

Wallingford Planning & Zoning Commission
Monday, November 9, 2020
Remote Meeting
MINUTES

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

Pledge of Allegiance was recited by all.

Roll Call: Present: James Fitzsimmons, Regular Member; Jeff Kohan, Regular Member; JP Venoit, Vice-Chair; Jim Seichter, Chairman; Jaime Hine, Alternate (voting for R. Matarazzo); Staff: Thomas Talbot, Planner.

Absent: Rocco Matarazzo, Secretary; Steven Allinson, Alternate; Armand Menard, Alternate.

Approval of Minutes – October 14, 2020

Commissioner Fitzsimmons: Motion to approve the Planning and Zoning Minutes of the October 14, 2020 meeting as submitted.

Commissioner Kohan: Second

Vote: Unanimous to approve

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

1. **Special Permit (Fill and Excavation)/Pfizer/21 Toelles Road #409-20** No Action Requested
3. **Zoning Text Amendment/Section 6.11.C/PZC # 901-20** No Action
4. **Zoning Text Amendment/Sections 4.9 (IX), Section 4.10 (I-5) and 4.13 (WPC) PZC, 2.1, 5.1.C, 6.1.C and 6.12.B #902-20** No Action

Chairman Seichter noted that based on our regulations, both of these applications are subject to referral to one or more of the three councils of government that Wallingford either abuts or is part of or Section 10.5 of the Wallingford Zoning Regulations and 830B of the Connecticut General Statutes that requires at least 30 days notice from the date of referral for comment or commencement of a public hearing. Last month we decided to put these items on our agenda and it's only been 25 since the last meeting. These will be heard at the December meeting.

5. **Site Plan (multi-family conversion)/J. Ostrofsky/19 North Street #214-20** No Action

PUBLIC HEARING

2. **Zoning Text Amendment/ATLAS ONE – Malton/100 Center Street (Continuation of Public Hearing) #504-20**

Commissioner Kohan noted all correspondence pertaining to this application for the record. Memorandum from Janis Small, Corporation Counsel to the Planning and Zoning Commission dated November 4, 2020.

Chairman Seichter asked Commissioner Venoit, who was not present at the last meeting if he had reviewed the materials and was comfortable sitting on this application. Commissioner Venoit stated that

he felt comfortable. Chairman Seichter confirmed that there would be five members to act on the applicant if we so choose.

Mark Bergamo of the Marcus Law Firm, 275 Branford Road, North Branford introduced Dr. Tracy Malton, the principal of the application. He explained that at the public hearing in October the Commission recommended that the applicant work with Corporation Counsel to review and revise the language to make it more acceptable. They did so. He noted that in Atty. Small's November 4th memo the proposed wording includes the definition of a Wellness Center. He read the definition. "Wellness Center: An establishment that offers services for the body and mind and includes at least two of the following: skincare services, fitness services, personal training, nutritional services, retail sales of wellness products, and state licensed/certified chiropractic or acupuncture services. Chiropractic services, as part of a wellness center, may be on the ground floor, street-facing side of the building, provided at least one additional wellness service is also available on the ground floor." Mr. Bergamo stated that the applicant can agree to this language. He noted that it is based on a definition used by another town and incorporates the items the Commission was looking for. He asked the Commission to accept the proposed language.

Commissioner Fitzsimmons noted that this amendment is a great improvement over the one proposed last month and it incorporates the changes that were requested. He stated that he supports the request and that this amendment addresses all of the concerns raised in October. He believes the first-floor street-facing issue has been addressed for just the Wellness Center.

Commissioner Kohan stated that he supports the amendment and noted that he supported the language proposed at the last meeting as well. He stated that this will be a great addition to the town center as it brings vibrancy downtown. He noted that the Commission should reconsider its restrictions on medical and dental offices at some point. They do bring people downtown, so it might be worth considering at some point.

Commissioner Hine stated that he supports the project and the amendment.

Commissioner Venoit stated that he is in favor of the project and concurs with Mr. Kohan that the Commission needs to look at the regulations with a broader view.

Chairman Seichter stated that he supports change to the regulation and reiterated that he believes that a well defined Wellness Center is appropriate on the ground floor in the Town Center District. He thanked the applicant for working with the Town Planner.

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

Commissioner Venoit: Motion to close the public hearing for Zoning Text Amendment/ATLAS ONE – Malton/100 Center Street application #504-20.

Commissioner Fitzsimmons: Second

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

Commissioner Venoit: Motion to approve application 504-20 100 Center Street, a Zoning Text Amendment for Malton to amend section 4.26.B.7 of the Wallingford Zoning Regulations to add Wellness Centers as a permitted use in the Town Center District as submitted September 11, 2020, revised November 4, 2020, effective date November 13, 2020, because a well-defined Wellness Center creates a vibrant pedestrian-friendly commercial destination that is a permitted use.

Commissioner Fitzsimmons: Second

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

The application is approved.

NEW BUSINESS

6. Site Plan (785 sq. ft. acc. apt.)/Ranciato/212 Highland Avenue #217-20

Commissioner Kohan noted all correspondence pertaining to this application for the record. Letter from Thomas Talbot, Planner to Stacey McPhearson-Ranciato, dated October 23, 2020; Interdepartmental Referral from the Fire Marshal dated October 27, 2020; Interoffice Memorandum from Erik Krueger, Senior Engineer, to Thomas Talbot, Acting Town Planner, dated November 3, 2020; Interdepartmental Referral from the Town Engineer dated October 27, 2020; letter from Thomas Talbot, Planner to Stacey McPhearson-Ranciato, dated October 30, 2020, and a set of plans received October 30, 2020.

Stacey McPhearson-Ranciato, 212 Highland Avenue, Wallingford, stated that the application is for an accessory apartment.

Mr. Talbot noted that in the initial submission the proposed accessory apartment exceeded the maximum 780 square feet. He stated that the revised plan is what was presented to the Commission and is in compliance with all portions of the zoning regulations that have to do with accessory apartments.

Commissioner Venoit: Motion to approve application 217-20 a Site Plan (780 sq. ft. acc. apt.)/Ranciato/212 Highland Avenue. Site Plan for 780 square foot accessory apartment 212 Highland Avenue as shown on plans entitled alterations and additions Ranciato McPhearson residence 212 Highland Avenue, Wallingford, CT, dated July 20, 2020, revised to October 28, 2020, with the following conditions:

- **Comments in interoffice memorandum from Erik Krueger, Senior Engineer, Water & Sewer Division to Thomas Talbot, Planner, dated October 3, 2020, and**
- **Inspection by Zoning Enforcement Officer prior to issuance of a certificate of occupancy.**

Commissioner Fitzsimmons: Second

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

The application is approved.

7. Site Plan (Manufacturing)/Old Colony Properties, LLC/1262 Old Colony Road #218-20

Commissioner Kohan noted all correspondence pertaining to this application for the record. Interdepartmental Referral from the Fire Marshal dated October 27, 2020; Memo from the Department of Engineering to the Planning and Zoning Commission, dated October 28, 2020; Letter from Thomas Talbot, Planner, to Old Colony Properties, LLC, dated October 2, 2020.

Ryan McEvoy licensed professional Engineer at Malone & MacBroom, Cheshire, CT explained that the application is for a parking lot reconfiguration at 1262 Old Colony Road. The property is currently occupied by Controlled Fluidics which specializes in the manufacturing of precision plastic components. He shared the plans for the property that is just over one acre in a T30 zone. The building is to the rear. The lot now consists of some paving and broken asphalt and is loosely connected to the property to the north. The applicant seeks to reconfigure the parking area. There are no proposed modifications to the existing use or the building. The proposal is to take the un-striped or uncontrolled parking area and redistribute spaces around the perimeter of the lot. They will also separate it from the property to the north, 1268 Old Colony Road. The plan will allow access for delivery vehicles to maneuver and provide the required 28 spaces. Mr. McEvoy reported that they are working with the DOT to set it up as an entrance only at the north of the property and an exit only at the south. He reported that based on feedback from staff, he believes the original bond from 2016 is still in place. The intent is to repave and restripe the lot as shown on the plan so no curb stops will be necessary. He noted that the Town Engineer asked about the maximum size vehicles on the property. He explained that occasionally tractor-trailers will access the loading dock on the east side. He showed the plan to allow them to move through without interacting with parking spaces. In summary, they are looking to segregate the parking from 1268 Old Colony Road, convert to one-way circulation, and reconfigure the parking spaces so they are more on the perimeter of the parking area. He also pointed out the handicapped spaces and the dumpster with fencing. He stated that some landscaping trees will be planted along the right of way along Rt.71.

Chairman Seichter noted that the Town Engineer commented on the handicapped parking. Mr. McEvoy replied that those comments were addressed by moving those spaces to be proximate to the office building. Chairman Seichter confirmed that Mr. Talbot's comments were also addressed.

Commissioner Hine asked how often tractor-trailers come on the property. Mr. McEvoy replied that the owner says approximately once a week and that they are currently accessing the property. He stated that the plan accommodates them and showed the path they would take when entering the property. Commissioner Hine asked about trucks entering from the South. Mr. McEvoy replied that they would have to extend into the opposite lane to do so because the roadway is not wide enough. He noted that they chose not to widen the driveway because it could cause a more dangerous situation. Commissioner Hine clarified that to enter from the south the trucks need to go into the opposite lane to make the turn. Mr. McEvoy concurred stating it is more a function of Rt. 71. He explained that once on the property they already do a multi-point turn to access the loading dock.

Chairman Seichter noted that the revised plans shown tonight are in the hands of the Commission members and those plans were revised as of November 4, 2020.

Commissioner Venoit: Motion to approve application 218-20, Site Plan for Old Colony Properties, for a reconfigured 28 space parking lot at 1262 Old Colony Road as shown on plans entitled Site Plan Controlled Fluidics Site Parking Improvements 1262 Old Colony Road, Route 71, Wallingford, CT dated May 14, 2020, revised to November 4, 2020, subject to:

- **Comments in the interoffice memorandum from the Fire Marshal to the Planning and Zoning Department dated October 27, 2020,**
- **Comments in the interoffice memorandum from the Engineering Department to the Planning and Zoning Department dated October 28, 2020, and**
- **Comments from Thomas Talbot, Planner to Old Colony Properties, dated October 2, 2020, including a \$2,000 site sedimentation and erosion control bond.**

Commissioner Fitzsimmons: Second

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

The application is approved.

8. Site Plan (512 sq. ft. acc. apt.)/Morales/7 Stegos Drive #219-20

Commissioner Kohan noted all correspondence pertaining to this application for the record. Letter from Thomas Talbot, Planner, to Luis & Sandra Morales dated October 23, 2020; Interdepartmental Referral from the Fire Marshal, dated October 27, 2020; Interdepartmental Referral from the Town Engineer dated October 27, 2020, and a memo from Erik Krueger, Senior Engineer, Water & Sewer Divisions, to Thomas Talbot, Planner, dated November 3, 2020.

Kathleen Menard represented Luis & Sandra Morales and explained that the application is for a 512 sq. Ft. addition for an accessory apartment at the rear of the house.

Commissioner Venoit: Motion to approve application 219-20 Site Plan for Morales for a 512 sq. ft. accessory apartment at 7 Stegos Drive as shown on plans entitled Limited Property Boundary Survey Zoning Location Survey Land of Luis Morales and Sandra Morales, 7 Stegos Drive, Wallingford, CT dated September 21, 2020, subject to:

1. **Comments and interoffice memorandum for Erik Krueger, Senior Engineer, Water, and Sewer Division to Thomas Talbot, Planner, dated October 3, 2020, and**
2. **Inspection by a Zoning Enforcement Officer prior to issuance of a certificate of occupancy.**

Commissioner Fitzsimmons: Second

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

The application is approved.

BOND RELEASES AND REDUCTIONS

9. Site Plan (Demolition)/5 Research Parkway, LLC/5 Research Parkway

Thomas Talbot noted a memo from Erik Krueger, Senior Engineer, Water & Sewer dated October 15, 2020, bond not requested by them, but they have no objections. He stated that he believes the bond was originally part of the demolition permit for Bristol Myers to take down the building. The bond was imposed by the planning office and at this point, the planning office has no objection to releasing the bond. He noted that Water and Sewer were consulted because it is in the watershed.

Commissioner Venoit: Motion to release the bond as recommended by the Town and the Water & Sewer Division for 5 Research Parkway, LLC/5 Research Parkway.

**Commissioner Fitzsimmons: Second
Vote: Unanimous in favor**

REPORTS OF OFFICERS AND STAFF

10. PZC 2021 Meeting Schedule

There were no comments or questions on the schedule.

11. ZBA Decisions – October 19, 2020

Commissioner Hine had a question on the approval of one variance (20-023) and the decline of what appeared to be a similar application (20-026). He asked for an explanation of what was different about the second application. He noted that someone looking at it might think it was a little arbitrary.

Chairman Seichter asked Mr. Talbot to ask the ZBA Liaison, Mrs. Torre for some insight and to report back.

12. ZBA Notice – November 16, 2020

Mr. Talbot noted that item #5, application #20-031 Variance Request for Colony Road Storage has asked for no action this month. He reported that there probably won't be a December meeting, so this item won't be heard until probably January.

13. ZBA Enforcement Log

Commissioner Kohan noted that Paradise Hills is still on the log. He asked for more information on any outstanding issues at the next meeting. Chairman Seichter asked Mr. Talbot to get an update from Mrs. Torre for the next meeting.

DISCUSSION

Chairman Seichter noted that at the October meeting the topic of food trucks at wineries was proposed for a Discussion topic at this meeting, but it is not on the agenda. He asked for a motion to add it to the agenda.

Commissioner Venoit: Motion to add agenda item food trucks at wineries for discussion at the Monday, November 9, 2020 Planning and Zoning meeting.

Commissioner Fitzsimmons: Second

Vote: Unanimous

Chairman Seichter noted that the topic came up at the October meeting as a result of a small group spearheaded by Counselor Shortell to look into items that might help local businesses, not only during the pandemic but going forward. One of the items mentioned was allowing food trucks at wineries. They are currently allowed at the wineries per the Governor's Executive Order. He noted that he is unaware of any concerns and noted that business at the wineries has been good during the pandemic. He asked the Commission if they want to look at changing the regulations to allow food trucks at wineries at some level.

Commissioner Kohan stated that it's a good idea and a nice enhancement. He asked why wineries are being singled out. What about breweries and cideries. He stated that we would have to include them as well. He stated that he is aware of the controversy on Center Street of food trucks competing with restaurants. He stated that he is in favor of it but added that we would need to make sure we are not excluding anyone as well as appease the restaurants.

Chairman Seichter stated that he has had conversations with Wallingford Center Inc. and they felt any regulation should include breweries and cideries. He proposed allowing food trucks on the property of the business, not on town property.

Commissioner Fitzsimmons agreed and stated that it has to do with where the truck can be located. He noted that currently food trucks are regulated by the zone, not the use. He stated that he is in favor and suggested updating the regulations. Right now the regulations limit it to no more than 20 days a year. He noted that it is all over the regs because we talk about mobile food vendors by zone. We can revise the number of days. The regulation is clear they can't park on town property.

Chairman Seichter asked how many days would be appropriate and if it should be limited to certain days of the week. He noted that the intent is not to define it tonight but to collect ideas so Mr. Talbot and Corporation Counsel can draft something for discussion at the next meeting.

Mr. Talbot noted that the difference between the wineries and other uses is that wineries can't serve food period while the other uses can. He suggested focus first on wineries and then broaden it to other audiences. Chairman Seichter asked if there were state restrictions on the wineries serving food. Mr. Talbot replied that it is a local practice that they are not allowed to serve food. Chairman Seichter stated that we should have something more all-encompassing; Commissioner Fitzsimmons agreed.

Commissioner Hine supported moving forward with a draft that can be discussed at another meeting or maybe a workshop. He agreed that we should limit the days of the week in the draft.

Chairman Seichter proposed allowing Thursday through Sunday. There was consensus to support this. He stated that he will meet with Mr. Talbot and Corporation Counsel, Atty. Small to discuss this and draft an outline for a potential amendment. First, it will be discussed by the Commission then, if there is interest in going forward, at a future meeting we can hold a public hearing.

Commissioner Venoit made a Motion to adjourn the Monday, November 9th Planning and Zoning Commission Meeting at 8:15 pm.

Commissioner Fitzsimmons: Second

Vote: Unanimous

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary