

DRAFT MINUTES
Wallingford Planning & Zoning Commission
Wednesday, October 16, 2019
Robert F. Parisi Council Chambers
Town Hall – 45 South Main Street
MINUTES

Chairman Seichter called the meeting to order at approximately 7:12 p.m.

Pledge of Allegiance was recited by all.

Roll Call: Present: Jamie Hine, Alternate; Jeff Kohan, Regular Member; James Fitzsimmons, Regular Member; Jim Seichter, Chairman.

Staff: Kacie Hand, Town Planner

Absent: Steve Allinson, Alternate; Rocco Matarazzo, Regular Member; Armand Menard, Alternate; JP Venoit, Vice Chair.

Chairman Seichter recognized and welcomed the new Recording Secretary, Cheryl-Ann Tubby.

Approval of Minutes – September 9, 2019

Mr. Kohan: Motion to accept the minutes of the September 9, 2019 meeting as submitted, seconded by Mr. Fitzsimmons: Second

Vote: Unanimous

Chairman Seichter noted that the following application would not be heard as they are not in a situation to move forward at this point but is anticipated to be heard at the November meeting of the Commission.

Site Plan (addition to existing Dunkin Donuts)/M. Rocha/682 South Colony Road #227-19

PUBLIC HEARINGS

1. Special Permit (daycare facility)/Ortega-KLASCHOOLS/3 Technology Drive #405-19

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record: Legal notice, correspondence received September 11, 2019 from Tiffany Shipman, Wallingford Department of Engineering to Kacie Hand, Town Planner; correspondence dated September 9, 2019 from Firm of Juliano Associates to Kacie Hand, Town Planner; copy of attachment distributed to All Creative Beginnings Families received September 30, 2019; letter dated October 1, 2019 from Wallingford Planning and Zoning to Christopher Juliano of Juliano Associates; letter sent July 19, 2019 from Wallingford office of Town Planner, to Jose Ortega/KLA Schools; letter dated July 31, 2019 from Juliano Associates to Kacie Hand, Town Planner; copy of an Interdepartmental Referral dated September 6, 2019 signed by the Fire Marshal (submitted but not read into record)); Memorandum dated August 29 2019 from Tiffany Shipman, Wallingford Department of Engineering to Kacie Hand, Town Planner; correspondence received August 6, 2019 from Christopher Juliano of Juliano Associates to Kacie Hand, Town Planner; Interoffice Memorandum dated April 24, 2019 from Erik Krueger, Water and Sewer Division to Erin O’Hare, Environmental Planner; Inter-Departmental Referral dated July 16, 2019 signed

by the Fire Marshall; copy of Interoffice Memorandum dated July 26, 2019 from Erik Krueger, Water and Sewer Division to Kacie Hand, Town Planner; set of Google Earth attachments received August 6, 2019 by Planning and Zoning; Memorandum received July 19, 2019 from Erin O'Hare, Environmental Planner to Kacie Hand, Town Planner; letter dated October 3, 2019 from Christopher Juliano of Juliano Associates to Kacie Hand, Town Planner; Inter-Departmental Referral dated October 7, 2019 signed by Erin O'Hare, Environmental Planner; Memorandum dated October 7, 2019 from Bob Baltramaitis, Department of Engineering to Planning and Zoning Commission; Memo dated October 4, 2019 from Vanessa Bautista, Chief Sanitarian, Wallingford Health Department, to Kacie Hand, Town Planner; copy of a letter received October 9, 2019 from Christopher Juliano of Juliano Associatesto Kacie Hand, Town Planner; Inter-Departmental Referral received Oct 8, 2019 signed by the Fire Marshall.

Christopher Juliano, of Juliano Associates in Wallingford introduced himself, Steven Lazarus of Lazarus & Sargeant Architects, and Ellen Zabora, the co-director for the Creative Beginning Learning Center. Mr. Juliano stated we are here for a special permit site plan approval for an expansion to an existing day care facility. He provided an orientation of the property, identifying wetlands and the current 34 space parking lot for the 5,048 Square foot building. He showed the 2003 approved site plan that included a proposed addition and compared it to the current proposal for Phase 2 under a new owner and new facility management. To accomplish what they want, which is a much larger addition (approx 6,458 square feet) and a parking lot expansion. This includes taking care of the drainage facilities. He outlined what has been done so far to meet the Town's requirements and the environmental approach to the site including relocating driveway entrance, landscaping zoning variance, a one way circular loop for traffic, designated parking for staff and for drop off and analysis of the drainage facilities and updating the sand filter. On request from Ms. Hand they depicted the grading around the building and new retaining wall on the east side to avoid impacting the wetlands. There will now also be a fence around the drainage facility.

Commissioner Kohan referred to the letter from Kacie Hand dated October 1st regarding the flow of traffic and parking and asked for more details. Specifically how many trips occur during the 7am – 9am and 3:30 pm to 6pm periods, how many of those are infants and the mitigation for potential queuing. Mr. Juliano reported that they designed the circular traffic route and designated the 19 parking spaces for parents closest to the entrance for drop off. He explained that they estimate 10 minutes for drop offs, allows for about 130 vehicles, but can't say that there is no possibility of queuing. Staff is assigned to help usher children into the building. Mr. Juliano stated that they are doing what they can to minimize queuing. He stated that currently there is no queuing and referred Commission members to the Google Earth photos submitted showing the parking lot use. Expanded parking lot should help minimize the effect of traffic.

Commissioner Kohan asked if there is a Traffic Monitor during drop offs and is there signage. Ms. Zabora responded that neither currently exists because the parking lot is never full. She stated that the arrival of the children is staggered and that they have a proposal for parking for parents of older children to allow for quick drop off. Commissioner Kohan asked what if the Commission made a traffic pattern, signage and painted lines conditions of approval. Mr. Juliano replied that they are willing to comply.

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Kacie Hand stated that the understanding is that the current proposal is under normal circumstances all existing spaces not occupied by staff would be drop off and pick up. If queuing backs up onto the street, that's the point when the other plan gets implemented. In the current proposal there is no signage yet on the drop off/pick up spaces. Mr. Juliano agreed to adding the signage. Ms. Hand stated that if the Commission wants more from the applicant, such as designation of parking spaces, it needs to clear in the conditions and on the record.

Commissioner Hine asked for clarification on the name of the applicant. Ms. Zabora explained that the school was purchased by KLA Schools which is owned by Roberto and Candy Ortega and that this is the only school in the Northeast owned by them. Commissioner Hine asked she considers herself a school. Ms. Zabora confirmed. Commissioner Hine asked if KLA Schools runs elementary schools and asked about the educational philosophy. Ms. Zabora replied that they have one elementary school and that the philosophy is based on Reggio Emilia, which involves a lot of natural play. She explained that the staff is familiar with the philosophy, but that they don't follow it. They are a more traditional school. In reply to a question from Commissioner Hine, Ms. Zabora stated that this facility is owned by KLA Schools but it not a franchise. Steven Lazarus, Lazarus Architects, added that when KLA took over they kept the existing staff, and Ms. Zabora has been there since day 1. The only thing that has changed since KLA bought them was their titles.

Commissioner Hine asked for the age range of the students. Ms. Zabora replied that they have an infant to pre-K program and a before and after school program which is for only Fritz and Highland schools because their busses pass by (only about 10 children). Commissioner Hine stated that he is in favor of the application, but asked if there was consideration given to the fact that in this particular zone, we had changed the regulations to prohibit schools. Kacie Hand stated that the regulations permit child day care facilities and based on the state classifications and permitting, this is a day care. Ms. Zabora confirmed they are a day care per the State. Commissioner Hine asked if we need to update the regulation to clarify that in the regulation and suggested adding a definition for nursery school. He suggested the Commission take a look at this.

Commissioner Hine asked Mr. Juliano if he had seen the October 7th memo from Mr. Baltramaitis and if there would be any issues with complying. Mr. Juliano indicated there were no problems complying with the recommendations. He asked for clarification on the recommendation for wheel stops. Kacie Hand replied that if the parking lot is gravel, the wheel stops are required. If it is bituminous with striping, which is the case here, then wheel stops are not required.

Commissioner Fitzsimmons thanked Ms. Zabora for the work she does. He referenced a document with instructions for parents that doesn't seem to take into account winters in New England. He asked for clarification of the age group this applied to. Ms. Zabora confirmed it was for the age 3 and up group. Commissioner Fitzsimmons asked for the split in age groups at the school. Ms. Zabora indicated it is currently split about half and half with approximately 50 children 3 and over and 40 something in the 3 and under group.

Commissioner Fitzsimmons asked for more detail on the increase in the number of students and teachers compared to the increase in building size and increase in cars. Ms. Zabora replied that there are 6 preschool rooms, they will be expanding the kitchen and adding more closet space, so there won't be as many classrooms in the current facility. She described the ratio of staffing required by the state; she plans for 12 teachers for preschool and about the same for under three, plus part timers who come in mid day so it wouldn't affect parking. Commissioner Fitzsimmons indicated that the biggest concern is the traffic and queuing, especially during storms when the State closes early. He stated that they need a plan for that. The traffic study only looks at peak traffic. He stated that he is in favor but since this is a special permit wants to avoid a problem where the applicant has to come back and ask for a change. Commissioner Fitzsimmons asked if they have or are considering having their own vans to transport children; if they decide to do that they will need to come back as it changes the parking. Ms. Zabora stated that they have no plans to provide transportation. Commissioner Fitzsimmons asked if the hours are fixed and if that was part of the original approval. Ms. Hand replied that the hours were not part of the original approval but is not sure if it is a concern, as there are no immediate residences. She stated that it is up to the commission. Commissioner Fitzsimmons stated that he is strongly in favor of the condition that they clean out and maintain the existing sand filter and detention basin. Mr. Juliano replied that they are aware of the issue and are addressing it. Commissioner Fitzsimmons asked if the final plans can include a snow shelf. Mr. Juliano agreed to add it to the plan.

Chairman Seichter thanked Mr. Juliano and Ms. Kabora for their presentation. He then invited John Thompson, the consulting engineer who did the peer review of the Traffic Study by Mr. Bubaris, to provide a summary. Mr. Thompson stated that that the study was comprehensive and clear, identified the background conditions and intersections to be considered, conducted traffic counts and identified the peak hours generated by the Day Care Center. It is a straight forward study. Mr. Bubaris used actual traffic instead of the IDE which is a very conservative approach to estimate future traffic. Mr. Thompson stated that in his opinion it would be highly unlikely that queuing would affect Research Parkway. The impact on the adjacent roadway network will be negligible. The applicant still has to go back to OSTA for determination on a certification for this project. Mr. Thompson suggested additional conditions in his report. In terms of major traffic generators in the town, this is a minor one and shouldn't present any safety problems to the adjacent roadway network.

Commissioner Kohan asked if the traffic study covered traffic on Carpenter Lane and Route 68. Mr. Thompson stated that this was not analyzed. In his opinion the traffic for this facility will not adversely affect that intersection.

In response to inquiry, Mr. Juliano confirmed that all of Mr. Thompson's comments have been incorporated.

Ms. Hand reviewed the recommended conditions of approval Chairman Seichter asked whether we do any inspections on existing detention basins. Ms. Hand replied that over the last 15 years we have started requiring operations and maintenance plans for the systems. In the last 5 years we've started

specifically requiring compliance with requirements referenced on the plans. Typically response based, we don't look at them unless there's an issue because they are on private property, however the Water and Sewer Divisions are undertaking inspection of some basins in the Watershed.

Public Comment – none

Mr. Kohan: Motion to close the Public Hearing (Special Permit (daycare facility)/Ortega-KLASCHOOLS/3 Technology Drive, #405-19)

Mr. Fitzsimmons: Second

Vote: Unanimous

Mr. Kohan: Motion to approve a Special Permit day care (traffic generator) for Ortega/KLASCHOOLS application #405-19 to construct a 6,458 sq. ft. expansion to the existing day care and make associated site improvements at 3 Technology Drive, as shown on plans entitled "Bright Beginnings Learning Center, #3 Technology Drive, Wallingford, Connecticut" (9 sheets), dated 3/26/19, revised through 7/29/19 and additional revision through 10/02/19, subject to:

- 1. Finalization of landscaping items 1.f.ii, 1.f.iv, and 1.f.vi, and recommended conditions of approval (item 2) in letter from Kacie Hand, Town Planner, to Christopher Juliano, PELS, dated October 1, 2019. Specifically paragraph 2f the drop off and pick up of children to occur in accordance with the representation made on plans; and paragraph 4a to include signage posted on the site.**
- 2. Recommendations in Professional Peer Review by John P. Thompson, PE, dated September 6, 2019**
- 3. Comments from the Fire Marshal, dated 7/16/19, 9/6/19**
- 4. Comments from Erik Krueger, P.E., Senior Engineer, Water and Sewer Divisions, dated April 24, 2019, and July 26, 2019**
- 5. Reference to compliance with stormwater system maintenance plan to be provided directly on final plans.**
- 6. Memorandum dated July 19, 2019, and Inter-Departmental Referral dated 10/7/19, from Erin O'Hare, Environmental Planner.**
- 7. Memorandum from Rob Baltramiatis – Department of Engineering, dated October 7, 2019.**
- 8. Sedimentation and Erosion control bond to be determined by the Town Planner.**
- 9. Sand filter be cleaned as represented on plans, basin to be appropriately cleaned, including cutting all trees within the basin (stumps to remain) prior to issuance of a building permit.**
- 10. Compliance with Memo from Vanessa Bautista, Chief Sanitarian, dated October 4, 2019**
- 11. No vans to be permitted on the site without modification of the approval.**
- 12. Final plans to include a snow shelf.**

Mr. Fitzsimmons: Second

Vote: Fitzsimmons – yes; Kohan – yes; Hine – yes; Chair Seichter – yes

Special Permit #405-19 approved.

**2. Special Permit (distribution operation & office)/Benchmark Land Development, LLC/
988 East Center Street #411-19**

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record: Legal Notice; correspondence received September 10, 2019 from Mary Jane Zuck to Planning and Zoning Commission; Inter-Departmental Referral received August 22, 2019, signed by the Fire Marshall;

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memo dated August 28, 2019 from Erin O'Hare, Environmental Planner to Kacie Hand, Town Planner; letter dated August 29, 2019 from Kacie Hand, Town Planner to Benchmark Land Development; email dated September 5, 2019 from Dennis Ceneviva, of Ceneviva Law Firm to Town Planning office; Memo received September 9, 2019 from Erik Krueger, Water and Sewer Division, to Kacie Hand, Town Planner; letter received from Joe Olson on 11/15/15; letter dated March 18, 2019 from James Gervace; letter dated March 19, 2019 from Billy C. Gervace; letter dated March 21, 2019 from Art Jones; letter dated March 22, 2019 from Grove L. Gervace; letter dated March 24, 2019 from Darlene D'Agostino; letter dated March 25, 2019 from Brian Kniffin; letter dated March 25, 2019 from Peter Kennedy; letter dated March 26, 2019 from Kenneth Hurlburt; letter dated March 26, 2019 from Walter E Gordon; a letter dated March 26, 2019 from M. Moran; letter received March 27, 2019 from Salvador Galvez; letter received March 28, 2019 from John & Ronda Capello; letter received March 28, 2019 from Kathleen Grant; letter dated March 29, 2019 from Tim Cosgrove; letter dated April 1, 2019 from Donald Pasmore; letter dated April 1, 2019 from Jeffrey V. McDunnal; letter dated April 2, 2019 from Robert P Aceto; letter dated April 2, 2019 from Gary Avenati; letter dated April 3, 2019 from Robin DeNicola; letter not dated from Scott Forster; correspondence not dated from Marcus Puttock of Godfrey Hoffman Hodge Surveyors, to Kacie Hand, Town Planner; email dated October 1, 2019 from Kacie Hand, Town Planner to Marcus Puttock of Godfrey Hoffman Hodge Surveyors; memorandum dated October 7, 2019 from Rob Baltramaitis, Department of Engineering to Planning and Zoning Commission; correspondence received October 8, 2019 from Edward Tartaglia to Planning and Zoning Commission; a document undated from Benchmark Land Development; set of photos printed off of Realtor.com dated March 23, 2011 regarding 988 East Center Street; letter received October 9, 2019 from Mary Tartaglia of North Airline Road; letter dated October 4, 2019 from Marcus Puttock of Godfrey Hoffman Hodge Surveyors, to Kacie Hand, Town Planner; letter received October 10, 2019 from Marcus Puttock of Godfrey Hoffman Hodge Surveyors to Robert Baltramaitis, Department of Engineering; email dated July 13, 2018 from Linda Mullally of Arburg Inc, Rocky Hill to Dave Palumbo of Palumbo Trucking; email from Anthony and Kelly Pagano of North Airline Road to Town of Wallingford; letter dated October 21, 2019 from D. Warren Williams to Town of Wallingford; drawings of proposed building for 988 East Center Street; Certified Letter dated October 15, 2019 from James E. Vitali, Chairman, Inland Wetlands and Watercourses Commission to Benchmark Land Development, LLC; Inter-Departmental Referral received October 16, 2019 signed by the Fire Marshall. In addition, photos of the site were distributed during the meeting.

Chairman Seichter noted that there are four commission members present and three votes are needed for approval. He gave the applicant the option of tabling the public hearing until one more member was present. Atty. Ceneviva indicated they were happy to proceed with the members present.

Dennis Ceneviva of Ceneviva Law Firm introduced himself, Marcus Puttock of Godfrey Hoffman Hodge Surveyors and David Palumbo of Benchmark Development LLC. Atty. Ceneviva described the property which abuts a railroad track and spur operated by the Providence and Worcester Rail Road. The property is 2.08 acres. The property is accessed only from East Center Street. It is zoned CA40 but has been used, historically, for non-conforming purposes. He mentioned some of the prior uses of the property. He stated that his client, David Palumbo, purchased the property in 2011 including the blighted buildings which he removed. The remaining building will be removed as part of this proposal.

In 2015 Atty. Ceneviva and Mr. Palumbo met with the railroad company to discuss trans-loading, which is taking product from the rail cars and putting it in trucks for delivery. The railroad was convinced that the trans-loading operation was exempt from local and state regulations because of federal laws. Most of the business activity occurs within the railroad property. He reviewed the history of the application starting in 2017 and mentioned that the wetlands that were affected by prior owners has been cleaned up with approval of the Wetlands Commission. The application seeks approval to build a new office and remove the final original building as well as to approve the use that, the applicant believes, is less impactful as a non-conforming use, than the previous use of the site. Atty. Ceneviva distributed a list documenting why they feel the application is less objectionable, including hours of operation, description of product handled (two types of sand), number of railroad cars, number of trucks, time to load trucks, staffing and use of buildings.

Marcus Puttock, Godfrey Hoffman, 26 Broadway, North Haven, presented how the site has changed since the purchase of the property and presented the proposed site plan. The property is predominantly wetlands which the owner has cleaned up and is maintaining. The owner mows the existing hayfield. The railroad spur is 41 feet from the property line. The proposal is to remove the existing building and construct 30 x 40 building at front of the property. The new building will be 50 feet from each road. It will need a small septic system and the site is within a future watershed. They propose a system that will separate clean and dirty storm water and he explained the system. They also plan for an oil / grit separator. They have provided room for the tractor trailers to turn around without backing up, which along with provided parking requires that 1300 yards of embankment be removed. The gravel area will increase by 3500 square feet. Mr. Puttock noted that they are requesting that the required 25 foot landscaping area be reduced to 5 feet to the south side of the entrance driveway to maintain access to the railroad spur.

David Palumbo of North Branford explained what his business does and why he purchased the property. He stated that his only customer, Latricrete International, is based in Bethany, Connecticut and that his service reduces truck traffic on the highways by using the railways. He explained the process of trans-loading and that there is no plan to handle any other material in this yard and has no plans for expansion. This is a daytime only operation, no overnight parking. He stated that he takes pride in being a good neighbor and that the new building will have a historic look.

Atty. Ceneviva pointed out the property doesn't allow expansion and there is no intent to expand or add clients. He noted the significant number of letters from neighbors because of the improvements to the property. He noted that the applicant understood that the operation was exempt because it is mostly conducted on railroad property. There was no intent to ignore the rules. A drawing of the proposed building was displayed.

Chairman Seichter asked Atty. Ceneviva for his thoughts as far as this use is less intense than the prior non-conforming uses. Atty. Ceneviva offered photos showing the previous use; he indicated there were crews working, large equipment, and construction material stored inside and outside and multiple

buildings. The current proposal has no overnight parking, fewer buildings and one part time employee. He believes it is a less intensive use.

Chairman Seichter invited Town Planner, Kacie Hand to review how the application began. She stated that it started in 2014 when Mr. Palumbo inquired about this use on the property. At that time she explained that the existing use was a non-conforming use and the zoning regulations don't have an allowance for a trans-load capability. So it wouldn't be a permitted use in the zone which is a light commercial and is surrounded by residential. The requested use wouldn't be permitted but there was the option for special permit to change from one non-conforming use to another, but she had some concerns, based on the explanation, as to whether it would be deemed that way or not. In 2015 the Town received a complaint about work being done and the business being operated on the property, which kicked off the violation in April 2015. Since that time has been working to get to this point where the commission can make a decision about whether the use will be permitted on the property. She acknowledged the improvements made to the property. Ms. Hand reported on the history of ownership of the property and noted that there are no approvals on file so the original use is grandfathered. She noted that the property was classified for commercial warehousing since at least as far back as 2000.

Ms. Hand pointed out that the commission is reviewing a special permit to change it from one non-conforming use to another. The question is, is this use not more objectionable than the existing grandfathered use. If the commission is inclined to approve this application, it is important that there be restrictions, put on the approval, to clearly define what is allowed to happen on the property. A non-conforming use cannot intensify or expand. Considerations could include numbers of trucks, not allowing left turns, hours of operation and in relation to the noise ordinance, prohibiting overnight trucks/parking, and guidelines on idling trucks. Primarily this is truck use, so what is the impact of the trucks. Office use is permitted in the CA zone. It is the commission's purview to impose conditions. Site design comments have generally been addressed. Ms. Hand brought up two issues that hadn't been addressed. Building elevations must be consistent with what's going to be built. Ms. Hand noted that the roofline on the proposed building seems steep. She recommended a condition that elevations with updated height information are provided so she can be sure it complies with height restrictions. The second issue is that exception to the 25 foot landscaping rule are not normally done in a CA zone. Also, Section 6.11.f.4. does not allow loading spaces within 20 feet of a property line. She reviewed recommended conditions for approval, which were provided to the applicant.

Chairman Seichter asked why the zoning violation was not addressed when it was discovered. Atty. Cenevia responded that in 2015 after the violation notice, the railroad convinced the property owner that the property was exempt since much of the operation was on the railroad property. Atty. Cenevia also met with the town attorney at that time. Atty. Cenevia stated that there were no follow-ups on the violation and they approached the town again in 2017. They tried to do the right thing when it became clear that the activity required approval. The wetlands approval took a year. Mr. Palumbo stated that he talked to the Town when he purchased the property in 2011 for guidance on what he could do with the property, and Linda Bush (former Town Planner) informed him he could have a commercial use or a couple of houses; she was unsure about the spur. He didn't want to build houses.

Shortly after that he approached the railroad about buying the property. The railroad said that he could do the trans-load business there, so they started, with very little activity because they were new to the industry. It wasn't until they approached the town to improve the existing building that they realized it was a problem.

Commissioner Hine asked if the applicant or representatives had any involvement with the property before the 2011 purchase. Marcus Puttock reported that his company had been hired to do a study for a possible retail operation in 2008, but it didn't move forward. Commissioner Hine asked if he was aware at that time of the intensity of the use of the property. Mr. Puttock indicated that he didn't know. Atty. Cenevivia and Mr. Palumbo indicated they had no involvement with the use of that property prior to 2011.

Commissioner Hine noted that the applicant has the burden of proof to show that the proposed use is no more objectionable than the previous use. Atty. Cenevivia acknowledged and stated that Mr. Palumbo believes his use is less objectionable. Commissioner Hine asked Ms. Hand if the cleanup of the property by the current owner factors into the analysis of whether the use is no more objectionable. Ms. Hand replied that, while nice, it has no bearing on the requirements under a special permit change.

Commissioner Hine asked for verification that the hours of operation are 6am to 6pm Monday through Friday. Atty. Cenevivia confirmed. Commissioner Hine pointed out that noise ordinances specify 7am. Mr. Palumbo agreed to change his start time.

Commissioner Kohan asked if the previous operation's train track usage was less or more intense than the current usage. Mr. Palumbo noted that this has always been an active rail line and the spur has been continuously used by the railroad. Mr. Kohan noted more rail traffic than he had noticed in the past. Mr. Palumbo replied that there are other customers on the line such as Tilcon and Permatreat and there are about 7 other spurs on the line. Mr. Kohan asked if the trains serviced this site less in the past. Mr. Palumbo reported that they go through regularly two times a day anyway, whether they stop or not. Mr. Kohan stated that the train traffic is more intensive now than before and expressed his concern that emergency vehicles would be delayed by the train. Mr. Kohan questioned whether the railroad is exempt from dealing with the fire department and asked if the Fire Department should weigh in. Mr. Kohan stated that the use of the railroad is impressive. He asked that the Fire Marshall be made aware of the issue and asked to weigh in. It was noted that in attachment 2B the Fire Marshall indicated he was okay with the site with no comment on the rail component. Mr. Kohan requested comment on the crossing from the Fire Marshall.

Commissioner Kohan asked for clarification on the trucks used. Mr. Palumbo explained that they are dry bulk sand trailers, like a rail car. It's a special tractor trailer that is enclosed, not open top.

Commissioner Fitzsimmons referenced the letter dated August 29th that the property is in a CA zone and totally surrounded by residential and farms. The proposed use is not allowed in a CA zone. Mr. Fitzsimmons thanked Mr. Palumbo for cleaning up the property. He noted that part of the issue is that

Mr. Palumbo did the work and then came for permission instead of before. The use is what we are discussing. The challenge is zoning and the question is it more or less objectionable. Mr. Fitzsimmons stated that for him it is more. He applauds what Mr. Palumbo is trying to do, the part of the challenge is that the trucks are going through a residential zone. Mr. Palumbo explained that trucks get on the highway at exit 14 and take 91 North or take 91 North to get off the next exit and back on 91 South. No trucks go anywhere but North on 91 from the site. They do not use the 91 South entrance off of South Airline. They only take a right and take 91 North or go down and take a left on 150 (Woodhouse). Mr. Palumbo stated that left turns are not allowed off the property. Commissioner Fitzsimmons noted that the truck trips speak to the intensity, as he didn't recall truck traffic at that site before. Chairman Seichter stated that the truck traffic is a concern in determining the intensity of the activity. Mr. Palumbo noted that the letters submitted by neighbors address the activity at the rail yard. Chairman Seichter stated that from the zoning standpoint, the question is does it comply with the zoning regulations or not.

Chairman Seichter asked how many train cars are involved when a train comes in and how does the delivery work. Mr. Palumbo responded that only 3-4 cars can be delivered at one time and he didn't know how many total cars might be on the train. Chairman Seichter asked for clarification that his deliveries were not a separate train. Mr. Palumbo stated that his cars are attached to the full train. In response to how long it took for the railroad to unload the cars, Mr. Palumbo noted that the Railroad representative could answer that but his observations were that it took 15 to 20 minutes to drop and pick up cars. He noted that some days there are no drop offs, but the rail road drops and picks up at the same time. There aren't drops or pickups every day. He reported that there are always rail cars on the spur.

Kacie Hand asked what the square footage was of the buildings on the property when it was purchased. Mr. Palumbo stated that there were 4 buildings total, he can calculate it. Ms. Hand found the detail in a report and shared that one building was 800 square feet, another 2,326 square feet and the existing building is 942 square feet. So the buildings all together took up about 4000 square feet. Those buildings were previously for warehousing and storage and were grandfathered and should be used for comparison.

Chairman Seichter opened the hearing for public comment.

Ed Matias – 17 North Airline Road – He's right across the street since 1984. Since this started operating, traffic is atrocious, people cut down North Airline to get around it. He's aware of noise complaints for noise around 4 or 5am. There is definitely more traffic and more trains idling for 35 or 40 minutes.

Carol Borsary – 30 Strawberry Hill – She stated concerns about line of sight with the cars parked on the track. Coming from the center of town, can't see down the track when driving. This is a safety hazard. She would like to see that the cars are pushed back to provide line of sight for oncoming trains. She quoted the Criterion for Special Permit under section B1C "The Commission shall consider the capacity of adjacent streets to handle peak traffic and hazards created by use." She thinks the use of this

property creates a hazard. She asked who has jurisdiction over the placement of the train cars. Chairman Seichter replied that the railroad owns 41 feet from the track and that the spur is on railroad property. She asked the Commission to consider how to make it not a hazard.

Angie Conti – 26 North Airline Road – She has lived at that address since 2004 and has noticed the increase in train activity. She stated that some of Mr. Palumbo's statements were not true. She stated that she doesn't trust the applicant not to attempt to expand as they are already conducting business without a permit. She reported that there is spillage from the transfer of material. She reported that the overgrowth at the edge of the wetlands is no longer maintained despite her notifying the Palumbo office. She suggested that those who wrote the letters don't actually live near the property being discussed. She was never asked for a letter and she lives next door.

Colleen Auger – 29 Audet Drive – She stated that she runs the farm across the street from the property being discussed. She acknowledged that there is more activity but that it is welcome. It was an eyesore for years. She also stated that there has not been an increase in train activity. She welcomes what has been done with the site.

Tim Comstock – 29 Audet Drive – He reported that he doesn't see a lot of traffic early in the morning and that there hasn't been a lot of noise.

Dan Plant – 32 North Airline Road – He stated he has been there for 3 years and is concerned about the spilled material, since the products they handle that are listed on their website includes pollutants heavy metals. He sees the stuff spilling out of the conveyor belt and it's a lot. He stated he's concerned about their drainage capacity of an over 25 year storm. He's concerned about the environmental impact and who would be monitoring. He noted that the train activity is more intense, even on Sundays. He reported that it blocks the road for 25 to 30 minutes with idling trains, even on Sunday. He stated that they are getting deliveries before 6am. He reported that he found reference to a lawsuit filed on the company in 2012 by former employees with concerns of safety of equipment. He also noted that there are more than 3 or 4 trucks a day.

Jennifer Pendleton – 15 North Airline Road – she asked if there has been a traffic study to look at commute times, trucks and the I 91 access. Chairman Seichter responded no, due to the small number of trucks. Ms. Pendleton also asked how things would be enforced, how will the town assure that the property owner is following the rules. Chairman Seichter replied that the town has a Zoning Enforcement Officer but that most enforcement is due to complaints to the zoning commission. If there is a history of violations, the Officer will check periodically. Ms. Hand added that the zoning enforcement officer position is going to full time. Procedurally when we are clear on what is approved it is easier to enforce. She reviewed the process. Ms. Pendleton asked what the max capacity, truck movement is for the operation at max capacity. Atty. Ceneviva responded 3 to 5 trucks a day with no ability to increase the number of railroad cars delivering product. Ms. Pendleton stated that she's lived there for 20 years, and yes, the train traffic has increased. She understands that this site was non-conforming in a previous time, this is our opportunity to stop non-conforming use at this site. Just because we did it in the past doesn't mean it's correct.

Ed Foley – of the Genesee Wyoming and the Providence & Worcester Rail Road – the serving carrier for Mr. Palumbo. The railroad serves several businesses in Wallingford. He stated that they are very attuned to customer needs and how to provide safe and efficient services. Mr. Palumbo has done an exemplary job in safety and efficiency, and stated that he is here to support Mr. Palumbo. He noted that if there was concern that emergency vehicles can't get through crossings, there is an 800# on the bungalows that connects to dispatchers who can call the train engineers. There are auto highway devices as well. It should only take a few minutes to get the track cleared in an emergency. He did receive the notification about the sight line issue and they will be working with the State to resolve it. Safety is paramount in what they do.

John LeTourneau – 3 Regent Court – He noted that this site has been an active rail yard since 1870 and has been used for various things over the years. He asked for parameters for how far back to go for comparison of what is less objectionable. The rail siding was quite a hub for Wallingford and even included a passenger service terminal. It has always been an active site. He shared some of the historical uses of this site. In his opinion this is the least amount of activity the site has seen. He noted that it is interesting that the Railroad is exempt. Mr. Palumbo could sell the land to the rail road and rent it back to do his business. Mr. LeTourneau asked that if we really want a business there that we approve and put restrictions on it.

Jim Gervace – Durham Road – He stated that he grew up there and that trains have been going up and down for a long time and they are not going away. He agreed that train traffic has increased some but he hasn't seen many trucks and no trucks going up Airline Road or side streets. He's seen a lot of car traffic. They cleaned up the property and want to make more improvements. He feels the application should go forward.

Penny Williams – 989 Center Street – She stated that there has been a lot of activity but there are more cars everywhere. Whether his operation is there or not there will be a lot of activity on the east side of Wallingford.

Ashley Matias – 17 North Airline Road – She reported that the property looks better. She is concerned with multiple trucks a day that idle for up to 45 minutes causing air pollution and noise pollution with the train traffic. She stated that the train traffic has increased because of Mr. Palumbo's business. She also noted that he started the business and then came asking for forgiveness instead of asking for permission. She can smell the truck fumes in her house.

John Capello – 1062 East Center Street – He stated that he is in favor of this application and sees zero impact on his life. He doesn't hear the trucks but does hear the highway traffic.

Atty. Ceneviva responded that given the nature of some of the comments and questions, he was requesting that the public hearing be kept open and continued until the November meeting. He asked for clarification on what is meant by the 'no more objectionable'.

Mr. Kohan made a Motion to continue application 411-19 Special Permit (distribution operation & office)/Benchmark Land Development, LLC/988 East Center Street until the November meeting.

Mr. Fitzsimmons: second

Vote: Fitzsimmons – yes; Kohan – yes; Hine – yes; Chair Seichter – yes

Motion passed.

Chairperson Seichter stated that the following two applications are related and will be discussed at the same time.

3. Special Permit (refuse & recycling facility)/H. Goodmaster & Son, Inc./53 North Plains Industrial Road #412-19

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record: Legal Notice, Inter-Departmental Referral received August 20, 2019 signed by Brian Schock, Deputy Fire Marshall; Memorandum dated August 28, 2019 from Erin O’Hare, Environmental Planner to Kacie Hand, Town Planner; Special Permit Application Narrative received October 4, 2019 from BL Companies; correspondence received October 20, 2019 from John Schmitz of BL Companies to Kacie Hand, Town Planner; Inter-Departmental Referral received October 7, 2019 signed by Erin O’Hare, Environmental Planner; Memorandum dated October 7, 2019 from Rob Baltramaitis, Department of Engineering to Planning and Zoning Commission; Inter-Departmental Referral received October 15, 2019 signed by Brian Schock, Deputy Fire Marshall; Interoffice Memorandum received October 15, 2019 from Erik Krueger, Senior Engineer, Water and Sewer Division to Kacie Hand, Town Planner.

4. Special Permit (storage for vehicle dealer/repairer, office, storage/warehouse, outdoor storage)/EJ Electric/53 North Plains Industrial Road #413-19

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record: Legal Notice; Inter-Departmental Referral received August 20, 2019 signed by Brian Schock, Deputy Fire Marshall; Inter-Departmental Referral received July 17, 2019 signed by Brian Schock, Deputy Fire Marshall; Inter-Departmental Referral received July 9, 2019 signed by Erin O’Hare, Environmental Planner; Memorandum dated August 28, 2019 from Erin O’Hare, Environmental Planner to Kacie Hand, Town Planner; correspondence dated July 29, 2019 from Kacie Hand, Town Planner to Joseph Rubino, E.J. Electric, Wallingford; Special Permit Narrative received October 4, 2019 from BL Companies; correspondence received October 20, 2019 from John Schmitz of BL Companies to Kacie Hand, Town Planner; Inter-Departmental Referral received October 7, 2019 signed by Erin O’Hare, Environmental Planner; Memorandum dated October 7, 2019 from Rob Baltramaitis, Department of Engineering to Planning and Zoning Commission; Inter-Departmental Referral received October 15, 2019 signed by Brian Schock, Deputy Fire Marshall; Interoffice Memorandum received October 15, 2019 from Erik Krueger, Senior Engineer, Water and Sewer Division; correspondence from the Fire Marshall’s office dated 10-9-19; additional correspondence received from Erik Krueger, Wallingford Senior Engineer, Water and Sewer Division dated October 15, 2019; updated comments from the Fire Marshall’s office dated 20-9-19; an additional memorandum addressed to the Town Planner from Erik Krueger, Wallingford Senior Engineer, Water and Sewer Division.

Presenting the application were Chris Gagnon, Professional Engineer, BL Companies, and the owner representatives from E.J. Electric, Mr. Rubino and Mr. Stimpson. Mr. Gagnon stated that the application

is an attempt to get into compliance with your regulations. The current owners purchased the property a couple years ago and discovered components of the building and site were not in compliance with regulations. He stated that after extensive conversations with the town, he believes that when all the repairs are complete, we will have a site and building that is in compliance with the regulations. He reviewed the history of the site. A site plan was approved in 1996 with the building in its current state. The building was constructed per the approved drawings but the site was not constructed per the approved drawings. The new owners are proposing to bring the site into compliance with respect to landscaping, the parking tables and the uses, etc. They are not building any new parking. The owner reps are here to discuss the usage.

Mr. Gagnon noted that the first non-compliance issue was that the parking lot was constructed without any of the landscaping islands that were required in the original site approval. The perimeter landscaping and buffer landscaping was in place. The trees and landscape islands in the diagram are proposed as per the regulations. This also reduces the impervious area. Mr. Gagnon pointed out that they are proposing one extra dry well in the low spot and there's no regrading necessary to direct water to the dry well. Access stairs are also in the proposal, which are more of a fire code issue.

In regard to uses, Mr. Gagnon explained that on the site is a business office, auto storage and a metal recycling, none of which are intense uses with respect to parking. Mr. Gagnon stated that as part of the parking there is some vehicle storage and equipment storage in the lot and as part of the conditions of approval, they understand that if the use becomes more intense affecting parking they would need to return to parking spaces.

Atty Bernard Pellegrino, representing Michael and Chris Goodmaster, presented on the recycling center portion of the operation. Atty Pellegrino stated when the question of uses came up it was determined that H. Goodmaster and Son has been classified as a recycling operation which is permitted in the zone, but it is a special permit use. The actual activities on site are much less intense than you might typically think for a recycling center. Atty Pellegrino stated that it's really a scrap metal resale operation and distributed photos of the operation. H. Goodmaster purchases scrap metal from manufacturers, the metals are brought to the facility, then either sorted into containers of similar metals or if shipped as a single metal product, they are repackaged until they have a sufficient quantity of a particular metal, then those metals are sold to the end purchaser who picks up the product. All the activities are conducted inside the building, except for one container in the yard that is picked up twice a month by a vendor. The size of the operation is relatively modest with low intensity, few employees and no adverse impact to the neighboring environment. Atty Pellegrino stated that his client believes the use meets the special permit criteria.

Chairman Seichter asked Ms. Hand for a brief background on the situation, application, the zoning violations and some of the issues. Ms. Hand reported that her office got involved a year ago on a referral from the Fire Marshall's office; she summarized the previous approval and the changes before the Commission. There are uses on the site that had not been approved by the Commission. These are potentially permitted uses. The configuration of the office component involved a change. Much of the

building is unused right now. The other two issues that came up included things done inside the building that were not part of the original building permits, though this was done by the previous owner. This involves a mezzanine area and a second floor in the back. The parking area had been expanded in the back. She noted that if the application is approved, there are still fire code and building code issues that are pressing and do need to be addressed imminently. Ms. Hand stated that the owners are aware of what need to be done to get up to code. The primary issue for the Planning office has been to pin down what's happening inside the building, what are the uses, what is the configuration inside the building and then making sure we have a compliant site plan. Any further modification to the interior would require the owner coming back. The other big question was parking requirements. Right now there are a lot of trucks stored on the site, leaving few available parking spots. If more parking becomes necessary then those spaces have to revert back to parking from storage. Ms. Hand agreed that at this point they don't need all the required parking spaces. But they have to understand that if they occupy more office space, or there is an intensification of the office space, they may need to give up some of the outside storage space for parking. Ms. Hand noted that the site design issues have pretty much been addressed. In terms of the recyclers, Ms. Hand agrees with the categorization that this is less intense than what was anticipated for that land use category. She had recommended a condition of approval that no dumpsters or storage containers for the operation were to be stored outside, based on the understanding that none of them were kept outside. She stated she does have some concern about the one that is stored outside. Mr. Vassar stated that if that is a concern, they will remove the dumpster. Ms. Hand suggested making that subject to review and approval by the Water and Sewer Divisions. Ms. Hand noted the other conditions were proper maintenance of the dry wells and conditions provided by the Water and Swer Divisions, for example, no auto repairs or washing on site.

Commissioner Kohan asked what processing is done on site. Atty Pellegrino responded that there is no processing on site.

Public Comment – none

Mr. Kohan: Motion to close the Public Hearing on Application #413-19, EJ Electric, Special Permit

**Mr. Fitzsimmons: Second
Vote: Unanimous**

Mr. Kohan: Motion to close the Public Hearing for Goodmaster & Son, Application #412-19

**Mr. Fitzsimmons: Second
Vote: Unanimous**

Mr. Kohan: Motion to approve a Special Permit (refuse/recycling facility), Application #412-19, for H. Goodmaster & Son, Inc. to allow 21,516 sq. ft. of material sorter/processor, limited to the activities described on the record tonight, within the existing building at 53 North Plains Industrial Road, as shown on plans entitled "Existing Commercial/Industrial Building, 53 North Plains Industrial Road, Wallingford, Connecticut", revised to 10/03/19, subject to the following conditions of approval:

1. Compliance with Inter-Departmental Referral from Brian Schock, Department of the Fire Marshal, dated 8/19/19.
2. Recommended conditions of approval in Memorandum from Rob Baltramatis – Department of Engineering, dated October 7, 2019.
3. Recommended conditions in Inter-Departmental Referral from Erin O’Hare, dated 10/7/19.
4. Proper maintenance of existing drywells on site.
5. Use to be limited to the activities as described on the record tonight, including: no recycling activities beyond sorting of materials to occur, no dumpsters/storage containers for the operation to be stored outdoors (except with approval of the Water and Sewer Division), all activity to occur inside the building, no washing of materials to occur.
6. Compliance with any/all DEEP permitting and other requirements.

Mr. Fitzsimmons: Second

**Vote: Fitzsimmons – yes; Kohan – yes; Hine – yes; Chair Seichter – yes
Special Permit #412-19 approved.**

Mr. Kohan: Motion, based on the totality of the record, to approve Application #413-19, a Special Permit for EJ Electric to allow: 2,607 sq. ft. indoor vehicle storage for an off-site approved dealer/repairer, 14,666 sq. ft. of office space, and 26, 538 sq. ft. of storage space within the existing building, and allow parking/storage expansion and associated site improvements, at 53 North Plains Industrial Road, as shown on plans entitled “Existing Commercial/Industrial Building, 53 North Plains Industrial Road, Wallingford, Connecticut”, revised to 10/03/19, subject to:

1. Recommended conditions of approval in Memorandum from Rob Baltramaitis – Department of Engineering, dated October 7, 2019.
2. Recommended conditions in Inter-Departmental Referral from Erin O’Hare, dated 10/7/19.
3. Compliance with Inter-Departmental Referral from Brian Schock, Department of the Fire Marshal, dated 7/16/19 and 8/19/19.
4. Proper maintenance of existing drywells on site.
5. Based on discrepancies in technical parking requirements vs. functioning of uses on site: Note to be added to the map and statement filed on the land records that any parking spaces that are used for vehicle/equipment storage (rather than parking spaces) are to be returned to use as parking spaces and no longer used for truck/equipment storage should they become needed, as determined by the Planning and Zoning Commission or the Town Planner.
6. No vehicle, truck or equipment repairs to occur anywhere on site or in the building; floor drains in building to be plugged as required by the Water and Sewer Divisions.
7. Special Permit allows only automotive storage, no sales, repairs, or maintenance work, including washing of vehicles, allowed in building or anywhere on site.
8. Sedimentation and Erosion control bond to be determined by the Town Planner.
9. Work to be completed by June 1, 2020 in order to prevent further zoning enforcement action.
10. Combination/square footage of uses to be limited to as approved
11. Sign-off from the Water and Sewer Divisions
12. Additional comments from the Fire Marshall dated 10-10-19
13. Additional comments from Water and Sewer of 10-15-2019

Mr. Fitzsimmons: Second

**Vote: Fitzsimmons – yes; Kohan – yes; Hine – yes; Chair Seichter – yes
Special Permit #413-19 approved.**

NEW BUSINESS

Chairman Seichter suggested the three accessory apartment presentations go first as they will be quick.

6. Site Plan (Accessory Apartment)/Franco/45 Broadview Drive #229-19

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record. Application for Site Plan received September 7, 2019; correspondence dated September 20, 2019 from Kacie Hand, Town Planner to Mark & Lisa Franco; Inter-Departmental Referral received September 11, 2019 signed by the Fire Marshall; Interoffice memorandum received October 3, 2019 from Erik Krueger, Senior Engineer, Water and Sewer Division, to Kacie Hand, Town Planner.

Lisa Franco, owner, stated that the application is for an in-law accessory apartment for her mother-in-law who is a widow and is 76.

Ms. Hand to comment stated that it complies with the regulations.

Mr. Kohan: Motion to approve the Site Plan for Franco to allow a 550 sq. ft. Accessory Apartment at 45 Broad View Drive, subject to:

- 1. Final inspection by the Zoning Enforcement Officer**
- 2. Interoffice Memorandum from Erik Krueger, Senior Engineer, dated October 2, 2019**

Mr. Fitzsimmons: Second

**Vote: Fitzsimmons – yes; Kohan – yes; Hine – yes; Chair Seichter – yes
Application #229-19 approved.**

7. Site Plan (Accessory Apartment)/Mixsell/19 Laurelwood Drive #230-19

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record: Inter-Departmental Referral received September 11, 2019 signed by the Fire Marshall; Interoffice Memorandum received October 3, 2019 from Erik Krueger, Senior Engineer, Water and Sewer Division to Kacie Hand, Town Planner; Inter-Departmental Referral received October 11, 2019 signed by the Fire Marshall.

Beth and Emmet Shutts from 260 Brooksvale Ave, Hamden and hoping soon to be at 19 Laurelwood Drive. Purchased the house with their daughter and son-in-law so they can help with the grandkids as well as having family close as they get older. This house has an existing second master bedroom suite. They would like to turn the attached garage, which is located below that bedroom, into the kitchen and living room.

Ms. Hand stated that it is a bit more complicated configuration. She has met with the Shutts several times and is only missing a couple more dimensions to ensure they are compliant. Ms. Hand has recommended that as a condition for approval.

Mr. Kohan: Motion to approve the Site Plan for Mixsell for a 778 sq. ft. Accessory Apartment at 19 Laurelwood Drive, subject to:

- 1. Final inspection by the Zoning Enforcement Officer**
- 2. Interoffice Memorandum from Erik Krueger, Senior Engineer, dated October 2, 2019**
- 3. Final dimensions demonstrating compliance with size restrictions to be submitted to the Town Planner.**

Mr. Fitzsimmons: Second

Vote: Fitzsimmons – yes; Kohan – yes; Hine – yes; Chair Seichter – yes

Application #230-19 approved.

9. Site Plan (Accessory Apartment)/Palumbo/1 Bertini Lane #232-19

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record: Application for Site Plan received September 10, 2019; Correspondence dated September 20, 2019 from Kacie Hand, Town Planner to Pasquale and Maria Palumbo; Interoffice Memorandum received October 3, 2019 from Erik Krueger, Senior Engineer, Water & Sewer Division to Kacie Hand, Town Planner. Presenting the application were Antonio Palumbo and father Pasquale Palumbo, who is the homeowner of 1 Bertini Lane. Mr. Antonio Palumbo explained that his father has finished the lower level, so this is an after the fact application. It's actually a summer kitchen which they found out is not good with zoning.

Ms. Hand asked if it is correct that the mailing address is listed as 4 Hidden Brook, and if so who owns the 1 Bertini Lane property and who lives there. She noted that the owner has to live there. Mr. Antonio Palumbo responded that the Hidden Brook address is his father's other house. He acknowledged that his father actually lives in Hidden Brook and the Bertini Lane home is about to sell. Ms. Hand noted that we will add a condition, but will need verification from the new owner that they live on the property, because residence is one of the requirements of an accessory apartment. Ms. Hand pointed out the additional conditions. Mr. Pasquale Palumbo provided the dimensions, so that condition was removed.

Mr. Kohan: Motion to approve the Site Plan for Palumbo to allow a 620 sq. ft. Accessory Apartment at 1 Bertini Lane, subject to:

- 1. Verification that owner lives on property**
- 2. Final inspection by the Zoning Enforcement Officer**
- 3. Interoffice Memorandum from Erik Krueger, Senior Engineer, dated October 2, 2019.**

Mr. Fitzsimmons: Second

Vote: Fitzsimmons – yes; Kohan – yes; Hine – yes; Chair Seichter – yes

Application #232-19 approved.

5. Site Plan (hotel)/Wallingford Lodging Partners, LLC/4 Miles Drive #228-19

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record: Correspondence dated September 19, 2019 from Kacie Hand, Town Planner to Jeffrey Gordon, Wallingford Lodging Partners; Interoffice Memorandum received July 17, 2019 from Erik Krueger, Water and Sewer Division to Erin O'Hare, Environmental Planner; Memorandum received September 20, 2019 from Erin O'Hare, Environmental Planner to Kacie Hand, Town Planner; Inter-Departmental Referral received September 20, 2019 signed by Erin O'Hare, Environmental Planner; email dated September 20, 2019 from Jeffrey Gordon of Codespoti & Associates to Kacie Hand, Town Planner; Inter-Departmental Referral received September 23, 2019 signed by the Fire Marshall; Correspondence received September 30, 2019 from Jeffrey Gordon, Wallingford Lodging Partners to Kacie Hand, Town Planner; copy of an Operations and Maintenance Plan received September 30, 2019; copy of site plan for #110 Leigus Road not dated; Memo received October 7, 2019 from Vanessa Bautista, Chief Sanitarian, Health Department to Kacie Hand, Town Planner; Interoffice Memorandum dated October 8, 2019 from Erik Krueger, Water and Sewer Division to Kacie Hand, Town Planner; Inter-Departmental Referral received October 11, 2019 signed by the Fire Marshall; Floor plans not dated for Hampton Inn and Suites by Icon Architectural Group

Presenting the application were Kevin Curseaden, attorney (Curseaden & Moore, LLC 3 Lafayette Street, Milford), and Jeffrey Gordon of Codespoti & Associates, (253 Boston Post Road, Orange) landscape architects.

Mr. Gordon explained that Wallingford Development partners is a development group that owns a number of hotels throughout the country and are currently completing development of a Hilton product hotel in Orange, CT and starting a project in North Haven and hoping to add one here in the town of Wallingford. The subject property is referred to as 4 Miles Drive and is a rear lot comprising of approximately 190,000 square feet in an I5 district in a watershed protection area. The property was approved as part of a subdivision in 1983 and has sat undeveloped since. It is under certain constraints under the I5 zone which required a couple of variances. The variances were for a parking buffer and front yard landscaping. There is an intermittent watercourse on the eastern side of the property on the state right of way. It is basically a drainage ditch for the highway. The property is to the East of the Homewood Suites at the south of the Fairfield Inn. From the northwest corner to the south east corner the parcel drops 40 feet. That challenge has affected the development plans. The product is a Hampton Inn and Suites, part of the Hilton line. They believe there is still a demand for rooms due to the development in the Hartford corridor. Mr. Gordon continued to point out aspects of the site plan. Entranceway is a shared private road coming in off of Miles drive that is shared with the Fairfield Inn. He pointed out the landscaping, parking and drop off areas. Regarding parking, Mr. Gordon pointed out that they were guided that less would be better. There are 105 rooms on the site and they propose 109 parking spaces. The plan shows a possible overflow parking area. He explained their analysis that showed that Trip generation traffic analysis is not required. Approximately 53% of the property would be open space. Due to the recent change in regulation on vehicle charging, should the project be approved, they will come back for a special permit for that use. He suggested considering separating public charging from private charging. This is a smart building and only a tenant would be able to use their chargers. As to the grading for the site, and the sewer easement that runs on the eastern side of the property, he explained how they will bring the site high enough to get the drainage into the sand filter basin for treatment. He explained how they are addressing the recommendations from Mr. Baltramaitis. Mr. Gordon noted that one of the most complicated aspects is height limitations based on the setback, he explained the highest element of the structure is within the requirements. He addressed the ownership and maintenance of the drainage systems. He addressed the lighting photometrics and landscape plan. All landscaping areas will be serviced by underground irrigation. Mr. Gordon noted that snow shelves are in the plan. He addressed the modification to the signage that was required. He described the types of rooms in the hotel including one meeting room, small pool, business center and make your own breakfast bar. He described the look of the building.

Ms Hand thanked the applicant and his team for all their work to get to this point. She noted that there are some details that need to be finalized, but as long as the applicant is willing to agree to comply with the regulations and the comment letter, she is okay to move forward. Chairman Seichter verified that the applicant is comfortable with complying with the comments by the Town Planner. Ms. Hand noted the conditions of approval.

Commissioner Seichter asked for verification that this hotel will not have function rooms. Mr. Gordon stated that was correct.

Mr. Kohan: Motion to approve Site Plan for Wallingford Lodging Partners, LLC, to construct a 105-room, 62,122 sq. ft. hotel at 4 Miles Drive, as shown on plans entitled "Proposed Site Development Plan, Hampton Inn & Suites By Hilton, 40 Miles Drive, Wallingford, Connecticut", submission date August 30, 2019, revised to September 23, 2019, subject to:

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1. **Conditions in Interoffice Memoranda from Erik Krueger, Senior Engineer, Water and Sewer Divisions, to Erin O’Hare, Environmental Planner, dated July 15, 2019, and to Kacie Hand, Town Planner, dated October 8, 2019.**
2. **Compliance with letter from Kacie Hand, Town Planner, to Jeffrey Gordon, Agent, dated September 19, 2019, in its entirety, to the acceptance of the Town Planner.**
3. **Compliance with requirements in Inter-Departmental Referral from the office of the Fire Marshal, dated 9/20/19**
4. **Compliance with height restrictions/allowances to be verified to the satisfaction of the Town Planner; all information required by the Town Planner to facilitate verification to be provided.**
5. **Compliance with Memo from Vanessa Bautista, Chief Sanitarian, dated October 4, 2019**
6. **Sedimentation and Erosion Control Bond to be determined by the Town Planner.**

Mr. Fitzsimmons: Second

Vote: Fitzsimmons – yes; Kohan – yes; Hine – yes; Chair Seichter – yes

Application #228-19 approved.

OLD BUSINESS

10. Site Plan (warehouse)/Sterling Estates, LLC/3 Sterling Drive #224-19

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record: Comment Response Summary received October 2, 2019 by Anchor Engineering Services to Robert Baltramaitis, Town Engineer; Memorandum received September 10, 2019 from Department of Engineering to Planning and Zoning; correspondence dated September 9, 2019 from Kevin Grindle of Anchor Engineering Services, Incto Kacie Hand, Town Planner; copy of Outstanding Item Summary not dated; Inter-Departmental Referral received September 6, 2019 signed by the Fire Marshall; copy of an email dated September 4, 2019 from Kevin Grindle of Anchor Engineering Services to Kacie Hand, Town Planner; Comment Response Summary dated August 28, 2019 from Anchor Engineering Services, Inc.to Kacie Hand, Town Planner; Inter-Departmental Referral received September 4, 2019 signed by Senior Engineer; correspondence dated August 28, 2019 from Kacie Hand, Town Planner to Sterling Estates, LLC; Interoffice Memorandum dated July 26, 2019 from Erik Krueger, Senior Engineer, Water and Sewer Division to Kacie Hand, Town Planner; Inter-Departmental Referral received July 17, 2019 signed by the Fire Marshall; Inter-Departmental Referral received August 28, 2019 signed by the Fire Marshall; correspondence dated July 28, 2019 from Kevin Grindle of Anchor Engineering Servicesto Kacie Hand, Town Planner; Memorandum received October 9, 2019 from Department of Engineering to Planning and Zoning Commission; Inter-Departmental Referral received October 11, 2019 signed by the Fire Marshall.

Presenting the application was Kevin Grindle, a landscape architect for Anchor Engineering Services of Glastonbury, representing Sterling Estates, LLC with apologies that they could not be present. Mr. Grindle gave a brief overview of the property (Quest Diagnostics building) and that it’s zoned in IX (Industrial Expansion). He gave a brief history of the property. He noted that all work will be going to the DOT OSTA office for review. They are working off of site plans from 1987 and 1998 for a parking lot expansion. His firm did revisions to the plans based on building expansions done in 2002 and 2004. The existing building is 62,000 square feet. Total floor plan area is 95,900 square feet with two floors. There are currently 383 parking spaces. The applicant is proposing a 35,000 square foot addition for a one story warehouse. They are currently seeking tenants for that addition. Mr. Grindle stated that they do not have building plans or final fit out of that building. He stated that the applicant would be comfortable with any conditions imposed. The addition is within the existing parking reducing to 316

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parking spaces including 8 handicapped spaces. Due to using existing parking they can mitigate a minor drainage increase. He noted that the existing handicapped spaces are not in compliance with current rules. Those spaces will be modified to bring them into compliance and will add more adjacent to the proposed addition. The truck loading area of the existing building will be moved to the proposed warehouse addition. Mr. Grindle acknowledged that they are comfortable with the requirements of section 4.9E3 regarding screening from the road of the loading area. He pointed out the proposed drainage revisions that will be required to handle the storm water associated with these improvements, including a small detention basin. He is confident that all the comments received from the town can be handled as conditions. He stated that they will be revising the landscaping to bring it up to compliance. He stated that the final fit out plans would be submitted for review and that if anything changes they are comfortable coming back to this commission. He noted the dumpsters are contained within the loading dock.

Mr. Kohan asked for clarification on what would be stored in the warehouse. Mr. Grindle stated that the warehouse tenant is not finalized yet, but stated that whatever is stored will be consistent with Fire Marshall and engineering. Ms. Hand noted that this is not an extension of the existing facility but a separate entity.

She confirmed that Engineering is comfortable with their comments being made conditions of approval. The Commission needs to decide if it's acceptable that the site plan wasn't based on an A2 survey, but based on previous surveys. Ms. Hand questioned the screening for the loading area and made her recommendation. Mr. Grindle shared his thoughts for full size trees, native if possible consistent with the existing evergreens along that side of the property. Ms. Hand noted that once the building fit out has been decided there will need to be a decision about where access is provided and verification of ADA compliance with those access ways.

Chairman Seichter asked if anyone had an objection to Ms. Hand's comment about the lack of an A2 survey. Hearing none Chairman Seichter entertained a motion on the application.

Mr. Kohan: Motion to approve Site Plan for Sterling Estates, LLC to construct a 35,000 sq. ft. warehouse addition to the existing building and make associated site improvements at 3 Sterling Drive, as shown on plans entitled "Site Plan Submission of Building Addition – 3 Sterling Drive, Wallingford, CT", dated 7/26/19, revised to 9/26/19, subject to:

- 1. Compliance with remaining items listed in "Outstanding Item Summary – In Response to 'Comment Response Summary'"**
- 2. Compliance with requirements in Inter-Departmental Referral from the office of the Fire Marshal, dated 7/16/19 and 8/27/19, and dated received Sep 09 2019**
- 3. Interoffice Memorandum from Erik Krueger, P.E., Senior Engineer, Water and Sewer Divisions, dated July 26, 2019.**
- 4. Conditions of approval in Memorandum from the Department of Engineering, dated October 8, 2019**
- 5. Loading docks to be screened as discussed on the record tonight; screening to be approved by Town Planner and reflected on final plans**
- 6. Site and building to be compliant with all ADA requirements; any significant changes to site after approval will necessitate a revision application to the Planning and Zoning Commission**
- 7. Sedimentation and Erosion controls that are acceptable to the Town Planner to be shown on final plans**
- 8. Sedimentation and Erosion Control Bond to be determined by the Town Planner**

Mr. Fitzsimmons: Second

Vote: Fitzsimmons – yes; Kohan – yes; Hine – yes; Chair Seichter – yes

Application #228-19 approved.

8. Site Plan (manufacturing facility – expansion)/Protronix Investment Properties/28 Parker Street #231-19

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record: Correspondence dated September 27, 2019 from Kacie Hand, Town Planner to Protronix Investment Properties of Wallingford; Inter-Departmental Referral received September 11, 2019 signed by the Fire Marshall; Memorandum dated October 7, 2019 from Rob Baltramaitis, Department of Engineering to Planning and Zoning Commission; correspondence dated October 7, 2019 from Christopher Juliano of Juliano Associates to Kacie Hand, Town Planner; Proposed addition description dated October 2, 2019 from Juliano Associates; Inter-Departmental Referral dated September 9, 2019 signed by Erik Krueger, Senior Engineer, Water & Sewer Division; Inter-Departmental Referral received October 15, 2019 signed by Erik Krueger, Senior Engineer, Water & Sewer Division; Inter-Departmental Referral received October 15, 2019 signed by the Fire Marshall

Christopher Juliano, surveyor and engineer with Juliano Associates, 405 Main Street, Yalesville, representing Protronix Property Investments, presented the application with respect to expansion of their facility at 28 Parker Street. He provided background on the facility which is a manufacturer of circuit boards. They are looking to expand because they have new equipment. They are proposing a 990 square foot addition on the back of the building. Given the odd shape and small size, in a CB-40 zone, they had to go to Zoning Board of Appeals for variances for a side yard and rear yard setback. These were obtained. This is a challenging site due to the non-conforming size, use, the fact that they had just gone through an expansion and upgrade of the Amtrak facilities which did a taking on Parker Street. The biggest issue was trying to bring this site into compliance with the current regulations, especially with respect to their parking. Most employees parked in the westerly lot that didn't conform. In addition their loading is on the front of the building through the easterly parking area. They brought the site into compliance by relocating the westerly parking lot to the rear of the building. Where there was no landscaping in front they have pulled back the 25 feet. He believes the site is about 95% in compliance. There is existing water and sewer to the facility but the addition is just a dry storage room for equipment, so no change to those facilities. The only utility affected is going to be the electric service. The current site drainage is one dry well in the easterly parking lot. In the westerly parking lot storm water flows to the low spot in the back. They propose to put in a second dry well that will lead to an underground galley system. He acknowledged the town engineer is concerned with the system. Mr Juliano is happy to work with the town engineer and make the system larger. Engineering also had concern about the changes to the driveways. Unfortunately when DOT came through they created the driveway entrances the way they wanted them. They will do some modifications to bring both driveways into compliance.

Ms. Hand outlined her concerns. She clarified that this side of the tracks is a commercial zone, so this is an expansion of a non-conforming use. If the application is approved tonight it would be subject to

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approval of another variance by the Zoning Board of Appeals. Ms. Hand has spoken to Mr. Juliano and the owners about the current regulations that don't allow vehicles to back into or off of the site. Her concerns are also that it is tight and that deliveries will block the accessible space. The commission could make each of Mr. Baltramaitis' comments a condition. Ms. Hand noted that the dumpster location is also an issue. Mr. Juliano offered to have it screened or moved to the back if it's absolutely necessary. Mr. Juliano stated that the facility is in the process of eliminating the tractor trailer deliveries. They have confirmed with FedEx and UPS that they can get in and out pulling forward. When an SU30 vehicle backs up to the loading dock it would block off two employee parking spots and 8 feet of the hatch area. The accessible space would still be open. He stated that they understand they will have to go back to Zoning Board of Appeals.

Ms. Hand recommended adding to the conditions of approval that no backing onto or off of the site and if someone does need to get into or out of that accessible space that access is provided.

Mr. Kohan: Motion to approve a Site Plan for Protronix Investment Properties to construct a 990 sq ft addition to the existing building and make associated site improvements at 28 Parker Street, as shown on plans entitled "Land of Protronix Investment Properties, 28 Parker Street, Wallingford, Connecticut", dated 10/8/2019, revised to 10/07/19, subject to:

1. **Compliance with requirements in Inter-Departmental Referral from the office of the Fire Marshal, dated 9/11/19**
2. **Compliance with Memorandum from Rob Baltramaitis – Department of Engineering, dated October 7, 2019**
3. **Compliance with letter from Kacie Hand, Town Planner, to Protronix Investment Properties, dated September 27, 2019, to the acceptance of the Town Planner.**
4. **Sedimentation and Erosion Control bond to be determined by the Town Planner.**
5. **This approval is dependent upon whether an additional Variance by the Zoning Board of Appeals allowing the expansion of the non-conforming use is granted.**
6. **Interoffice Memorandum from Erik Krueger, P.E., Senior Engineer, Water and Sewer Divisions, dated October 11, 2019.**
7. **That there will be no backing into the property**
8. **The accessible space must be available**
9. **Final plans to show relocation of the dumpster**

Mr. Fitzsimmons: Second

Vote: Fitzsimmons – yes; Kohan – yes; Hine – yes; Chair Seichter – yes

Application #231-19 approved

EXTENSION

12. Special Permit/Old North Colony Properties, LLC/12 Old Colony Road #404-09

Commissioner Fitzsimmons noted all correspondence pertaining to this application for the record: Correspondence received September 4, 2019 from William Hoynack, Director of Environmental Services as agent for 12 Old North Colony Properties, LLC, to James Seichter, Chairperson, Planning and Zoning; Memorandum received September 20, 2019 from Erin O'Hare, Environmental Planner to Kacie Hand, Town Planner; Inter-Departmental Referral received October 3, 2019 signed by Erin O'Hare,

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Environmental Planner; Interoffice Memorandum dated October 4, 2019 from Erik Krueger, Senior Engineer, Water and Sewer to Kacie Hand, Town Planner.

Ms. Hand provided a background on the permit. They are generally in compliance with the zoning. They were given a three month extension three months ago. Ms. Hand recommends a six month extension to April 9, 2020.

Commissioner Kohan: Motion to approve the extension of the special permit for the Old North Colony Properties, LLC/12 Old Colony Road #404.09 for six months, expiring on April 9, 2020.

**Mr. Fitzsimmons: Seconded
Motion Passed.**

REPORTS OF OFFICERS AND STAFF

13. Administrative Approvals
 - a. Survey Waiver Request/N. Rivera/443 North Main Street #814-19
 - b. Site Plan/Radiall USA, Inc./777 Northrop Road #226-19
 - c. Survey Waiver Request/M. Jette/78 North Airline Road #815-19
 - d. Change of Use/S. Courtemanche/624C South Colony Road #315-19
 - e. Change of Use/D. Dione/950 Yale Avenue #316-19

Administrative approvals were acknowledged into the record. There were not any questions.

14. ZBA Decisions of 9-09-19

There were not any questions on the ZBA decisions.

15. ZBA Notice for 10-21-19

The Zoning Board of Appeals meeting for September 16, 2019 is cancelled due to lack of applications.

16. Zoning Enforcement Log

Ms. Hand noted that last month the issue of the cemetery was discussed and the Commission asked for a timeline. What was conveyed to Ms. Hand is that there is forward motion and the Town Attorney has now gotten involved. Ms. Hand was assured it was a priority and there is conversation with the consultant that had worked on behalf of the town.

ADJOURNMENT

Mr. Kohan made a motion to adjourn the meeting at approximately 12:20 a.m. Mr. Fitzsimmons seconded the motion which passed unanimously.

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary

Revisions: KAH

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