

Planning & Zoning Commission

Monday, June 13, 2016

Robert F. Parisi Council Chambers

Town Hall – 45 South Main Street

7:00 p.m.

MINUTES

PRESENT: Chairman James Seichter; Vice-Chair J.P. Venoit, (arrived at 8:33 p.m.); Commissioners Jeffrey Kohan; James Fitzsimmons; Rocco Matarazzo alternate; Gina Morgenstein, alternate; Larry Zabrowski, alternate; Kacie Costello, Town Planner.

Chair Seichter called the Meeting to order at 7:10 p.m. and took the agenda in the following order.

He noted item #1 Zoning Text Amendment (Sec. 4.2.E.3)/Paradise Hills Vineyard/Farm Wineries - **#502-16** Public Hearing was closed and said this would be taken up sometime after 8 p.m because Vice-Chair Venoit who was present at the Paradise Hills discussion, would not be in attendance at tonight's meeting until sometime after 8 p.m.

2. Special Permit (traffic generation – convenience store and gas station)/Cumberland Farms, Inc.,/906 North Colony Road - **#406-16**

Mr. Fitzsimmons read the Legal Notice and noted all correspondence for the record: memo from Rob Baltramaitis, Town Engineer, to Jim Seichter, Chair, Planning & Zoning Commission, dated June 9, 2016 and a memo from Rob Baltramaitis to Jim Seichter, Chair, Planning and Zoning, dated June 10, 2016.

Chair Seichter said this application is a continuation from last month and at that meeting, Commissioners Fitzsimmons, Menard, Kohan, Matarazzo and Venoit were present. He noted Mr. Menard is not present tonight and Mr. Venoit is not expected until after 8 p.m. He said for approval three Commissions members were needed. Chair Seichter gave the Applicant the option to move forward or wait until later in the evening when Mr. Venoit is present.

Appearing in front of the Commission was Atty. Dennis Ceneviva, and Patrick O'Leary P.E., project engineer.

Atty. Ceneviva said he was prepared to go forward. He said the entire presentation was made at the last PZC meeting. He stated that comments from Rob Baltramaitis, Town Engineer, were acceptable to the Applicant.

Mr. Fitzsimmons asked about the location of the proposed easement for the interconnection. Mr. O'Leary, spoke about the two interconnections between the adjacent sites. He said there will be an easement which will be documented in the Land Records, and when the site is re-developed, all will be connected.

Mr. Fitzsimmons asked about the traffic flow. Mr. O'Leary said both easements are full access. He said two curb cuts are needed and a variance was obtained and will accommodate tanker trucks. He said plans are being reviewed for an encroachment permit. Ms. Costello said all of her comments were addressed for the last meeting. She recommended a \$12,300 S & E bond. Atty. Ceneviva said the independent traffic engineer was present at the meeting.

Chair Seichter entertained public comment.

No Public Comment

Mr. Fitzsimmons made a motion to close the Public Hearing at 7:20 p.m. Mr. Kohan seconded the motion.

Vote: unanimous

Chair Seichter entertained a motion on the application.

Mr. Fitzsimmons made a motion to close the Public Hearing at 7:20 p.m. Mr. Kohan seconded the motion.

Vote: Kohan-yes; Fitzsimmons-yes; Matarazzo-yes

Chair Seichter entertained a motion on the application.

Mr. Fitzsimmons: Motion to approve a Special Permit (traffic generation) for Cumberland Farms Inc. to construct a gas station/convenience store at 906 North Colony Road, as shown on plans entitled "Proposed Convenience Store with Gas, 906 North Colony Road Wallingford Connecticut", dated April 8, 2016, with sheet CFG04.0 updated to 6/7/16 subject to:

- 1. Comments of Town Engineer dated 6/9/16 and 6/10/16;**
- 2. Comments of Water & Sewer Senior Engineer dated 4/25/16;**
- 3. Comments from the Dept. of Fire Marshal dated 4/14/16;**
- 4. Comments of the Town Planner dated 4/29/16;**
- 5. Applicant to post an S & E bond of \$12,300 as recommended by the Town Planner**

Mr. Kohan: second

Vote: Kohan-yes; Matarazzo-yes; Fitzsimmons-yes

Application approved

3. Special Permit (Location of Use)/Amentea/ 168 North Plains Industrial Road – #407-16

Chair Seichter announced that Ms. Morgenstein will replace Mr. Venoit as a voting member as well as Mr. Matarazzo for Mr. Menard.

Mr. Fitzsimmons read the Legal Notice and noted all correspondence for the record: memo from the Wallingford Fire Marshall dated 5/10/16; correspondence from the Wallingford Town Planner dated May 26, 2016; correspondence from Robert Amentea dated June 7, 2016 to Town Planner Kacie Costello; memo from Erik Krueger, Sr. Engineer, Water & Sewer Divisions to Kacie Costello dated June 1, 2016; memo from Rob Baltramaitis, Town Engineer, dated June 9, 2016.

Appearing in front of the Commission was Robert Amentea, engineer/surveyor with Design Development Group representing the Applicant, Joseph Amentea. Robert Amentea said his son wants to obtain a dealer license. He said these are high end cars by appointment only and noted Ms. Costello had a problem with five parking spaces. He said they can get away with three parking spaces because the cars will be stored inside and outside for display only for a short time for a potential customer to view and then put back inside.

Mr. Fitzsimmons asked about the car sales. Robert Amentea said most of the cars are sales which will be sold off site. Mr. Fitzsimmons asked about signage.

Robert Amentea said the signage would be on the door. Mr. Fitzsimmons asked about outside and inside display and the number of cars to be displayed. Robert Amentea said the cars will only be outside when someone comes to look. He said the only spaces needed for parking will be three, himself, his son and a customer.

Chair Seichter asked about the repair side of the business and the type of repairs. Joseph Amentea said the type of cars involved include 60's Corvettes to new Porches and Ferrari's; prepping cars for sale, and changing out parts. He noted the customers are throughout the U.S.

Chair Seichter pointed out that because of this, it would be highly unlikely there would be a lot of on-site repairs.

Ms. Costello noted the site as it is currently developed is not consistent with this approved plan. She said her concern was that this presents a problem in terms of parking requirements because when one use is changed to another the parking becomes a problem. She asked about the square footage. She said 2,600 sq. ft. used for warehousing would require approximately two spaces. Ms. Costello said the Applicant is looking for three parking spaces outside. Joseph Amentea said there would be four cars stored outside with the two bays equaling eight cars

total. She said the parking requirements are met. She said there are other issues on site which will be dealt with. She said the Applicant should be limited to three spaces.

Chair Seichter entertained Public Comment at this time.

No Public Comment.

Chair Seichter entertained a motion to close the Public Hearing.

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

Mr. Kohan: Second

Vote: unanimous

Chair Seichter entertained a motion on the application.

Mr. Fitzsimmons: Motion to approve a Special Permit (location of use) for Amentea, to operate an automotive dealership/repair garage at 168 North Plains Industrial Road, as shown on plans entitled: "Site Drawing, Prepared for G.T. Motorcars, LLC., Unit 49 & 50 T.M.77 Lot 13, 168 North Plains Industrial Road, Wallingford, Connecticut, dated March 24, 2016, revised to 6-3-16, subject to:

- 1. Comments of Water and Sewer Sr. Engineer to the Commission dated 6/1/16;**
- 2. Outside storage permitted overnight for one vehicle only;**
- 3. Applicant should include on the final plan, designated parking spots for three spaces for this use**

Mr. Kohan Second

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons- yes; Matarazzo-yes; Seichter yes

Application Approved

- 4. Special Permit (Location of Use)/Valentin/4 Atwater Place - #408-16**

Mr. Fitzsimmons read the Legal Notice and noted all correspondence into the record: memo from Erin O'Hare, Environmental Planner, to the Planning & Zoning Commission dated May 24, 2016; correspondence from Kacie Costello, Town Planner, to Michael Valentin, dated May 26, 2016; memo to Kacie Costello, Town Planner, from Erik Krueger, Sr. Engineer, Water & Sewer Divisions, dated June 1, 2016; comment from the Town Engineer dated 6/9/16; comment from the Fire Marshal dated 5/12/16.

Appearing in front of the Commission was Michael Valentin, Applicant and Tony Valentin. Michael Valentin said his application was for a used car dealership/repair facility on Atwater Place. He addressed the Commission's concern regarding the handicap parking spaces by noting the spaces will be located between #3 and #4 on the site plan. Tony Valentin said there will be an additional three parking spaces for the customers. Tony Valentin spoke about the bushes in the front area noting they are pine and 12 ft. high. He said on the first gated area, they are requesting five vehicles to be located in that area, and on the second gated area, they are requesting six vehicles to be located in that area. Tony Valentin said the dumpster will be located in the gravel area which was a former building which was taken down.

Chair Seichter asked Ms. Costello about the handicap spaces, noting they were not on his plans. Ms. Costello said she did not receive revised plans. Tony Valentin said the spaces were already installed but not revised on the plan. Chair Seichter said the plans the Commission has hasn't been revised to what is being discussed and noted he was confused regarding what was being presented. He said he would like to see the revised plans based on the comments of the Town Planner.

Mr. Fitzsimmons agreed, saying the normal process is to receive the letter from the Town Planner and then revised the plans before the meeting. He said he would like to see revised plans to act on. Mr. Kohan and Mr. Matarazzo agreed stating there were a lot of changes. Ms. Costello said this would give everyone an opportunity to meet on-site.

Chair Seichter entertained a motion to table the application.

Mr. Fitzsimmons: Motion to table to the July 11, 2016 meeting

Mr. Kohan-Second

Vote: Morgenstein-yes;Kohan-yes;Fitzsimmons-yes;Matarazzo-yes;Seichter-yes

TABLED TO THE JULY 11, 2016 PZC Meeting.

NEW BUSINESS

5.Site Plan/Kingsbrook Development Corp./701 North Colony Road - **#218-16**

Mr. Fitzsimmons noted all correspondence for the record: letter from Town Planner Kacie Costello to David Seymour, Kingsbrook Development Corp. dated June 1, 2016; memo from Erik Krueger, Sr. Engineer, Water & Sewer Divisions, dated May 31, 2016; letter to Kacie Costello, Town Planner, dated June 16, 2016 from Steve Kochis, Project Engineer, Milone & MacBroom; memo from the Wallingford Fire Marshal, dated May 11, 2016; comments received from Town Engineer Robert Baltramaitis dated June 9, 2016.

Appearing in front of the Commission was David Seymour President of Kingsbrook Development Corp; Steve Kochis, and John Gilmore of Milone & MacBroom and Craig Chasse, Architect. Mr. Kochis said this was the potential development for Wallingford CT COS-Connecticut Orthopedic. He said all types of orthopedic services are provided but this office will be just for office visits.

Mr. Kochis said the office will be located at 702 N Colony Road, three acres in size and 2,750 sq. ft. on site. He said there is an existing non-conformity six inches away from the property line of the Subaru Dealership. He said the parking extends into the Rt. 5 Right-of-Way. He noted the property is served by public water and sewer. Mr. Kochis went over the site plan noting the existing building will be demolished but the foundation will be used. He said no changes are proposed to the traffic signal. He said 16 spaces will be handicapped and a 50 ft. landscape buffer will be installed in the front of the site. Mr. Kochis discussed the drainage patterns which he said will be largely maintained. Mr. Kochis said the traffic signal will be maintained to the east and a one-way circulation going clockwise around the building.

Craig Chasse ,architect, went over the plan. He said the footprint has been cut down 29 ft. from the north side to allow circulation. He said this will be a two story medical office building and the entrance will be to the south side of the building with a canopied entrance. Mr. Chasse said the architecture will be bricked based with a cornice at the top of the building and will include a two-story lobby and an interconnecting stairwell.

Mr. Matarazzo asked about the position of the building. Mr. Chasse said the vast majority of the parking field was to the south. He said the Applicant is trying to reuse the foundation for cost savings.. He said the existing foundation was agreed to be reutilized and for repurposing the building. Mr. Kochis referred to the bump-out and showed the main entrance. He said this will create depth and will present a sense of an entrance and people will see the bulk of the parking will be to the left.

Mr. Kohan asked about signage on the south side and the side facing Rt 5.

Mr. Kochis said they will come in with a separate application for signage. Mr. Fitzsimmons said this appears to be an improvement to the site, but was disappointed that the building didn't face Rt.5. He noted the Regulations don't require the building to face Rt. 5.

Mr. Zabrowski asked about the type of roof. Mr. Kochis said there are two separate buildings on campus. He said one building will have a peaked roof, with a flat roof on top. Mr. Zabrowski asked about the height requirement. Ms. Costello said it is 30 ft. and noted the Applicant is well under 30 ft.

Chair Seichter asked about property access, noting access to the north, but not to the south. He asked if there would e an opportunity for an access easement to the Taylor Rental Property if this property were to be redeveloped. He said he would like to see an access easement, but

wondered if three parking spaces could be eliminated and located somewhere else. Mr. Kochiss said this currently isn't a possibility.

Mr. Fitzsimmons said he would like to see future easements designated on the plan. Chair Seichter noted there would have to be a modification to this plan to reduce the parking spaces. Mr. Kochiss said he didn't have a problem with this as long as there would be future development. Ms. Costello said this would make sense to continue the 24 ft. wide access from the Subaru dealership running south. She said the easement could still be required on the property, but the connection could only be created if it maintained compliance with the Zoning Regulations and be stated on the plans. The Applicant agreed. Ms. Costello suggested the applicant work with the Town Attorney to create an appropriate easement. Ms. Costello clarified the Applicant has a 35 ft. building but can have a 38 ft. high building. She suggested the easement to the property to the north be relocated and the sidewalk easement be filed with the Town and an S & E bond of \$11,500.

Mr. Kohan asked about the type of tenants and if there would be sufficient room if there was a surgical center to drop off patients. Mr. Kochis said this Applicant has a successful surgical center in Branford. He said at this point, a surgery center is not being contemplated on this site, siting potential vibrations from the railroad track.

Chair Seichter entertained public comment.

There was no Public Comment.

Chair Seichter said he was happy the Applicant decided not to re-use the building and to tear it down and noted it is a significant improvement to the property with the green spaces to the front and back of the property.

Chair Seichter entertained a motion at this time.

Mr. Fitzsimmons: motion to approve a Site Plan for Kingsbrook Development Corp., to construct a 23,600 sq. ft. medical office building at 701 North Colony Road, as shown on plans entitled "Proposed Medical Office Building 701 North Colony Road (Route 5) Wallingford, Connecticut, dated May 6, 2016, revised to June 7, 2016, subject to:

- 1. Comments of the Town Engineer dated 6/9/16;**
- 2. Comments of the Fire Marshall dated 5/11/16;**
- 3. Comments of the Water & Sewer Divisions Sr. Engineer dated 5/31/16;**
- 4. Comments of the Town Planner dated 6/1/16;**
- 5. Applicant to work with Town Attorney for final language to grant the required easement on the southern property line as discussed at this meeting;**

6. Easement for property to the north should be relocated as outlined by the Town Planner at this meeting;
7. Easement for the sidewalk in favor of the Town to be filed prior to issuance of C.O.
8. Applicant should post an S & E bond of \$11,500 as recommended by the Town Planner

Mr. Kohan: Second

Vote: Morgenstein-yes; Kohan-yes; Seichter-yes; Matarazzo-yes; Fitzsimmons-yes

Application approved

6. Site Plan/Rocha (Dunkin' Donuts)/690 North Colony Road - #216-16

Mr. Fitzsimmons noted all correspondence for the record: memo received from Erik Krueger, Sr. Engineer, Water & Sewer Divisions to Kacie Costello, Town Planner, dated May 19, 2016; letter from Kacie Costello, Town Planner, to Manuel Rocha, dated May 19, 2016 and June 6, 2016; comment letter from the Town Engineer dated 6/9/16.

Appearing in front of the Commission was Manuel Rocha, 98 Shore Road, principal for Dunkin Donuts in Wallingford. He said more parking is needed to accommodate the Dunkin Donuts.

Mr. Fitzsimmons asked about the driveway and noted it is chained off. He asked if the curb cut will be kept closed. Mr. Rocha said the DOT required the widening up of the entry way because it was designed for a house. He said there are no intentions to go through this extra cost. Mr. Fitzsimmons asked about the separate parcel and asked if the intention was to merge the two lots. Mr. Rocha said the lots can be merged, but the intention when the property was purchased, was to make the location easier and effective.

Ms. Costello noted this was the main comment in her comments because the two properties are under the same ownership and the property to the south is undersized, once the house was demolished, the two lots were considered merged but needs to be reflected in the plans.

Mr. Fitzsimmons asked about cars stacking onto Rt. 5. He asked if anyone could park there when completed and asked if the chain would remain. He asked if the plan was to close the curb cut and open up the parking lot to patrons and employees.

Mr. Rocha said his main purpose is to have parking for customers. He said he could look at opening this. He said DOT has required this be closed off because it doesn't meet the road

because of the house. Ms. Costello said Mr. Rocha would have to go through a new site plan approval and file a new plan with DOT.

Mr. Matarazzo asked about the size of the proposed lot for additional parking. He asked if the lot could have been made larger. Mr. Rocha said the lot could be made larger but noted the cost. He said he wants to make it easier to access, noting there are a lot of seniors who utilize his business. Mr. Rocha said he could always come back with a better plan in the future.

Public Comments-none.

Chair Seichter entertained a motion on the application.

Mr. Fitzsimmons: motion to approve a Site Plan for Rocha to construct a parking lot expansion at 690-694 North Colony Road, as shown on plans entitled "Proposed Parking Expansion, 690-694 North Colony Road, Wallingford, Connecticut, dated 4/8/16, subject to:

- 1. Comments of the Town of Wallingford Water & Sewer Senior Engineer dated 5/19/16;**
- 2. Comments of the Town Planner dated 6/16/16**

Mr. Kohan: second

Vote: Morgenstein-yes;-Fitzsimmons-yes;-Kohan-yes; Matarazzo-yes; Seichter-yes

Application approved

Chair Seichter entertained a motion for a five-minute recess.

Mr. Fitzsimmons: Motion to take a five-minute recess at 8:20 p.m.

Mr. Kohan: Second

Vote: Unanimous

Chair Seichter also entertained a motion to adjourn as PZC- and called back the meeting to order at 8: 22 pm. as the Aquifer Protection Commission.

Mr. Fitzsimmons: Motion to adjourn as the PZC and convene as the Aquifer Protection Commission after the five-minute recess.

Mr. Kohan: Second

Vote: Unanimous

DISCUSSION

AQUIFER PROTECTION COMMISSION

9. Aquifer Protection -1148-1164 North Colony Road/Atty. Joan Molloy

Mr. Fitzsimmons noted all correspondence for the record: Letter from Atty. Joan Molloy, Loughlin Fitzgerald received on May 5, 2016; memo from Erik Krueger, Sr. Engineer, Water & Sewer Divisions to Kacie Costello, Town Planner, dated June 8, 2016.

Appearing in front of the Aquifer Protection Agency was Atty. Joan Molloy, Loughlin Fitzgerald, representing North Colony Development LLC, Steve Zion principal, and Gary Greenalch, Project Engineer.

Atty. Molloy asked to speak to the Commission to discuss her client wishing to relocate the Toyota dealership to this area and noted a portion of the property is in the acquire protection zone. She said there were meetings with representatives of the Water & Sewer Divisions. She said based on the conversations, a plan was drawn up to utilize the site without disturbing the aquifer protection zone, and storage of new vehicles would not be a prohibited activity and if permission was obtained, the Applicant would submit detailed reports.

Mr. Greenalch professional engineer, went over the proposed site plan and said work was done on this plan for two years. He said this site is located on the side of a large hill. He said there are many issues, including drainage. Mr. Greenalch described the water aquifer line which Mr. Mascia came up with. Mr. Greenalch said Mr. Mascia requested the building be kept away from that area. He said the spillage would be taken away from this area. Mr. Greenalch said there would be delineation to show where the new parking area would be by installing islands, in relationship to the aquifer protection zone. He said only new cars would be parked in this area.

Ms. Morganstein noted her husband works for Toyota of Wallingford.

Chair Seichter nominated Mr. Zabrowski as a voting member in place of Ms. Morgenstein.

Mr. Fitzsimmons asked about the parking. Atty. Molloy said the northwest portion of the property will be designated only for new vehicle parking because of the aquifer protection zone.

Mr. Zabrowski asked if the aquifer continued across Rt. 5.

Ms. Costello said it continues over towards the S. Broad Street area. She said there are some dealerships in the zone but they were pre-existing and are allowed to remain in the aquifer protection zone. Ms. Costello said the mapping for the aquifer was provided by the State. Ms. Costello said there is a list of regulated activities and noted Wallingford was one of the first towns to have aquifer regulations. She said the question is no new regulated activities are permitted within the aquifer. She said a new business would have to register with the Town and have a materials management plan.

Ms. Costello said because a portion of the site is located within the aquifer, a new repair garage would not be allowed within the aquifer protection district. She said a portion goes throughout the property, but the discussion is the proposed activity is proposed to be outside the aquifer protection district. Mr. Zabrowski asked if the elevation could be pitched away from the aquifer protection area.

Mr. Zabrowski asked if there was enough room between the building and the aquifer zone. Mr. Greenalch said the water is flowing from north to south, so a lot of water will be taken to the catch basin and taken out of the area. He said the new drainage system hasn't been designed yet. He said they will work with Water & Sewer to come up with solutions. He said he is asking for the entire site to be taken care of so no pollutions get into the site. Mr. Zabrowski said the aquifer line, anything on site, will be pitched way from the area.

Mr. Greenalch said the water could be pitched to the basin and there could be sediment control. He said the Applicant proposes having this outside the aquifer area so if there was a problem, the water would leave the area. Atty. Molloy said the activities regulated will be stored south of the aquifer area but some of the flow might go from east to west and then flow south. She said the ultimate goal is to collect everything, treat it in the catch basin, and have it flow south. She said these details will have to be worked out. Atty. Molloy said a formal application will be given to the aquifer protection agency. She said the activities proposed will be kept out of that zone and compose the best management practices which apply to this area.

Mr. Zabrowski said the corner of the building seem close to the aquifer and there will have to be catch basins. Mr. Greenalch said there will be catch basin systems in that area. Mr. Zabrowski asked if this was a normal aquifer protection plan. Ms. Costello said if all of the activities were located in the aquifer, this wouldn't be permitted. She said the line runs through the property and the question is whether this is acceptable in the regulations for the activities to be permitted on the site. She said a permit will be sought for dealer and repairer license. Ms. Costello said she spoke with DEEP and would look for best management practices on site to provide for a level of protection.

Ms. Costello noted it wouldn't be appropriate for repair vehicles to park in the aquifer zone. Mr. Zion said he is aware of what has to be done. He said the cars would be parked along the back area, nowhere near the aquifer area.

Chair Seichter asked if it would be a regulated activity to have new cars parked in the aquifer area and noted this is what the aquifer protection agency is being asked to decide. Mr. Kohan said he was comfortable with the proposed oil/water separator idea. He said what is being proposed is acceptable to him and the Commission agreed.

Chair Seichter entertained a motion to adjourn the Aquifer Protection Commission.

Mr. Fitzsimmons: Motion to adjourn the Aquifer Protection Commission at 849 p.m.
Mr. Kohan: Second

Vote: Unanimous

The PZC Commission meeting reconvened at 8:50 p.m.

PUBLIC HEARINGS

1. Zoning Text Amendment (Sec. 4.2.E.3)/Paradise Hills Vineyard/Farm Wineries - **#501-16**

(ACTION ONLY-DISCUSSION CLOSED).

The Recording Secretary read the original April 11, 2016 motion into the record made by Mr. Venoit and seconded by Mr. Kohan.

Secretary Venoit noted all correspondence for the record: application for text amendment **#502-16**, submitted by the Applicant on April 6, 2016; motion language of the April 11, 2016 PZC meeting; regulations as proposed and motion made at the April 11, 2016 PZC meeting; suggested language for new motion based on previous motion clarifications.

Chair Seichter noted that Commissioners Kohan, Venoit, Matarazzo, Zabrowski and Seichter would be the voting members on the Paradise Hills application.

Chair Seichter noted some corrections. He said there were several areas which needed clarification and noted some errors. He said Item #1 regarding impervious cover materials was too wordy but the gist was correct. He noted impervious cover materials should not be permitted in parking areas or driveways located in a watershed.

Regarding Item #2, he believed this was an error based on Commission discussions which stated that no wine sales either by retail or glass may occur from Monday through Saturday from 11 a.m. to 8 p.m. Chair Seichter said based upon discussions what the Commission is saying is that no sale of wine may occur before 11 a.m. and after 8 p.m., Monday through Saturday, and before 11 a.m. and after 3 p.m. on Sunday. He said this needs to be clarified in the motion.

Regarding item #3, incidental service and sales of pre-packaged non-alcoholic beverages, Chair Seichter said he believed this is consistent with Commission discussions. Regarding item #4, which deals with up to four special public winery events during the calendar year, Chair Seichter said this is consistent with what was being discussed. He said Item #5, Section 4.2.E.3, Roman Numeral III, which states all events allowed under Sub-Sections I and I and II, should refer to 4-2E 3J and the wording would then be correct: "shall end before 8 p.m. Monday through Saturday and 6 p.m. on Sunday." He said the rest of the motion is correct based on the

Commission's discussions. He asked for Commission comments regarding the catered food which he said would need to be clarified.

Regarding item #6, Roman Numeral IV, section 4.2.E.3, Chair Seichter said there is already a section and this should be added as Roman Numeral V, rather than IV. Regarding item #7, Chair Seichter said he believed this part of the motion is correct based upon Commission discussions regarding the music. He said allowing music on the covered porch was eliminated which was included in the Applicants original application. Chair Seichter said on item #8, regarding live music no more than twice a week between noon and 8 p.m., Monday through Saturday, and 6 p.m. on Sunday, what was eliminated was that there would be no outdoor music. He said looking at the language based on the motion, the wording "and except as provided above" should be removed.

Item #9, "the winery shall at all times comply with the restrictions of the Wallingford Noise Ordinance or the zone in which it is located", Chair Seichter said he believed the Commission had received communication from Corporation Counsel that the PZC doesn't have the authority to do this and would have to be an ordinance. He said there was new language proposed that "the winery shall at all times comply with the restrictions of Wallingford Noise Ordinance for the zone in which it is located; it is then not the intent of this Regulation to consider the above events: promotions and music to be exempt from activities under the Noise Ordinance".

Ms. Costello said the attachments received were administrative in terms of clarifying motions for tonight's meeting. She said item #2 for Sunday said the discussion and the previous motion was before 11 a.m. or after 6 p.m. She said Chair Seichter stated it was 3 p.m. Ms. Costello also noted that item #10 in the original motion which mentioned the condition of approval related to the Health Dept. memo, she said the PZC can't make a memo a condition for a regulation change and recommended this condition be removed.

Mr. Kohan said he agreed with the Chairnan's suggested changes from the April 11, 2016 original motion. He said as far as the suggested language, the big concern he had was the wording on the music. He said he wanted to ensure that the Commission specifies there will be no outdoor amplified music which he noted the Applicant agreed to. Mr. Kohan said the time was revised from 9 p.m. to 8 p.m. and is comfortable with this. He said he wanted to make sure everyone was clear on what "amplified" meant: basically acoustic-type music not played over speakers.

Mr. Zabrowski asked about a Class 1 Food Service License. Ms. Costello said this is how the health code defines pre-packed food items which she noted was discussed during the public hearing.

Chair Seichter recommended the April 11, 2016 motion be withdrawn and a new motion made. The Commission agreed.

Mr. Venoit: Motion to withdraw the April 11, 2016 motion

Mr. Zabrowski: second

Mr. Kohan withdrew his second of the April 11, 2016 motion

Chair Seichter entertained a new motion on the application.

Mr. Venoit: motion to approve a Zoning Text Amendment for Paradise Hills Vineyard/Farm Wineries, LLC, to amend Section 2.2 definitions, specific terms and Section 4.2.E.3, Rural District Site Plan Approval, Farm Wineries, to modify the definition of a Farm Winery and modify the Zoning Regulations regarding Farm Wineries, including but not limited to, adding permitted activities, events, music, limited retail sales, and limited food service, as proposed in language dated March 14, 2016 and updated to April 6, 2016 and hereby amended and subject to the following changes:

- 1. Amend proposed Section 4.2.E.3B as follows: remove the proposed phrase “the Commission may provide for the use of pervious cover material in connection with any parking plan” and replace it with the phrase “impervious cover material shall not be permitted for parking areas or driveways on property located within the watershed;**
- 2. Amend proposed Section 4.2.E.3G as follows: remove proposed language, replace with the following: No sale of wine either by retail or by the glass may occur before 11 a.m. or after 8 p.m. from Monday through Saturday and before 11 a.m. or after 6 p.m. on Sundays, or in accordance with applicable State and Federal law, whichever is more restrictive; Grappa and brandy shall only be permitted to be sold for off-premise consumption, however, tasting of Grappa and brandy are permitted on-premises.**
- 3. Amend proposed Section 4.2.E.3I, Roman Numeral V as follows: add to the proposed language, limited to that permitted by a Class 1 food service license under the Health Code.**
- 4. Amend proposed Section 4.2.E.3J, Roman Numeral 1 as follows: add the word “winery” such that the Section reads: “up to four public special winery promotional events during a calendar year and;**
- 5. Amend proposed Section 4.2.E.3 J, Roman numeral III, as follows: replace 9 p.m. with 8 p.m. from Monday through Saturday, and 6 p.m. on Sunday. Also add the word “indoors” to the last sentence in the Section, such that it reads: “catered food may be offered indoors at the reserved once-a-month event;**
- 6. Add Section 4.2.E.3J, Roman numeral V to read as follows: Roman numeral V- “the farm winery shall notify the Planning & Zoning Department of the date and nature of the event at least 30 days prior to the event;**

7. Amend Section 4.2.E.3K Roman numeral I as follows: replace 9 p.m. with 8 p.m. from Monday through Saturday and 6 p.m. on Sunday. Remove the phrase "and on any adjacent covered porch".
8. Amend proposed Section 4.2.E.3K Roman numeral II as follows: replace 9 p.m. with 8 p.m. Monday through Saturday and 6 p.m. on Sunday. Remove the phrase: "except as provided above".
9. Amend Section 4.2.E.3K Roman numeral IV as follows: remove proposed language, replace with the following: "the winery shall at all times comply with the restrictions of the Wallingford Noise Ordinance for the zone in which it is located". "It is not the intent of this Regulation to consider the above events, promotions and music to be exempt farm activity under the Noise Ordinance".

This motion is made for reasons to clarify the Zoning Regulations for the definition of a Farm Winery and to Section 4.2.E.3 of the Wallingford Zoning Regulations effective Sunday, July 3, 2016 which is consistent with the Plan of Conservation & Development.

Mr. Kohan: Second

Vote: Kohan-yes; Venoit-yes; Matarazzo-yes; Zabrowski-yes; Seichter-yes

Application approved.

DISCUSSION

11. Elderly Housing Requirements/C. Juliano

Secretary Venoit noted all correspondence for the record: memo from Christopher Juliano to Kacie Costello, Town Planner, dated May 18, 2016; proposed amendment to the Wallingford Zoning Regulations New Section 4.25, Elderly Housing Overlay Zone, dated May 2016; minimum parking requirements per Wallingford Zoning Regulations; memo from Christopher Juliano to Kacie Costello, Town Planner, dated May 24, 2016.

Appearing in front of the Commission was Christopher Juliano, P.E. and Licensed Land Surveyor, Juliano Associates and Joseph Richello, Applicant.

Mr. Juliano said this application is currently in front of IWWC. He said the Applicant is attempting to build 103 N. Turnpike Road for elderly apartments and noted the current regulations don't have any elderly apartment regulations.

He said this should be an 830-G application. He said Ms. Costello was amenable to this idea and to set up a workshop. The main point of the discussion was why limit this to elderly housing. Mr. Juliano said the vast majority of towns look at elderly housing based on. He said one space

per dwelling unit. He said he is proposing 1.25 parking spaces per dwelling unit and research shows 62 and over, get a broad mix show 1.75 spaces per dwelling unit. He said he is looking for setbacks 1.5 times over the regulation. Good for the town well thought out.

Chair Seichter said he appreciated Mr. Juliano taking the measured steps. Ms. Costello said CT. State Statute 830 G allows for development outside scope of Zoning Regulations as long as they are outside affordable housing of 10 percent. She said the Town has developed a slightly different version of the regulation and would be beneficial to develop a regulation for a party wishing to use affordable housing.

Ms. Morgenstein said this sort of initiative is appreciated making affordable housing available. Mr. Juliano said this was rental property.

Ms. Morgenstein said there are people who need affordable housing and who are disabled. She spoke parking requirements and pervious and impervious surfaces. Mr. Juliano said he researched 168 different regulations in the State. He said the idea of bringing non-traditional paving methods have not caught on in this area. Ms. Morgenstein noted that not every household is car driven and noted Wallingford is on the rail line.

Mr. Fitzsimmons asked who would be administrating the affordability. Mr. Juliano said this would be administered by either the Town Attorney or the Wallingford Housing Authority. Mr. Juliano said a 62 year old could have their grandchild living with them. Mr. Fitzsimmons spoke about existing elderly housing and noted the enormous growth in people who have handicapped parking spaces. He said the need could be greater for handicapped spaces if this is for the elderly. He said this seems to not address the handicap spaces based upon the usage.

Mr. Venoit noted handicap parking takes more parking spaces away which means further distance to the home. He said a workshop would be a spirited discussion. Chair Seichter said there is a great deal of interest in this.

Chair Seichter entertained a motion to waive Rule 5 to take action on Section 8-24

Mr. Venoit: Motion to waive Rule 5 to take action on Section 8-24

Mr. Fitzsimmons: Second

Ms. Costello said this is a referral for a proposed contract to sell the property at 188 N Cherry Street, which is a strip of land owned by the Town used for utility purposes in the past. She said one of the adjacent property owner wishes to acquire this piece of property. She said the Town Council voted to have the Corporation Council negotiate the contract which she said has not been fully negotiated. Chair Seichter said there is a letter from Mayor Dickinson dated June 18, 2016 with a map attached.

Chair Seichter entertained a motion at this time.

Mr. Venoit: motion to approve the negotiation of the contract for the sale of Town property located at 188 North Cherry street.

Mr. Fitzsimmons: second

Vote: Kohan-yes; Matarazzo-yes; Venoit-yes Fitzsimmons-yes; Seichter-yes.

Motion approved

Approval of Minutes – April 11, 2016; May 9, 2016

Mr. Venoit: Motion to approve the April 11, 2016 minute as presented

Mr. Kohan: Second

Vote: Seichter-yes; Venoit-yes; Kohan-yes; Matarazzo-yes; Zabrowski-yes.

Approval of Minutes - May 9, 2016

Mr. Venoit: Motion to approve the May 9 2016 minutes as presented

Mr. Kohan: Second

Vote: Fitzsimmons, Kohan, Matarazzo, Venoit-yes; Seichter abstain

DISCUSSION

7. Wallingford Plan of Conservation & Development – Status Update

Ms. Costello said this was adopted by the PZC on June 6, 2016. She said the PZC will receive the final version shortly. She said she is looking forward to moving onto the next phase.

8. Transit-Oriented Development Plan – Status Update

Ms. Costello said she received a final draft from Fitzgerald and Halliday which included an executive summary which will be given to the PZC shortly. She discussed scheduling a meeting to adopt the TOD.

10. Scheduling of Workshop re: Beekeeping

Ms. Costello said this was originally discussed at the April meeting and a workshop should be scheduled for July.

12. Recreational Use in IX Zone/Brooder/Schedule Workshop

Chair Seichter noted multiple items on a workshop doesn't always work out. He said he was looking to August and there are higher priority issues. Mr. Kohan, Venoit and Mr. Fitzsimmons agreed and noted there are more pressing issues. Chair Seichter said the earliest workshop on these items would be in September.

EXTENSIONS REQUESTED

1. Site Plan/Stone/20 North Plains Highway (2-year extension requested) - **#256-06**

Request for a two-year extension at 20 North Plains Highway.

Ms. Costello said the Department has been working with the property owners for two years regarding zoning violations. And part of the remediation was to construct this building. She said this applicant has just passed their nine-year period and have just begun to construct the building.

Chair Seichter entertained a motion on the two-year extension.

Mr. Venoit: Motion to approve the two-year extension request for #256-06

Mr. Kohan: second

Vote: Kohan-yes; Matarazzo-yes; Fitzsimmons-yes; Venoit-yes; Seichter-yes

Motion passes

BOND RELEASES & REDUCTIONS

14. Site Plan/CT Food Bank/2 Research Parkway - **#232-13**

Ms. Costello said this is not ready to move forward.

REPORTS OF OFFICERS & STAFF

15. Administrative Approvals

- a. Site Plan/Berman/69 North Turnpike Road - **#254-14**
- b. Site Plan/Hometown Garden Center/210 Main Street, Yalesville - **#251-14**
- c. Site Plan/ROK Builders (Fairfield Inn)/100 Miles Drive - **#204-16**
- d. Site Plan/Davenport Associates/14 Fairfield Blvd & 3 Tower Drive - **#217-16**
- e. Site Plan/Vasco Properties (Valenti)/385-395 North Colony Street - **#219-16**
- f. Change of Use/Quandary LLC/346 Quinnipiac Street - **#308-16**

No questions by Commission.

16. ZBA Decisions of May 16, 2016

Ms. Costello went over the decisions.

17. ZBA Legal Notice for June 20, 2016

Ms. Costello went over the Legal Notice.

18. Zoning Enforcement Log

Ms. Costello said there is now a ZEO. She said she has an extensive list and have been working to close out 15 violations for the next meeting. Mr. Fitzsimmons asked how the playscapes were closed. Ms. Costello said these were issues the Town did not win and were determined to be legal. Ms. Morgenstein said she didn't understand how the list worked. She asked for an explanation.

Mr. Kohan asked under Administrative Approvals about a gas supply company installing a large oxygen tank. He said he looked at the design and didn't seem as if there were protective barriers around the oxygen tank. He said this seemed like a potential issue to address in the future. Ms. Costello said Zoning Regulations don't speak much on this topic but the good news is that they are regulated by the Fire Code. Mr. Kohan asked about including the 36 ft. weather station tower and requested this be put onto the agenda.

ADJOURNMENT

Mr. Venoit made a motion to adjourn the Meeting at 10:05 p.m. Mr. Kohan seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary