

Wallingford Planning & Zoning Commission
Monday, June 14, 2021
Remote Meeting
MINUTES

Chairman Seichter called the meeting to order at approximately 7:05 p.m.

Pledge of Allegiance was recited by all.

Roll Call: Present: Jim Seichter, Chairman; James Fitzsimmons, Regular Member; Jeff Kohan, Regular Member; Rocco Matarazzo, Secretary; Steven Allinson, Alternate (voting for Venoit); Kevin Pagini, Town Planner; Thomas Talbot, Planner; Amy Torre, Zoning Enforcement Officer.

Absent: JP Venoit, Vice Chair; Jaime Hine, Alternate; Armand Menard, Alternate.

Consideration of Minutes – May 10, 2021

Commissioner Fitzsimmons: Motion to accept the Planning and Zoning Minutes of the May 10, 2021 meeting as submitted.

Commissioner Kohan: Seconded

Vote: Unanimous to approve with Chairman Seichter abstaining

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

1. Public Hearing: Special Permit (Convenience Store/Fueling Facility)/7-11 Inc./1033 No. Colony Road #412-20 - Withdrawn
3. Public Hearing: Special Permit/1070 North Farms Road, LLC/1117 and 2 Northrop Road #402-21 – No Action
6. New Business: Site Plan/6 Research, LLC/4A Research Parkway – No Action

PUBLIC HEARINGS

2. Special Permit (Warehousing)/Montante Construction/5 Research Parkway Continuation #401-21 - Continuation

Commissioner Matarazzo noted all correspondence received since the last hearing. Email dated May 5, 2021 from birdsey112@aol.com to Kevin Pagini; email dated May 11, 2021, from Deborah LaButis to Wallingford Planning and Zoning; dated May 11, 2021, from Emma Mendillo to Kevin Pagini; correspondence dated May 14, 2021, from Thomas Cody, Robinson & Cole to James Seichter, Chairman; correspondence dated May 28, 2021, from Thomas Cody, Robinson & Cole to James Seichter, Chairman; Statement of Consistency received June 1, 2021; packet received June 2, 2021, including Minutes of the March 11, 2020 and May 11, 2020, for the Planning & Zoning Commission; correspondence dated June 4, 2021 from Neil Amwake, General Manager, Department of Public Utilities to Jeffrey Dewey, P.E., BL Companies; correspondence dated June 7, 2021, from Kevin Pagini, Town Planner to Montante Construction; correspondence dated May 28, 2021, from Thomas Cody, Robinson & Cole to James Seichter, Chairman, Planning & Zoning; email dated June 9, 2021 from Susan Durant to Kevin Pagini; email received June 9, 2021, from Bruce Ollodart to Planning & Zoning; correspondence dated June 9,

2021, from Jeffrey Dewey, BL Companies, to Kevin Pagini, Town Planner; email received June 9, 2021 from Michael Mendillo to Kevin Pagini; email dated June 9, 2021, from Holly McNebola to Kevin Pagini; email dated June 9, 2021, from Kathy Mendillo to Kevin Pagini; correspondence dated June 8, 2021, from AdelheidKoepfer to Planning & Zoning Commission; Memorandum dated June 10, 2021, from Donald & Lisa Brennan to Town Planners; Construction Site Contingency Plan for Erosion Control and Emergency Spills, received June 10, 2021; email dated June 10, 2021 from Joan Munger to Kevin Pagini; email dated June 10, 2021 from Karen Zealor to Kevin Pagini; Interoffice Memorandum dated June 11, 2021, from Erik Krueger, Senior Engineer, Water & Sewer, to Kevin Pagini, Town Planner; and correspondence from VN Engineering, Inc., Traffic Peer Review response and comments, dated June 11, 2021.

Attorney Thomas Cody of Robinson & Cole, 280 Trumbull Street, Hartford represented the applicant and introduced the presenters. He stated that tonight they will respond to the comments and questions from the Commission, town staff, peer review consultants, and the public at the May meeting. After considering these concerns and with consultation with Amazon, they have made significant modifications to the plan which were submitted on May 27th. He reported that they received comments on that submission from Mr. Pagini and replied to him on June 9th. Atty. Cody noted that they received the second peer review letter on June 11th and the follow-up questions will be addressed tonight. He summarized the applicant's responses to the comments received. Details will be presented this evening.

Jeffrey Dewey, PE, BL Companies, reviewed the site plan modifications which were done to reduce the footprint and parking. He reported that Carpenter Lane will be for emergency access only with breakaway gates. They are discussing needs with emergency responders. Parking is reduced by a total of 239 spaces in the southern (van driver) lot and the northern (associate) lot and the impervious surface is reduced by 105,581 ft. This pulled the development farther away from the eastern boundary (now 400 ft) and farther from the southern boundary (now 215 ft.). This allowed increasing the vegetative buffer.

Michael Dion, PE, PTOE, BL Companies, 355 Research Parkway, Meriden, explained the traffic changes. All traffic will be directed to the Research Parkway entrance. They will reactivate the traffic light at 5 Research Parkway. The traffic analysis included the proposed developments at 850 Murdock Ave. and 1117 Northrop Road. He reviewed the peak hour trip generation analysis. He explained the level of service at nearby intersections and showed that all are acceptable. He explained the analysis for the holiday period had some degradation in service including the I-91 Northbound exit. He stated that they will bring that to the attention of OSTA as the project moves forward. He stated that the degradation between the no-build traffic and the after build in the intersections is negligible. He suggested expanding the Rt. 68 left turn onto Research be expanded to accommodate tractor-trailers. He stated that they have begun the OSTA process and the Police Department will have an opportunity to comment. He noted that they received the peer review comments on Friday and have some responses to those comments.

Wayne Violette, Senior Landscape Architect, BL Companies, stated that they reevaluated the eastern boundary on the northside and added 100 additional evergreen trees at the top of the knoll, in a triple

row to maximize and re-vegetate the existing buffer. On the southern edge, where parking has been reduced, they will add 50 evergreens in a triple row for maximum screening. He explained that the site lighting plan includes 194 25 ft light poles and wall-mounted lighting on the north and south facades. The eastern and western sides have canopy lighting. He stated that no light will trespass on the east, north, or south. All the fixtures are dark sky compliant.

Ben Mueller, Ostergaard Acoustical Associates, at 1460 Rt. 9 N, Woodbridge, NJ. He reported on his acoustical evaluation. He explained the local and state noise codes and criteria for both stationary and mobile sources. He stated that their goal is to avoid negative acoustical impact. He did an ambient sound survey over 24 hours at three locations including to the northeast on High Hill Road and the southwest corner where the residences are. He explained the results of his acoustical model with the existing topography for the HVAC system, delivery van activity (daytime), and truck activity (night time). He stated that the topography acts as natural shielding. Overall the acoustical impact meets the project noise limit goals and code limits. He anticipated no negative acoustical impact and that the site sound will conform to codes and harmonize with the existing sounds in the vicinity. He believes this facility is a good use for the property.

Atty. Cody recapped the presentations. He then provided an analysis of the consistency of the application with the decisional criteria in Section 7.5b of the regulations as was requested. This was submitted in writing. Regarding the appropriateness of the location and use, he stated that the project is consistent with the POCD and is compatible with existing uses in the area. They believe their application has mitigated the potential negative impacts of the industrial use. The traffic is separated from the residential neighbors. The landscape plan forms a dense screen. The parking is reduced and the setback increased. Potential noise impacts have been mitigated. Site lighting will have no spillage to off-site locations. They demonstrated no significant impact on traffic on adjacent streets. They have incorporated extensive stormwater management features. He described how they conform to Laws, Regulations, and Ordinances and noted that the warehouse is a permitted use and the South Cherry Street facility was approved as a warehouse. He described how they are protecting the safety, health, and the environment. Regarding overall design, it is consistent with industrial uses in the area. He believes they meet all the decisional criteria. He noted that extensive peer review has been done of the drainage systems and traffic.

Christopher van Zanten, VN Engineers, the traffic peer reviewer, highlighted his comments in the last peer review. The Carpenter Lane removal is an improvement with all traffic going to a signaled intersection. The holiday peak analysis shows that generally, the service at most of the intersections is acceptable. The decreased parking seems adequate based on the maximum number of vehicles on site. The two background developments (1117 Northrop and 850 Murdock) were included in the volumes. The trip generation submission to OSTA has been done. He noted several locations where queuing at Exit 15 southbound on and off-ramps exceeded the available storage for an average weekday but only by 1 or 2 vehicles. He noted that intersections that already exceeded storage. The southbound left turn off Research Parkway intersection degrades on an average weekday to a level E. He asked if the applicant investigated a timing adjustment. Regarding the holiday analysis at Rt. 91 northbound off-ramp, he

asked for a similar signal optimization analysis for non-holiday periods. Regarding the sightline issues at Carpenter Lane, he asked for a plan for improvements. He noted the biggest improvement proposed at exit 15 northbound off-ramp is a dual right turn. This would mean a shared left through a right turn, meaning the middle right turn lane would join the exclusive eastbound left-turn lane. This causes a weaving condition or competition. This needs to be discussed. Ultimately the improvements need to be approved by OSTA and DOT. He stated that the holiday peak queues get a little worse, including the exit 15 off-ramp. In the Holiday analysis, there are degradations for movements in afternoons and evenings to a service level E or F. He asked about a timing adjustment to resolve this. Regarding the site plan, he noted that the ADA parking requirements appear to be more what is reflected in the plan. He asked about the driveway connection to Barnes Road on the west and what it is used for.

Mr. Dion stated that he will submit responses to the peer reviewer's questions. He thanked the peer reviewer for their quick response. He stated that they looked at timing adjustments at the affected intersections and decided to leave them as-is. He agreed with the holiday analysis for the I-91 off-ramp and they will work with DOT on this. Regarding the site line issues at Carpenter and Barnes, there are wetlands there so they will work with the Town. As for ADA parking, he agreed to add more to the site to meet the requirements.

Chairman Seichter asked if they are preparing a full response. Mr. Dion replied yes, for the Town and Commission. He stated that he expects they will be able to come to an agreement.

Mr. Pagni asked the Commission to note his comments and the June 11th memorandum from the Water & Sewer Division as well as the applicant's June 9th response to staff comments. He drew their attention to item 2.3 regarding closing off the extra spaces not needed during non-holiday periods. He also directed the Commission to the public correspondence.

Commissioner Fitzsimmons noted that the application is greatly improved and he appreciated the applicant listening to the feedback. Regarding Carpenter Lane, he noted that both the Fire and Police departments use lockboxes. He asked the applicant to report at the next meeting that they are in conformance with those departments. He asked if the Police Department had commented on the plan. Mr. Pagni stated that the plan has not been shown to them. Commissioner Fitzsimmons noted that they are the recognized authority for the Town for traffic. Commissioner Fitzsimmons asked if the only roadway improvement planned is restriping. Mr. Dion said yes. Commissioner Fitzsimmons asked how high the evergreens on the top of the knoll will grow. Mr. Violette replied that they will start at 6 to 7 ft and grow to 40 or 50 ft. Commissioner Fitzsimmons asked for clarification of the location of employee vs. van parking. Jessica Schumer, Economic Development Manager for Amazon, explained that Amazon Associates and the van company managers will park by the building (colored yellow on the map) and the van and personal cars of the van drivers will be in the blue-colored lot. Commissioner Fitzsimmons asked if anyone would be walking to the building from the van lot. Ms. Schumer said no. Commissioner Fitzsimmons noted a concern with building so much pavement.

Commissioner Kohan noted his concern regarding parking as well. He reiterated his request for an overlay diagram comparing the old Bristol Myers facility to the new plan. He asked what number of vehicles would make an A, B, or C grade intersection into a D, E, or F grade. There appear to be a number of areas that fall into the unacceptable grades. *He noted that other area intersections will be affected too.* He asked the peer reviewer what he meant by a delay in westbound Rt. 68 traffic. Mr. van Zanten replied that westbound through traffic at Rt. 68, Barnes and Research deteriorates from E to F during mid-morning peak when you compare no build and holiday build peak conditions. Mr. Dion stated that typically they don't analyze traffic for that period. He noted that they will send this information to OSTA as it's their jurisdiction. Commissioner Kohan asked for more information on the potential impact. He noted that the peer review was very thorough and noted quite a few discrepancies. Mr. van Zanten replied to the question of how much traffic an intersection can handle, it depends on several factors. There is no easy answer. He noted that a lot of intersections are already operating at E level service in the no-build holiday period. Commissioner Kohan questioned the Town Planner regarding a definition of a warehouse. He doesn't believe this facility fits as it is more of a delivery station which is not allowed in this zone. Mr. Talbot suggested asking the Town Attorney. He noted that there is a risk to call it something different in a different zone. The South Cherry facility is considered a warehouse. Mr. Pagini stated he would speak with the Town Attorney.

Commissioner Matarazzo agreed with asking legal counsel how to define the facility.

Commissioner Allinson noted a concern that Water & Sewer noted inconsistencies in the data presented as did Mr. van Zanten and Mr. Pagini. He stated that Water & Sewer noted that the hydrodynamic sensors on the plans are too small. He would like to see those water runoff concerns addressed. He noted the large amount of blacktop in the wetlands area, which means a ton of runoff. Regarding Carpenter Lane, he recommended working with Fire and Police to make sure they can appropriately turn into and out of the facility. Regarding the report by the sound engineer, he asked if the decibel ratings include the truck backup alarms. Mr. Mueller replied yes. Commissioner Allinson referenced pages 13 and 14 in the report and asked about the models used. Mr. Mueller replied that pg 13 shows no backup alarms and page 14 is a collection of worst-case noise levels. Commissioner Allinson noted that his research indicates that at 50 ft. the backup alarms are at 90 – 120 decibels. Mr. Mueller stated that that reference is misleading. This model is 79 decibels at 50 ft and complies with motor vehicle criteria. Mr. Mueller stated that he has no concerns with the backup alarms since they will be directed to the west. Commissioner Allinson asked if the topography was taken into account. Mr. Mueller said yes. Regarding the traffic study, Commissioner Allinson asked the peer reviewer about his comment on spaces exceeding the maximum number of vehicles. Mr. van Zanten replied that he took the 1269 parking spaces and added the van loading spaces and loading docks and looked at the net vehicles on the site. That worked out to 1400 maximum vehicles during the holiday peak period and 700 non-holiday off-peak.

Chairman Seichter asked if there are 30 loading docks or 17. Mr. Dewey replied that there are 17 loading spaces and across the access driveway are trailer parking spaces for staging. Mr. van Zanten noted that he was counting those on page 472 of the traffic study.

Commissioner Allinson asked to see how the Town can be informed of the actual volume instead of just trusting the applicant's numbers. He asked how the closed-off parking will be monitored and how the town determines if it is closed off. He agreed that the warehouse vs. delivery station definition is an issue of size and the number of trips should be considered. He noted that the South Cherry proposal was a very different application.

Chairman Seichter stated that he appreciates the reduction in parking but there are still 384 spaces for 150-200 associates. Ms. Schumer replied that there are at least 150 to 200 full-time roles plus part-time and seasonal roles. Chairman Seichter stated that he would have expected the presentation to provide the maximum. He asked the applicant to look again to see if all those spaces are needed. He noted a concern with the backup alarms and how much the residents will hear. Mr. Mueller stated that the ambient data survey on High Hill showed that there is constant activity all night at 55 – 60 dB. The levels at the site would be less with the expectation of two trucks an hour. He is not concerned because the noise won't be consistent. Chairman Seichter asked what time the last deliveries from trucks would be made at the site. Ms. Schumer replied that about 80% of the line haul trucks would be between 8pm and 6am. Chairman Seichter asked where the highest point on the property is. Mr. Violette replied that it is the location of the old helipad and that that's where the 100 evergreens are located. Mr. Dewey added that they can provide a detailed grading plan at the next meeting. Chairman Seichter referenced the June 11 memo from Water & Sewer Division and the comment that even with stormwater treatment system in place, the runoff from the parking lot will have a negative impact on downstream water quality. He noted that we need clarification on that comment. He stated that there was a question at the last meeting on the impact of the request by the Mayor, Corporate Counsel, Director of Utilities, and Economic Specialist to the Commission to withdraw of the revision to the IX, I5, and Watershed regulations. He explained that the Commission withdrew the revised regulations from consideration at the January meeting. This application was reviewed before then. There would have been no impact because the application is reviewed according to the regulations in place at the time it was received.

Jane W, High Hill Road, requested a detailed rendering of the building layout. She noted that nothing prevents a right turn toward Carpenter Lane when leaving the site on Research Parkway and driving through the neighborhood. Regarding the impact on the neighborhood, the local retail is on Rt. 5. She is concerned that those trips will now take longer due to traffic.

Bill Stuckey, 54 High Hill Road, noted that the middle left turn lane on Rt. 68 is only available from 6 – 9:30 am Monday through Friday. He referenced page 12 of the noise report that stated there would be 32 trailers a day during peak with 1-2 per hour. It states that it is unlikely there will be multiple trucks at a time. He noted that Ms. Schumer said peak 63 trucks per day which is more like 5-6 an hour.

Scott Scranton, 14 Martin Trail, noted that the traffic at the intersection of Williams Road and Rt. 68 is difficult now. He stated a concern with the expanse of the parking lot and what chemicals would be used to clear the lots in the winter. He asked whether it is a warehouse or a delivery station, and noted

that the presentation called it a delivery station. He noted that real life often doesn't reflect what was supposed to happen in theory.

Katherine Ollodart, 15 Cliffside Drive, asked if her email was received and noted for the record. Chairman Seichter replied yes, on January 9th.

Ed Bradley, 2 Hampton Trail, noted that at the last meeting, Commission had not received the revised final plan that was adopted by Inland Wetlands. Mr. Pagini replied that it was received on the 28th. Mr. Bradley stated that at prior meetings of Inland Wetlands and P&Z it was suggested the town should hire a qualified independent hydrogeologist. He asked if that was done. Chairman Seichter promised to follow up. Mr. Bradley asked about the traffic flow and if there is a breakdown of AM vs. PM hours. Mr. Dion replied that AM peak refers to 7 – 9am and the PM peak is 4 – 6pm. He explained that 10am – 11 am and 8pm – 10pm would be the highest traffic times for the site. Mr. Bradley asked if the helipad will be used. Atty. Cody replied that it will not be used. Mr. Bradley noted the line of sight issues at Carpenter Lane and Research Parkway and that this is in the wetlands. He reported that there is a culvert there and reminded the applicant of restrictions separating one side of the wetlands from the other. He agreed with the Water Division's concern that runoff will have a negative impact on water quality.

Jennifer Frechette, 29 Valley View Drive, noted that school busses will be operating at those peak hours on Research Parkway. She asked why the Carpenter Lane emergency exit is angled the way it appears on the plan. Regarding service levels at the intersections, she asked how it would be monitored and if it goes to level F what happens. She stated concern with the traffic caused by both passenger cars and tractor-trailers. She noted that she is 4 rows back from where the facility will be and she can hear the highway. The idea that people on High Hill won't hear the truck backup alarms is crazy. Lastly, she stated that the proposal doesn't fit with the neighborhood and that South Cherry Street is a whole different area.

Chairman Seichter asked about the angle of Carpenter Lane. Mr. Dewey asked if they were referring to the previous plan. He stated that the new plan would allow emergency vehicles to turn from either direction.

Mr. Talbot stated that there is typically no ongoing monitoring of traffic. If it comes to the attention of the office that the emergency exit is used for other purposes, it could be addressed.

Dave DeLeonardo, 7 Tammy Hill Road, asked if the applicant took into consideration the traffic from Durham that would cut through the neighborhood as happened with Bristol Meyers. Mr. van Zanten replied that it was not considered.

Bob DeMaio, 14 Murray Lane, referred to the analysis of the criteria for the special permit. The existence of the same kind or character of uses, while they may be in the same zone, they not in the watershed, not near a residential area, and traffic of the other facilities doesn't compare. The South

Cherry Street application spoke only of sprinter vans, but recently he saw 35-40% of the lot was larger panel vans. These vans behave differently than the sprinter vans. He asked if the larger vehicles were factored into the traffic study. He noted that the traffic report says they will generate less traffic than Bristol Meyers, but they only talk about peak hours. They need to look over a 24 hour period. On page 470 of the report, it's 2100 to almost 5000 vehicle trips per day. Based on the growth of e-commerce, we can expect the holiday level to be more normal. He stated that this development is not in harmony with the character of the neighborhood. Ms. Schumer stated that they will sometimes supplement the vans with the box trucks, but they would run fewer of them. She noted that the number of tractor-trailers is fixed and the capacity is fixed. If there was an increase in demand they would add more stations. Mr. Dion stated that they assumed sprinter vans, not larger vehicles.

Scott Gray, 14 Oxford Trail, stated that this project is not consistent with what the residents of Wallingford want. On Spring Lake we can hear the highway. He stated that wastewater and traffic are a concern. The project is too big and ungainly.

Susan Laursen, 3 Tammy Hill Road, asked if the sound study took into account the effect of the prevailing wind blowing toward High Hill. She asked if the traffic study was done during COVID. She asked if anyone had contacted the bus company as there are rules for how they turn onto Rt. 68. She noted the vision of the planners for the neighborhood when it was developed. Mr. Dion replied that they used traffic data from October 2020, April 2021 as well as historical data and numbers from the DOT. They did make adjustments to the data to account for COVID. Mr. Mueller reported that the sound study did include meteorological conditions. Chairman Seichter reported that the bus company has not been contacted.

Beverly Morse, 174 High Hill, thanked the Commission for their work. She stated that she has been there since 1978. She asked why they need the emergency exit and if the daycare was still open, could they use that access. She noted that traffic and noise from I-91 have increased in recent years. She disagreed with the report on the impact of traffic during holidays. She asked if they took into account the other Amazon facility on Research Parkway for holiday traffic. She asked how long trucks would be idling in the winter. She referred to the question about the number of parking spaces and stated that it doesn't matter if employees are full or part-time. Ms. Schumer noted that they don't allow idling of vans or tractor-trailers. Mr. Dion reported that they did account for an increase in holiday period traffic in the background traffic in the report. Mr. Dewey stated that they need two means of access and egress for a parcel of this size. Regarding the daycare, he noted that the driveway leads to a small utility corridor in a wetlands area so it is not realistic.

Sonya Wulff, 14 Oxford Trail, stated that she lives on Spring Lake, which is downstream from this property. She noted the Water Division says it will negatively impact the water quality downstream. She stated that it will negatively impact traffic which is already a problem. She stated that the quality of life in Wallingford is getting harder. She is against a project of this magnitude.

Dale Hourigan, 9 Marie Lane, asked what assurance or recourse do we have if the applicant's data and models are wrong. He asked if there was a consideration of the noise during the winter with no foliage. He asked if there was consideration of the traffic on Rt. 68 between Tilcon and I-91. Mr. Mueller stated that they don't look at seasons and foliage when they study sound but they look at year-round meteorological considerations. Mr. Dion reported that the traffic study didn't go that far but they did account for 20% of the traffic to come from the East.

Susan Durant, 36 Cliffside Drive, asked if the applicant considered sound barriers as the trees wouldn't do much to buffer sound. Mr. Mueller replied that they did look into barriers but the numbers comply without them. He stated that they could be used around the truck court, but he believes they are not warranted.

Thomas Marshall, 23 Hemingway Drive, noted that traffic on Rt. 68 is already very heavy and it is a two-lane road. He asked if trucks exiting the site will go to Middletown on Rt. 68 or to I-91. He stated that this project is too much for this area. Mr. Dion replied that his understanding is that the trucks will use I-91.

Bill Stuckey, 54 High Hill Road, asked why 32 trucks per day were used for the sound study when Amazon presented 63 per day at the last meeting. Ms. Schumer replied that it is 32 trucks for the steady-state, with 80% of them overnight. The 63 is during the holiday season. Mr. Stuckey noted there was another estimate of 42 per day, which works out to 3-6 per hour. Ms. Schumer stated that it is 32 per day with a maximum of 2 per hour. Mr. Mueller replied that from a noise standpoint, it doesn't matter if it's one truck or two trucks. The truck activities are of short duration so still a low level of noise and complies with the codes. The noise would be less than a car going past a house at 2am.

Bob Birdsey, 112 High Hill Road, stated that this is not a warehouse. He noted that the regulation was written in 1962 when a warehouse was a completely different animal. He also pointed out that most of the vans at South Cherry Street are registered in Massachusetts. He asked how we can ensure they are registered in CT. Ms. Schumer stated that they have been trying to register the vans in CT but there have been DMV delays due to COVID.

Commissioner Allinson referred to the memo from the Town Engineer received at the last meeting. He asked for a response from the applicant. Chairman Seichter stated that this will be addressed at the next meeting.

Atty. Cody promised a complete summary of answers to the questions from tonight. He noted that delivery station is not a zoning term, but he is confident that the fundamental use is a warehouse use. Regarding the June 11th memo from the engineering department, Mr. Cody stated that Mr. Krueger has been reviewing the project for 8 months. They have been in regular communication with him. He stated that Wetlands concluded that drainage from the site would not cause substantial impairment of the waters of Muddy River. Atty. Cody characterizes the current concerns as mostly technical issues and they have been addressed. He stated that they will be providing answers to the Engineering

Department. He stated that they will get responses to the questions from tonight's meeting back as quickly as possible. Atty. Cody stated that they will provide an extension of time in writing.

Commissioner Fitzsimmons: Motion to continue Special Permit Public Hearing for application #401-21 for Montante Construction to the regularly scheduled July 12, 2021 meeting.

CommissionerKohan: Second

Vote: Unanimous

The application is continued.

Chairman Seichter noted that Commissioner Matarazzo left the meeting due to connectivity issues.

4. Text Amendment/PZC/Food Trucks #901-21

Commissioner Allinson read the legal notice and noted all correspondence. Proposed Winery Food Trucks Regulations dated April 13, 2021; Notice to Naugatuck Valley Council of Governments of the public hearing by Thomas Talbot, Acting Planner; Notice to South Central Regional Council of Governments of the public hearing by Thomas Talbot, Acting Planner; correspondence dated May 17, 2021, from Jeffrey Kohan, South Central Connecticut Regional Planning Commission to Thomas Talbot; Notice to Lower Connecticut River Valley Council of Governments of the public hearing by Thomas Talbot, Acting Planner; correspondence dated March 27, 2021, from J.H. Torrance Downes, Lower Connecticut River Valley Council of Governments to James Seichter, Chairman, Planning & Zoning; correspondence dated May 14, 2021, from Albert Ruggerio, Jr. to Kevin Pagini; letter dated May 14, 2021, from Albert Ruggerio, Jr., Paradise Hills Vineyard; letter dated June 10, 2021, from Ed & Colleen Makepeace.

Chairman Seichter provided the background. The intent was to explore ways to help businesses. One way was perhaps continuing to allow food trucks at wineries, which was allowed under the Governor's Executive Order during COVID. There were few, if any, complaints from the public. Thus a regulation change was proposed to allow food trucks on a limited basis at wineries. They would be allowed Thursday through Sunday, one truck at a time, with restrictions on signage and location.

Commissioner Fitzsimmons stated that this regulation change is worthy of passage.

Commissioner Kohan stated that he is in favor. He stated that we need to make sure breweries are also allowed to have food trucks. Chairman Seichter replied that there is an Ordinance that restricts food trucks in the Town Center district, at locations less than 500 feet from a restaurant. This would be an issue for the Town Council. Mr. Talbot stated that this ordinance particularly addresses the Town Center district. He noted that there may be other issues such as location in the public right of way, but that is covered by a general ordinance, not zoning.

Commissioner Allinson stated that he is in favor but would like the same rules to apply to breweries and cideries.

Peter Ford, 4 Taylor Lane, stated that he has been a resident for 33 years and is co-owner and permittee of Center Street Brewing Company, established in March 2019. He asks that the Commission be inclusive of like businesses. Wallingford has three breweries and one cidery. He cited Ordinance chapter 221.4D included both private, state, and town property. Planning and Zoning does not regulate public areas. This is an ordinance. He suggested bringing all parties together to discuss the issues before passing this text amendment.

Chairman Seichter noted that ordinances are done by the Town Council, not Planning & Zoning. Mr. Talbot noted that while the language of the general ordinance may relate to wineries, it doesn't affect this discussion. The ordinance applies to the Town Center District only. This is about a zoning matter. Chairman Seichter stated that this change is modifying existing zoning regulations to allow food trucks at wineries. Mr. Ford requested that the issue be extended so there can be further discussion since the businesses are similar.

Ed Makepeace, 50 George Washington Trail, and 148 Washington Trail stated that breweries and cideries are in commercial zones which allow food. The Commission discussed allowing food production at wineries and decided against it. Allowing food trucks circumvents that decision. The RU120 zone was established to promote low-density housing and promote agriculture. This includes food stands with 100% product production on site. The vineyards are not supposed to exceed 100 vehicle trips per hour. Liberalizing this restrictive zoning area would intensify the usage of the vineyards. This is adding a commercial use. He asked the Commission to turn this down.

Conor Makepeace, 150 George Washington Trail, stated that the difference between wineries and breweries is that wineries are in residential, rural, and agricultural areas. He asked the Commission to reconsider the regulation changes.

Scott Gray, 14 Oxford Trail, stated that wineries are supposed to be agricultural. They are selling wine and selling the view, which is already pushing the regulations. Food trucks would make it a carnival atmosphere. It is out of the question for the intent of the area.

Commissioner Kohan stated that he understands the ordinance in the Town Center District. He asked if the Front Porch Brewery can have a food truck under the regulations. Mr. Talbot stated that food trucks are allowed in industrial districts.

Commissioner Fitzsimmons: Motion to close the public hearing on this application.

Commissioner Kohan: Second

Vote: Allinson – yes; Fitzsimmons – yes; Kohan – yes; Chairman Seichter – yes

Commissioner Fitzsimmons: Based on the totality of the record, Motion to approve the zoning text amendments, to Section 4.2.E.3 of the Wallingford Zoning Regulations to allow mobile food vendors as an accessory use to wineries as proposed in language entitled Proposed Winery Food Truck Regulations, dated April 13, 2021, because it clarifies the intent of the Town of Wallingford Planning and Zoning Regulations.

CommissionerKohan: Second

Vote: Allinson– yes; Fitzsimmons – yes; Kohan – yes; Matarazzo – yes; ChairmanSeichter – yes

The application is approved.

5. Special Permit/McClain/Montessori School/143 Church Street #405-21

Commissioner Allinson read the legal notice and noted the correspondence for the record. Inter-departmental Referral dated May 27, 2021, from Senior Engineer, Water & Sewer Division; Inter-departmental Referral dated May 24, 2021, from the Fire Marshall; Correspondence dated May 27, 2021, from Thomas Talbot, Planner to Melissa McClain; Inter-Departmental Referral dated May 24, 2021, from Senior Engineer, Water & Sewer Division; plans, site map and fence proposal for 143 Church Street, dated June 3, 2021.

Chairman Seichter noted that only four Commission Members are present and a vote of three out of the four would be needed to pass the application.

Melissa McClain accepted that condition and explained the proposal and the Montessori process. 143 Church Street is the west wing of the First Baptist Church which is at 114 North Main Street, which was previously used as classrooms. There will be two classrooms and two teachers. The teachers will park across the street in space provided by the Church. She explained the proposed drop-off route, the fenced-in outdoor play area, and signage.

Mr. Pagini reminded the Commission that the applicant requested a fee waiver. The applicant had filed for a permit for 136 Church Street but found it wouldn't work. She would like to use that fee for this application.

Commissioner Fitzsimmons asked about parking. Ms. McClain explained that the teachers will park at 136 Church Street which is also owned by the Church. Commissioner Fitzsimmons noted that this will be a nice addition to the town. He also stated that it is unknown what will go in the adjacent Wells Fargo lot. He is in favor of the waiver of the fee.

Commissioner Kohan stated that he supports this application and the fee waiver.

Commissioner Allinson stated that he supports this application and the fee waiver.

Chairman Seichter stated that he supports this application and the fee waiver.

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

Commissioner Fitzsimmons: Motion to close the public hearing.

CommissionerKohan: Second

Vote: Allinson– yes; Fitzsimmons – yes; Kohan – yes; ChairmanSeichter – yes

Commissioner Fitzsimmons: Based upon the totality of the record, Motion to approve the Special Permit for Melissa McClain to open a private Montessori Elementary School at 143 Church Street as shown on plans, subject to:

- 1. Comments from Interoffice Memorandum from the office of the Wallingford Fire Marshal to the Planning and Zoning Department, dated June 8, 2021;**
- 2. The Town be directed to apply the prior fee for the prior application for the same use for this application to satisfy the Town’s requirements.**

CommissionerKohan: Second

Vote: Allinson– yes; Fitzsimmons – yes; Kohan – yes; ChairmanSeichter – yes

The application is approved.

BOND RELEASES AND REDUCTIONS

7. Special Permit/Amazon/425 South Cherry Street #414-19

Commissioner Fitzsimmons: Motion to release the bond for Special Permit/Amazon/425 South Cherry Street #414-19 as recommended by the Town Planning Staff.

CommissionerKohan: Second

Vote: Unanimous to approve

8. Special Permit/Blichfeldt-Quality Subaru/711 North Colony Road #416-16 – not ready to be released

REPORTS OF OFFICERS AND STAFF

9. Administrative Approvals – no questions
10. ZBA Decisions – April 19, 2021 – no questions
11. ZBA Notice – May 17, 2021 – no questions
12. Zoning Enforcement Log - no questions

Chairman Seichter noted questions on the withdrawal of the proposed regulations for the I-5, IX, WPD Zones and noted that everyone is frustrated. Mr. Pagni updated the Commission. He is working with the Town Engineer and Mr. Talbot and hopes to have something to share in the next 2 – 3 weeks.

Chairman Seichter noted that once it is completed it will be made available to the Corporate Counsel and the Water Division for comments before we can schedule a workshop.

ADJOURNMENT

Commissioner Fitzsimmons: Motion to adjourn at 12:00am

CommissionerKohan: Second

Vote: Unanimous to approve

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary