be seen from Toelles Rd. and the cemetery. Mr. Kohan said he was willing to take the safety test. He said he asked Ms. Hand if he could access the site on his own, but will have to take the test. He said he looked at the site through the cemetery this weekend, but without someone showing him where things will be located, he has to guess. Mr. Kohan said he would have trouble supporting this without seeing the site for himself.

Atty. Molloy said it might be better for the PZC to individually walk the site; set up a time to take the test and when someone can walk the site with each Commissioner. Mr. Kohan said the site being discussed is not actively being worked. Ms. Hand asked if anyone had asked Allnex if they would facilitate a site visit for the PZC. Atty. Molloy said she reached out to Allnex and was told the PZC would require the safety course. She said something could be set up to accommodate Mr. Kohan. Ms. Hand said she had concerns about discussing the application not in a public forum and some concerns that if the PZC feels that if they don't have all the information without seeing the site, this presents a potential problem. Atty. Molloy said Allnex stated that if the PZC wishes to see the site, this will be allowed, but has nothing from the Commission that the general public will be allowed to walk on the site. Ms. Hand said it seems as if there can't be a formal site visit as a Commission with interested members of the public, just individual Commission members visiting the site. Ms. Hand said she didn't believe there should be a representative of the Applicant present and all these applications should take place in a public forum. Mr. Hine said he could never vote for this without a site walk through and to make it beneficial, a representative from the Applicant should be present. He said we have to see the site and that it isn't his problem that all the Commissioners can't access the site at once.

Mr. Hine seconded Mr. Kohan's motion. Ms. Hand said a motion would be needed to have a Special Meeting. Atty. Molloy said the Allnex is not in control of the property. Ms. Hand said if the PZC believes there should be a site review to gather all the information, this is a legitimate request. Atty. Molloy suggested the possibility of employing a drone to review the site. Mr. Allinson said he would think the Applicant would want to facilitate the Commission having all the information. He said to have to schedule an individual meeting with a member of the property, doesn't ring right to him and doesn't sound like what a property owner that wants to have an application granted should be doing. Atty. Molloy emphasized the property owner is NOT the Applicant and the Applicant is doing its best to get access from the property owner. She said safety is the primary concern. Mr. Allinson noted there is no construction ongoing at the time and there is a guard gate. He said the property owner and the Applicant are two different entities but both are looking to profit from this deal.

Mr. Fitzsimmons said he was interested in going to the site. He proposed a site walk in pairs with the Applicant's representative. Ms. Hand suggested the phases of the excavation could be field located and she could also accompany as staff. Mr. Kohan said when he was on Inland Wetlands; they had a legal right to walk a property for an application. He said he found this troubling and is difficult to make an informed decision. Atty. Molloy said the Applicant is not trying to prevent the PZC from seeing the site and is doing its best, but are dealing with parameters not in their control. She said it is a problem to do a formal site walk. Mr. Hine asked if an Applicant's representative would be present at the site walk. Ms. Hand said she believed this wouldn't be appropriate. Mr. Hine asked if the PZC had questions, who would answer the questions. Ms. Hand said she can be at the site visit. She said she would consult the Law Dept. regarding having the Applicant at the site walk. Mr. Kohan said his preference would be to have the engineer present. Ms. Hand said she would consult with the Law Dept. and this would have to be done before the June PZC meeting.

Mr. Kohan WITHDREW his motion because this site walk will not be a Special Meeting. Atty. Molloy mentioned the statutory clock and noted it would be helpful if the PZC did the site visit before the June PZC meeting. Mr. Kohan cited Section 7.5.E speaks about Item D which is dust; Item E which is landscaping and Item I which is water supply. He said these are a few considerations for a Special Permit. Acting-Chair Venoit asked about the monitoring wells and there were three on the propose property. He said he didn't see them on the property and asked if they were being taken out. Mr. Couch said the wells are on the survey sheet. Rima Laukaitis, Professional Engineering with MCA, said there are four monitoring wells. Acting-Chair Venoit said there is one well where the warehouse would be located. Mr. Couch said the wells would be replaced as necessary when the building and site development occur. Ms. Hand said she spoke to DEEP about the monitoring wells and said according to the remediation component of the DEEP, the wells have to be continued to be monitored, so Allnex has to continue their obligation for the monitoring, or the purchaser would take on this obligation and issue reports. She said for the development site, if the wells are within 15 ft. of the groundwater, there are certain aspects of the development that have to address this, i.e., the slab has to be designed a certain way to address this potential interaction. The Commission agreed not to hear the traffic report until the June PZC meeting.

Mr. Couch discussed the mitigation plan and Bill Morehead, consulting biologist, presented facts. Mr. Morehead went over the written conceptual mitigation plan. He said this plan involves taking the 100 ft. buffer zone, with the 50 ft. immediately adjacent to the fence, to preserve both the sand barren and oak forest. He said the inner 50 ft. of the 100 ft. buffer zone will be excavated and left to a 3:1 slope. Mr. Morehead spoke about establishing the sandbarren in this area by collecting seeds from existing sand barren plants and possibly collecting seeds from the three State listed species which don't exist on this site but exist in North Haven and similar habitats and have a company grow these plants which would be transplanted into the inner 50 ft. of the 100 ft. buffer zone on the 3:1 slope. He said a technique used in Enfield where a modified snow pushing box was used to lift up a square yard of sand barren vegetation and moved to the sand barren to make patches of vegetation.

Mr. Morehead said this mitigation plant would preserve the local native plant types. He said the host plants for the rare invertebrates will also be used. Mr. Morehead said the total existing sand barren on the site is 6.9 acres of which 1.4 acres of existing sand barren would be preserved in the outer 50 ft. of the 100 ft. buffer and 5.5 acres of the sand barren would be excavated. He said there would be a net loss of 1.1 acres of sand barren assuming the mitigation sand barren on the 3:1 slope is successful. He noted that approximately 3.3 acres of dry acidic forest will be preserved. Atty. Molloy noted that Mr. Couch put up a drawing illustrating what Mr. Morehead was speaking about. Mr. Hine asked if this mitigation plan was in a report form. Atty. Molloy said this report is just being finalized and noted Ms. Hand and Atty. Small wanted the PZC to have this report. She said the Applicant will give the PZC a revised mitigation report. She said the Applicant is not ignoring the fact there is critical habitat. She noted the sand barren is going through succession and by natural events, is depleting. She said Mr. Morehead is proposing creating a rehabilitate an area which will function as a sand barren.

Tanner Mattson's report which was provided to the PZC along with a letter from Brian Jones in response to Erin O'Hare, Environmental Planner, noted that Applicant had retained Sarah Homes who conducted a survey which found no evidence of anything of cultural significance. He said the study would be completed by the next PZC meeting. Eric Davidson, wildlife biologist in his current letter that two box turtles were found. He said Mr. Davidson suggested the use of radio telemetry to track the box turtles. This information was submitted to the PZC.

Ms. Hand said the important issue for the PZC tonight was to understand the concerns with the site and the critical habitat. She said there have been different representations made about what the impact and concerns may be.

Acting-Chair Venoit recessed the Meeting at 10:37 p.m. The Meeting reconvened at 10:45 p.m.

PUBLIC COMMENT

State Rep. Mary Mushinsky, also representing the River Advocates, said the parcel is still zoned industrial and noted when an area wants to be preserved, it should follow the Plan of Conservation and Development. Rep. Mushinsky said this is why it has been difficult for DEEP to purchase this property because they would have to pay industrial rates which are higher in price. Rep. Mushinsky showed a slide photo of the sand barren from the air which showed the sand plain and the dry acidic forest. She showed a photo of one of the monitoring wells taken over the fence. She noted the sand plain vegetation includes some prairie species which are normally found west of CT. She said the State already protects this area and showed a State sign requesting no spraying in the area. She also showed a photo of the dry acidic forest, pointing out Wallingford is only one of three towns in the State which has a dry acidic forest. She also showed a photo of the northern dusk singing cicada which is located only in this area.

Rep. Mushinsky noted this is the last significant piece of glacial outwash. She said the bed of sand is so thick and so-welled drained there are specialized plants and animals in this area. Rep. Mushinsky noted this area used to stretch 15 miles from New Haven to Meriden and the largest remaining piece remains in Wallingford. She noted George Washington described the area. She said the habitat itself is the key to the life forms which live in this area. She said the sand barren is shrinking and the woodland increasing. Rep. Mushinsky said if the sand barren remains, it could be restored by bringing in examples of species and remnants of sand barren in North Haven. She showed a photo of the sand barren from 1934 noting on both sides of Toelles Rd. it was sand barren. She showed a photo from 1962 which starts to show the encroaching woodland. Rep. Mushinsky showed a photo of the sand barren in 1995 which shows the Cytec landfill and a small sandpit and the protected area with the dry acidic woods on the left and the sand barren on the right. She pointed out there are alternatives from using this area for economic development, noting the Enterprise Zone and the Bristol Myers-Squibb property could be used.

Sigrun Gadwa, member of the CT Botanical Society, showed slides of the North Haven sand plain near Wharton Brook which included tall prairie grass and golden aspen flowers and a patch of bare sand below. Ms. Hand noted that Ms. Gadwa had submitted an Intervenor Notice for the record.

Tim Ryan, Economic Development Corp., recognized the Wallingford Conservation Commission and said he appreciated their efforts to preserve the many beautiful sites in Wallingford. He said we are at opposite sides this evening. He also thanked Allnex which he said responded to a request by the EDC by putting this property on the market. Mr. Ryan noted there is limited potential for development in the Town's industrial zone. He said this particular parcel represents an ideal location given its proximity to the highway and rail. Mr. Ryan noted that every community has bills to pay and at the end of the day, taxes continue to go up and the EDC's job is to try to grow the tax base. Mr. Ryan said the EDC identified this parcel as an ideal way to grow to the tax base.

Mr. Ryan said the EDC has worked with the Town Planner and the Tax Assessor and can generate a half a million dollars a year in tax revenue, both in real property tax and personal property tax when the site is developed as proposed. He noted things at the State level are soft and the State continues to reach into Wallingford's pockets so we need to take and develop opportunities that present themselves and try to do this without being environmentally insensitive. He said the EDC works diligently to recycle properties, citing 155 East Street, the old Thermo Spas property which will be the new location for Ferti Technologies. Mr. Ryan spoke about Rep. Mushinsky's reference to the brownfield regulations in CT. He said he is familiar with them and noted in many cases, they don't work. Mr. Ryan spoke about Ms. Gadwa's slide show, but did not reference the Allnex site.

Mr. Kohan noted there was a letter from the EDC stating Mr. Ryan's point. He said he appreciated the concern about developing properties for new business but whether it brings in \$5 , \$5,000 or \$500,000, is irrelevant to this decision making board is was upset this was thrown in our face and said this was unconscionable. Mr. Kohan said this doesn't factor into the PZC decision making and was out of line.

Patrick Cummins, Executive Director, CT. Audubon Society, said he submitted a hard copy of his testimony. He said this site is considered the best preserved and only sizable remnant of the North Haven sand plains which he said once stretched 15 miles between Meriden and New Haven. He said this unique vegetative community which once dominated the area on the east side of the Quinnipiac River has been largely lost to industrialization and urbanization. He said the CT Audubon Society respectfully request the PZC defer action on this proposal until the Applicant has met with the DEEP wildlife division to develop a conservation plan. He said the area set aside should be large and contiguous as possible.

Joe Mirra, Economic Development Commission, said the first application presented which seems to be nothing more than a clerical application for approval of the site division, should be voted upon so the road can be approved with no further delay. He said the EDC is here to present the taxpayers and employees of Wallingford the opportunity to continue the quality of life that the residents are familiar with. He said the program presented tonight demonstrated that specialists were brought in and testing done for all the plant life, insects and species. He said solutions and a mitigation plan was also offered

which he said shouldn't be brushed aside and ignored. He said someone is trying to present a cohesiveness between the quality of life and the senior citizens who are trying to pay their taxes. Mr. Mira said the best of both worlds have been presented and the PZC should consider this.

Sonya Wulff, member of the CT Botanical Society, speaking as a Wallingford resident, said she is concerned about the destruction of the entire habitat. She said it is hard to find mitigation for this. She read her letter to the PZC.

Eldon Cody, 77 Masonic Avenue, gave credit to the engineer who he said answered nine out of his ten questions. Mr. Cody brought up water usage, noting the hundreds of thousands of gallons of water the plant will require. He wondered if the Town's resources can support this. He said until the answer is know, this item must be tabled.

Scott Gray, 15 Oxford Trail, asked where all the water is coming from and how will this affect our water supply. He also spoke about the lagoons and what they will be lined with and how many times will they be tested and inspected. He also spoke about dust control. He said the dust will slow down the infiltration and the flow of water into the water table. He wondered what 50 trucks in and out of the facility all day will do to the roads, the quality of the air and the traffic whether they turn left or right. Mr. Gray said the restoration plan should be specifically presented, not just discussed. He said it appears there will be two feet left between the bottom of the project and the existing water table which doesn't sound good to him. Mr. Gray said the Commissioners should be able to do a site walk.

Joe Mirra, EDC, spoke about the water, noting this project went through the Water and Sewer Dept. and they are looking for other outsources for water. He said there is extra water to put out there.

Bob Gross, Long Hill Rd. asked if chemicals were used to treat the water and if they do, does the water go into the ground. He asked if a permit was needed to use all this water. Mr. Gross noted that on the site plan, Covanta will be having a site walk either in June or July where the public will be welcomed. Mr. Gross said money shouldn't be the root for everything and how do we know there will be warehouses or buildings on this site five to seven years from now, noting the economic climate can change.

Erin O'Hare, Wallingford Environmental Planner, said the sub-division plan is missing the existing Eversource gas line is missing from the map and easement and the gas line should be represented. She said she also couldn't find the type of soil on the sub-division map which is required. Ms. O'Hare said no decision should be made on the sub-division until the archeological results are in. Ms. O'Hare distributed a sample of sand found on the sand barren. She noted this is glacial sand.

Brian Jones, State Archeologist, spoke about the letter in the PZC packet. He said as a State Archeologist he works with municipalities throughout the State and provides guidance. Mr. Jones noted the Applicant came to him with questions. He said about two-thirds of the sand plains were tested and so far nothing has been found. Mr. Jones said there could be Phase 2 testing which would determine National Registry eligibility.

Ben Martin, 329 Ward Street, said he believed this is a bad idea and it seems the Applicant is not prepared with the documents and pushing the request onto the seller of the property. He said the EDC basically brokered this deal and neither the buyer or seller is excited. He said he is upset that his tax dollars are paying for the EDC to work as a real estate agent for business, instead of working for the people of the town. Mr. Martin said pollution will increase from the trucks and take away vegetation and kill species. He said we are in the sixth mass extinction because of what we have done to the environment. Mr. Martin said he didn't understand why our government officials were going out there and not doing things beneficial to the people. He said he hopes the PZC says no to this application and if more information is presented, there will be another Public Hearing.

Charles Strasser, CT Botanical Society, (CBS), speaking as a private citizen, encouraged the PZC to heed the advice of the CBS regarding 10-20 Toelles Rd. He said that all five points made by Mr. Yih and Ms. Gadwa should be noted. He said the sandplains should be brought into a permanent wildlife conservation.

Susan Hyzinger, 36 Surrey Drive, said she is concerned and asked why there was a Community Advisory Board and why was it formed. She spoke about the Cynamid spill in 1974 which was 13,000 gallons of a carcinogen. She said she was concerned about the sand being moved and said the sand is highly flammable and has carcinogens. She said the monitoring wells are critical.

Fred Pettit, 33 Highland Drive, said this sandplains need to be protected and he doesn't support his application.

Dianne Saunders, Northford Rd., had a logistical question about the three applications. She suggested the PZC consider an amendment to the Regulations to have this subdivision to not have the same application period if it is a large application. She said she would like to see a hydrology report.

Larry Morgenstein, S. Main Street, said a viable ecosystem still exists. He noted that 95% of this is gone. He said is weighing what is important and what do we value in our Town. He said he hopes the PZC regulations will guide the PZC to save this property. He said this is a question of values and regulations and is a tough decision. Mr. Morgenstein said this is viable and to stop playing games and make a decision on what the rules and regulations should be.

Sarah Pellegrino, said it would be a shame to see the habitat lost and destroyed forever. She asked the PZC to give the decision the amount of time needed. She encouraged consideration of other locations in Town. She said this has a real opportunity for a positive outcome. She asked the PZC to consider how to buffer or limit the area and that these sandplains make Wallingford.

John Rollie, Operations Manager at Nucor, asked about 50 trucks exported per day, but heard nothing about how many trucks will be entering the site. He also asked about excavating Toelles Road for utilities. Mr. Rollie said the rail line indicated there will be an increase in traffic crossing the rail line and said he would like to know more about this issue.

PUBLIC COMMENT ENDS AT 12:15 a.m.

Atty. Molloy said it would be her preference to put a coordinated response to the questions presented by the public tonight. She asked the PZC if the Applicant should spend time pursuing the mitigation plan. She asked the PZC if they were willing to consider this. Atty. Molloy said the Applicant consents to continuing the Public Hearing. The PZC said they would like to see a mitigation plan.

Mr. Fitzsimmons: Motion to continue this application to the June 11, 2018 regular meeting.

Mr. Kohan: Second

Vote: Unanimous

NEW BUSINESS

9. Six-year Capital & Non-recurring Budget (2018-2024)

Mr. Fitzsimmons: Motion to approve the six-year Capital & Non-recurring budget (2018-2024)

Mr. Kohan: Second

Vote: Unanimous

RECOMMENDATION FOR ROAD ACCEPTANCE

10. Portion of Docker Drive servicing the Knollwood Place Subdivision - **#103-18**

Ms. Hand said this is not ready for acceptance.

BOND RELEASES AND REDUCTIONS

11. Special Permit/JTF Holdings (Specialized Education)/5-9 Barnes Industrial Road South - **#401-17**

Ms. Hand said this was not ready to be released

REPORTS OF OFFICERS AND STAFF

12. Administrative Approvals

a. Change of Use/A. Ayodogan/722 North Colony Road - **#318-18**

b. Survey Waiver/Gouveia. 1339 Whirlwind Hill Road

The Commission had no questions.

13. Wallingford Senior Center/Electronic Digital Signage

Ms. Hand reminded the PZC they have a moratorium on LED signs and electronic message boards. She said Chair Seichter suggested scheduling a meeting to discuss this issue. She said there is a workshop scheduled for May 30th to discuss the Town Center and sidewalks, and suggesting waiting to discuss this issue.

14. ZBA Decisions of April 6, 2018

Ms. Hand said the ZBA denied the large greenhouse proposal and continued one of the other applications for a large addition.

15. ZBA notice for May 21, 2018

Mr. Fitzsimmons asked if Ms. Hand's office would take a position on 570 Center Street. Ms. Hand said this was discussed with the Applicant and came to the PZC for the potential of creating a neighborhood business district. She said the Applicant would like to expand within the existing building footprint and are hoping for a compromise.

16. Zoning Enforcement Log

Ms. Hand said there are a few things that haven't been added to the log that are being worked on, i.e., the dealer and repair shop located next to Rick's on Five. She said a site plan was approved a few years ago and noted the Applicant has never been in compliance. Ms. Hand said her office is also working with Rick's on Five because they got a variance in association with their front dining expansion and never brought their property into full compliance. Ms. Hand said Mr. Fitzsimmons requested dumpsters be looked into on a few properties. She said Ms. Torre, Zoning Enforcement Officer, is looking into the dumpster on North Plains. She said some of the blade signs were installed on Center Street below the permitted height.

Mr. Kohan had questions on the cemetery. He said the State Archeologist is willing to do ground penetrating at the exit. Ms. Hand said she tried to follow-up on this and said burials have to be recorded in the Town Clerk's office, but the location is not recorded. She said she is waiting for a response to the Town Sextant regarding this question.

Ms. Hand asked the PZC to waive Rule 5 to add Cheshire Crossing to the agenda.

Mr. Fitzsimmons: Motion to waive Rule 5 to add Cheshire Crossing to the agenda.

Mr. Kohan: Second

Vote: Unanimous

Ms. Hand said the request is for Cheshire Crossing for someone who would like to expand the patio. She noted this is an OSPRD (Open Space Plan Residential Development). She said in the OSPRD, it is exactly as approved and should not vary. Ms. Hand said there have been problems in the past with accessory

structures being constructed. She said the PZC had approved in the past putting patios and stone under approved decks. She said this Applicant would like to install a landing to the bottom of the stairs at 3 ft. x 3 ft. and the Applicant indicated this was a safety concern.

The Commission was in favor and approved the crushed stone.

ADJOURNMENT

Mr. Fitzsimmons made a motion to adjourn the Meeting at 12:30 a.m. Mr. Kohan seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary