

Wallingford Planning & Zoning Commission

Monday, April 8, 2019

7:00 p.m.

Room 315

Town Hall – 45 South Main Street

Wallingford, CT

MINUTES

PRESENT: Chair James Seichter; Commissioners: James Fitzsimmons; Jeffrey Kohan; Rocco Matarazzo, Secretary; James Hine & Steve Allinson, Alternates; Kacie Hand, Town Planner.

Chair Seichter called the Meeting to order at 7:05 p.m. and the Pledge of Allegiance was recited.

Approval of Minutes – March 11, 2019

Mr. Kohan: Motion to approve the March 11, 2019 PZC Meeting Minutes as presented

Mr. Fitzsimmons: Second

Vote: Unanimous

Chair Seichter announced Commissioner Allinson would be voting in place of Vice-Chair J.P. Venoit.

OLD BUSINESS

1. Change of Use (office to residential 2nd floor)/V. DiNatale/350 Center Street = **#304-19 – TABLED**

NEW BUSINESS

2. Site Plan (on-line grocery pick-up)/Petrillo Architects (for Wal-Mart)/844 North Colony Road - **#204-19**

Mr. Matarazzo noted all correspondence for the record: Inter-Departmental Referral from the Fire Marshal received March 13, 2019; Correspondence from Kacie Hand, Town Planner, dated March 27, 2019, to Perry Petrillo Architects; Inter-Departmental Referral dated Feb. 19, 2019 from the Senior Engineer; Correspondence dated Feb. 13, 2019 signed by Perry Petrillo, AIA.

Appearing in front of the PZC was Perry Petrillo, Petrillo Architects and John Roth, Store Manager. Mr. Petrillo said this application involves on-line grocery pickups. He said the components are two-fold: the interior (in-store), and the exterior which are the parking spaces. He said the application was split, the general building permit was submitted separately and involves creating a marshalling area for the on-line grocery goods. Mr. Petrillo explained the on-line grocery pickup is computer driven; the order would be put in four hours prior to a pick-up. Mr. Petrillo said this pick-up is strictly for groceries and some household cleaning products. He noted the general merchandise portion can also be ordered on-line, but must be picked up in the store. Mr. Petrillo said once someone orders groceries, the customer would be prompted to select a time for the grocery pick-up. He said there are 15-minute windows for the pickup. He said if the customer misses the window, they can get back on the app and reschedule the time. Mr. Petrillo emphasized the pick-up process is spaced out so everyone doesn't show up at one time.

Mr. Petrillo said Wal-Mart will introduce nine spaces for the on-line spaces and are taking existing parking spaces (11). He said the spaces are currently striped nine ft. in width, and will be re-striped to a 12-ft. wide space. Mr. Petrillo explained the customer does not get out of the car; the Associate brings the groceries to the vehicle. He said once a customer arrives on-site, they can either get on the app to inform Wal-Mart they have arrived or call by phone. He said the Associate will either ask what space number the customer is in or assign the customer a space number. Mr. Petrillo said the average pick-up time is five minutes and no money is exchanged it is done previously on-line.

Mr. Petrillo showed previous site plans to the PZC. He went over an aerial photo of the Wallingford Wal-Mart and showed the proposed location of the grocery pick-up. He said the marshalling area is set up for dry goods, there will also be coolers and freezers. Mr. Petrillo said as part of this application, he discussed seasonal sales as requested by the Town Planner. Mr. Petrillo said Wal-Mart has provided a plan which shows this occurring and pointed out the area on the site plan which he said would take up approximately 32 parking spaces. Mr. Petrillo noted the site plan he was working from had 763 parking spaces, and required for the site approved was 748. He said he actually counted 787 parking spaces and noted two spaces will be lost for the on-line grocery pickup to go to larger spaces. Mr. Petrillo said the seasonal area encompasses 31 parking spaces. He emphasized the seasonal area doesn't occur during the store's busy season. Mr. Roth said the seasonal area is gone by the second week of July and begins in the spring.

Chair Seichter asked Mr. Roth if the seasonal sales area would be in the same area which was a violation of the zoning regulations. Mr. Roth said he was unaware of a zoning violation, but said he would be happy to undergo an application process or approval required to use this space. Ms. Hand said her Department has notified Wal-Mart of this violation in the past. She said the Zoning Enforcement Officer has also notified Wal-Mart of this violation. Mr. Roth said he reached out last year, but was unsuccessful in the application process. Mr. Petrillo said Mr. Roth has been speaking with the Fire Marshal.

Ms. Hand pointed out the seasonal outdoor sales component has not been approved. She said the PZC Regulations don't allow for general outdoor retail sales. She pointed out in the past; there were two examples where the PZC has allowed seasonal outdoor sales on a limited basis, i.e., plants only, not for supportive materials such as mulch bags. Ms. Hand said it is important for everyone to be on the same page and needs to be decided specifically with dates. She said because this has been an issue for the Planning Dept., she asked the Applicant how the designated area can be detained so it doesn't morph or grow over time. Mr. Roth said he is the agent for enforcing this on-site and would not be a problem. He said he takes safety into account. Ms. Hand noted that by shifting the location, which seemed to be the least likely place people would park, it is now moving it into a location that may be a more desirable parking area. She said by having this area, the parking is now being reduced to an amount below the required spaces. Ms. Hand said she has never seen this parking lot full, but gets busy along the front, i.e., the throughway. She said she wanted to ensure there would be enough parking when the outdoor sales are taking place. Ms. Hand said this could be a conditional approval but if it ends up with a violation or a future parking issue, this component of the approval would have to revert back to parking. Mr. Roth said the back concrete area is used for overflow and can be controlled and is not an issue. He said he can adjust to using the front area of the sidewalk. Ms. Hand said in the future when there are changes to the site; the conversations should take place before decisions are made. She said there can be items under the overhang, but not beyond.

Ms. Hand asked about the 783 to 787 parking space increase and where they appeared. Mr. Petrillo said he hasn't gone through and counted every space on the site plan. He said even if we worked with the number on the site plan, the intent is still the same, noting the Applicant is not looking to make this permanent, but only seasonal. Ms. Hand said she doesn't really know what is there, but is concerned where they might be and the impact. Mr. Petrillo said the actual striping of spaces and the area of spaces are exactly what is shown on the site plan. Ms. Hand noted the drop-off and pick-up is straightforward, with only two spaces being lost. She asked are there situations which would cause a backup. Mr. Roth said he is familiar with the grocery pick-ups in other stores. He explained that if someone shows up five minutes early or late, the most he has seen at a store with a similar grocery pick-up (New Haven), was a total of five cars. He noted that customers meter themselves, but if the appointments are full, the customer won't have that option and the system won't accept more than nine people in that window. He noted the current wait time for other pick-ups is 4.2 minutes.

Chair Seichter asked Mr. Roth to speak about the proposed merchandise as well as the time period for the seasonal. Mr. Roth said it is live goods and is typically mulch, soil and live plants. He said July 4th is the unwritten rule when the goods are removed and put in the building. He said the live goods are usually put out typically on March 1. Mr. Hine asked about seasonal sales. He wondered if the Regulations permitted seasonal sales in this district. Ms. Hand noted the PZC would be allowing this under the category of accessory use. She explained there is a catch-all that typical accessory uses may be permitted. Mr. Hine said the problem is that this isn't stated specifically, noting accessory buildings are mentioned in the regulations but not accessory uses and there is no formal application in front of

the PZC for this issue. Ms. Hand explained in this case this is a Site Plan application which is being changed partly in affiliation with drop-off and pick-up which is a modification of the parking design and also an affiliation with the proposed seasonal outdoor area. Mr. Hine asked about the four or five spaces being filled at one time at the most. He said he understands the Applicant wants this to be successful, but if Wal-Mart had its way, all nine spots would be filled at one time for every time period available. Mr. Petrillo explained if this was the case and all the pick-up spaces were filled, it would no longer be a convenience for the customer. He said he permits a lot of this in the other areas of the country and if this becomes successful, the Applicant will be back in front of the PZC to strip more parking spaces. He noted the number of spaces is determined based upon on-line general merchandise sales. He said there is a methodology behind this. Mr. Petrillo said the program is new, and will take approximately a year and a year in a half before it is solidified. Mr. Roth said this free pick-up program is already successful in over 2,000 locations around the country. He noted the initial stores open with a max order capacity of 50 which is an 8 a.m. to 8 p.m. time frame with the anticipation of growing to 125 which must be earned and have no back-ups.

Mr. Hine said the proposed spaces to be used in Wallingford are in his opinion are parking spaces not currently used much. He said if the program is successful, there will be more traffic in that area and wondered if the delivery trucks would go by that area. Mr. Roth said the delivery trucks do go in this area but noted in a separate application, there are plans for an Associate crosswalk and signage. Mr. Roth noted it is rare to get more than three or four trucks in this area in one day. Mr. Hine stated that if we start going down the road where the PZC makes a determination of what we consider to be an accessory use for a particular primary use, we are going down the road ignoring we have specific accessory uses. Ms. Hand noted utility buildings are not listed, and pointed out with accessories one won't think of every version.

Mr. Fitzsimmons said he is in favor of this application, and noted everyone is using their designated parking for outdoor landscaping. He said the issue we had a number of years ago was with gas stations selling mulch, which to him, was not an accessory use of a gas station. He said this (at Wal-Mart) is accessory and he supports Wal-Mart's request for seasonal sales. Mr. Fitzsimmons noted the fireworks tent and asked if this would be on the plan. Mr. Roth said this is an application made to the PZC and is arranged through third-party leasing through the home office. Ms. Hand suggested a condition of approval be that the fireworks tent be shown on final plans. Mr. Fitzsimmons asked if there could be a designation on the site plan where people camp with RV's. Mr. Roth said this is not authorized in CT. and has a partnership with the Police. Mr. Fitzsimmons asked about new lighting. Mr. Petrillo said there is sufficient parking lot lighting. Mr. Roth said it was discussed to add a spotlight on the side of the building for the associates which will be a box light. Mr. Fitzsimmons asked about public safety and suggested the Applicant ask the delivery trucks to not access Rt. 5.

Mr. Kohan said he was also in favor of the application and asked to be shown the direction of traffic into the pick-up areas (parking spaces). Mr. Roth noted there will be branded signage in orange paint on the

building, and painted directional arrows on the ground. Mr. Kohan said he believed this is an approved accessory use. He asked if the number of parking spaces needed to be rectified. Ms. Hand said she believed that 770 was the correct number. She said the final plan should accurately reflect the amount of parking spaces. Mr. Kohan mentioned the outdoor storage, pointing out that not having communication from the spokesperson made this application very difficult. He said the violations were ongoing for years, but the Town never heard anything back and was disappointed this was the case. Mr. Kohan said the PZC is trying to make things right for the Town.

Mr. Roth said this won't happen on his watch ever again and pointed out that he and the Fire Marshal have a good working relationship. Mr. Kohan noted that typically, when there is outdoor storage, screening or landscaping is required and ask if this is being considered. Ms. Hand said there cannot be outdoor storage without screening citing the S. Colony market which she noted can't be seen from the street because it is far back from the road. She said Wal-Mart has some trees, but if the PZC decides this seasonal is accessory, and if the PZC wanted to require additional screening along N. Main Street, this could be done. Mr. Petrillo noted for the record there are shrubs and trees in the seasonal area and if this is screened, it becomes a security issue.

Mr. Matarazzo asked where the signage would be installed. Mr. Petrillo said there are two types of signage: paint marks (directional arrows) and new pick-up signage on the building. He said there won't be pick-up signage at the entranceway to avoid confusion. Mr. Allinson said it appeared to him what the Applicant is attempting to do with outside storage is a cross between accessory building description and outdoor storage, which in his opinion is an appropriated accessory usage. He said if it fell within the idea of outdoor storage, the idea of using plants to screen plants seemed excessive.

Chair Seichter said he didn't look at this as outdoor storage, but as an accessory use, having outside sales and agreed this is an accessory use and is not some new product, so he didn't have an issue.

Public Comment – 8:09 p.m.

Ed Makepeace, 50 George Washington Trail, said this application would lessen the demand for parking spaces.

Public Comment – end at 8:10 p.m.

Mr. Fitzsimmons: Motion to Approve Site Plan for Perry Petrillo Architects on behalf of Wal-Mart, to modify the Site Plan to allow for an online ordering pick-up area an outdoor seasonal sales area with associated parking reductions at, 844 North Colony Road, as shown on plans entitled "Site Plan and Demolition Site Plan, Wal-Mart, Wallingford, CT, Store No. 2371, Job Number 18.159" dated 11/12/18, revised to 04/02/19, subject to:

- 1. Comments of the Town of Wallingford Fire Marshal dated March 12, 2019;**
- 2. Comments of the Town of Wallingford Town Planner dated March 27, 2019;**

3. **Comments of the Town of Wallingford Water and Sewer Divisions Sr. Engineer dated March 29, 2019;**
4. **Seasonal sales shall be limited to outdoor items such as mulch, soil, live plants, similar bagged goods for a limited time frame annually to begin no earlier than March 1, and end no later than July 15;**
5. **Applicant shall submit final plans to the Town of Wallingford with a total accurate count of all available parking spots as well as designation on the final plans for all outdoor uses of the lot such as seasonal items display area and the seasonal fireworks tent and similar outdoor uses as discussed this evening.**

Mr. Kohan: Second

Vote: Allinson – yes; Matarazzo – yes; Kohan – yes; Fitzsimmons – yes; Chair Seichter – yes

Approved

3. **Site Plan (expansion of existing parking lot & building facilities)/Paradise Hills Winery/15 Windswept Hill Road - #207-19**

Mr. Matarazzo noted all correspondence into the record: Inter-Office Memorandum received March 13, 2019 from the Fire Marshal; Inter-Departmental Referral received March 14, 2019 from the Director of Health; Inter-Departmental Referral received March 12, 2019 from Erin O'Hare, Environmental Planner; Correspondence from Kacie Hand, Town Planner, dated March 28, 2019 to Paradise Hills Vineyard & Winery; Inter-Office Memorandum dated March 29, 2019 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, to Kacie Hand, Town Planner; Correspondence from Daniel N. Mara, Sandler & Mara, PC dated April 3, 2019 to Kacie Hand, Town Planner; Email from Dan Mara, Sandler & Mara PC to Kacie Hand, Town Planner, dated April 4, 2019.

Appearing in front of the PZC was Atty. Daniel Mara, Sandler & Mara, PC, representing the Applicant, Paradise Hills Winery, Richard and Brenda Ruggiero; and Christopher Juliano, P.E., Licensed Land Surveyor, Juliano & Associates.

Atty. Mara told the PZC the Applicants are looking for approval for parking and expanded use of the winery for wine production for storage. He said the Applicant's building no longer fits production requirements. He showed the location of the proposed expansion on the Site Plan. Atty. Mara said the Applicants are not looking to use any of the expansion space for the serving of wine. He said the Applicant is looking to make a tent and patio in front of the existing winery building more hospitable and are not looking to attract more customers. He said the Applicant also wishes to repair and store farm equipment.

Atty. Mara said currently, the Applicant is in compliance under Section 4.2 E3 of the Zoning Regulations concerning farm wineries, with the exception of the sign, which was located in the Town Right-Of-Way,

but has been relocated to an area which will be used to expand and improve the access apron on Windswept Hill Road. He said if this application is approved, the Applicant will submit a sign application. Atty. Mara noted the existing signage has been moved so it is visible from the street and 10 ft. away from any property line. He said the Applicant wants more expanded and concentrated parking near the building. He said the Applicant will obviate the need for parking in the front of the building near the driveway, and parking spaces for two buses will also be provided. Atty. Mara noted bus tours in CT for farm wineries are popular and they show up without reservation or call. He said in the past, the buses would come in and then have to leave, which resulted in more traffic on Windswept Hill Rd. He said from time to time there is indoor music which complies with Town Zoning Regulations.

Mr. Juliano provided an overview of the application. He pointed out the subject property and accessway and existing driveway on the Site Plan. Mr. Juliano said coming off Windswept Hill Rd., there will be a 25 ft. accessway for 15 Windswept Hill Rd. and a 25 ft. accessway for 12 Windswept Hill Rd. Mr. Juliano the driveway currently comes up through the combined accessways onto 12 Windswept, wraps around the vineyards and back towards the rear portion of the property where the existing winery building is located. Mr. Juliano said the proposal is to make improvements to the accessway off Windswept Hill Rd. He said the sign and boulder will be pulled outside the Right-Of-Way to formalize the 24 ft. wide driveway through the accessway. He said regrading work will be done. Mr. Juliano noted that at the end of the accessway, there are two stone walls where it transitions from a 24 ft. wide driveway to a 20 ft. wide driveway. He said the intent is to make sure two ft. on each side of the driveway remains clear of all obstructions per the Fire Marshal. He also noted there will also be minimum tree cutting to allow driveway access. He said the apron will be paved as required by the Town and the plans will be submitted to the Town Engineering Dept. for approval.

Mr. Juliano said the existing driveway will be followed which ranges in area from 16 ft. to 18 ft., and rebuild the driveway with new gravel to a 20 ft. width with a two-foot clearance for emergency vehicles. He noted that once we get into the formal parking area and the actual site, we open up on the right hand side with two bus spaces which will be 12 ft. wide by 50 ft. long. Mr. Juliano noted the typical bus is approximately 8 ½ ft. wide. Mr. Juliano noted that for any reason, the Police, Engineering or Planning Depts. have an issue with the 12 ft. width; he can make the width 14 ft. and will not create an impact.

Mr. Juliano said from the bus spaces, the main parking area is behind the building and is currently is a graveled milling lot. He said he is willing to turn it into a gravel lot which is required by Wallingford Inland Wetlands because if the area's location in the watershed protection district where a permeable surface is required. Mr. Juliano said the parking area is currently being formalized, and creating a loop circulation which is critical for the buses so they pull out towards the back of the building. He said the handicap parking will be altered noting permeable pavers will be used with complies with the Water Division's and ADA requirements. He said there will be no grading in this area but some smoothing of the parking area as new gravel is installed and the area expanded. Mr. Juliano said existing parking further into the hill will be pulled back to keep the grade as a minimum. Mr. Juliano pointed out the

proposed addition which he said will be to the back of the building next to the current loading area and ramp. He said this will be a two-story addition, with the ground floor at the same level as the loading area and the main floor will be at the same level as the finished floor of the winery. He said he will put final elevation numbers and the building height on the final plan. Mr. Juliano noted the proposed patio area will be located in the lawn area between the existing building and the grapevines and the tent will be to the south. Mr. Juliano spoke about storm water runoff control by utilizing a cobble and boulder wall along the property line and behind this will be a small swale to control infiltration and attenuate flows. Mr. Juliano said he will show the proposed 10 ft. by 280 ft. easement and the zoning table on the final plans. He said the parking area will be striped and there will be cross rails and split rail fencing and there will also be posts, 9 ft. on center, to designate the parking spaces. He said the posts can be removed in winter for plowing.

Ms. Hand said the outstanding issue which the Site Plan addresses involved a past expansion that didn't have Site Plan approval. She said there were issues involving parking encroachment on neighboring properties which is getting removed. Ms. Hand said the Applicant has agreed to remove millings installed prior to the 2008 approval and will install gravel which will be indicated on the final plans. She said she wasn't aware of any other violations on the property. Ms. Hand said she was very comfortable with the plans and her comments were addressed satisfactorily. Ms. Hand noted the parking area adjacent to the vines is to remain as grass and act as overflow parking. Atty. Mara acknowledged this was correct. He said this area might be the most convenient parking for customers, but the least convenient parking for farming so it will be reserved for overflow parking and won't be marked by split rail fence or parking stops but by stripes on the grass and a parking attendant. Mr. Juliano said buses will not turn around in this area.

Ms. Hand asked about the proposed addition. Atty. Mara said the addition will not be two stories throughout. He said the first part of the building has an open loading dock where the grapes are brought in and crushed. He said the Applicant will expand the open area into a new building which will be level with the current loading dock. He said the rest of the building will be one level from grade to roof and will be used for aging, storing of farm equipment and for distilling equipment when the permit is obtained from the State. Atty. Mara noted that underneath the expansion of the loading dock, will be a garage. He said the roof will be no higher than the existing roof on the building.

Ms. Hand said her concern with this, was that in the past, the PZC had determined with both wineries that expanding the production and storage area was not something that generally had impact on traffic generation and was acceptable under as is traffic conditions; whereas an expansion to the tasting room opened the question about the trip generation and the impact. Mr. Petrillo said there is no intention at this time to expand the tasting room. Chair Seichter asked about the seasonal tent. Mr. Petrillo said the tent would operate from the middle of March until the end of October. Chair Seichter noted that based upon his responses to Ms. Hand's letter regarding parking and encroaching on other areas, the Applicant

is aware and has made representation that this is the parking and overflow into other areas besides their overflow parking, would be a zoning violation.

Mr. Hine asked about the buses after parking and leaving would turn around in the upper parking lot. Mr. Juliano said the buses will pull out towards the back of the building, around and out to Windswept Hill Rod. Mr. Hine asked if signage was being proposed for the buses noting his concern the buses will take the first right and not go all the way around. Mr. Juliano explained that if a bus took the first right, it would be difficult for the bus to make. He said signage could be added and pointed out the bus would be told to pull around in the back lot. Mr. Hine noted there was a history with this winery and concerns expressed from surrounding neighbors regarding traffic generation. He asked about the number of existing parking spaces. Mr. Juliano stated he believed there were no more than 30 striped spaces. He said this plan is to formalize the parking spaces. Mr. Hine pointed out the new plan is for 95 spaces, so the Applicant is going from 30 to 95 spaces. Mr. Juliano said another 20 to 30 cars could park in the back lot but that area is not striped.

Mr. Hine asked about the buses who currently come to the winery and if they parked in existing spaces. Atty. Mara said the buses currently drop off customers, leave and return. He said the current parking plan isn't set up for buses. Mr. Hine asked if anything that is being proposed envisions an increase in space for serving wine. Atty. Mara said all the proposed improvements that are customer related are amenities the customers currently use better and the parking will be organized. Mr. Hine asked how often the current lot is completely filled. Atty. Mara said this plan expresses the Applicant's total need for parking spaces by going to 93. He said the usual daily draw of parking is maybe 30 spaces on a typical day, but noted on typical weekend day it is higher. Atty. Mara noted the traffic report provided was on a Columbus Day weekend which was a warm sunny day. He said on that day, there was 90 trips per hour and pointed out the Regulations allow for 100 vehicle trips per hour. Atty. Mara stated that on the best day, we didn't get there. He said he couldn't tell how often the lot is completely full, but stated this representation of parking, is the Applicant's complete and total expectation for parking.

Mr. Hine said there have been concerns expressed by neighbors, but granting 95 spaces the Applicant is essentially allowing the possibility of having all of these spaces filled at one point. Atty. Mara said people don't come to a winery because they can park, they park because they come to a winery. He said people are not coming because the Applicant has great parking and it is unlikely all 95 spaces will be filled at one time. Mr. Hine said he liked the winery and it is a great addition to the Town, but this will be a concern amongst the neighbors and the Commission and we have to be careful. Atty. Mara agreed stating the Commission has put a lot of work into these wineries. He pointed out the Regulations have a cap on the amount of generated traffic and if the Applicant goes over this limit, he is in violation.

Mr. Kohan mentioned Chair Seichter's comments regarding outstanding violations being remedied by this application. He asked Ms. Hand if this was the case. Ms. Hand said either the Applicant is removing components that are in violation or the PZC would be approving them. She said the previous application showed less parking, and noted she commented as was the case with the Gouveia application, to show

where the parking would be located, because the Applicant can only have parking where it gets approved and if they stick to the plan, the Applicant would be in compliance. Mr. Kohan said he looked at the Zoning Violation Log and noted the initial complaint was April 11, 2001. Mr. Kohan said he was happy this application is correcting all the violations, but noted it shouldn't have come to this: 17 or 18 years in violation. He expressed his displeasure at this but pointed out he liked the changes. Mr. Fitzsimmons asked Mr. Juliano about the driveway and the signage being not where it should be. Mr. Juliano said the sign looks like a wine barrel on the side roughly 10 to 15 ft. at the edge of the pavement which will be moved 10 ft. beyond. He said the sign will also be put back onto private property. Mr. Juliano said the current driveway is 10 ft. to 16 ft. and then widens out and will be following the northerly line and expanding in the south to get the 24 ft. of clearance and it will be gravel 24 ft. the entire width. He said when the access way stops, the driveway will taper down from the 24 ft. of gravel to 20 ft. keeping two feet clear on both sides for emergency vehicles. He said when the driveway gets to the parking lot where it will become 24 ft. as required by the parking regulations and will be for two-way traffic. Ms. Hand noted the current driveway is very narrow. Mr. Juliano said the current driveway is 16 ft.

Mr. Fitzsimmons said this is a long time coming because this has been around for some time. He said he understood the Applicant needed some time because of wetlands approval, but noted that everything he has read and seen this evening states "the subject project should not increase parking needs or trip generation". Atty. Mara said he didn't expect these property improvements to increase attendance. Mr. Fitzsimmons said with improved parking, he couldn't see how someone could say this wouldn't increase generation. Atty. Mara said there is a certain customer base and a certain transient customer base that comes that varies. He said limits have been established on the parking and the type of trip generation. He said the Applicant doesn't want to come back to the PZC in a year or two for more spaces. He said the Applicant asked Mr. Juliano to fit as many spaces on the site as possible, but stated he didn't anticipate using all the spaces because this isn't the winery's history. Mr. Fitzsimmons noted the traffic study was done in 2014 and asked how many additional wineries have opened in CT. He asked if demand was dropping at this vineyard. He said this plan is definitely an improvement, but is questioning the comment this won't increase traffic.

Richard Ruggiero, founder of Paradise Hills and Winery, noted the Commission granted him four major events a year and some smaller events once a month. He said on the major event days, he expects to have additional parking needs. Mr. Ruggiero said he was asked to address these problems and to be able to have a tent and increase production. He said possibly four times a year and maybe once a month there will be a little extra. Chair Seichter asked if the additional parking needs comment meant the 93 parking spaces would be able to accommodate. Mr. Ruggiero said this was correct. Mr. Ruggiero said he hasn't been in violation for 17 years, pointing out his winery has only been open for eight years. Ms. Hand noted there was an incorrect date on the report. Mr. Kohan reiterated that it took this application to get the violations corrected.

Mr. Matarazzo asked if the increase in parking spaces reflected what is permitted for occupancy in the building as well as outside. Ms. Hand said this is one of the challenges encountered with the winery in that it is not a standard restaurant because there is a lot of outdoor space used and the only occupancy limit is the fire code restrictions on the building. She said the amount of people permitted to have there won't change within the building. Ms. Hand noted there is no restriction on the amount of people the winery can have outside but pointed out the winery is restricted by some degree by the zoning regulations which require a Special Permit if they go over the 100 vehicle trip per hour. Mr. Matarazzo said if the parking spaces are increased, there will be an increase in customers and traffic. He said now having two parking spaces for buses there may still be buses coming unannounced and brings him back to the 2014 traffic study and suggested an updated traffic study based on this application.

Atty. Mara said he didn't see how the Applicant could provide a new traffic study on the new parking until it is there. He said the 2014 traffic study where the parking was similar as it is today on a prime holiday weekend and to him, was the best or worst case scenario for parking. He said the idea of more people at the winery is immaterial but the idea of more cars coming and going may be material. Atty. Mara said he is hoping that having more parking and to retain the buses on the site, the traffic will be reduced on Windswept Hill Road.

Mr. Matarazzo noted that at Gouveia Vineyards, vehicles park all over the field. Atty. Mara stated that cannot happen at Paradise Hills, because there is an attendant at the grass area. Mr. Juliano noted there is septic in the area in which there can be no parking and this area is also near Mr. Ruggiero's house.

He said if it gets to the point where 93 vehicles are parked at the vineyard, people will leave. Mr. Matarazzo said he believed the increase is being done because there is an increase in business. Atty. Mara said the increase is being done because of the space and the Applicant is going to take advantage of the space and will use it for parking. Mr. Allinson asked about the grass parking, noting it was stated it would be used on an as-needed basis, weekends and holidays. He asked if there would be someone there or a gate so people just don't use those spaces first. Atty. Mara said this area could be blocked off at the gate but pointed out this is a working farm and won't look like parking and won't invite parking in a normal context. Mr. Allinson noted that since the lot will be gravel and striped, over a few years, the stripes will disappear and will need to be maintained or this will become an open lot. He said there needs to be assurance the stripes will be there if the application is approved. Mr. Juliano this is why he went with the posts 9 ft. on center so it would be visual where the parking spot would be.

Chair Seichter spoke about the parking study and with the expansion of wineries in the State, it may flatten the business out so he is not as concerned that by expanding the parking, business will increase to the winery. He said he appreciated and understood what was being said as far as the parking goes and making as much available now as excess and overflow. He said an updated parking study is not necessary. Chair Seichter said when there are the four larger functions per year, there should be a parking attendant to make people aware the winery may not be able to accommodate them.

Mr. Matarazzo said he was not opposed to the winery's improvements and noted there is a saying that if it is built, people will come. Chair Seichter noted the Applicant is not building an additional tasting room or additional space for customers.

Public Comment – 9:20 p.m.

Ed Makepeace, 50 George Washington Trail, said he was in favor of this application in general. He said a cul-de-sac is 24 ft. wide and if the entry to the property is 24 ft. wide, this will give a strong residential cul-de-sac a commercial feel. He believed a 20 ft. entry would make more sense unless a larger entry was required by the Town Engineer. Mr. Makepeace spoke about limitations to the amount of traffic because of the 100 vehicle trips per hour and stated he believed this was the wrong measurement in a cul-de-sac where one can only enter and exit one way. Mr. Makepeace said he views the 100 vehicle trip measurement to be appropriate on Rt. 68 in more of a commercial zone and the PZC should consider reducing the number of trips in a traffic study to 50 in a cul-de-sac. Mr. Makepeace spoke about the tent and the definition. He noted he attended a wedding in Vermont in a tent which had sides and heat. He said a more accurate description of what a tent is should be included in the final recommendation.

Vivian Jones, 8 Windswept Hill Road, asked about the proposed driveway opening. She noted the traffic study from Feb. 2014 and pointed out the regulations have changed to allow a lot more activity at the winery which has changed the traffic generation. She said she agreed with Mr. Makepeace that on a rural cul-de-sac, 100 vehicle trips per hour is way too much and should be changed to 50 vehicle trips per hour. She said she has seen 50 cars enter the winery in a space of two minutes. Ms. Jones said she believed an event with private indoor special guests were supposed to be closed to the public, but noted she has never seen anyone turned away. Ms. Jones said she worries that when they are aware of a study being done, one has to worry about manipulation. She said the original traffic study was done on a day Paradise Hills wasn't open. Ms. Jones asked if the winery could open before official opening hours and serve.

Ms. Hand said this was done before the regulation change and when there were violations occurring on the property. She said the fact the Applicant is not doing these things anymore should decrease the traffic impact. Ms. Jones said the traffic study is not on point to what is happening today. She said there has been no Site Plan for eight years or no approve parking plan. She said adding parking spaces will increase business. Ms. Jones said it isn't unusual for the parking lot to be full, people parking on the grass, all the way up the cul-de-sac and on the lawn by Ruggiero's house. Regarding the two bus parking spaces, Ms. Jones wondered when the third, fourth or fifth bus arrives. She said she seems the limo's and buses parked in the yard and noted that one of the buses parked in front of her house for several hours. She wondered if buses will be turned away and pointed out if more parking is added and more wine is produced, more people will come. Ms. Jones asked about the overflow parking, noting this is where people park now. Mr. Juliano pointed out the overflow parking on the Site Plan.

Ms. Jones spoke about building occupancy pointing out the workers and family members would have to be subtracted and would have to allow for three people in each area of the winery. She noted because there is no limit of occupancy outside, more people can just keep coming. She said she has spoken to the Fire Marshal about this for years. Ms. Jones said if they are going to be in our neighborhood, they have to be easier to live with. Ms. Jones said there are so many people on this site, they start wandering. Ms. Jones addressed the 10-ft. landscaping buffer and noted Ruggiero's accessway goes right through her front and side yard making it difficult to use. Ms. Jones asked for a barrier installed to prevent her from seeing vehicles going in and out which causes a reflection in her home. She said at night there is lighting and noise and it is getting to be too much. Ms. Jones said the winery has LED lighting around the entire winery and they are on all year round. She said she can see them in her home and outside.

Ms. Jones said a barrier might give them back some sort of privacy. She said she has put up with a lot and want normalcy in her life. Ms. Jones pointed out the location of her home on the Site Plan, noting her driveway is right on Paradise Hill's property line. Ms. Jones spoke about the tent, noting Paradise Hills has used the tent for years and only took it down when there was a regulation change. She said there should be a definition of what a tent is, noting it's not another room. Ms. Jones said the sign was just moved this morning pointing out it was in the road, not on their property. Ms. Jones said she knows the accessway is treacherous and watches people try to pass each other without causing an accident. Ms. Jones said if the driveway is too wide, it will be different than the driveways in the cul-de-sac and will look like a road. Ms. Jones spoke about the flags along the entryway, noting they are up 24/7, 365 days a year. She said the flags should only be up when the winery is actually open.

Ms. Jones said the sign is a safety hazard stating people drive by at a fast rate of speed while people are stopped trying to take photos of the winery. Chair Seichter said this would be addressed. Ms. Jones asked if the driveway would be leveled out. She said it is like a straightaway, and people go sailing out and their cars bottom out. Ms. Jones said she has found car parts on her property. Ms. Jones asked the PZC to use the tools they have to construct a barrier on the wineries property to block the view and the LED lights. She said if a patio is constructed, more than likely LED lighting will also be installed. Ms. Jones asked the PZC not to approve the application, because if it is approved the PZC is sending a message they award bad behavior. She noted the business has been non-compliant for eight years. She suggested that wording be added requesting buses call first before they come to the winery. Ms. Jones said she will be disappointed to see the rock being removed, noting that one customer who was intoxicated and driving, was saved by the rock which blocked her husband from being hit.

Ms. Hand said she told the Applicant they should design a commercial driveway for 24 ft. so two cars can pass by one another. She said the previous complaint with the old driveway was that one car would have to back up onto the road creating a safety hazard. Ms. Hand said for the apron, she would have to check with Engineering, but believed the PZC could allow the Applicant to go down to 20 ft. She said the Fire Marshal requires a 24 ft. clear width up the driveway. She noted the cul-de-sac was originally

designed to be extended as a 30 ft. wide road. Ms. Hand spoke about the special permit threshold and stated this is what is on the books. She said the PZC could always pursue a change. Ms. Hand noted the tent definition, pointing out that with the tent, her issue was that there is no such thing as temporary, it is treated as permanent. She said she told the wineries that if they have a tent, it must be shown on the Site Plan and is a structure whether it is up for three days or 365 days. Ms. Hand said the PZC could put a limitation on the time of year the tent could be open. Ms. Hand said a lot of this is an existing condition or a variation of an existing condition that we are looking to correct from a design and use standpoint. Ms. Hand pointed out a Special Permit isn't triggered until we are at 100 peak hour trip.

Atty. Mara noted the tent dates will be March 15 to Oct. 31. He said the Applicant will do what he is told regarding the 20 ft. vs. the 24 ft. driveway width. Atty. Mara said the sign has been pulled back and put in an area that is at least geographically compliant and will remain this way until the apron is repaved and redone at which time the Applicant will submit a sign permit. Atty. Mara said there is no intention to bring the sign back out to street level. Atty. Mara addressed some of the comments by Ms. Jones regarding an updated traffic study which he said was covered. He noted that if the Applicant was going to manipulate a traffic study to generate less traffic, the study wouldn't have been done on Columbus Day weekend.

Atty. Mara spoke about the idea of unlimited outside occupancy, noting the winery has the Town's regulation and the liquor permitting regulation with the State who regulates where alcohol can be served and consumed on the premises. He said he didn't know about people wandering, noting people are constantly being told to leave the grapevine area. Atty. Mara said the winery is trying to capture and retain a reasonable bus flow. He said other buses may show up and once they leave the premise, they shouldn't be parking on Windswept Hill Rd. He said the Applicant can't compel the buses to move once outside the property. Chair Seichter said this could be put on the winery's website.

Atty. Mara said the Applicant would be happy to put something to this effect on the website regarding parking outside of the winery. Atty. Mara addressed the landscaping and buffer suggestion noting the winery is a working farm and has been so since day one. He said it has been used as it is since the Ruggiero's bought the property and used less as it was as the winery was developed. Atty. Mara said the Ruggiero's are happy to reduce the parking area and don't encourage people from speeding out of the driveway, noting tonight was the first he heard of this. Atty. Mara said there will now be an orderly repaired driveway and more people staying because they won't have to drive around and the flags and banners will be put up only when the winery is open. Ms. Hand noted that technically flags aren't allowed unless they are national flags. Brenda Ruggiero said she tried her best to mark her driveway. Ms. Hand said flags or banners can be put in as part of the sign permit. Ms. Ruggiero said once the driveway is improved there probably won't be a need for a flag or banner.

Mr. Juliano addressed the lights noting that where the winery is located currently, it is 300 ft. to the Ruggiero's front property line and another 300 ft. to the corner of the Jones' property. He said he believed this was a long distance away, at least 600 ft. He said he hoped the lights would be turned off

after business hours. Chair Seichter asked if there were patio lighting or if lighting would be installed on the patio. Atty. Mara said there are lights immediately outside the tasting room on the covered porch area. He noted there is no service beyond 8 p.m. and during the summer at that time, lighting is usually not needed. Ms. Hand requested specifications for the fixtures to show they are full cut-off. Chair Seichter asked Mr. Juliano to address the floodlight issue if there are any. Chair Seichter spoke about Ms. Jone's statement about a barrier. Atty. Mara said there has been no design work on this, noting the area is tight for installing a fence or structure and doesn't believe there is enough room for a fence. Ms. Hand said a fence doesn't take up that much room and there is some distance between the driveway and the property line for some screening or fencing. She suggested some screening towards the front. Ms. Ruggiero said the Jone's have a wooded area that is all trees. Ms. Hand said typically the screening is the responsibility of the user, not the neighbor and didn't see any harm in putting in additional screening in this area.

David Jones, 8 Windswept Hill Road, said the orange fence referred to was put up after consulting with the Town Attorney who said to put up some sort of fence as a boundary to keep the vehicles within the driveway space in his yard. Mr. Jones said for six months out of the year, there are no leaves on the trees so the lights can be seen.

Mr. Matarazzo said he would like to see some sort of screening for the neighborhood noting when the trees have no leaves, there is no barrier. Mr. Kohan said he agreed with Mr. Matarazzo noting the biggest issue seems to be when cars are leaving the winery and their lights hit the house. Mr. Fitzsimmons noted there was no comment from the Engineering Dept. He said he could be in favor of something, but there should be a comment from the Town Engineer. Ms. Hand said the comment was "no comment". Mr. Matarazzo asked about parking on Windswept Hill Rd. Ms. Hand said this is public parking and noted that it is written into the zoning regulations that everyone has the responsibility to provide for their own parking needs on their own property. Ms. Hand said no parking signs could be pursued. Mr. Matarazzo said he didn't believe there could be parking in a cul-de-sac. He said fencing could also be put on the border. Ms. Hand said if lighting is a concern, evergreens may be more of a solution. Mr. Juliano said the driveway and lighting issue will be taken care of. Mr. Juliano said landscaping could be installed through the accessway. Mr. Ruggiero said the Fire Marshal liked the fact the entranceway was being widened 24 ft.

Chair Seichter entertained a motion on the application.

Mr. Fitzsimmons: Motion to approve the Site Plan for Paradise Hills Winery to construct a 3,200 sq. ft. (total over 2 stories) production/storage addition, seasonal tent, additional parking including bus parking, and associated site changes at 15 Windswept Hill Road, including a driveway over 12 Windswept Hill Road, as shown as plans entitled "Improvement Location Survey, Proposed Site Development Plan, Paradise Hill Vineyard, #15 Windswept Hill Road, Wallingford, CT., dated 12/05/18, subject to:

1. **Submission of final plan to include final floor plan, and plans should include all changes as discussed and represented;**
2. **Applicant shall have a posting of an S&E bond in an amount to be determined by the Town of Wallingford Town Planner;**
3. **Comments of the Town of Wallingford Fire Marshal dated March 12, 2019;**
4. **Comments of the Town of Wallingford Dept. of Health dated March 12, 2019;**
5. **Comments of the Town of Wallingford Environmental Planner dated March 28, 2019;**
6. **Comments of the Town of Wallingford Town Planner dated March 28, 2019 and Applicant's response received April 3, 2019;**
7. **Comments of the Town of Wallingford Water and Sewer Divisions Sr. Engineer dated March 29, 2019;**
8. **Seasonal use of a tent to be limited to the time period of March 15 and November 1;**
9. **Applicant to provide screening along the driveway after consultation with the Town Engineer and the Town Planner prior to any planting;**
10. **Driveway access width to be reviewed one final time by the Town Engineer, Fire Marshal and Town Planner, and final plans to depict final driveway access width.**

Mr. Kohan: Second

Vote: Allinson – yes; Matarazzo – yes; Kohan – yes; Fitzsimmons – yes; Chair Seichter – yes

Approved

4. **Site Plan (office & outdoor storage expansion)/Davenport Assoc./14 Fairfield Boulevard - #208-19**

Mr. Matarazzo noted all correspondence into the record: Inter-Departmental Referral received March 13, 2019 from the Fire Marshal; Inter-Departmental Referral received March 12, 2019 from Erin O'Hare, Environmental Planner; Correspondence from Kacie Hand, Town Planner, dated March 27, 2019 to Davenport Associates; Inter-Office Memorandum dated April 1, 2019 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions; Stormwater Management Narrative dated March 6, 2019 from Davenport Associates; Correspondence dated April 3, 2019 from Milone & MacBroom to Kacie Hand, Town Planner; Site Plan Open Space Area Calculation from Milone & MacBroom; Memorandum from Erin O'Hare, Environmental Planner dated April 5, 2019 to Kacie Hand, Town Planner.

Appearing in front of the PZC was Chris Hulk, P.E., Milone & MacBroom and Jim Davenport. Mr. Hulk told the PZC this facility came under construction a few years ago. He said the Applicant wants to expand the office space and the outdoor storage area and as part of the office expansion to defer any additional parking needs. He said the building is in the IX zone and received permission from the Zoning Board of Appeals to reduce the required open space down from 50% to 45 %. Mr. Hulk said

the Wetlands Commission also granted approval for this project. Mr. Hulk said the project involves expanding the office space that is currently 6,000 sq. ft. and add on an additional 6,000 sq. ft. He said the office space would be expanded off the current office space. He said the outdoor storage area will be expanded by constructing a small wall about 2 to 3 ½ ft. high to allow flattening a surface to match the existing outdoor space. He said the surface will consist of milled gravel and house the same sort of materials currently on-site, which involves pipes and pipe fittings. Mr. Hulk said the area will be accessed on the eastern and western sides through a paved access drive. He said the area used as snow storage will still be used in this manner. Mr. Hulk said there won't be any change to the flow patterns regarding delivery of materials. He said the detention basin will be located on the southwestern portion of the site.

Mr. Hulk said the Applicant is requesting a deferment in the required parking extension because of the extension of the office facility. He noted that currently, there are 84 parking spaces and Davenport Associates has approximately 25 employees. He said as part of the expansion, the amount of employees added will be between 5 to 15, with a total of 40 employees maximum on site during the day. He said there isn't a reason to increase the parking. Mr. Hulk noted there will be no detrimental impact to the detention basin. He said an open space stone trench will be added to collect any runoff to the existing stormwater system. He added there will be no impact to the residents.

Ms. Hand said all of her comments have been addressed and spoke about tree line and screening around the storage area. Mr. Davenport explained there is an 8 ft. fence where the office is coming out and expect to move the 8 ft. fence along Water Co. property. He said this fence is slotted and the same thing will be done with the 6 ft. fence which is also screened. Ms. Hand said there might be some visibility from some property on the side so it is important to have screening. She wanted to ensure the material isn't stacked higher than the screening. Mr. Davenport said there are all trees in this area, and what was removed were old apple trees and briars. Mr. Hulk said he visited the site and there is still a substantial tree line on the northeast side and along the western side.

Public Comment – 10:25 p.m.

Jim Wolfe, Economic Development Commission said he visited the facility and the proposed addition will fit in with the area. He said this is a cleanly run operation.

Chair Seichter entertained a motion on the application.

Mr. Fitzsimmons: Motion to approve the Site Plan for Davenport Associates, to construct a 6,000 sq. ft. office addition and expand the outdoor storage area, with associated "future" parking, at 14 Fairfield Blvd, as shown on plans entitled "Davenport Associates Office Expansion, Barnes Industrial Park North, 14 Fairfield Blvd & 3 Tower Drive, Wallingford, CT., dated March 5, 2019, revised to April 3, 2019, subject to:

1. **Comments of the Town Environmental Planner dated April 5, 2019;**
2. **Comments of the Town Water and Sewer Divisions Sr. Engineer dated April 1, 2019;**
3. **Comments of the Town Planner dated March 26, 2019, and Applicant's response to said letter dated April 3, 2019;**
4. **Screening of the rear proposed storage area to be as discussed at meeting.**

Mr. Kohan: Second

Vote: Allinson – yes; Matarazzo – yes; Kohan – yes; Fitzsimmons – yes; Chair Seichter - yes

Approved

5. Site Plan (65,414 sq. ft. hotel)/Shields Hotels/1175 Barnes Road - #209-19

Mr. Matarazzo noted all correspondence into the record: Inter-Departmental Referral received March 14, 2019 from the Director of Health; Correspondence from Kacie Hand, Town Planner, dated March 27, 2019, to Shields Hotel; Inter-Departmental Referral received March 12, 2019 from Erin O'Hare, Environmental Planner; Correspondence from John Schmitz, Project Manager, BL Companies, dated April 3, 2019 to Kacie Hand, Town Planner; Memorandum from Erin O'Hare, Environmental Planner, dated April 5, 2019, to Kacie Hand, Town Planner; Email correspondence dated April 5, 2019 from Robert Baltramaitis, Town Engineer, to James Jurscyk and Kacie Hand, Town Planner.

Appearing in front of the PZC was John Schmitz, Project Manager, BL Companies. Chair Seichter said the PZC would not be acting on this application this evening because there are specific questions that need to be addressed regarding access easements. Ms. Hand said there is question about potential screening for the sand filters.

Mr. Schmitz went over the Site Plan. He said he had a letter to Ms. Hand outlining the Applicant's position the easement. He said the property on 1175 Barnes Road is currently undeveloped and is approximately 6 ½ acres in size. He said the property shares a signalized driveway with the Hilton Gardens Inn. Mr. Schmitz showed the location of wetlands on the Site Plan. He said there are also three abandoned structures, a barn and a small shed which will be demolished as part of the project, and noted the previous usage for this property was agricultural. He said there are multiple easements on the property and noted two easements in particular. Mr. Schmitz said when the property was divided, there is a 60 ft. wide easement between parcels A and B for access and for utilities. Mr. Schmitz said there were deeds on the Land Records that indicate this easement may at some point in the future, may become a Town Road. He said the other utility access easement was granted to the property to the south and this easement runs from Rt. 68 south. Mr. Schmitz said there is no instrument he could find which talks about the extension of the road.

Mr. Schmitz said Shields Hotel is out of Northampton Massachusetts and the proposed hotel will be 120 room hotel with 120 parking spaces. He said the building will be 16,300 sq. ft. and will be four stories in

height. He said the hotel will be set back 119 ft. with the building height being 48 ft. He said there will be full circulation around the building with sidewalks and snow storage. He said the high point of the site is located in the northwest corner with all of the water draining in a southerly direction. He said the site is in the Mackenzie Reservoir watershed. He said there are detention ponds and sand filters on-site. Mr. Schmitz said there is a full erosion control plan and a similar plan was approved in December by Inland Wetlands but was revised a few weeks ago and approved by the IWWC. He said the revised plan involved reducing parking and the building size. He said all utilities are available close to the property. Mr. Schmitz said there is an existing easement to the sanitary sewer across the Hilton Garden Property heading to the east. Mr. Schmitz explained that when Hilton Gardens Inn was constructed and the sewer line constructed, they conveyed their portion of the sanitary sewer line. He said what wasn't conveyed was a portion of the easement that is on the subject property. Mr. Schmitz said prior to the Applicant's connection, that piece will be conveyed and put on the Land Records.

Mr. Schmitz said when Hilton Gardens constructed the driveway, there was an original driveway proposed, it was widened slightly outside the easement. He said a sliver of the driveway is on Hilton Garden's property and there is no easement which will have to be acquired. He said there is also a site line easement from the northwest corner to the driveway. He said this easement only shows up on the original sub-division map. Mr. Schmitz said the Applicant is trying to respect the site line easement by not putting in any obstructions (i.e., trees). Ms. Hand thanked the Applicant for co-operating and noted her comments were all addressed. She said the applicant pulled the parking away from the future access way as requested. She said the landscaping shows more perimeter trees by the parking lot but her recommended condition for next month would be to install low-lying trees around the front and a sand filter. She said the status of the easement needs to be addressed because it is vague.

Public Comment – 10:48 p.m.

Thomas Primrose said his interest was in the Right-Of-Way and the larger 50 acre lot in the rear and a sewer trunk line. He said he wants to ensure that before there is building, there is enough capacity because the property is parallel to the Muddy River. Ms. Hand said she was looking for a status on the representation on the easement and said this easement allows for this property to have certain rights over this. Mr. Primrose said if a road is built, he would like to see it functional. Mr. Schmitz said the easement today is for utilities and access.

Chair Seichter entertained a motion to continue the application to the May 13, 2019 PZC meeting.

Mr. Fitzsimmons: Motion to continue this application to the May 13, 2019 PZC Meeting.

Mr. Kohan: Second

Vote: Unanimous

CONTINUED TO MAY 13, 2019 PZC MEETING

RECEIPT AND ACTION REQUESTED

6. Site Plan (electric vehicle charging station with associated equipment pad)/SAI Group on behalf of Electrify America/844 North Colony Rd - #205-19

Mr. Matarazzo noted all correspondence into the record: Inter-Departmental Referral received March 22, 2019 from the Fire Marshal; Correspondence from Kacie Hand, Town Planner, dated March 28, 2019 to SAI Group; Project Description Narrative; Email from Rebecca Sharp to Kacie Hand, Town Planner dated March 21, 2019; Inter-Departmental Referral dated April 8, 2019 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions; Correspondence from Thomas Hector, Project Engineer SAI Group to Kacie Hand, Town Planner, dated March 29, 2019; Email from Thomas Hector, SAI Group, dated April 3, 2019, to Kacie Hand, Town Planner.

Appearing in front of the PZC was Joe Ouellette, Project Manager, SAI Group and Frank Grant, Project and Site Manager for Electrify America, East Coast. Mr. Ouellette told the Commission the intent of this application is to install four charging dispensing units at Wal-Mart, 844 N. Colony Road. He said Wallingford Electric Division will bring in new transformers on-site to power the charging cabinets and dispensing units in the parking area.

Ms. Hand said her concern/question is about the appropriateness of the location and the impact to the functioning of the Wal-Mart site. She said she has strong objections of the equipment in the parking lot and what is an accessory use. She said she is a big component of electric cars but she needs to ensure it is responsibly located and designed from a zoning standpoint. Ms. Hand said the circulation is awkward for vehicles to access this charging station. She said the support structures and mechanicals would be in the middle of the Wal-Mart parking lot. Ms. Hand said understanding the trip generation and site circulation impact is critical. She said if these charging stations were in the back corner of the Wal-Mart parking lot, she would be less concerned. Ms. Hand said this main road that runs through Wal-Mart is very busy and to throw in another component is concerning and uncomfortable.

Mr. Ouellette said the intent of Wal-Mart to be a major partner in this program that Electrify America is putting on across the country. He said they are under extreme pressure and we are trying to help them out from the 2015 emissions scandal. Mr. Ouellette said Wal-Mart saw this as a big opportunity to partner and lease some of their outdoor space. Ms. Hand said this is nice for Wal-Mart but is not what the Town is interested in. She said where this would be located is a one-way drive. Chair Seichter said he agreed with Ms. Hand noting this is the box that Wal-Mart is pushing, but not one that we like. He noted the building to house the equipment will be an 8 ft. high enclosure right in the beginning of the parking lot and very visible. He said he didn't believe this was an appropriate place to locate this. Mr. Ouellette asked if there was specific codes to reference to let the Applicant know, or did the PZC feel this was not appropriate.

Ms. Hand said as located this seems not to be accessory especially if it has to be in this prime spot. Mr. Allinson asked if the PZC had to determine if this was an appropriate accessory use or not or this is an appropriate accessory use, but we don't like the location. Ms. Hand said her position is the PZC is making a determination about whether or not this is an accessory use and what goes along with that is where they are proposing to do this and how. She said this isn't an accessory anymore because it is functioning as a primary use. She said demand would also be helpful in determining whether this is an accessory use. She said location would be a factor. Mr. Ouellette noted a lot of the vehicle's we are working on the infrastructure for are not typically on the road yet. He said right now we are setting the groundwork. Mr. Fitzsimmons said he disagreed with the Town Planner regarding BJ's in Wallingford which went in and then requested the gas station. He said he sees this as an accessory use somewhere on the Wal-Mart site, but not where the Applicant wants to put it. Mr. Fitzsimmons said there is definitely room on the site but it has to have a more thoughtful flow. Ms. Hand noted gas stations are typically called out as a standard use.

Mr. Matarazzo said he believed the location was absolutely the wrong spot and couldn't see it being functional. He suggested moving it further to the south side of the parking lot. Mr. Ouellette said the aspect is the site house and Wallingford Electric Division and the south side of the parking lot is not available for capacity and almost makes the project cost prohibitive. He said the deadline for the EPA is June 30 and this may be thrown out the window and may end up moving out of the site and out of Wallingford. Chair Seichter said there may be options of speaking to Wallingford Electric to see what options there may be. Mr. Hine said he sees the two issues as being separate: one is the location, and the other is whether this is an accessory use. Mr. Hine said with respect to accessory use, he believes if Wal-Mart decides this is a service they want to provide as part of the overall retail experience, based upon some of our prior rulings, this would qualify as an accessory use and didn't believe this was the same as a gas station and has a much smaller footprint with no underground tanks and the technology is different.

Mr. Hine said he agreed these cars can't be charged in five to 10 minutes and Wal-Mart is interested because they know the person will go in the store and shop. He said with respect to location, it may not be ideal. He asked if a car is coming to charge, would they pull into one of the existing spaces or would the spaces have to be reconfigured. Mr. Ouellette said the spaces would be reconfigured but only the spaces being touched by the dispensing units and processing equipment.

Mr. Hine said the concern would be people going directly to the spot where the charging is located and forgetting the particular flow. Ms. Hand said if this was in a back corner it would be awkward, because that particular aisle would be blocked. Mr. Kohan said the biggest problem is the underground electric service and asked if there could be capacity from the N. Main St. Ext. side. He noted that Wal-Mart could choose between their outdoor storage or for electric charging. Mr. Kohan asked if there was a charge to use this. Mr. Grant said there would be a permitted charge. Mr. Kohan said the way that Wal-Mart is leasing this and not collecting money would not be an accessory use. Chair Seichter said he agreed with

Mr. Kohan on how this is being operated and as far as being an accessory use at Wal-Mart, the space is being leased out and when this is being lease out on the property he is not sure this is an accessory use. He said the location based on feedback from the Commission, is not desirable. He said it would be benefit for Mr. Ouellette and Mr. Grant to go back to their client.

Mr. Fitzsimmons: Motion to continue this application for an Electric Vehicle Charging Station for SAI Group on behalf of Electrify America to the May 13, 2019 PZC meeting.

Mr. Kohan: Second

Vote: Unanimous

CONTINUED TO THE MAY 13, 2019 PZC MEETING

8-24

7. Water Main Replacement Projects

Mr. Matarazzo noted all correspondence into the record: Correspondence from Seth Lentz Engineering/Planner, to the PZC dated March 20, 2019.

Ms. Hand noted this is a CT General Statue 8-24 referral. She noted any type of improvement requires approval by the PZC for their review and the Commission can recommend approval or denial to the Town Council and is in regards to water mains.

Mr. Fitzsimmons: Motion to approve our review of the water main replacement projects as submitted by the Wallingford Water and Sewer Divisions.

Mr. Kohan: Second

Vote: Allinson- yes; Matarazzo – yes; Kohan-yes; Fitzsimmons – yes; Chair Seichter - yes

BOND RELEASES AND REDUCTIONS

8. Subdivision/P. DiNatale/605 North Elm Street – 101-17

Ms. Hand said this is not ready to be released.

REPORTS OF OFFICERS AND STAFF

9. Administrative Approvals

a. Survey Waiver/G. Moffat/161 Cook Hill Road - **#801-19**

b. Site Plan/S Torre for Nucor Steel/35 Toelles Road -**#206-19**

10. ZBA Decisions of March 19, 2019

Ms. Hand said everything was approved including a Special Exception for a daycare extension in the IX Zone at 3 Technology Drive, and Open Space reduction for Davenport Associates from 50% to 45%.

11.ZBA Notice for April 15, 2019

Ms. Hand said the agenda includes a request for a height variance for light poles at Pragemann Park; a Special Exception for a garage and an application which involves many variances to expand the garage further which is being opposed by the Planning Dept.

12.Zoning Enforcement Log

Ms. Hand said she closed out the old violations on the Tractor Supply site. Ms. Hand noted the lighting regulations for LED which she is still preparing. She mentioned the New Ethics Code Ordinance, everyone is required on all Commissions and Board to attend and is scheduled for June 6, 2019 at 6:30 p.m. She said the session will be videotaped for viewing.

ADJOURNMENT

Mr. Fitzsimmons made a motion to adjourn the meeting at 11:32 p.m. Mr. Kohan seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary