

Wallingford Planning & Zoning Commission

Monday, May 13, 2019

7:00 p.m.

Robert F. Parisi Council Chambers

Town Hall – 45 South Main Street

MINUTES

PRESENT: Chair James Seichter; Vice-Chair J.P. Venoit (arrived at 7:10 p.m.), Commissioners Jeffrey Kohan; James Fitzsimmons; Rocco Matarazzo, Secretary; James Hine & Steve Allinson; Kacie Hand, Town Planner.

Called the Meeting to order at 7:04 p.m. and the Pledge of Allegiance was recited.

Approval of Minutes – April 8, 2019

Mr. Fitzsimmons: Motion to approve the Minutes of April 8, 2019 as submitted

Mr. Kohan: Second

Vote: Unanimous

Chair Seichter announced that under “Public Hearings”, Item #2 = Special Permit (electric vehicle charging station with associated equipment pad)/SAI Group - **#404-19 – HAS BEEN TABLED**

PUBLIC HEARINGS

1. Special Permit (Location of Use)/M. Moreno/1254 Old Colony Road, Unit 2 - **#403-19**.

Mr. Matarazzo noted all correspondence into the record: Correspondence from Michael Moreno to Kacie Hand, Town Planner, dated April 23, 2019; Inter-Departmental Referral received May 1, 2019 from the Deputy Fire Marshal; Inter-Office Memorandum dated May 8, 2019 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, to Kacie Hand, Town Planner.

Chair Seichter announced Commissioner Hine would be voting in place of Vice-Chair Venoit on this application until he arrived at the meeting, with the exception of Shields Hotel where Mr. Allinson would be voting

Appearing in front of the PZC was Atty. Joseph Serrantino, representing the Applicant, Michael Moreno.

Atty. Serrantino told the PZE this application involves a 10,798 sq. ft. building; currently zoned T-30 with seven units in the building, but the unit for the Special Permit is Unit #2, which is approximately 1,500 sq. ft. with two floors. Atty. Serrantino said the lower level of the unit is being used for tool storage and the upper level is being used for personal office space and record keeping. He said the Special Permit is requesting approval so Unit #2 can be used as a home-based location for a CT Automobile Dealer's License for a CT Vehicle export business to be called Casey Export, LLC. Atty. Serrantino said the location will be used solely used for record keeping only for this business and will not be used to store or repair vehicles. Atty. Serrantino said this is the first step in obtaining a CT Dealer's License.

Ms. Hand noted that when this was converted from the plaza it was before into the Contractor storage it is now, one of the comments made by the previous Town Planner was that there wasn't enough parking on the site so a Dealer and Repairer's use wouldn't be allowed. She said this is acceptable now because there will be no sales or repairs on site because of limited parking.

Public Comment: None

Mr. Fitzsimmons: Motion to close the Public Hearing at 7:11p.m.

Mr. Kohan: Second

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

Chair Seichter entertained a motion on the application.

Mr. Fitzsimmons: Motion to approve a Special Permit (Location of Use) for Moreno to allow office use only in association with an automotive dealers' license at 1254 Old Colony Road, Unit 2, as shown on previously approved Site Plans (no site changes proposed) entitled: "Site Layout Plan, Map Depicting Land N/F 1254 Old Colony Road (Conn. Route 71), Wallingford, CT" dated December 3, 2010, revised to 1-26-11, subject to:

- 1. To be used for office use only; no vehicles to be stored or kept on-site except for the parking of personal vehicles of people working in the office; no repair or sales of vehicles to occur on-site;**
- 2. Conditions outlined in a letter received dated 4-5-19 from the Serrantino Law Firm addressed to the Planning & Zoning Commission;**
- 3. Comments of the Town of Wallingford Fire Marshal dated April 30, 2019;**
- 4. Comments of the Town of Wallingford Water and Sewer Sr. Engineer dated May 8, 2019.**

Mr. Kohan: Second

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

Chair Seichter announced Vice-Chair Venoit would now be voting on the rest of the applications upon his arrival at the Meeting at 7:10 p.m.

2. Special Permit (electric vehicle charging station with associated equipment pad)/SAI Group for Electrify America/844 North Colony Road (Wal-Mart) - **#404-19 - TABLED**

OLD BUSINESS

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

Mr. Matarazzo noted all correspondence into the record: Memo from Janis Small, Corporation Counsel dated April 25, 2019, to Kacie Hand, Town Planner; Memo from Kacie Hand, Town Planner, to Janis Small, Corporation Counsel; Email from Kacie Hand, Town Planner, to Vincenzo DiNatale, dated May 8, 2019; Inter-Department Referral dated Feb. 8, 2019 from the Fire Marshal; Inter-Departmental Referral dated Feb 8, 2019 from the Director of Health; Kacie Hand Town Planner; Correspondence dated Jan. 22, 2008 signed by Assist. Town Planner; Inter-Office Memo dated March 29, 2019 from Erik Kruger, Sr. Engineer, Water and Sewer Divisions; correspondence dated April 4, 2019 and history and overview of the property; Correspondence dated April 5, 2019; Inter-Departmental Referral dated Feb. 8, 2019, signed by the Fire Marshal; Inter-Departmental Referral dated Feb. 8, 2019 signed by the Health Director; Correspondence dated March 28, 2019 signed by Kacie Hand, Town Planner; Correspondence re: Variance #08-005 dated Jan. 22, 2008 signed by Assist. Town Planner; Inter-Office Memorandum from Erik Krueger, Sr. Engineer Water and Sewer Division dated March 29, 2019 to Kacie Hand, Town Planner; Correspondence dated April 3, 2019, referencing the history and overview of the property and the Association; Correspondence dated April 5, 2019 to the PZC from J. Fishbein.

Appearing in front of the PZC was: Vincenzo DiNatale, representing the property owner; John Walworth, Land Use Consultant and Steve Lazarus, Licensed Architect.

Ms. Hand said the application is to convert the upper story of the existing building which is currently office, into residential units. She said there is an underlying question of how the parking requirement applies to this particular proposal. She said the new Regulations adopted in 2017 for the Town Center require that when a new residential unit proposed, the site be brought into compliance with the new parking requirements. She said in addition to the building which is subject of this application, which is 350 Center Street, at some point in time the J. Christian Building and the Fishbein were all condoed together on one piece of property.

Ms. Hand noted that said under zoning, we look at a property, not individual buildings. Ms .Hand said there were some previously approved variances, one of which is associated with the parking at J. Christian's. She said the Applicant's position is this variance should still apply. Ms. Hand noted there were 31 required parking spaces for J. Christian's Restaurant and they represented they had six parking spaces available to them. Ms. Hand said the position here is that only six parking spaces should be included in the parking calculation for the site. Ms. Hand said the new Regulations state that if one adds a residential unit, one is required to comply entirely with the new parking Regulations. Ms. Hand said the other question is since this application is a variance, how does that apply. She noted that when a variance is approved, it is based on exactly the combination of uses at the time. Ms. Hand pointed out

this proposal would have a combination of uses, so it would change what was approved under the previous variance combination.

Ms. Hand told the PZC that the question is whether or not the Applicant has to apply the entire parking calculation including the parking calculation for that entire restaurant or not. She said the intention was that the parking requirement is being reduced to better account for the fact there is on-street parking; public parking and shared parking. She said the intention is that if residential units are being added because parking demands for residential units are different from a lot of other types of units, there has to be some parking for those units. Ms. Hand said Atty. Janis Small rendered an opinion. Ms. Hand read a portion of the letter into the record. Ms. Hand said if the proposal moves forward, there needs to be assurances from the Applicant that this variance is void. She said the parking has to be in full compliance with today's Regulations. She said a Special Permit option or public parking option would have to be used. Ms. Hand said this is achievable.

Mr. DiNatale thanked Ms. Hand and noted this is a complex site. He said he believes her analysis is correct. Mr. DiNatale said there are three units which exist in the condo association, one of them being J. Christian and the second unit is the subject of this application with the other variances. Mr. DiNatale said these variances probably aren't compatible with his vision. He said he wanted to discuss the variance for #9 North Main Street which was granted in 2008. Mr. Walworth said he believed this was a straightforward application and fell within Section 4.26F2 which was a change of use with an existing foot print. He said there is no way to have shared parking and come down to six spaces. He said without the variance, not a lot can be done.

Ms. Hand stated mostly everyone was there when these Regulations were approved and stated she remembered clearly on how to address the increase in numbers of residential units. She said the conversation was that increases in residential units present their own parking demand. Ms. Hand said this was a specific decision and intentional that the increase in residential units was added in and had to reach full compliance with parking requirements.

Ms. Hand spoke about the fees in lieu of parking option which she said applies to 65 percent of the parking requirements. She said the parking requirement with the inclusion of the restaurant would go to 72 spaces with a maximum of 81 spaces with 62 parking spaces provided. Mr. DiNatale said there is a variance with the J. Christian building he hoped the PZC would recognize noting that nothing has changed there. Ms. Hand thanked Mr. DiNatale for his cooperation during this application process.

Mr. Fitzsimmons noted the variance issued for J. Christian's is the issue and this application only works for this variance. Ms. Hand said the Site Plan only works for this application. Mr. Fitzsimmons said the application is for a Change of Use and the question is this is Change of Use without a Special Permit or with a Special Permit which would require more requirements. He said residential units need full dedicated parking. Ms. Hand said it isn't dedicated per se but whether they are dedicated or not, in practice, they need to be there. Mr. Fitzsimmons said he likes the plan, but wonders whether this can be done as a Site Plan or a Special Permit. He said this is a conflict because of the issue.

Mr. Lazarus disagreed noting the future is important and is part of this discussion. He said the Applicant is looking forward to what the downtown will become. He said the condo association was formed to include J. Christian in this property. Mr. Lazarus said we can do this project, do the minimum and put some apartments on the second floor of the "old Town Hall". Mr. Matarazzo asked Ms. Hand if the temporary parking in the back would come into play. Ms. Hand said the parking requirements are substantially lower in this part of Town. She said there is public parking available, but no one can claim the public parking as part of meeting the requirements.

Mr. Kohan said some correspondence wasn't read into the record but was left over (noted into the record above).

Mr. Hine said this couldn't be the first time a pre-existing variance has come up and a Change of Use being sought. Ms. Hand said since she has been here, there has never been a change in the parking requirements. She said a variance is usually for a particular use. She said parking variances are rare except for Town Center. Ms. Hand said this was a good question, but didn't know if she had an answer for Mr. Hine.

Mr. Hine wondered if the pre-existing variances carry on in effect despite the Change of Use. Ms. Hand said she would direct Mr. Hine to Corporation Counsel Janis Small. Mr. Hine noted a lot of what Atty. Small said in her letter made sense, but pointed out there were no citations. He said there must be precedence. Mr. Hine said a change in the parking requirements to him, are a red herring. He noted it doesn't seem to be a question to him that the new parking requirements would apply, but whether the pre-existing variances continue in effect.

Ms. Hand said part of question that was raised was of whether the new parking requirements apply. She said part of the question raised is whether the variance supersedes the parking Regulations. Ms. Hand pointed out the way the Regulation was written which we didn't have previously, is that the parking has to be brought entirely in compliance. She said there has never been a Regulation where uses could be interchanged within the existing footprint regardless of the parking requirement. Ms. Hand said ultimately, it is up to the PZC to decide the intent of the Regulation. Ms. Hand said there is also the question of how the variance applies. She said there are different arguments which could be made about this. She noted variances run with the land, but are also based on the exact set of circumstances under which they are approved.

Commissioner Hine asked the Applicant if the PZC decided the prior variances were invalid because of the Change of Use, would they agree the new parking regulations would apply. Mr. DiNatale said he intends to comply with the new parking requirements in this zone. He said he expected the Town to recognize the J. Christian property independently. He said the variance was granted to the individual, not the Association. He said he always envisioned this as independent property. He said he and Ms. Hand developed the spreadsheet with two units: the Fishbein Building and 350 and looked at the analysis and noted the Fishbein Building never had a variance, let's just look at the parking requirements, and develop the analysis, and in this analysis and the new Regulations, we have 56 spaces

available and 55.2 are required so we are at complete compliance. Mr. DiNatale pointed out that when they went from office to residential, the parking requirements decreased; the second floor, which is approximately 9,400 sq. ft., the parking requirements drop by six to seven spaces. He said this is also added that the use is being reduced. He said he never expected this to be included because he thought this was independent: the Association wasn't named on the variance. He said he has a vision and is looking ahead to adjacent properties and want to merge. He said this was always envisioned this as an independent property, noting that 350 Center Street has two variances: one for Café Ra and one that was never used.

Mr. DiNatale said the compatibility doesn't include the variance for Café Ra. He said for Café Ra that is in 350 Center Street, no consideration was taken for any variance and took that property as stand-alone with the parking rights it had and are in full compliance. He said when he looks to merge properties and work with the neighbors as the Regulations promote, a different analysis would be taken: by utilizing the bike paths, the public parking and designate a border which could be merged with adjacent property.

Mr. Hine said it seems the Applicant doesn't want the J. Christian property included in this calculation. Mr. DiNatale said this was correct. Mr. Walworth noted when the Applicant went in front of the ZBA for the variance for 100 spaces which is formally being dropped tonight (the request), the Tremini, J. Christian's property wasn't part of that calculation.

Mr. Fitzsimmons noted the variance was granted in name to J. Christian's and not to the Condo Association, and this is part of the problem. He said he would like this to move forward as a Change of Use/Site Plan and to allow the Applicant to proceed as submitted with the understanding that further development in this site has to conform. Mr. Fitzsimmons said it makes sense to move forward based on

the comments of Mr. DiNatale, noting that residential use has less parking than office space and the numbers don't lie. He asked Ms. Hand if there is enough information to move forward in this direction.

He said he noted this application was dated several months ago. Ms. Hand said if this will just be a Change of Use she has no problem with this moving forward.

Mr. Fitzsimmons requested moving forward as a straight Change of Use with the condition to include the caveat that all future development on the site would have to conform. Chair Seichter said he is looking at comments made by Ms. Hand and the Corporation Counsel who is looking at this as J. Christian not an independent site but as one of the three properties that make up the Condominium Association. He said he understood the variance but agreed with the Town Planner there are options available to the Applicant to make the parking compliant.

Mr. Matarazzo said he would support Mr. Fitzsimmons recommendations. Vice-Chair Venoit also agreed with Mr. Fitzsimmons as well as did Mr. Kohan. Ms. Hand said she didn't believe the PZC could

make it a Condition of Approval that the Applicant comply in the future. She said if the decision is made the variances stand as is, this has to be the decision. She said she would consult with Atty. Small. Mr. Walworth said there are two variances: one for Café Ra and one for J. Christians. Ms. Hand said she believed the decision was made to void the other two variances.

Mr. Lazarus went over the Site Plan stating he is trying to get apartments on the second floor of the “old Town Hall”. He said elevators are expensive so when the DiNatale’s obtained this building, they got elevators. Mr. Lazarus said the elevator changes the way the building code affects the building. He said every one of the 10 apartments are in compliance. He said there are a total of 10 apartments, six of the ten are two-bedroom and one is handicap accessible. Mr. DiNatale said the second floor is currently occupied by a business.

Chair Seichter noted the parking lot is in disrepair and asked if the parking lot and fence would be improved noting this property is being changed to residential. Mr. DiNatale said this is a unique building, is aging and the first step has been taken. He said he has a vision for better traffic flow by using curb cuts. Mr. DiNatale said he envisions a new parking layout. Mr. Fitzsimmons said the site abuts the Town-owned Wooding Caplan lot which is not in good condition and pointed out when one starts improving property, others follow. Mr. Walworth noted Phase 2 will be a retail infill proposed in a few months and there will be the combined joining of 382 with 350 and there will be additional parking and a circulation plan. Phase 3 will be the addition of a four story building, residential over retail on a corner offering a nice view of Wallingford, as one enters to the east.

Public Comment:

Jack McGuire 373 Center Street said he was very excited about this project and this was long overdue. He said this is a great project and is looking forward to what is going to happen in the downtown area in the future.

Chair Seichter entertained a motion on the application.

Mr. Fitzsimmons: Motion to approve a Change of Use for DiNatale, to convert use of entire second story of building from office to ten (10) residential units without any site changes/improvements, as shown on plans entitled “Property Survey, Land of Town Centre Condominium, 350 Center Street, Wallingford, CT”, dated 11/19/05, revised to 11/28/18, and as further revised by the Applicant, subject to:

- 1. Comments of the Wallingford Town Planner dated March 28, 2019;**
- 2. Comments of the Town of Wallingford Fire Marshal dated March 12, 2019;**
- 3. Comments of the Town of Wallingford Water and Sewer Sr. Engineer dated March 29, 2019**

Mr. Kohan: Second

Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Matarazzo – yes; Chair Seichter – NO

4. Site Plan (65,424 sq. ft. hotel)/Shields Hotels/1185 Barnes Road - #209-19

Secretary Matarazzo noted all correspondence into the record: Email from John Schmitz, BL Companies dated April 19, 2019, to Kacie Hand, Town Planner; Landscape Plan/Sketch dated 5/10/19; Correspondence/Declaration of future roadway dedication dated May 2019; landscaping references.

Chair Seichter reiterated that Mr. Allinson would be voting in place of Vice-Chair Venoit on this application

Appearing in front of the PZC was John Schmitz, Civil Engineer, Project Manager, BL Companies, representing Shields Hotels. He said a few options were outstanding noting that Atty. Dennis Ceneviva was retained by the Applicant Shields Hotels. He said the Applicant understands the future access road to the rear parcel. He said the Applicant also understands that future development to the rear of the property would require an access road.

Mr. Schmitz said the Applicant also has worked with staff to develop additional landscaping along the front of the site. He pointed out from the existing driveway to the west towards I-91, there is an existing site line easement which restricts the amount of landscaping that can be installed without blocking the site line so there are no trees directly up against the road. Mr. Schmitz said an exhibit and plan was developed to install low-growing shrubs to better hide and screen the sand filter which is located along the front of the property. He distributed a colored exhibit of what the plantings would look like. Mr. Schmitz said these plantings would be interspersed between the Right-Of-Way and the sand filter to provide additional screening. He said the shrubs wouldn't grow more than four to five feet and be underneath the site line. Mr. Schmitz also provided a colored rendering showing the architecture noting the hotel would be a Towneplace Suites by Marriott.

Ms. Hand commented the other outstanding issue besides the landscaping was the easement. She noted there was an access easement from the subject property to the property to the rear. Ms. Hand said there needs to be clarification on what this easement states what can and can't happen. She said there is a Regulation which states no more than two properties can access off of a driveway and noted that if the rear property would get developed and utilize that access, it would probably necessitate the construction of a Town-standard road to be deeded to the Town. She said this easement was reached privately but wanted to make sure it was clear to everyone involved, what could or couldn't happen there. She said this is the only access to this piece directly. Ms. Hand said she would prefer access from Rt. 68. Ms. Hand stated the Applicant has agreed the easement allows the construction of a Town standard road which could potentially be deeded to the Town. Mr. Schmitz said he recalled Atty. Ceneviva said the easement document would have to be updated and recorded.

Mr. Allinson recalled that at the last meeting's presentation, there was discussion about whether the hotel would have a restaurant or bar establishment, and believed the representation was no. He said he just wanted to make sure this is still correct. Mr. Schmitz said this was correct. Chair Seichter asked

about the landscape plan, noting that in the sand filter, there are four boxes in there but are not completely closed. Mr. Schmitz said there are dash lines shown on the plan which are underdrains.

Public Comment - None

Chair Seichter entertained a motion on the application.

Mr. Fitzsimmons: Motion to approve a Site Plan for Shield Hotels to construct a 120-room hotel at 1175 Barnes Road, as shown on plans entitled: “Land Development Plans For Planning & Zoning Commission Application for Proposed Hotel Development, 1175 Barnes Road (CT Route 68), Wallingford, CT” dated March 8, 2019, revised to April 3, 2019, subject to:

- 1. Language/declaration acceptable to the Law Department and the Town Planner to be filed on the land records, clarifying the status of the access easement over the property as it pertains to the possibility of construction of a town-standard road and conveyance of said road to the Town of Wallingford in accordance with the Town’s requirements for road acceptance;**
- 2. Landscaping additions to be implemented and shown on plans as discussed on the record tonight;**
- 3. Comments of the Town of Wallingford Town Planner dated March 27, 2019, and Applicant’s response dated April 3, 2019;**
- 4. Comments of the Town of Wallingford Water and Sewer Sr. Engineer dated April 5, 2019.**

Mr. Kohan: Second

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

NEW BUSINESS

- 5. Site Plan (soccer field reconstruction)/Choate Rosemary Hall/55 North Elm Street – #212-19**

Mr. Matarazzo noted all correspondence into the record: Correspondence from Kacie Hand, Town Planner, dated April 18, 2019 to Choate Rosemary Hall; Correspondence dated April 15, 2019 from Robb Champlin, Clark Companies, to Kacie Hand, Town Planner; Inter-Office Memorandum received May 1, 2019 from the Deputy Fire Marshal; Correspondence from Tim Catella, Clark Companies, dated April 30, 2019, to Kacie Hand, Town Planner.

Appearing in front of the PZC was: Walter Schaeffler CFO, Choate Rosemary Hall, Robb Champlin Project Manager Clark Companies, and Michael Mahoney, Musco Lighting.

Mr. Champlin went over the Site Plan. He said there is an existing soccer field with a natural grass surface. He said the soil is heavy clay and with the recent rains the playing field is unusable. He said his company was contracted to install synthetic turf surface which is laid over a porous eight inch stone base which allows the water to go down into the field instead of flowing across.

Mr. Champlin said the field has a few drains that have a pipe sticking out to the wetlands which has created wash and channelized flow. He said his plan is to intercept this and redirect the flow to correct some of the erosion issues. Mr. Champlin said the site will be accessed on the existing road access by installing a gravel road to a future building pad. He said the gravel road will have its own drainage system with a small storm water retention pond. Mr. Champlin said the plans are to install sport lighting.

Mr. Schaeffler said the field lighting is intended to create a safer, playable field. He said there was difficulty last fall with a playable surface given environmental conditions on the field. He said he didn't see any additional traffic resulting from this project. Mr. Schaeffler said the lighting will provide additional training and playing opportunities. Ms. Hand said all of her comments were addressed. She noted one issue was regarding the existing outfalls that were installed. She said she spoke with some Town Departments regarding her question of using the field and impacts. Ms. Hand said she received positive responses. Ms. Hand said the lighting is the subject of a variance by the Zoning Board of Appeals, because of the height (70 ft.). Ms. Hand said the Fire Marshal's office had additional comments and questions regarding the enclosed space and the bleacher area.

Mr. Schaeffler said the intention over time is to update or renovate the bleacher seating. He said the bleachers, after being inspected by a licensed engineer would be to either put in temporary bleacher or to install new ones.

Mr. Mahoney, Musco Lighting, said there will be four 70 ft. poles just off the top of the penalty box area and each of those poles would have eight 1500 watt LED fixtures that will be full cut-off and zero up-light. He went over the lighting plan. Ms. Hand noted that generally, all of her comments were addressed. She discussed the existing outfalls on site that were installed and said she was pleased these were being modified.

Ms. Hand said she also spoke with other Town Departments regarding the use of the field and potential impacts. She said she received positive responses. Ms. Hand noted the lighting is the subject of a variance that is on next week's ZBA's agenda because of the height. Ms. Hand noted the PZC have approved this at other Town fields. Mr. Champlin said the lights will be a 70 ft. tower.

Ms. Hand said the Fire Marshal had additional comments and questions regarding the space being enclosed and fenced-in. Mr. Champlin said the gateways depicted on the drawing for the enclosed space may have appeared they open in one direction, he said the gates will be able to open outward. He said the intent over time with the older existing on-site bleachers would be to have updated renovated seating which would be inspected by a licensed engineer; bringing them up to current specifications; tearing out the bleachers entirely or potentially installing portable bleachers that would seat up to 100 persons or less. Ms. Hand recommended to the PZC approval by the Fire Marshal's office, prior to construction.

Ms. Hand spoke about the scoreboard, noting that because there is a current moratorium on LED signage and electronic signage and a possible move to prohibit these signs, she said she will recommend

that the PZC exempt from signage Regulation, signage that is not visible from a Town road or from another property. Ms. Hand said the other option is to reuse the existing sign or construct the supports. Ms. Hand noted there is a large amount of material that needs to be excavated. She said she believed the intention was to keep the material elsewhere on campus. Ms. Hand asked where this excavated material would be going and what would be its intention. Mr. Schaeffler said the first option would be to move the material across the street to be used for a future softball field. He said another option would be to grade it into a long block and use it for erosion control. He said as a backup, if there was too much material, Choate would look to use the fields by the fire tower.

Mr. Kohan noted the health concerns of turf fields especially the cushioning material. Mr. Champlin showed a sample of the turf material polyethylene grass blades which encase the rubber infill. He said the backing is solid with no punch holes so there would be no migration. Mr. Champlin spoke about the crumb rubber used, noting there has been dozens of studies referenced by the State of CT. Dept. of Health. He said he believes this is still the safest product on the market from an environmental and players standpoint. He said this product has been made to replicate natural grass without being muddy and slippery.

Andrew Dyjak of Field turf, pointed out the State Dept. of Health has stated there is no issue with crumb rubber. He said there have been studies with liquid rain water going into the turf system and coming out of it, and noted the water comes out cleaner because it acts like a filter. Mr. Dyjak said the State also looked into off gassing noting that running on an urban and suburban road has more carcinogens than playing on a turf field. He also spoke about ingestion noting there is no cause for concern and pointed out there is no off gassing or migration or no impact to the water quality. He said from his prospective this is safe and the State agrees. Ms. Hand noted two similar type fields have been installed at both high schools.

Public Comment-None

Chair Seichter entertained a motion on the application.

Mr. Champlin noted the existing light poles are 80 ft. and this is what the variance states.

Mr. Fitzsimmons: Motion to approve a Site Plan for Choate Rosemary Hall to construct an artificial turf athletic field in the location of an existing natural grass athletic field at 55 North Elm Street, as shown on plans entitled "Choate Rosemary Hall, 333 Christian Street, Wallingford, CT, Soccer Field, March 2019, Proposed Field Reconstruction", dated 3/15/19, revised to 4/2/19, subject to:

- 1. Comments of the Town of Wallingford Town Planner dated April 18, 2019, and the Applicant's response dated April 30, 2019;**
- 2. Conditions and Comments of the Town of Wallingford Fire Marshal dated 4/10/19;**
- 3. Final review and review of final plans prior to construction as it pertains to site access and spectator seating by the Town of Wallingford Fire Marshal**

Mr. Kohan: Second

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

4. Site Plan Modification (parking, circulation & landscaping) Wave Car Wash III LLC/968 Yale Avenue - #211-19

Mr. Matarazzo noted all correspondence into the record: Correspondence dated May 1, 2019 from Kacie Hand, Town Planner, to Edward Steremberg; Inter-Office Memorandum received May 8, 2019 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, to Kacie Hand, Town Planner; Inter-Office Memorandum dated May 8, 2019 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, to Kacie Hand, Town Planner.

Appearing in front of the PZC was: Edward Steremberg who went over the PZC's concern with the on-site stacking. He said he is requesting a change of direction from the current traffic flow. Chair Seichter asked how many cars could be stacked on the site without going out to Yale Avenue. Mr. Steremberg said 16 cars could be stacked; one car in front of each of the bays, and a lineup of approximately 10 cars along the entryway.

Ms. Hand noted this plan is similar to a previous plan of approximately two years ago and is similar to what the original approved queuing circulation and configuration. She noted the previous owner had changed the flow to go the other way and came in for an application to address this. Ms. Hand the new owner decided the original configuration worked better for him. Ms. Hand said pointed out in this plan, there is an added way to get back around. She said there also should be an ability to bypass traffic at a future point. She said there is a proposal for a significant landscaped island to direct traffic.

Mr. Kohan said he has never seen any stacking or queuing. He asked if the previous or current owner experienced these issues. Mr. Steremberg said he doesn't expect any issues with stacking or queuing. Mr. Kohan said the plan is very good. Ms. Hand recommended a \$1,000 S&E bond for completion of the landscaping.

Public Comment – none

Chair Seichter entertained a motion on the application.

Mr. Fitzsimmons: Motion to approve Site Plan for Wave Car Wash II, LLC. to modify the site circulation/layout/queuing at an existing car wash at 968 Yale Avenue, as shown on plans entitled "Improvement Location Survey, Existing Conditions Map and Proposed Improvements, Land N/F Wave Car Wash III, LLC, 968 Yale Avenue, Wallingford, CT" dated June 21, 2017, revised to April 25, 2019, subject to:

1. **Comments of the Town of Wallingford Town Planner dated May 1, 2019;**
2. **Applicant shall post a \$1,000 Sedimentation and Erosion Control Bond for landscaping as recommended and required by the Town Planner**

Mr. Kohan: Second

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

5. Site Plan (food truck to be used as permanent building)/Roscoe’s Traveling Smokehouse/211 South Colony Street - **#213-19**

Mr. Matarazzo noted all correspondence into the record: Correspondence from Kacie Hand, Town Planner, to Roscoe’s Traveling Smokehouse, LLC, dated May 2, 2019.

Appearing in front of the PZC was: Bernie Cermola and David Silvia. Mr. Silvia said he is seeking approval for a mobile kitchen. Mr. Cermola said this is currently not a conforming lot. He said he has come up with 1,700 sq. ft. of landscaping and has seven parking spaces. He said there will be a privacy fence around the trailer and one driveway has been removed and the other narrowed to a 24 ft. standard. Chair Seichter said the bottom line is a curb cut will be removed and landscaping will be provided. Mr. Silvia said the trailer will be 30 ft. and is self-contained so there is no need for electricity or water tanks. He said the trailer comes complete with a porch and an \$18,000 smoker.

Ms. Hand said the only requirement for storage is that it be screened from view. She said the Applicant will bring the site substantially towards compliance. She said besides the accessible parking space and one parking space, the parcel is in compliance than what previously existed. Ms. Hand said this plan accomplishes what the PZC was looking for and is a good plan.

Mr. Fitzsimmons asked for clarification on the trailer and asked if it could be moved for an event. Mr. Silvia said the trailer would be moving quite often. He said the original reason for moving into this location was to have a place for a prep site. He said there will be no vending out of the restaurant. He stated this would be used by staff when on site. Mr. Fitzsimmons said this trailer being part of the restaurant is unique. He said we have food trucks which are not part of the restaurant. Mr. Hine asked if consideration was given to store the trailer behind the building.

Mr. Silvia said this was considered noting the Fire Marshal said as long as it was stored 10 ft. behind the building there would be no issues. He noted trying to get an easement from Amtrak so the trailer could be located behind the building thus eliminating the screening. Ms. Hand said since this doesn’t comply with a mobile food truck, no food would be able to be sold at the site. She said the Applicant was able to comply with parking and storage requirements without the trailer taking up too much space. Chair Seichter said what is being presented is a significant improvement on the property and commended the Applicant.

Chair Seichter entertained a motion on the application.

Mr. Fitzsimmons: Motion to approve a Site Plan for Roscoe’s Traveling Smokehouse, to store a trailer (food truck) on-site, and use a portion of the structure as part of the existing restaurant on the site for the sole purpose of cooking food to be served in the restaurant and make associated site/parking

improvements shown on plans entitled: "Site Plan, Property of David Silvia, 211 South Colony Rd., Wallingford, CT" dated April 5, 2019, revised to May 8, 2019, subject to:

1. Comments of the Town of Wallingford Town Planner dated May 2, 2019;
2. Final landscaping plan, including tree type to be subject to Town Planner approval;
3. Applicant shall post a Sedimentation & Erosion Control Bond of \$1,500 as recommended and required by the Town of Wallingford Planning & Zoning office

Mr. Kohan: Second

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

8-24

8. Six Year Capital Budget (2019-2025)

Mr. Matarazzo noted all correspondence into the record: Correspondence from William Dickinson, Mayor dated April 8, 2019. Ms. Hand said this occurs anytime the Town spends money on public improvements and must be reviewed by the PZC. She said this would be a recommendation to the Town Council for approval. Ms. Hand said this usually involves sidewalk improvements, paving and guiderails. Mr. Kohan commented he had spoken to the Town Engineer on this issue but noted this is anticipated expenses and not cast in concrete and it looks fine.

Chair Seichter entertained a motion.

Mr. Fitzsimmons: Motion to recommend approval of the six-year Capital Budget for FY 2019 to 2025 on request of the Office of the Mayor and the Town Planner .

Mr. Kohan: Second

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

DISCUSSION

9. Determination of Use/Muddy Roots Farm/175 Northford Road

Appearing was Chris Wellington co-owner Muddy Roots Farm, requesting permission to renovate an existing dairy parlor at 175 Northford Rd into a State inspected poultry processing facility which would fall under accessory use of his main use of the space which is raising and processing 1,000 birds and a half-acre of vegetable production.

Mr. Wellington said this application is before the PZC because it is believed his business has exceeded the limits set by the slaughter exemption. Mr. Wellington noted that currently, they have to sell all their birds on a pre-order basis and slaughter 14 birds a year. He said they are already sold out for the year and this would be the first hurdle in the process as far as the USDA is concerned.

Chair Seichter asked if the birds to be slaughtered are birds to be raised on the farm. Mr. Wellington said this was correct. Ms. Hand said the question came up recently regarding accessory uses, noting this use was clear. She said the Regulations specifically state that farms are permitted, industrial agriculture is not permitted. Ms. Hand said this farm meets the definition of a permitted farm. Ms. Hand said this property is located within the watershed and if the PZC agrees this is a permitted accessory use, she still needs to speak with Water and Sewer and the Health Dept.

Mr. Allinson asked about the current customer base. Mr. Wellington noted that currently, his business can only sell to end users; he explained the customer slaughter exemption, noting that the customer takes ownership of the animal before it is slaughtered. He said this exemption would now eliminate the necessity of the pre-order system, sell cut up bird parts instead of a whole bird and allow us to sell to the same restaurants that we sell produce to and to institutions. Mr. Wellington said he didn't foresee ever coming close to 20,000 birds per year. Mr. Allinson said this sounds incidental to a farm which would be an accessory use. Mr. Kohan said this was an accessory use.

The PZC was in agreement this was an accessory use. Ms. Hand asked what the maximum use would be in the future. Mr. Wellington said it would take two to five years to get the facility up to State standards to process 10,000 birds.

8A. 8-24 Determination for the Water and Sewer Phosphorus Project

Mr. Fitzsimmons: Motion to waive Rule 5 to add the 8-24 determination for the Water and Sewer Phosphorus Removal Project.

Mr. Kohan: Second

Vote: Unanimous

Ms. Hand said the PZC gave previous approval as a Site Plan application, but there was a gray area in that this wasn't approved as an 8-24 approval. She recommended the Site Plan approval be considered as the 8-24 recommendation.

Chair Seichter entertained a motion.

Mr. Fitzsimmons; Motion based on input from the Wallingford Town Planner that the PZC treat the approval of Feb. 11 2019 for the Water and Sewer Phosphorus project to clarify that the approval of the project also serve as the PZC's recommendation of approval as referral under CT. General Statute 8-24.

Mr. Kohan: Second

Vote: Unanimous

BOND RELEASES & REDUCTIONS

10. Special Permit/LaRosa Construction/701 Center Street (Simpson Village) - **#404-06**
11. Site Plan/1070 North Farms Road, LLC/4 Northrop Industrial Park Road, West - **#209-09**
12. Site Plan/1070 North Farms Road, LLC/6 Northrop Industrial Park Road. West - **#212-10**
13. Site Plan/1070 North Farms Road, LLC/8 Northrop Industrial Park Road, West - **#206-13**

Ms. Hand recommended release of Item #10 – 701 Center Street.

Mr. Fitzsimmons: Motion to approve the bond release for Simpson Village, 701 Center Street under Special Permit #404-06, as recommended by the Town Planner and approved by the Town Engineer

Mr. Kohan: Second

Vote: Unanimous

REPORTS OF OFFICERS AND STAFF

14. Mandatory Training/Freedom of Information Act and Code of Ethics/J. Small

Ms. Hand said if a Commissioner cannot attend they should inform Atty. Small with the option of viewing a video. She said the training has been scheduled for June 6 at 6:30 p.m. in the Council Chambers and is required.

15. Administrative Approvals

- a. Survey Waiver Request/Monocchi/15 Green Street - **#802-19**
- b. Survey Waiver Request/Rodgers/18 Pomeroy Avenue - **#803-19**
- c. Change of Use/T.O.W. Dept. of Public Works/284 Washington Street - **#305-19**
- d. Site Plan/Munger Const. (for Toyota of Wallingford/859-861 North Colony Road - **#210-19**
- e. Change of Use/D/Clark/1183 Old Colony Road - **#302-19**

Ms. Hand went over the Administrative Approvals. There were no questions from the PZC.

16. ZBA Decisions of April 15, 2019

Ms. Hand said two variances were approved: one for athletic field lighting at Pragemann Park and a Special Exception was denied for a large garage at 29 Pierson which had already received some Special Exceptions.

17. ZBA Notice for May 20, 2019

Ms. Hand said the Choate Rosemary Hall light pole height will be discussed as well as Item #4 for a daycare expansion. Ms. Hand noted Item #4 which is a Special Request for a daycare at Gaylord Farm Road (summer camp) which she said is bigger than what was previously allowed.

18. Zoning Enforcement Log

Ms. Hand said Zoning Enforcement Officer Amy Torre have been working on this to make it more user friendly. She said there was also a long list of close-out items. Mr. Fitzsimmons said he has made complaints on behalf of other people regarding a number of dumpsters being placed in handicapped parking spots and aren't screened, noting he didn't see dumpsters listed as a category on the complaint log.

Ms. Hand said she will get the answer. Chair Seichter asked about the bond release from Tractor Supply noting the PZC didn't approve this. He asked if someone contacted Tractor Supply regarding the cleaning of the swale. She said she believed the Environmental Planner is looking into this. Ms. Hand said she drove by and noted it seemed the swale was getting worse instead of better. Mr. Kohan asked about outdoor dining which he said was discussed at a recent Town Council Budget Meeting. He asked if the PZC should be weighing in on this and did the PZC regulate this. Ms. Hand said she this was discussed before she came to work for the Town. Ms. Hand said the ordinance oversees outdoor dining in the public way. She said the PZC has oversight over private properties but the Ordinance allows the Town Council oversight over outdoor dining in the public Right – Of- Way. Ms. Hand noted the parking requirements now exempt outdoor dining.

Mr. Kohan said this could be discussed in the future because he believed it fell under the PZC jurisdiction for regulation. Ms. Hand said this would have to go to the Council no matter what because it is Town-owned land. She said she could explore if it would be appropriate to come before the PZC.

ADJOURNMENT

Mr. Fitz made a motion to adjourn the Meeting at 9: 30 p.m. Mr. Kohan seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary