

**Wallingford Planning & Zoning Commission**  
**Regular Meeting**  
**Monday, April 8, 2024**  
**7:00 p.m.**  
**Robert F. Parisi Council Chambers – Town Hall**  
**Town Hall – 45 South Main Street**  
**MINUTES**

Chairman Seichter called the meeting to order at approximately 7:00 p.m.

The Pledge of Allegiance was recited by all.

**Roll Call:** Present: James Seichter, Chair; J.P. Venoit, Vice Chair; Stephen Allinson, Secretary; James Fitzsimmons, Regular Member, Jeffrey Kohan, Regular Member; David Parent, Alternate; Joseph Sanders, Alternate; and Kevin Pagini, Town Planner.

Chairman Seichter noted that the following agenda items will not be heard tonight.

- 4. PUBLIC HEARING – Re-subdivision (under 8-30g)/Sunwood Development Corp/1136 Durham Road #101-24** The applicant is waiting for Inland Wetlands approval. This is continued to the May meeting

Consideration of Minutes – March 11, 2024, Regular Meeting

**Commissioner Allinson: Motion to approve the Minutes of Monday, March 11, 2024, Meeting of the Wallingford Planning and Zoning Commission as submitted.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous to approve.**

**Abstain: Venoit**

**PUBLIC HEARINGS**

- 1. Zoning Change (R-18 to DD-40) Lost & Found Ventures, LLC/10 Mansion Road #503-23 - Continuation**

Commissioner Allinson noted the additional correspondence for the record. Letter from Judith Williams to Planning & Zoning received January 17, 2024; a multi-page packet entitled “Daily Westbound Volume Report” printed February 4, 2024; updated Memorandum from Save Mansion Creek, LLC to members of the Planning & Zoning Commission dated April 4, 2024; Key Map Location 1, Wallingford, CT 1A-1498 and Key Map Location 1&2, Wallingford, CT A-1498.

Atty. Dennis Ceneviva, Ceneviva Law Firm, 721 Broad Street, Meriden, and Joe Flamini, a member of the applicant LLC, presented. Atty. Ceneviva stated that the applicant signed a purchase agreement for this property in September of 2022 conditioned by the seller on the zoning change. On March 13, 2023, the zoning change was granted to make the entire property DD-40. The property was purchased in May of 2023. Mr. Flamini employed an engineer, a traffic engineer, and a soil scientist and obtained Wetlands

approval in October of 2023. The Corporation Counsel memo states that there was a failure of the Town to file the zoning map and amendment with the Town Clerk made the zone change void. As a result, the applicant is here to re-apply for the zoning change. The application is the same as the one submitted on March 13, 2023. The property is 25,564 sq. ft. and is the corner lot on Mansion and South Turnpike. It has a long history of zoning changes, resulting in the current two different, mutually exclusive zoning districts. In March of 2023, the requested zoning changes would allow the merger with 8 Mansion Road making it a better site for development. Atty. Ceneviva stated that the restaurant is one of the approved uses in a DD-40 zone. This business would be compatible with other businesses in the area. He stated that section 8-2 of the CT General Statutes the Plan for Conservation and Development should be considered. This proposal meets Chapter 2 of the POCD as it takes fallow land and brings it to use for Wallingford. He stated that a 2023 traffic report has been provided. Atty. Ceneviva noted that this is not a site plan application, but a zoning change. So the specific use is not relevant. He stated that nothing has changed since the vote last year. The current zoning makes this property difficult to use. He restated that the applicant was here due to an error by the Town and that this had a devastating effect on the applicant. He encouraged the Commission to make it one zone.

Commissioner Parent stated that there was no public comment at the March 2023 meeting because neighbors had not received notice. That would have been an opportunity for evidence in opposition.

Atty. Ceneviva replied that the March 2023 meeting had proper newspaper notice and notice was sent to abutters within 500 ft. The original approval was voided due to the failure of the Town to file a copy with the Town Clerk. He noted that this filing was not regularly done until recently.

#### **PUBLIC COMMENT**

Sharon Petrillo, 164 Mansion Road, stated that she doesn't think all the documents that were submitted were received as they were not mentioned. Her understanding of the notice requirements is that any taxpayer should have received notice and that was not done. She stated that more information has been available since the last meeting. She explained the change to two zones that was done in 1986. The division of the property reflects much thought by the then Planning & Zoning Commission. She noted that in a single day, 3,000 cars go up and down Mansion Road. Ms. Petrillo reported that the Wallingford Police Department reviewed the traffic study submitted by the applicant and declared it false as the roads are heavily traveled. She stated that any commercial business at this location would be potentially hazardous. She asked if the Commissioners had visited the property and asked how they could ignore the voices of nearly 300 tax-paying residents who signed the petition.

Darlene Green, 54 Heritage Woods stated that she was not notified of the first meeting and found out about it when the sale was listed in the paper. She added that cars fly by and you can't walk there. Many will be hurt.

Dee Henry, Heritage Woods, spoke of the use of second-generation anticoagulant rodenticides (SGARS). If this is approved it will be a disaster. A restaurant and food trucks will change the aesthetic of the neighborhood. The use of pesticides would be needed. She reported seeing bears, bobcats, deer, foxes,

woodchucks, fisher cats, hawks, and many kinds of birds. The applicant may say they will use a safe pesticide but the DEEP, EPA, and many lawmakers are working on alternate solutions. She quoted a report of the General Assembly on January 25, 2024, stating they are considering restricting the use of pesticides that kill birds of prey modeled on a California law. She quoted legislators giving examples of raptors affected by SGARS. She concluded that right now no pesticide is safe in Connecticut.

Jay Souza, 26 Mansion Road stated that there is a lot of wildlife in the area including blue herons, kingfishers, osprey, and red hawks. He stated that he had to stop feeding the birds due to rats.

Mary Cimino, 145 Brentwood Drive commented on the lack of notification. She asked the Commission members to think about what she would hear in her backyard at night if they provided outdoor entertainment at night as has been proposed. Now she hears barn owls. She suggested putting something there that isn't open at night. The proposal will draw animals that they don't want. The neighbors worked hard for what they had.

Robert O'Connor, 53 Brentwood Drive stated that he believes the original zoning change was intended to keep commercial close to the road, but not inland. He is thankful the mistake was made giving the neighbors a chance to speak. He is not against the music or food trucks. He is against the location. It will ruin the quality of life. He doesn't think this kind of development was the intent of the zoning. He added that there isn't enough room for the applicant to do what he wants to do. Mr. O'Connor stated that he rented a speed gun and clocked 100 cars in less than 90 minutes with more than half doing over 40 mph. This is a disaster waiting to happen. The restaurant will create a snarl. The restaurant will fail due to the lack of parking and traffic.

Atty. Ceneviva stated that the use is not before the Commission tonight and is irrelevant. This is a special application for a zoning change. The issues of traffic, noise, and pesticides are not relevant now. They may be relevant when there is an application for land use. He stated that before the zoning change, the applicant has to notify the abutters. That was done. It is the Town's obligation to put the notice in the newspaper and a copy to the Town Clerk. The notice was significant in 2023. The issue is the zoning change to take the property from two zones and make them one. Then the applicant can come in with an allowed use.

Commissioner Kohan stated that the way people were notified was not effective. It was not to the condo owners. He stated that it was the error in the filing of the zoning map that resulted in the void. He noted that the Commission has heard a lot tonight that they can't take into consideration. The request is for a zoning change from R-18 to DD-40. A restaurant is an allowed use in the DD-40. He mentioned that one of the uses not allowed is a drive-in restaurant. This project has the potential to be considered a drive-in restaurant. The applicant needs to understand that the proposal for food trucks is not allowed. He stated that he walked the site and the maps and pictures don't show how close the homes are to where the commercial building will be. In the legislative kind of decision to be made tonight, we can consider the sight geology. He would have a hard time approving the manipulation of the ravine. He added that whatever the commercial use is, it will be traffic generating. The State has

looked at Turnpike Road and said the sight lines are bad. Any commercial development here would result in issues. The existing commercial uses in the area operate during regular business hours on weekdays. That type of use would be acceptable at that location. Due to the potential commercial development, the nearby residents, and the record of the discussion of the prior Planning & Zoning Commission, he stated that he would have trouble supporting this application.

Commissioner Fitzsimmons noted that this is less than an acre of land. He is familiar with the traffic in the area. He stated that he believes there have been changes since the application was approved in March of 2023. Looking at the list of approved uses, he believes the R-18 zone is appropriate for this site.

Commissioner Parent reported that he drove around the area and understands the poor sight lines exiting Mansion Road onto South Turnpike as he was almost hit by an oncoming car. There can't be any activity at that intersection. Because of that, he can't support the application.

Commissioner Allinson stated that he doesn't see a problem with the zoning change. He is concerned about everything the public has raised, but tonight this is just about the zoning change. He can see certain businesses that are appropriate for that property. We can't decide based on what might come before us. He doesn't see how we can deny the application.

Chairman Seichter commented on the notification issue. He agreed that notification only to the condo association and not the condo owners was not correct. Regarding what has changed since the original application, the public has now voiced concerns. The Commission now has a lot more information. If the zone change is approved, it is not a given that there would be a restaurant there. The question is what is the most appropriate use for this property? The majority of the property is currently zoned residential. Regarding how the proposal fits into the POCD, the POCD also encourages residential. He stated that he believes that the residential use is the most appropriate use for this property. He suggested asking for a zoning change to R-18.

Atty. Ceneviva stated that the record is replete with reports that don't pertain to the zone change.

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

**Commissioner Venoit: Motion to close the public hearing for application #503-23, Zone Change (R-18 to DD-40) Lost & Found Ventures LLC/10 Mansion Road.**

**Commissioner Fitzsimmons: second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Venoit – yes; Chairman Seichter – yes.**

**Commissioner Venoit: Motion to deny application 503-23 Zoning Map Amendment - 10 Mansion Road, for a Zoning Map Amendment for Lost and Found Ventures, LLC to change a**

**portion of 10 Mansion Road as defined on the map entitled “Zone Change Location Map – Land of Lost and Found Ventures, LLC” dated 1/31/2023 from R-18 to DD-40 based on the totality of the information before us it does not fit within the residential community setting.**

**Commissioner Fitzsimmons: second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – no; Venoit – yes; Chairman Seichter – yes.**

The application is denied.

**2. Special Permit (Waste Reduction Facility)/Bozzuto/507 Main Street, Yalesville #402-24  
Continuation**

Commissioner Allinson noted the new correspondence for the record. Inspection Report from the Wallingford Fire Marshal dated March 11, 2024; letter from Romeo Valentin, Juliano Associates, to Kevin Pagini, Town Planner dated March 27, 2024; Proposed Building Layout Plan, Proposed Waste Reduction Facility, dated 3/28/2024; letter from Romeo Valentin, Juliano Associates, to Kevin Pagini, Town Planner dated April 2, 2024; Limited Property Boundary Survey Improvement Location Survey Land of ADL Associates, dated 12/20/2023; and Memo from Alison Kapushinski, Town Engineer, to Planning & Zoning Commission, dated 4/5/2024.

Christopher Juliano, PE, Licensed Land Surveyor, Juliano Associates, 405 Main Street, Yalesville, and applicant Dennis Bozzuto presented. Mr. Juliano noted that the Site Plan was reviewed at the last meeting. He addressed questions from that meeting. There was a suggestion to raise the building another foot so it is above the floodplain. They were able to raise it half a foot. The driveway slope up to the building would have been too steep. The resulting building will be 1.5 ft above the flood plain. This does not change the compensatory storage or grading. He reported that the Town Engineer asked about the compensatory storage and he reported that they now have three different solutions. The first is the gravel. The second is a pipe network with the stone. Third is a structural slab on piers with a foundation wall around it. If the application is approved, they will get DEEP approval before they bring the final design to the Town Engineer and the Building Department. Regarding concerns about odor, Mr. Juliano stated that his earlier explanation of the use of mist was incorrect and he submitted a written response. He stated that they don't expect odor issues as all the garbage will come in and go out within a day. He added that they will use lime. He noted that the recyclable materials may stay longer. He confirmed that there will be no floor drains. He stated that a floor layout had been provided. Mr. Juliano reported that the number of vehicle trips on an hourly and daily basis was provided in the April 2<sup>nd</sup> memo. He added that comments from the Town Engineer and Town Planner have been addressed.

Chairman Seichter asked how the materials would be handled. Mr. Bozzuto replied that the truck dumps its load and the material is separated and loaded as the trailers come in. It is separated by hand. loader and excavator. He explained that they use green waste wood chips on the floor that are removed at the end of each day.

Mr. Pagini noted that the Town Engineer prefers either option 2 or 3. The April 5<sup>th</sup> memo will be added to the conditions of approval.

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

**Commissioner Venoit: Motion to close the public hearing for application # 402-24, Special Permit (Waste Reduction Facility)/Bozzuto/507 Main Street, Yalesville.**

**Commissioner Fitzsimmons: second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Venoit – yes; Chairman Seichter – yes.**

**Commissioner Venoit: Motion to approve application #402-24 Special Permit and Floodplain Development Permit/Bozzuto at 507 Main Street, Yalesville for a special permit, site plan approval, and floodplain development permit request to construct a waste reduction facility at an existing trucking operation on plans entitled “507 Main Street,” dated 2024 and revised to March 28, 2024, subject to the following conditions:**

- 1. Comments from the Town Planner dated 1/22/2024 and 2/1/2024;**
- 2. Comments from Senior Engineer Scott Shipman, Water and Sewer division dated 1/31/2024;**
- 3. Comments from Town Engineer, Alison Kapushinski dated 2/28/2024 and 4/5/2024;**
- 4. Comments from the Fire Marshal dated 2/9/2024;**
- 5. Erosion and sediment control bond in the amount of \$10,500.00; and**
- 6. Six (6) copies of the final plans forwarded to the Planning and Zoning Office.**

**Commissioner Fitzsimmons: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Venoit – yes; Chairman Seichter – yes.**

The application is approved.

**3. Special Permit (drive-thru retail restaurant)/Kapoor/905 North Colony Road - #403-24**

Commissioner Allinson read the legal notice and noted the correspondence. #403-24 – Special Permit request for Kapoor to demolish an existing building and construct a new drive-through coffee restaurant located at 905 North Colony Road – RF-40 (Route Five) District. Correspondence included a letter from Steven Cipolla, Hardesty & Hanover LLC, to Manraj Parmar dated March 13, 2024; letter from Pasqualino Bruno, CT Dept. of Transportation to Marcus Puttock, P.E., L.S. Godfrey, Hoffman & Hodge, LLC dated March 27, 2024; 7Brew 905 North Colony Road Site Plan Set prepared January 25, 2024, by Godfrey, Hoffman & Hodge, LLC; Inter-Department Comments from the Inland Wetlands and Watercourses Commission dated January 25, 2024; ; Inter-Department Comments from the Inland Wetlands and

Watercourses Commission dated February 7, 2024; letter from Kevin Pagini, Town Planner to Rohan Kapoor, dated January 26, 2024; Memo from the Department of Engineering to Planning & Zoning Commission, dated January 31, 2024; Interoffice Memorandum from Scott Shipman, Senior Engineer, Water & Sewer, to Kevin Pagini, Town Planner dated January 31, 2024; Inspection Report from the Wallingford Fire Marshal dated January 31, 2024; Inspection Report from the Wallingford Fire Marshal dated February 9, 2024; Memo from the Department of Engineering to Kevin Pagini, Town Planner dated February 14, 2024; email from Amanda DeLuca, Café Luca Belle to Planning & Zoning dated February 14, 2024; letter from Marcus Puttock, P.E., L.S., Godfrey, Hoffman & Hodge, LLC to Kevin Pagini, Town Planner, dated February 7, 2024; letter from Marcus Puttock, P.E., L.S. Godfrey, Hoffman & Hodge, LLC to Alison Kapushinski, Town Engineer, dated February 7, 2024; and certificate of mailing dated March 25, 2024.

Wade Harden, Corporate 7Brew 313 North Ralston Avenue, Fayetteville, AR, Marcus Puttock, P.E., L.S., Civil Engineer, Godfrey, Hoffman & Hodge, LLC, 26 Broadway, North Haven, and Steven Cipolla, Senior Traffic Engineer, Hardesty & Hanover LLC, 20 Main Street, Norwalk presented. Also present were the local franchisees Rohan Kapur and Manraj Parmar.

Mr. Harden explained that 7Brew started in Arkansas in 2017. They use a double drive through and drinks are hand delivered to cars. He stated that this site is similar to other 7Brew locations.

Mr. Puttock explained that the existing Captain Sea's building will be demolished and all pavement will be removed. They will only maintain the subsurface utilities. The property has two driveways now. They have narrowed the inbound-only lane per DOT's request. It splits into two drive-through lanes and a pass-through. There will be 13 parking spaces for employees. There is no internal space for customers. There is no food and no cooking. The exit will be a double lane, one for each direction. Both driveways have been vetted by the DOT. They have responded to all the Town Department comments.

Chairman Seichter asked for an explanation of how the business will operate and what the two buildings are for. Mr. Puttock explained that one building is a refrigeration unit that is not depicted in the drawing. Mr. Harden explained that it is a walk-in cooler on the side accessed under the canopy. The building format was chosen from an operations perspective. Mr. Puttock explained that the buildings are built off-site and brought to the site. They are both smaller buildings. He showed where orders are taken and how the runner will come to take the order and another runner will bring the drink to the car.

Commissioner Kohan asked how long cars would be in the queue. He expressed concern about people running in between cars. Mr. Harden explained that the site is designed for peak demand which is in the morning. The order takers use tablets. It is an extremely efficient model. Commissioner Kohan asked where the runner would be for the second lane of cars. He asked if there was a barrier between lanes. Mr. Harden replied no and showed where the runners would be.

Mr. Cipolla explained that they collected traffic data at the existing facility in New York on three weekdays and two Saturdays. The peak period saw 17 cars in 15 minutes on a weekday. This was using both lanes.

Commissioner Allinson asked how emergency vehicles would access the building. Mr. Puttock showed that there was enough room using the pass-through lane. Commissioner Allinson asked about the employee parking. Mr. Puttock replied that there are enough spaces to accommodate shift changes. Mr. Harden stated that a little over half will be filled at the most. Commissioner Allinson asked for clarification of where drinks are picked up. Mr. Puttock showed the location on the drawing. Commissioner Allinson asked if cars in the queue could pull out and around or if would there be a barrier. Mr. Puttock replied that there was no barrier.

Commissioner Sanders asked if the 17 cars in 15 minutes is the high end of the average. Mr. Harden agreed. Commissioner Sanders asked how many cars with their drinks can leave the site. He is concerned that there will be a bottleneck of cars trying to turn left. Mr. Cipolla replied that the driveway is designed to have separate right and left turn lanes. There is also a two-way left turn lane allowed on the road. He doesn't expect a queue at the exit. Commissioner Sanders noted that this business will have a higher volume of traffic than Captain Sea's. He suggested allowing more space for queuing traffic to exit. He also noted that weather will be a safety concern for the runners. Mr. Harden stated that they have locations in cold climates and it doesn't affect operations. They have space heaters under the canopy. Regarding stacking at the exit, they allow additional stacking on the inbound.

Commissioner Fitzsimmons clarified that there will be inbound entry-only and exit-only driveways. He noted that there is no signal light nearby and the center left lane is very dangerous. Commissioner Fitzsimmons asked about the access easement. The neighbor to the south connects to the intersection.

Mr. Pagini noted that the access easement was required but the owner to the south never filed it. They put in parking and landscaping there. They would need to rectify it but the remaining parking would be inadequate for the requirements. He can notify them if necessary.

Mr. Puttock replied that because of the specific traffic flow, creating interflow between sites could result in traffic going in the wrong direction. That wouldn't work with this design. This property doesn't have the right to access the neighboring site.

Chairman Seichter stated that if they had an access easement to the south, realistically few would use it. This property may be redeveloped someday. We need an access easement in place. It doesn't have to be used now. He would like to see it on the north and south sides. Mr. Puttock stated that this is a specific building for a specific use. If it is ever redeveloped, the Commission would have the opportunity to request access easements. Chairman Seichter noted that there is already an access easement on the southern boundary that it should match.

Commissioner Fitzsimmons stated that for Rt. 5, requiring an access easement is part of future planning. It makes sense for when can get the neighbor's property fixed. It just needs to be on the plan for the southern side to match up with the car wash. Most access easements are to the rear of the property. He is in favor of requiring the access easement to the north and south filed with the plan. He asked if the sidewalk would meet State standards. Mr. Puttock replied yes.

Commissioner Kohan stated concern with the runners. He suggested putting a kiosk for the person to take orders and make the lane a little bigger. The striped area between cars won't be visible when it is covered in snow. Mr. Puttock stated that the striped area between lanes is 3 ft. wide.

Commissioner Sanders asked if the building could be pushed back to allow for vehicles to enter coupled with the easement to be built. This will give options for better traffic flow for exit. He suggested moving the building back to allow for double the number of cars to exit on the left turn. Mr. Harden stated that pushing the building back would affect the queuing and their operations. Mr. Harden showed where the easement will be on the south side. Regarding stacking cars for exit, He stated that moving the building back will not get more stacking for egress. This site is similar to existing sites and they believe it will function efficiently.

Mr. Pagini asked if the Commission would like to see the changes to the Site Plan at the next meeting or if they can be approved administratively. Chairman Seichter stated that it is only the easement to be added. Mr. Pagini stated that we would need an actual physical driveway to the property line for the easement. Mr. Puttock requested administrative approval and permission to not construct the easement driveway but just show it on the land records. Chairman Seichter agreed with not requiring construction but it must be designated on the plans. There is no need to continue the application.

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

**Commissioner Venoit: Motion to close the public hearing for application #403-24 Special Permit (Drive-thru retail restaurant)/Kapoor/905 North Colony Road.**

**Commissioner Fitzsimmons: second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Venoit – yes; Chairman Seichter – yes.**

**Commissioner Venoit: Motion to approve application #403-24 Special Permit for Kapoor, 7Brew for a Special Permit request and site plan approval to demolish an existing building and to construct a drive-thru retail coffee shop on plans entitled "Proposed 7Brew Coffee Establishment" dated January 5, 2024, and revised to March 27, 2024, subject to the following conditions:**

- 1. Comments from the Town Planner dated 1/26/2024;**
- 2. Comments from Senior Engineer Scott Shipman, Water and Sewer Divisions dated 1/31/2024;**

3. **Comments from Town Engineer Alison Kapushinski dated 1/31/2024 & 2/14/2024;**
4. **Comments from the Fire Marshal dated 1/31/2024;**
5. **Erosion and sediment control bond in the amount of \$3,500.00;**
6. **Six (6) copies of the final plans forwarded to the Planning and Zoning Office; and**
7. **File access easements on plans to both the north and south sides of the property per the Town Planner.**

**Commissioner Fitzsimmons: Second**

Commissioner Kohan noted that he is not convinced of the safety of the striped area and suggested another condition of approval.

**Vote: Kohan – no; Fitzsimmons – yes; Allinson – yes; Venoit – yes; Chairman Seichter – yes.**

The application is approved.

**5. Special Permit - Exterior equipment (no bldg.) Hopper, above-ground conveyor and elevator tower/Ferti Management Corp./155 East Street #405-24**

Commissioner Allinson read the legal notice and noted the correspondence. #405-24 – Special Permit and Floodplain Development Permit request for Ferti Management Corporation to construct an above-ground conveyor and elevator tower at an existing fertilizer manufacturing operation at 155 East Street – I-40 (Industrial) Zone. Correspondence included Special Permit Submission from Linden Landscape Architects to Wallingford Planning & Zoning, dated March 8, 2024; correspondence from Thomas Linden to Planning & Zoning Commission dated February 28, 2024; Planning & Zoning Commission Application Proposed Receiving Conveyors and Site Improvements Ferti Management Corporation, dated February 6, 2024, revised March 28, 2024;; Memorandum to the Inland Wetlands Commission and the Planning & Zoning Commission from the Department of Engineering dated February 28, 2024; email from Kevin Pagini, Town Planner to Tom Linden, Linden Landscape Architects, dated March 1, 2024; Inspection Report from the Wallingford Fire Marshal dated February 27, 2024; Interoffice Memorandum from Scott Shipman, Senior Engineer, Water & Sewer Divisions, to Kevin Pagini, Town Planner, dated March 5, 2024; Inspection Report from the Wallingford Fire Marshal dated March 28, 2024; Inter-Departmental Comments from the Electric Department dated April 3, 2024; photo of public notice sign; email from Tom Linden, Linden Landscape Architects to Kevin Pagini, Town Planner March 7, 2024; correspondence from Thomas Linden, Linden Landscapes Architect to Alison Kapushinski, Town Engineer dated March 28, 2024; and memorandum from Erin O’Hare, Environmental Planner, to Kevin Pagini, Town Planner dated April 5, 2024.

Thomas Linden, RLA, Architect, Linden Landscape Architects, 39 Parkview Drive, Wethersfield, Scott Thibideau, Ferti Management Company, and Frank DeRosa, Project Manager, Ferti Management Company presented. Mr. Linden reviewed the location, existing building, parking, truck loading, and traffic pattern. The additional hopper will be at the rear on the northeast side of the building. A compensatory flood volume area will be on the west side. He pointed out the FEMA zone AE line. He

explained how the new hopper would work. He reported that they would take down pine trees and fill in a small detention basin at the back. There will be no change to the pavement. He explained the grading plan and how they will add pavement off the existing driveway. There will be a closed conveyor system to the new elevator tower in the middle back of the building to align with the conveyor system in the building. They calculated the volume of the basin they were filling in and the volume of the additional impervious surface to build a new detention basin. This will drain into a water-quality structure with a swirl chamber and an oil separator filter. This collects run off the driveway to the detention basin which is connected to the existing catch basin which connects to the existing pipe to the river. In terms of the amount of fill, there will be 36,054 sq. ft. of additional pavement. They will fill 3,900 cubic feet of volume in the basin. They are cutting 2,300 cubic feet of volume within the FEMA flood line. They will provide 1,600 cubic feet of compensatory volume. On the west side where the riprap outflow currently exists, they will lower a 50 ft x 60 ft area a foot to give 3,000 cubic feet of volume. So they will almost double what they need to provide. Regarding the erosion control plan, they added notes on how they will handle it if it rains during construction. They intend to build this addition over the summer. The new tower will be 65 ft. high. The existing towers are 85 ft tall. They are here for the 65 ft. tower.

#### **PUBLIC COMMENT**

Jim Wolfe, a member of the EDC, stated that the Commission reviewed the plan and supports it. This is a good company for the town. They brought this building back to life and most won't even see the tower.

Chairman Seichter stated his appreciation for the improvements to this property.

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

**Commissioner Venoit: Motion to close the public hearing for application #405-24 Special Permit – Exterior Equipment (no. bldg.) Hopper, above-ground conveyor, and elevator tower/Ferti Management Corp./155 East Street.**

**Commissioner Fitzsimmons: second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Venoit – yes; Chairman Seichter – yes.**

**Commissioner Venoit: Motion to approve application #405-24 Special Permit and Floodplain Development Permit for Ferti for a Special Permit, site plan approval, and floodplain development permit request to demolish an existing detention basin to construct a hopper, above-ground conveyor and elevator tower and new drainage basin on plans entitled “Proposed Receiving Conveyors and Site Improvements” dated 2/8/2024 and revised to 3/28/2024 subject to the following conditions:**

- 1. Comments from Town Engineer, Alison Kapushinski, dated 2/28/2024;**
- 2. Comments from the Fire Marshal dated 2/27/2024;**

3. **Comments from Environmental Planner, Erin O'Hare, dated 4/5/2024;**
4. **Erosion and sediment control bond in the amount of \$3,200.00; and**
5. **Six (6) copies of the final plans forwarded to the Planning and Zoning Office.**

**Commissioner Fitzsimmons: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Venoit – yes; Chairman Seichter – yes.**

The application is approved.

### **SITE PLAN APPROVALS**

#### **6. Site Plan (retail restaurant) 124 Church Street, Yalesville #201-24**

Commissioner Allinson read correspondence into the record. Inter-Department Comments from Inland Wetlands and Watercourses Commission dated January 24, 2024; **Inter-Department Comments from Inland Wetlands and Watercourses Commission dated February 7, 2024;** letter from Kevin Pagini, Town Planner to Erica Rocha, dated January 29, 2024; memo from the Department of Engineering to Planning & Zoning Commission dated February 5, 2024; Interoffice Memorandum from Scott Shipman, Senior Engineer, Water & Sewer Division, to Kevin Pagini, Town Planner, dated January 31, 2024; Inspection report from the Wallingford Fire Department dated January 31, 2024; Inter-Department Comments from the Electric Division, dated March 18, 2024; Inspection report from the Wallingford Fire Department dated March 22, 2024; Interdepartmental Comments from the Electric Division dated April 3, 2024; memorandum from the Department of Engineering to the Planning & Zoning Commission dated April 4, 2024; letter from Kermit Hua, KWH Enterprise, LLC, to Erica Rocha, dated January 25, 2024; comments from Wallingford Police Chief John Ventura, to Kevin Pagini, Town Planner, dated January 30, 2024; letter from Romeo Valentin, Juliano Associates to Kevin Pagini, Town Planner, dated March 15, 2024; and Site Plan titled "Dunkin Drive Through, 124 Church Street, Wallingford, CT", dated January 4, 2024, received March 27, 2024.

Christopher Juliano, PE, Licensed Land Surveyor, Juliano Associates, 405 Main Street, Yalesville presented the application. He explained that this was an application for a Dunkin Donuts drive-through at the old Duchess Restaurant location. It already has a one-way in on the east and an exit only on the west. They will keep the same traffic pattern. He stated that there would be no customer seating. Dunkin Donuts will use half the existing building and leave the east side for a future tenant. There are two additions on the east for the second tenant and a small addition on the back for Dunkin Donut coolers. There will be double queue stacking entry with a bypass lane, and double order boards. Pick-up and exit will be on the west. They will reduce parking due to the use, so they are changing to parallel parking on the east side. There will be no parking in the rear. He indicated where the dumpster would be located. Mr. Juliano showed how the parking on the west will be reconfigured. There will be a grass-paved area in the front for emergency vehicles. The grading and utilities area will not change. They will be removing quite a bit of pavement. They will add an oil water separator on the east side and connect it to the existing sanitary sewer. He stated that there were questions about the sight lines. They have

verified that there is adequate sight distance for both directions for all vehicles. He provided the DCIA calculation as part of the stormwater analysis. They are down to 2,200 sq. ft. of impervious, which reduces runoff. He provided a drawing showing the number of cars that can queue on the site.

Commissioner Kohan noted that the Police Chief noted heavy traffic there and suggested an overhead traffic light. Also, Mr. Pagini's comments discussed that a right turn-only restriction not being necessary. Mr. Pagini noted that the Town Engineer didn't feel it was necessary. He reported that the Police Chief discussed traffic with the applicant. Traffic backs up during peak times, but isn't fast. Even if there was signage people would probably not obey it. He offered to get confirmation from the Police Chief. He noted that the memo from the Town Engineer, on behalf of the LTA, agreed to the site changes.

Commissioner Fitzsimmons asked why there was no update from the Police Chief and why the Town Engineer didn't provide conditions. He would like something new from both parties on any conditions of approval. The email from the Police Chief raises concerns. He asked if there was a comment from the Fire Marshal. Mr. Pagini replied that the Fire Marshal's comments were incorporated in the site plan revisions dated March 22<sup>nd</sup>. Mr. Pagini added that the Town Engineer had no conditions to add. She stated that she was satisfied.

Chairman Seichter stated that the April 4<sup>th</sup> memo kind of addressed the Chief's comments of February 5<sup>th</sup>. It is important that when we have comments from a department we have documentation that the comments have been addressed. A simple "I've reviewed xx and have no further comments" would suffice.

Mr. Juliano stated that the applicant changed the driveways and parking based on the comments of the Town Engineer and the Police Chief. The sight distance analysis was reviewed by the Police Chief. Regarding a signal light, it is a State road, so we can ask but it's up to the State. He noted that Dunkin's peak hours would be in the morning. Mr. Juliano added that the March 22<sup>nd</sup> revision addressed the Fire Marshal's comments.

Chairman Seichter stated that there is nothing in writing that retracts the comments or indicates that there was a review and no further comments.

Commissioner Allinson stated that generally left turns are hard at this location. He asked if the exit driveway would stay the same width. Mr. Juliano replied yes. Commissioner Allinson asked if there would be 'do not enter' signs at the exit. Mr. Juliano replied that the signs would be there but moved back out of the sight lines.

Chairman Seichter called for a motion to continue this application to the next meeting.

**Commissioner Venoit: Motion to continue application #201-24 – Site Plan (retail restaurant)  
124 Church Street, Yalesville.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous**

The application is continued.

**BOND RELEASES**

**7. 654 North Colony Road – G. Gallo**

Mr. Pagini reported that this bond is ready to be released.

**Commissioner Venoit: Motion to release the bond for 654 North Colony Road – G. Gallo.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous**

The bond is released.

**REPORTS OF OFFICERS AND STAFF**

**8. Administrative Approvals – noted as approved**

**a. 28 North Colony Street – Tattoo Parlor to cafe**

**9. ZBA March Decisions – no comment**

**10. ZBA Notice of April 15, 2024 – no comment**

**11. Quarterly Zoning Enforcement Report**

Mr. Pagini reported that the quarterly zoning report is moving to an online permitting and enforcement system. Commission Members will be able to view or print reports.

**ADJOURNMENT**

**Commissioner Venoit: Motion to Adjourn the Wallingford Planning and Zoning Commission for Monday, April 8, 2024, at 9:55 pm.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary