



Town of Wallingford, Connecticut

JAMES SEICHTER
CHAIRMAN-PLANNING & ZONING COMMISSION

KACIE A. HAND, A.I.C.P.
TOWN PLANNER

WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2090
FAX (203) 294-2095

FINAL AGENDA

Wallingford Planning & Zoning Commission Meeting
Monday, December 14, 2020
7:00 p.m.

The Wallingford Planning and Zoning Commission's meeting of Monday, December 14, 2020 at 7:00 p.m. will be held REMOTELY ONLY. The meeting can be accessed through:

<https://global.gotomeeting.com/join/665443597>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States (Toll Free): 1 877 309 2073

- One-touch: tel:+18773092073,,874006277#

United States: +1 (571) 317-3129

- One-touch: <tel:+15713173129,,874006277#>

Access Code: 665-443-597

Call to Order

Pledge of Allegiance

Roll Call

Consideration of Minutes – November 9, 2020

PUBLIC HEARINGS

1. Special Permit (Fill & Excavation)/Pfizer/21 Toelles Road (**No Action Requested**) #409-20
2. Zoning Text Amendment/ Section 6.11.C.(Restaurant Parking)/PZC #901-20
3. Zoning Text Amendment/ Sections 4.9 (IX), Sec 4.10 (I-5).and 4.13 (WPD) #902-20
2.1, 5.1.C., 6.1.C. and 6.12.B./ PZC
4. Special Permit Revision (in house car washing)/1254 South Broad Street LLC/ #411-20
1254 South Broad Street
5. Special Permit (Convenience Store/Gas Fueling Facility)/7-11 Inc/1033 North Colony Road #412-20

NEW BUSINESS

6. Site Plan (multi-family conversion)/J. Ostrofsky/19 North Street #214-20

BOND RELEASES AND REDUCTIONS

7. Site Plan (parking area)/Benhaven, Inc/125 North Plains Industrial Road #202-20
8. Site Plan(parking area)/Adams Landing/90 South Turnpike Road #219-10

REPORTS OF OFFICERS AND STAFF

8. ZBA Decisions – October 19, 2020
9. ZBA Notice – November 16, 2020
10. Zoning Enforcement Log
11. Food Truck Regulations
12. Administrative Approvals:
 - a. Survey Waiver/Nolan/235 New Cheshire Road #817-20
 - b. Change of Use/Rogers/237 Hall Avenue #311-20

Individuals in need of auxiliary aids for effective communication in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five (5) days prior to meeting date

**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

901-20A

Proposed Wallingford Zoning Regulations Text Amendment

Addition = Underlined

Deletion = Strikethrough

Section 6.11.C.:

C. Required minimum parking area - Parking facilities shall contain space for vehicles in accordance with the following table. Parking shall not infringe on driveways needed for access except in the case of a single or two-family dwelling unit. Parking areas shall be landscaped in accordance with the provisions of §6.14.E. 02/17/17

Type of Use	Number of Car Spaces
Restaurants, nightclubs, taverns, pubs, with or without provisions for a dance floor	1 space for each 75 square feet of GFA <u>customer seating, standing or dancing area</u>

Purpose: to tie parking requirements directly to customer occupied portions of restaurants.

901-20B

PLANNING & ZONING
INTER-DEPARTMENTAL REFERRAL
NOTICE OF PROPOSED DEVELOPMENT

APPLICATION: #901-20

DATE OF SUBMISSION: October 9, 2020

DATE OF RECEIPT: October 14, 2020

SCHEDULED MEETING: November 9, 2020

NAME & APPLICATION OF PROPOSED DEVELOPMENTS: Zoning Text Amendment/PZC/Section 6.11.C (parking requirements)

LOCATION:

REFERRED TO:

ELECTRIC

HEALTH

BUILDING

ENGINEERING

INLAND WETLANDS

OTHER

FIRE

WATER & SEWER

DEPARTMENT COMMENTS: No comments

SIGNED BY:

Alan K

1 Town Engineer
(Title)

DATE:

10/28/20

901-20C
SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

November 17, 2020

RECEIVED

DEC 08 2020

WALLINGFORD
PLANNING & ZONING

RPC
Representatives

Bethany:
Bob Harrison

Branford:
Charles Andres

East Haven:
Vacant

Guilford:
Matthew Yorzinski

Hamden:
Robert Roscow

Madison:
Joel Miller

Meriden:
Kevin Curry

Milford:
Robert Satti

New Haven:
Elias Estabrook

North Branford:
Tricia Mase

North Haven:
James Guhetti

Orange:
Vacant

Wallingford:
Jeffrey Kohan

West Haven:
Kathleen Hendricks

Woodbridge:
Andrew Skolnick

Tom Talbot
45 South Main Street
Wallingford, CT 06492

Re: **Town of Wallingford: Proposed Zoning Regulation Amendments pertaining to Restaurant Parking**

Dear Mr. Talbot:

Thank you for sharing the proposed Zoning Regulation amendments. The Regional Planning Commission (RPC) reviewed the proposal at its meeting on Thursday, November 12, 2020.

By resolution, the RPC has determined that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Please contact us if you have any questions. Again, we appreciate your referring this matter to us.

Sincerely,



Jeffrey Kohan
Chairman, Regional Planning Commission

901-20F

**PLANNING & ZONING
INTER-DEPARTMENTAL REFERRAL
NOTICE OF PROPOSED DEVELOPMENT**

APPLICATION: #901-20

DATE OF SUBMISSION: October 9, 2020

DATE OF RECEIPT: October 14, 2020

SCHEDULED MEETING: November 9, 2020

NAME & APPLICATION OF PROPOSED DEVELOPMENTS: Zoning Text Amendment/PZC/Section 6.11.C (parking requirements)

LOCATION:

REFERRED TO:

- ELECTRIC HEALTH BUILDING
- ENGINEERING INLAND WETLANDS OTHER
- FIRE WATER & SEWER

DEPARTMENT COMMENTS: NO COMMENT

SIGNED BY: [Signature] FIRE MARSHAL
DATE: 10/27/20 (Title)

RECEIVED
OCT 23 2020
BY: [Signature]

Subject Re: Regulation Amendments

From Wallingford Law Department <lawdept@wallingfordct.gov>

To <kacie.hand@wallingfordct.gov>

Date 2020-10-26 12:45 pm

roundcube
open source webmail software



901-206

- lawdept.vcf (~6 B)

I'll look at the IX regs. On the parking, I suggest that "or" be "and, if applicable". Couldn't all 3 apply? Just a thought.
Janis

Department of Law
Town of Wallingford
45 South Main Street
Wallingford, CT 06492
(203)294-2140
Fax: (203)294-2112

On 10/26/2020 12:07 PM, Kacie Hand wrote:

Please see attached Legal Notice and proposed language for changes to uses and conditions of uses in I-5, IX and Watershed Protection District Regulations as well as changes to parking requirements for restaurants. Please review and send comments to this office as soon as possible.

Thanks

Tom Talbot



901-204

Lower Connecticut River Valley Council of Governments

145 Dennison Road Essex, CT 06426 | +1 860 581 8554 | www.rivercog.org
Regional Planning Committee

November 3, 2020

Mr. Jim Seichter, Chairman
Wallingford Planning & Zoning Commission
45 South Main Street
Wallingford, CT 06492

RECEIVED

NOV 04 2020

WALLINGFORD
PLANNING & ZONING

SUBJECT: Proposed Regulations regarding the WPD, General Terms and Parking
Petitioner: Wallingford Planning & Zoning Commission

Dear Mr. Seichter:

Pursuant to Section 8-3b of the Connecticut General Statutes, the Wallingford Planning & Zoning Commission has referred numerous regulation proposals to the RiverCOG Regional Planning Committee for review for intermunicipal impacts. The regulations that will impact the properties within 500 feet of the common municipal boundary with the RiverCOG towns of Middlefield and Durham, those for which this report are written, include the Watershed Protection (WPD) Districts (Section 4.13), the revision of General Terms (Section 2.1) and the proposed Parking regulation revision (Section 6.11.C). These comments are provided for the consideration of the Planning & Zoning Commission at its public hearing which has been scheduled to commence on Monday, December 14, 2020.

Findings

South Central Regional Authority Watershed Protection District (WPD) (Section 4.13). The proposed modifications to the regulations of the overlay district governing the SCRAWPD will clarify and better manage negative impacts that could be created by projects and activities that are to occur on properties within that district. The changes will fulfil the goal of the district to "protect and maintain the surface waters" in the Wallingford public water supply watersheds. As a result, it would appear that the revisions will create *positive* intermunicipal impacts to properties across the municipal border in the Town of Durham adjacent to which the South Central Regional Authority Watershed Protection District (WPD) is located. No adverse intermunicipal impacts will occur.

General Terms (Section 2.1). The revisions proposed for Section 2.1 either clarify existing terms and, in two cases, provide qualifiers for greater height allowances in the I-5 Interchange industrial district, which is not located in close proximity to either the Towns of Middlefield or Durham. No significant adverse intermunicipal impacts will occur.

Parking (Section 6.11.C). The proposed change for this section is clarification, one that won't create any adverse intermunicipal impacts.

Thank you for the opportunity to provide this report for intermunicipal impacts. If there are any questions, please don't hesitate to contact us at (860) 581-8554.

For the Committee,

J. H. Torrance Downes
Deputy Director, LCRVCOG

RiverCOG

Proposed Wallingford Zoning Regulations Text Amendments
Additions = Underlined Deletions = Strikethrough
Revised to 12/9/2020

902-20J

§4.9 INDUSTRIAL EXPANSION (IX) DISTRICT

12/12/98

- A. Purpose - To provide suitable locations for industrial and office uses on or near major streets.
- B. The following uses are permitted subject to Site Plan Approval in accordance with Article VII:

1. Public utility facilities, buildings and storage yards. 10/02/94
2. Offices, including data centers.
3. Printing and publishing.
4. ~~Research facilities, laboratories, and scientific and technical research and development operations, manufacturing, compounding, packaging and assembling materials and products, and non-retail dry-cleaning facilities, not using perchloroethylene in the cleaning process, in facilities of at least 25,000 square feet.~~ 09/19/99
5. Building sStorage and warehousing except that self-storage and the types of storage listed as specified in §4.8.B.8. and §4.8.B.9.g shall not be permitted. 09/19/93
06/15/02
6. Agriculture, farming, forestry, truck or nursery gardening, including greenhouses; keeping of livestock and poultry.
7. Hotels, motels, conference centers or combination thereof, containing at least 150 guest rooms or a minimum GFA of 60,000 sq. ft. Such uses may include accessory ancillary: (a) restaurants; (b) meeting rooms; (c) recreational facilities per Section 4.9.E.5; and (d) retail stores per Section 4.9.E.4. containing not fewer than 150 sleeping rooms, provided that lot area of such facility shall not be less than 5 acres and be equal to the area requirement contained in §4.5.B.8.
8. Governmental buildings, facilities and uses.
9. Deleted 02/15/17
10. Outpatient Medical Treatment Facility 10/02/94
11. Nonresidential Elder Care Centers 03/19/95
12. Deleted 05/15/99
13. Manufacturing, compounding, packaging and assembling materials and products, and non-retail dry-cleaning facilities, not using perchloroethylene in the cleaning process, in facilities of at least 25,000 square feet. 09/19/99
14. Financial institutions.

- C. The following permitted uses require approval of a Special Permit in accordance with §7.5:

1. Helipads, with the following provisions: 08/22/95
 - a. That the location is such that no undue nuisance or danger there from will affect any neighboring property and,
 - b. that the site provides adequate room for landing and taking off.
2. Uses in this zoning district generating 100 peak hours vehicle trips or more using the standards in the most recent edition of Trip Generation, ITE, or a more accurate source, if available, subject to the following: 04/16/94 08/10/96 10/18/03
 - a. Submission of a traffic impact analysis containing present

Proposed Wallingford Zoning Regulations Text Amendments
Additions = Underlined Deletions = Strikethrough
Revised to 12/9/2020

- roadway conditions, existing roadway capacity, existing and projected volumes (ADT, Peak A.M. and Peak P.M.), existing and projected volume capacity rations, existing and projected levels of service, existing and proposed sight lines, site generated traffic and traffic distributions, and traffic accident experience.
- b. A traffic impact analysis will be required: 05/17/88
1. For an addition to an existing use, which use is now under the provisions of this section, and
 2. When an addition to an existing use brings that use under the provisions of this section.
 3. The traffic impact analysis shall cover the entire use, not merely the addition.
- c. No traffic impact analysis or Special Permit will be required for an addition to an existing Special Permit use if the addition generates 25 peak hour vehicle trips or less. This provision shall be permitted to be used one time over the life of the use on a specific site.
- d. In all cases in which the Commission feels that a peer review of the applicant's traffic impact analysis is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review. This payment shall be made to the Town prior to the decision by the Commission on the application.
3. Excavation and filling of land as per §6.10., subject to: 09/19/92
- a. All work must be complete, including final grading and seeding within 12 months of the start of the excavation and fill.
4. Deleted 11/17/07
- D. The following permitted uses require a Special Exception from the ZBA:
1. Child day care centers.
 2. Group day care homes.
 3. Satellite receiving dishes or dish-type antennae in excess of two feet in diameter subject to the following conditions: 11/19/95
 - a. Shall not be located between any street line and the building to which it is accessory.
 - b. If roof mounted, shall not exceed a height of 15 feet.
 - c. Shall be properly screened and/or landscaped.
 4. Ground mounted solar panels, when not regulated by the Connecticut Siting Council, provided they:
 - a. Shall not exceed 15 feet in height, including all supporting structures.
 - b. Shall not be located within any required front yard for a principal structure.
 - c. Shall be fully screened from any adjacent property line and the street line.
 - d. Shall be permanently anchored in compliance with the State Building Code.
 - e. Technical literature shall be submitted to supplement any proposed application for the above.
 5. Windmills and similar energy conservation systems that utilize the power of the wind, when not regulated by the Connecticut Siting Council provided:

Proposed Wallingford Zoning Regulations Text Amendments
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Revised to 12/9/2020

- a. The lot shall have a minimum of 217,800 square feet.
- b. No windmill or similar structure shall exceed 50 feet in height.
- c. No windmill or similar structure shall be located in any require yard.
- d. The windmill or similar structure shall be set back from all lot lines and from the principal building a distance of at least equal to the height of the windmill or similar structure.

E. The following accessory uses are permitted:

- 1. Uses and structures accessory to a permitted use.
- 2. Signs in accordance with §6.9.
- 3. Off-street parking and loading in accordance with §6.11. The commission may waive up to 25 50 percent of the required parking area if the applicant demonstrates that such a waiver is warranted, providing that
 - a. an area equal to the space required for such parking, topographically suited for parking and in addition to the minimum open space area requirement shall be reserved at the site in conformance with the requirements of this chapter and,
 - b. any later use of this reserved area for actual parking would allow the property to remain conforming in regard to the open space requirements of the IX District.Loading docks to be located at side or rear. The Commission may require screening of loading areas when such areas are visible from public rights-of-way. In properties located within the Watershed Protection Overlay District, additional parking provisions per §4.13.D shall apply.
- 4. Retail operations which are obviously secondary to, but integrated with, the main use on the premises, provided that the retail operation shall not utilize more than 3,000 square feet or 10 percent of the GFA of the principal use, whichever is smaller.
- 5. ~~Accessory Ancillary~~ food service and recreation facilities for the use of employees or clientele of uses in §4.9.B.
- 6. Accessory buildings as per §6.2.B. 09/19/92
- 7. Outside storage as per §6.12. 09/19/92
- 8. Satellite receiving dishes of two feet or less in diameter not located within a required front yard for a principal structure. 11/19/95
- 9. Hydrogen road vehicle fuel station operations secondary to the main hydrogen generation equipment manufacturing provided that it is for the purposes of demonstration and/or testing prototype hydrogen fueling equipment as manufactured by the site operator and provided that the hydrogen road vehicle fuel station operation shall not fuel more than thirty (30) vehicles per day or dispense more than one-hundred (100) kilograms of hydrogen per day. 12/1/16 1/16/10

F. Special Requirements

- 1. Deleted 03/19/11
- 2. A description of the proposed operations in sufficient detail for a determination of whether or not they are permitted in the district.

Proposed Wallingford Zoning Regulations Text Amendments
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Revised to 12/9/2020

3. Any use within the IX District shall be established, operated and maintained in such a manner as to provide that each use shall be a good neighbor and in no way detract or limit the intended development of the area. 08/22/95
4. Landscaping - in addition to the landscaping requirements of §6.14, the following additional requirements shall apply in the IX District:
 - a. Front landscaped area
 1. There shall be a front landscaped area equal to the required front yard contained in §5.1.C. abutting the front property line(s).
5. Wherever feasible, open space areas shall be larger areas contiguous to both on-site and off-site existing open space areas. Open space areas shall promote natural and native landscaping rather than regularly mowed, fertilized and similarly maintained grounds.
6. At least 75 per cent of the minimum required Open Space located on properties within the Watershed Protection District shall consist of undisturbed, natural and native land, or other land areas that will be returned to a native and natural state.

G. The following uses are permitted subject to approval of a Zoning Permit:

1. Structure or rooftop mounted antennas, subject to the requirements and procedures listed in §6.25. 05/18/97
2. Mobile Food Vendor, subject to the following: 06/14/14
 - a. Must be removed from the permitted location for at least four (4) hours in any 24 hour period.
 - b. Must be located on private property, and provide written permission from the owner of said property.
 - c. Must be located within permitted parking area, not within any required landscaped areas.
 - d. If vendor occupies parking spaces, those spaces must be in excess of the other current uses on the site. Should such use(s) on the site change so as to require said spaces so as to comply with parking requirements, the mobile food vendor shall no longer be permitted to occupy said spaces.
 - e. Must also have available two (2) parking spaces in addition to those required for the other current uses on the site. Should such use(s) on the site change so as to require said space so as to comply with parking requirements, the mobile food vendor shall no longer be permitted to utilize said spaces.
 - f. Must be mounted on wheels or other method of moveable design, and must be readily moveable. If the operation is not immediately mobile, it shall be considered a "building" and be required to comply with applicable regulations for buildings.
 - g. Must be self-contained; connections to external utilities shall not be permitted.
 - h. Shall not have any signage beyond that which is affixed to the food service unit; temporary signage per Section 6.9.C shall not be permitted for a mobile food vendor.
 - i. No storage or location of any materials, seating, or other items associated with the mobile food vendor shall be permitted to be kept or located outside of the food service unit.

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j. Shall obtain any necessary approvals under Health Code, Ordinance, or any other state or local requirements.

H. The following uses are permitted and do not require any zoning approval:

1. Mobile Food Vendor, provided any of the following conditions are met:
 - a. Will not be located/parked on a property for more than twenty (20) days in any 365-day period; OR
 - b. Is not located on the same property for more than four (4) hours in any 24-hour period. 06/14/14

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§4.10 INTERCHANGE DISTRICT (I-5)

A. Purpose - To utilize the key location of lands with accessibility to Route I-91 while protecting the Town's Public Water Supply Watershed by requiring high standards for development.

B. The following uses are permitted subject to Site Plan Approval in accordance with Article VII and all parts of this Section.

1. Research facilities, laboratories, office buildings, financial institutions, and scientific and technical research and development, and any investigative activity of a scientific or technical nature, in a building containing a minimum GFA of 60,000 sq. ft. ~~(exceptor as provided in Section IH), and which~~ may include ancillary food service and recreation facilities limited to, for use of by employees or clientele thereof and not open to the general public.
2. Hotels, motels, conference centers or combination thereof, containing a minimum of 150 guest rooms or a minimum GFA of 60,000 sq.ft. and may include aneillary accessory: (a) restaurants; (b) meeting rooms; (c) recreational facilities; and (d) retail stores, providing the stores primarily serve guests of the facility, are not visible from outside the buildings, and do not contain more than 500 gross sq.ft. individually or 2,500 gross sq.ft. collectively. 01/15/00
3. ~~Existing residential uses. (Deleted)~~
4. Governmental buildings, facilities and uses.
5. Public Utility building and facilities.
6. Deleted 02/15/17
7. Out-patient medical treatment facility. 02/14/93
8. Deleted 05/15/99
9. Office buildings, including data centers, in a building containing a minimum GFA of 60,000 sq. ft. (or as provided in Section I), and may include accessory food service and recreation facilities, for use of employees or clientele thereof.
10. Financial institutions in buildings containing a minimum GFA of 60,000 sq. ft.

C. The following permitted uses require approval of a Special Permit in accordance with §7.5:

1. Helipads, with the following provisions: 08/22/95
 - a. That the location is such that no undue nuisance or danger therefrom will affect any neighboring property, and
 - b. that the site provides adequate room for landing and take-off.
2. Uses in this zoning district generating 100 peak hour vehicle trips or more using the standards set forth in the most recent edition of Trip Generation, ITE, or a more accurate source, if available, subject to the following: 04/16/94 08/10/96 10/18/03
 1. Submission of a traffic impact analysis containing present roadway conditions, existing roadway capacity, existing and projected traffic volumes (ADT, Peak A.M. and Peak P.M.), existing and projected volume capacity ratios, existing and projected levels of service, existing and proposed sight lines, site generated traffic and traffic distributions, and traffic accident experience.
 - b. A traffic impact analysis will be required: 05/17/88
 1. For an addition to an existing use, which use is now under

Proposed Wallingford Zoning Regulations Text Amendments
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- the provisions of this section, and
2. When an addition to an existing use brings that use under the provisions of this section.
 3. The traffic impact analysis shall cover the entire use, not merely the addition.
 - c. No traffic impact analysis or Special Permit will be required for an addition to an existing Special Permit use if the addition generates 25 peak hour vehicle trips or less. This provision shall be permitted to be used one time over the life of the use on a specific site.
 - d. In all cases in which the Commission feels that a peer review of the applicant's traffic impact analysis is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review. This payment shall be made to the Town prior to the decision by the Commission on the application.
3. Adaptive Re-use to Multi-Family as per §6.16. 09/19/92
 4. Excavation and filling of land as per §6.10. 09/19/92
 5. Deleted 11/17/07
 6. Manufacturing, compounding, packaging and assembling materials and products, in a building containing a minimum GFA of 60,000 sq. ft. (or as provided in Section I), and may include accessory ancillary food service and recreation facilities for use of employees or clientele thereof, except for the types of manufacturing listed in §4.8.B.9 and except that any such use on properties located in the Watershed Protection District shall not be permitted. In the case of any use providing accessory uses open to the general public, appropriate parking shall be provided to support the specific accessory uses (tasting rooms, retail sales, tours, etc.)
 7. Storage and warehousing in a building containing a minimum GFA of 60,000 sq. ft. (or as provided in Section I), except for self-storage and the types of storage listed in §4.8.B.8., §4.8.B.9.g, and §4.8.B.9.h. and except that any such use on properties located in the Watershed Protection District shall not be permitted.
 8. Indoor or outdoor recreational facilities except for golf courses and amusement parks.
- D. The following uses require a Special Exception from the ZBA:
1. Child day care centers.
 2. Group day care homes.
 3. Satellite receiving dishes or dish-type antennae in excess of two feet in diameter subject to the following conditions:
 - a. Shall not be located between any street line and the building to which it is accessory.
 - b. If roof mounted, shall not exceed a height of 15 feet.
 - c. Shall be properly screened and/or landscaped. 11/19/95
 4. Ground mounted solar panels, when not regulated by the Connecticut Siting Council, provided they:
 - a. Shall not exceed 15 feet in height, including all supporting structures.
 - b. Shall not be located within any required front yard for a principal structure.
 - c. Shall be fully screened from any adjacent property line and the street line.
 - d. Shall be permanently anchored in compliance with the State Building Code.

Proposed Wallingford Zoning Regulations Text Amendments
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- e. Technical literature shall be submitted to supplement any proposed application for the above.
 - 5. Windmills and similar energy conservation systems that utilize the power of the wind, when not regulated by the Connecticut Siting Council provided:
 - a. The lot shall have a minimum of 217,800 square feet.
 - b. No windmill or similar structure shall exceed 50 feet in height.
 - c. No windmill or similar structure shall be located in any required yard.
 - d. The windmill or similar structure shall be set back from all lot lines and from the principal building a distance of at least equal to the height of the windmill or similar structure.
- E. The following accessory uses are permitted:
- 1. Uses and structures customarily accessory to the permitted uses.
 - 2. Signs in accordance with the requirements of §6.9 but pertaining only to a permitted use on the premises.
 - 3. Off-street parking and loading in accordance with the requirements of §6.11, except as follows:
 - a. No parking shall be permitted within 20 feet of any side or rear property line or within 50 feet of the front property line. Landscaped areas of at least 20 feet in width shall be provided along the side and rear property lines and of at least 50 feet in width along the front property line, all in accordance with §6.15. 11/02/87
 - b. If at least 70% of the required parking is covered in a garage or structure, the following regulations shall apply:
 - (1) If the parking structure is constructed underground, the percentage of building coverage may be increased to 22.5%.
 - (2) If the parking structure is constructed above ground, the area covered by such a structure shall not be included as part of the building coverage.
 - c. The Commission may waive up to ~~25%~~ 50 per cent of the required parking area if the applicant demonstrates that such a waiver is warranted, provided that
 - (1) an area equal to the space required for such parking, topographically suited for parking and in addition to the minimum open space area requirement shall be reserved at the site in conformance with the requirements of this chapter and,
 - (2) any later use of this reserved area for actual parking would allow the property to remain conforming in regard to the open space requirements of the I-5 District.
 - d. In properties located within the Watershed Protection Overlay District, additional parking provisions as noted in §4.13.D shall apply.
 - 4. Accessory buildings as per §6.2.B. 9/19/92
 - 5. ~~Deleted. Outside storage as per §6.12.~~ ~~9/19/92~~

Proposed Wallingford Zoning Regulations Text Amendments
Additions = Underlined Deletions = Strikethrough
Revised to 12/9/2020

6. Satellite receiving dishes of two feet or less in diameter not located within a required front yard for a principal structure 1/19/95
- F. The following uses are permitted subject to a Zoning Permit
1. Structure or rooftop antennas and towers, subject to the requirements and procedures listed in §6.25. 05/18/97
 2. Mobile Food Vendor, subject to the following: 06/14/14
 - a. Must be removed from the permitted location for at least four (4) hours in any 24 hour period.
 - b. Must be located on private property, and provide written permission from the owner of said property.
 - c. Must be located within permitted parking area, not within any required landscaped areas.
 - d. If vendor occupies parking spaces, those spaces must be in excess of the other current uses on the site. Should such use(s) on the site change so as to require said spaces so as to comply with parking requirements, the mobile food vendor shall no longer be permitted to occupy said spaces.
 - e. Must also have available two(2) parking spaces in addition to those required for the other current uses on the site. Should such use(s) on the site change so as to require said space so as to comply with parking requirements, the mobile food vendor shall no longer be permitted to occupy said spaces.
 - f. Must be mounted on wheels or other method of moveable design, and must be readily moveable. If the operation is not immediately mobile, it shall be considered a "building" and be required to comply with applicable regulations for buildings.
 - g. Must be self-contained; connects to external utilities shall not be permitted.
 - h. Shall not have any signage beyond that which is affixed to the food service unit; temporary signage per Section 6.9.C shall not be permitted for a mobile food vendor.
 - i. No storage or location of any materials, seating, or other items associated with the mobile food vendor shall be permitted to be kept or located outside of the food service unit.
 - j. Shall obtain any necessary approvals under Health Code, Ordinance or any other state or local requirements.
- G. ~~Architectural design~~ Special Requirements
1. Architecture - The scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roofline, and building elevations shall be of such character as to harmonize and be compatible with other buildings in the district, and to preserve and improve the appearance and beauty of the community.
 2. Site Design - All developments shall comply with the following site design requirements, in addition to any other applicable requirements in these regulations. In cases where another regulation is in conflict with a requirement below, the requirement below shall apply.
 - a. Truck parking/loading areas shall be located only in rear yard or side yards, and shall be entirely screened from view from any right of way or adjacent property, utilizing fencing, landscaping, or a combination thereof.
 - b. Wherever feasible, open space shall consist of larger areas contiguous to both on-site and off- site existing open space areas. Open space areas shall promote natural and native landscaping rather than regularly mowed, fertilized and similarly

Proposed Wallingford Zoning Regulations Text Amendments
Additions = Underlined Deletions = Strikethrough
Revised to 12/9/2020

maintained grounds. At least 75 per cent of the minimum required Open Space located on properties within the Watershed Protection District shall consist of undisturbed, natural and native land, or other land areas that will be returned to a native and natural state.

- bc. No outside storage of any sort shall be allowed in this zoning district.
- ed. Height limitations exceptions as allowed in §6.1 shall not be permitted.
3. Landscaping - in addition to the landscaping requirements of §6.14, the following additional requirements shall apply in the I-5 District:
- a. Front landscaped area - There shall be a front landscaped area equal to the required front yard contained in §5.1.C. abutting the front property line(s).
- H. ~~Special Requirements~~Planned Developments - For planned developments, defined for the purposes of this section as: "multi-lot cohesive development projects submitted and approved as one development plan", the 50% open space requirement can be met on a tract or subdivision basis, where the subdivision consists of three or more lots, provided that:
1. The developer provides to the Commission as part of its subdivision application, a Master Concept Plan for the entire proposed subdivision, showing roads, lots and identifying open space areas, including total acreage of open space, the percentage of the tract represented by open space, and the percentage of each lot which will be open space.
 2. No individual lot within such a subdivision shall contain less than 30% open space.
 3. Approval of a Master Concept Plan as described herein shall be binding upon the subdivision with respect to the distribution of open space. The open space plan shall not be changed unless agreed to between the applicant and the Commission. Each application for Site Plan Approval amendment approval shall conform to the open space plan. Any Site Plan application or amendment which modifies the open space plan shown on the approved Master Concept Plan shall be accompanied by a revised Master Concept Plan which demonstrates that the 50% open space requirement shall be attained within the subdivision.
- I. ~~Special Requirements~~ Minimum Building Area - If two or more buildings are constructed on a single parcel, they shall contain an average minimum GFA of 60,000 sq. ft. per building but in any event each single building shall contain a minimum GFA of 30,000 sq. ft. No Certificate of Occupancy shall be issued for any building containing GFA of less than 60,000 sq. ft. unless there shall have been issued, prior thereto, a certificate of occupancy for a building or buildings which, together with the proposed building, contain an average minimum GFA of 60,000 sq. ft. per building.
- J. The following uses are permitted and do not require any zoning approval:
1. Mobile Food Vendor, provided any of the following conditions are met:
 - a. ~~Will not be located/parked on a property for more than twenty (20) days in any 365 day period; OR~~
 - b. Is not located on the same property for more than four (4) hours in any 24-hour period.

06/14/14

Proposed Wallingford Zoning Regulations Text Amendments
Additions = Underlined Deletions = Strikethrough
Revised to 12/9/2020

§2.1 GENERAL TERMS

Financial Institution- Business providing financial services including but not limited to banks, credit unions, investment and brokerage firms as well as insurance and mortgage companies

Brewery/Cidery/Winery - A place where beer/cider/wine is made commercially; classified as a "manufacturing" land use for the purposes of these regulations.

Open Space - That portion of the ground space on the same lot as the principal building which is either landscaped or maintained in its natural vegetative state, ~~or typically~~ developed and maintained for conservation or passive recreation purposes. Open Space shall not include those portions of a lot that are utilized for off-street parking or loading, driveway or building purposes.

§6.1 HEIGHT LIMITATION

- A. The building height limit shall be applied separately for each wing or other distinct portion of the building.
- B. Spires, water tanks and similar structures occupying an aggregate of not more than 10 percent of the building area, not to exceed 50 feet in height or such height shall be limited to the distance to the nearest property line, may be erected in all zones except for the I-5 district.
- C. Spires, water tanks and similar structures which exceed a height of 50 feet shall require a Special Permit, but shall not be permitted in the I-5 district.

§6.12 OUTSIDE STORAGE

- A. Outside storage, including storage of merchandise, supplies, machinery and other materials shall be allowed only in commercial, design, industrial, industrial expansion, and the Route 5 districts, but shall not be allowed in the I-5 district. Outside storage areas shall not extend into the area required for setback from a street line or into the required sidelines adjacent to a residential, multi-family, rural, or limited business district. Outside storage areas shall be enclosed by buildings, fences, walls, landscaped earthen berms, or evergreen shrubs or trees, so as to screen the storage area from view from any other lot or from any street. Such screening shall not apply to areas for the parking of registered motor vehicles in daily use or the parking of new or used motor vehicles, heavy equipment, farm equipment, or boats on bonafide sales lots.

10/02/94 05/18/97

- B. Metal Containers

Metals containers and trailers for storage purposes are permitted in CB, I (except I-5), and RF zones subject to the following conditions:

05/18/97 12/15/91

Proposed Wallingford Zoning Regulations Text Amendments

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S5.1C SCHEDULE OF LOT AND BUILDING REQUIREMENTS - INDUSTRIAL EXPANSION, INTERCHANGE DISTRICTS AND DESIGN DISTRICTS

MINIMUM YARDS
(feet)

DISTRICT	MINIMUM LOT AREA (sq.ft.)	MINIMUM FRONTAGE (feet)	FRONT (f)	SIDE (each)	REAR	MINIMUM OPEN SPACE (percent)	MAXIMUM COVERAGE (percent)	BUILDING HEIGHT (feet)*
RF-40								
Use Group A	40,000	150	50	20	50	25	30	30
Use Group B	40,000	150	50	20	50	25	17	30
I-40	40,000	150	50	25	50	0	35	30
1-20	20,000	100	25	12	30	0	33.5	30
IX	217,800	250	60	30	50	50 40*	25 30	30*** 6/15/02
I-5	217,800	300	100	50	50	50 40*	15 20	40**
DD-40	40,000	150	50	25	50	25	35	30
DD-18	18,000	100	25	12	30	25	35	30
OS0	200,000	500	50	50	50	0	10	30

(1) See Section 5.2.F.

* The maximum building height may be increased, provided the setback requirements are increased one foot for each additional foot of building height.

** The maximum height may be increased by one (1') foot for every two (2') feet by which the distance of such portion lies inside the nearest line of any required front, side and rear yard, to a maximum of sixty (60') feet. The maximum height may be further increased beyond sixty (60') feet by one (1') foot for every five (5') feet by which distance of such portion lies inside the nearest line of any required front, side and rear yard to a maximum height of eighty (80') feet, provided that no portion of the building shall lie within five-hundred (500') feet of a residential zone.

*** The maximum building height may be increased one foot for each five feet increased in the minimum front, side and rear yard setback.

+ Except that in properties located in any Watershed Protection Overlay District, the requirement shall be 50%

Proposed Wallingford Zoning Regulations Text Amendments
Additions = Underlined Deletions = Strikethrough
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§4.13 WATERSHED PROTECTION (WPD) DISTRICT

Revised 10/16/10

- A. Purpose - An overlay district which provides for additional conditions, standards and safeguards to the permitted uses of the underlying district in order to protect and maintain the surface waters of the Wallingford, Meriden and South Central Connecticut Regional Water Authority (SCCRWA) Public Water Supply Watersheds to a quality consistent with their use as the primary source of drinking water for Wallingford and area towns.
- B. Stormwater Runoff Treatment - The following requirements for treatment of stormwater runoff shall apply to all commercial, industrial, institutional, public authority or multi-unit residential developments which are located within the Wallingford, Meriden or SCCRWA Watershed Protection District, within the Town of Wallingford, as delineated on the effective "Official Zoning Map of the Town of Wallingford". ~~stormwater runoff generated by the initial 0.5" to 1.0" of rainfall from all parking lots and from travel ways where topographically feasible, within the confines of any approved commercial or industrial development, located upon the three Public Water Supply Watersheds, shall be collected and treated.~~
- ~~1. Treatment shall be required to the extent that the quality of the stormwater runoff from the site shall comply with the Connecticut Water Quality Standards & Criteria for class AA drinking water supply surface waters as promulgated by the Connecticut Department of Environmental Protection, Water Compliance Unit or with §19-13-B102 of the State Public Health Code, or the latest revision thereof, as it applies to the standards for quality of untreated water at the intake to a treatment plant with "complete conventional treatment", whichever is more stringent except that the standard for total coliform in §19-13-B102 of the Public Health Code shall apply.~~
 - ~~2-1. The volume amount of stormwater runoff to be collected and treated (within the range of the initial 0.5" shall be equal to the volume generated from the first 1.0" of rainfall that falls upon the finished surface area of all impervious or semi-impervious areas (which shall include but not be limited to those areas composed of Portland cement concrete, bituminous concrete, asphalt, brick, paving stones, pavement millings, and "chip seal" pavement), excluding the roofed area of all buildings. This volume shall be hereinafter referred to as the "Water Quality Volume." occurring within any specific 48 hour period which is initiated by the start of a rainfall event) shall be determined for each site on an individual basis by the Wallingford Water Division in accordance with site usage, acreage, topography and other considerations.~~
 - ~~3-2. The treatment system shall be incorporated within a stormwater management system for the total site which will provide a mechanism to divert and capture for treatment initial the Water Quality Volume runoff from appropriate areas as defined above and which will provide for the remainder of the stormwater runoff to be diverted into a conventional detention basin for peak flow attenuation.~~
 - ~~4-3. Treatment shall consist of all of the following: a system which incorporates recognized technologies which have been demonstrated to provide the necessary pollutant removal capabilities. In all cases, minimum treatment shall consist of a "grease trap" type separator designed to remove and retain oils, scums, and other floatables from the diverted "initial" runoff, to be followed by storage in an~~

Proposed Wallingford Zoning Regulations Text Amendments
Additions = Underlined Deletions = Strikethrough
Revised to 12/9/2020

- ~~infiltration basin. This infiltration basin shall be designed to promote infiltration of the effluent into the ground. Water in this infiltration basin shall be aerated. All proposed treatment systems shall be subject to approval by the Wallingford Water Division. Since operation of the treatment system will be intermittent, equipment and structures shall be housed so that the system can operate in all seasons of the year.~~
- a. Diversion Structure - A manhole or catch basin structure located at the downstream end of the stormwater collection system designed to divert the Water Quality Volume from the finished surface areas of the site to the stormwater treatment system. The diversion structure shall include a weir or baffle wall to divert all volume in excess of the Water Quality Volume around the stormwater treatment system into the conventional detention basin.
 - b. Oil-water-grit separator - A multi-chambered, baffled, flow-through tank shall be located downstream of the diversion structure to remove and retain sediment, floatables, oils and greases from the Water Quality Volume.
 - c. Filtration Basin - An open surface basin (separate from the stormwater detention basin) constructed with a sand filter bottom and underdrain pipe system designed to hold and filter the "water Quality Volume". The treated stormwater will discharge to either a conventional detention basin or a watercourse downstream of the site.
4. The entire treatment system shall be designed in accordance with the requirements of the Wallingford Water Division Technical Standards and Details.
 5. The owner shall submit complete hydrologic and hydraulic calculations, details and design drawings and an operations/maintenance plan for the stormwater management and treatment systems to the Wallingford Water Division. The owner shall also develop and submit for approval by the Water Division, a street sweeping plan for the completed site which shall set forth a schedule for the periodic sweeping of parking lots and travel ways. The owner shall also develop and submit for approval by Water Division, a schedule for the periodic cleaning of the required separator. Construction shall not begin on any project located within a WPD until approval of the stormwater and treatment systems has been granted by the Wallingford Water Division. Construction of the stormwater treatment system shall not begin until a permit for such has been granted by the Wallingford Water Division. The entire system shall be subject to inspection by the Water Division prior to backfilling.
 6. The Water Division shall, on a regular basis, sample the effluent of the stormwater management system prior to its leaving the site. The sample shall be analyzed by a State certified laboratory for parameters to be determined by the Water Division in order to confirm compliance of the site runoff with the previously cited water quality standards. The Water Division shall bill the owner of the site for the cost of the analysis of up to four samples per year. The owner shall also develop and submit for approval by the Water Division, an operations and maintenance plan which shall include the following:
 - a. Mechanical street sweeping of the finished surface areas on the site at least once per year; plan for the completed site which shall set forth a schedule for the periodic sweeping of parking lots and travel ways.

Proposed Wallingford Zoning Regulations Text Amendments
Additions = Underlined Deletions = Strikethrough
Revised to 12/9/2020

- b. Inspection and removal of vegetative growth, accumulated sediment, trash, leaves and debris from all catch basin grates and sumps at least once per year;
- c. Inspection and removal of accumulated oil, grease, floatables and sediment from the oil-water-grit separator at least once per year;
- d. Inspection and removal of vegetative growth in and around the sand filter and detention basin including mowing the grass on the bottom, sides and berms at least twice per year;
- e. Inspection and removal of accumulated grass clippings, leaves, trash and debris from the surface of the sand filter and the bottom of the detention basin at least once per year;
- f. Rake and remove sediment from the sand filter when there is evidence the infiltration capacity of the filter bed has been significantly reduced to a point where the observed time to drain the filter exceeds 36 hours after the end of a rainfall event;
- 5-g. Designate the proper procedures and locations for the disposal of sediments, vegetation, trash, debris and oily and greasy liquids from the stormwater treatment system; and
- a-h. Any other operations and maintenance components deemed necessary and appropriate by the Wallingford Water Division based on the specific proposal.

In addition, the property owner shall maintain a log of all activities undertaken as part of the approved operations and maintenance plan which shall identify the items and the date completed. Such log shall be available for review by the Water Division at any reasonable time upon demand.

- ~~6-7. The Water Division shall have~~ The owner shall agree to allow the Wallingford Water Division the right of to access the site without notice for the purpose of to inspect the stormwater system and to insuring ensure that the owner properly maintains and operates the facility. The Water Division may periodically shall have the right to take water samples, and determine when order repairs, maintenance and replacement of the stormwater treatment system components are necessary to comply with the requirements of this section.
- 8. The owner shall post a performance bond with the Water Division to cover the construction and start-up of the storm water treatment system, in an amount and in a form to be determined by the Water Division. This work may also be incorporated within the normal water/sewer utility installation performance bond required for the site.
03/19/95
- 9. After the system is constructed the owner shall submit "As-Built" drawings of the stormwater treatment system.

C. Installation of Storage Containers:

- 1. All storage vessels located within the Wallingford, Meriden & SCRWA Public Water Supply Watersheds and located above or below ground level, or in a building, that will hold hazardous, toxic, and/or contaminated materials, either solid or liquid, shall be constructed of non-porous material. Hazardous, toxic and contaminated materials shall be as defined in Title 49, Code of Federal Regulations, Parts 170-179. (Department of Transportation)
- 2. All storage vessels for liquid material located above ground, or in a building, shall be contained within a non-porous structure large enough to retain all of the escaping liquid should the storage vessel rupture.

Proposed Wallingford Zoning Regulations Text Amendments
Additions = Underlined Deletions = Strikethrough
Revised to 12/9/2020

The only exception to this requirement shall be storage vessels of 275 gallon capacity or less in residential homes.

3. All storage vessels for liquid or solid material located below ground, and not in a building, shall be positioned within a non-porous vault large enough to retain all of the stored material should the storage vessel rupture. An alternative to the non-porous vault may be a dual-walled vessel with a UL approval. The dual-wall vessel shall be constructed with a secondary wall completely surrounding the primary wall, and there shall be a definite annular space between them.
4. A monitoring system shall be incorporated for all buried installations to detect leaks. The leak monitoring system may be a simple flexible dipstick capable of protruding into the space between tank and vault or the annular space to be provided with the dual-wall system. More elaborate electronic systems will be acceptable.
5. For all installations not meeting at least one of the exemptions listed below, a written inventory record itemizing the balance of incoming material vs. outgoing material shall be kept on a daily basis. A record of the monitoring results shall also be kept on a daily basis. These records shall be available on demand without notice, to officials of the Town Water Division or Fire Prevention Bureau. Facilities shall be exempt from the daily reporting requirements if they:
 - a. ~~Generate small quantities of hazardous waste as defined by §5 of the Hazardous Waste Management Guidelines for Small Quantity Generators promulgated by the Connecticut Department of Environmental Protection Connecticut Department of Energy and Environmental Protection, January, 1984 or latest revision. Meet requirements of a Conditionally Exempt Small Quantity Generator as defined by the Conditionally Exempt Small Quantity Generator Handbook for Hazardous Waste Handlers as promulgated by the Connecticut Department of Energy and Environmental Protection, March 2009 or latest edition.~~
 - b. Meet one of the exemptions defined in §22a-449(d)-1(c) of the regulations for Nonresidential Underground Storage of Oil and Petroleum Liquids promulgated by the Connecticut Department of Environmental Protection Connecticut Department of Energy and Environmental Protection, April 17, 1985 October 7, 2016 or latest revision edition
6. ~~A written permit signed by the designated authority in the Water Division and Fire Prevention Bureau shall be required prior to installation and such permit shall be renewed annually. Written authorization shall be obtained from both the Wallingford Water Division and the Fire Prevention Bureau prior to installation of storage containers and such authorization shall be reviewed annually.~~

D. Parking Lots

1. Lots Treatment - No parking lot containing more than ten parking spaces shall be treated with use sodium chloride for ice control in parking spaces, drive aisles, and driveways.
2. The maximum number of permitted parking spaces on properties in any designated Watershed Protection District shall be 120 of the parking requirements listed in §6.11.
3. On properties in any designated Watershed Protection District, the maximum number of permitted tractor-trailer parking and loading spaces,

Proposed Wallingford Zoning Regulations Text Amendments
Additions = Underlined Deletions = Strikethrough
Revised to 12/9/2020

including those adjacent to loading bays, shall be 120% of total number of approved loading bay doors.

- E. Sidewalk Treatment - Sodium Chloride shall not be applied to sidewalks or impervious walkways.
- F. Uses - In considering proposed uses on properties in this zone that require a Special Permit in the underlying zone, the Commission shall consider potential impacts to the watershed based on the specifics of the proposal, including but not limited to: amount of impervious area, minimization of parking/loading spaces as practicable, cohesiveness of open space, maintenance of open space in its natural state as opposed to development of lawn area, proposed treatment system, and proposed parking area/sidewalk treatments for winter. If the Special Permit is approved, the Commission may include conditions of approval that it deems necessary in order to best protect the watershed, in addition to the requirements of this section.

902-20A

INTEROFFICE MEMORANDUM

TO: THOMAS TALBOT, ACTING TOWN PLANNER
FROM: ERIK KRUEGER, P.E., SENIOR ENGINEER *EAK*
SUBJECT: ZONING TEXT AMENDMENT APPLICATION #902-20
4.9 - INDUSTRIAL EXPANSION (IX) DISTRICT
4.10 - INTERCHANGE DISTRICT (I-5)
4.13 - WATERSHED PROTECTION (WPD) DISTRICT
2.1 - GENERAL TERMS
6.1 - HEIGHT LIMITATIONS
6.12- OUTSIDE STORAGE

RECEIVED

NOV 19 2020

PLANNING & ZONING

DATE: NOVEMBER 18, 2020
CC: R. HENDERSHOT; N. AMWAKE, P.E.; D. SULLIVAN; J. PAWLOWSKI

The staff of the Water and Sewer Divisions has reviewed the proposed text amendments and this memo consolidates our comments and requirements.

Please note that the majority of the land within the I-5 zone along with a significant portion of the land in the IX zone is tributary to the Muddy River. The Muddy River is the primary source of water for the MacKenzie Reservoir public drinking water supply. All land within the watershed for MacKenzie Reservoir is designated as a Watershed Protection District (WPD) by the Planning and Zoning Commission.

MacKenzie Reservoir has the largest watershed of the Town's four public water supply reservoirs and the tributary area to MacKenzie Reservoir accounts for approximately 75% of total watershed area tributary to the Town's reservoir system. The surface water supply system provides approximately 94% of the public drinking water delivered to approximately 39,500 residents and businesses in the Town of Wallingford. The watershed associated with the Mackenzie Reservoir is critical for supplying the Town with an adequate volume of potable water.

Protection of the watershed is one of the Water Division's highest priorities when it comes to maintaining the source water quality necessary for the Town's public drinking water supply. Zoning regulations play a significant role in influencing whether the watershed is protected by limiting the use of the land in the watershed to those which do not have a negative effect on water quality. We ask that you and the Planning and Zoning Commission take into consideration the fact that some of the proposed zoning text amendments in the subject application will have long term implications on the ability to continue to maintain the source water quality necessary to provide safe drinking water to the entire town of Wallingford.

Section 4.9 – INDUSTRIAL EXPANSION (IX) DISTRICT

§4.9.D.4.

Subsection 4.9.D.4. Ground mounted solar panels are proposed to be added to the regulations which will allow these uses in the IX zone; however, these uses would require approval of a Special Exception.

It is not known if ground mounted solar panels would have a direct effect on the water quality within portions of the IX zone located in the Watershed Protection District; however, the fact that the installation of ground mounted solar panels would eliminate otherwise natural forest and native plants could be deemed detrimental to the watershed. Therefore the Water Division requests that proposed section 4.9.D.4. be tabled until such a time that an informed recommendation can be made.

§4.9.E.3.

The Water Division supports the 25% reduction of required parking area in the Watershed Protection District such as is proposed in the additional text in subsection 4.9.E.3. The Water Division would support even further reductions in the amount of parking required of up to 50% if it can be justified by the applicant. Perhaps stronger language such as the following could be considered: "The waiver of the required parking area will be considered more favorably in the portions of the IX zone that are located in the Watershed Protection District."

§4.9.F.5.

The Water Division supports the proposed additional text in subsection 4.9.F.5. to promote natural and native landscaping versus manicure lawns in an effort to limit the application of fertilizers and pesticides in the Watershed Protection District. Perhaps stronger language such as the following could be considered: "Open space areas located in the Watershed Protection District shall remain undisturbed or shall consist of natural and native landscaping only versus manicured lawns in an effort to limit the application of fertilizers and pesticides."

Section 4.10 – INTERCHANGE DISTRICT (I-5)

§4.10.C.6., 4.10.C.7. & 4.10.C.8

Subsections 4.10.C.6. Manufacturing and 4.10.C.7. Storage and warehousing are proposed to be added to the regulations which will allow these uses in the I-5 zone; however, these uses would require approval of a Special Permit.

By definition a Special Permit is issued to allow a use that is "basically appropriate to a given zoning district, but which may be incompatible in some locations within the district and, therefore, is not permitted by right everywhere within such district."

In a letter dated February 4, 2020 to the Wallingford Planning and Zoning Commission, the Director of Public Utilities and the General Manager of the Water Division requested that, if manufacturing, storage and warehousing were allowed, the regulations should specifically state that these uses would not be permitted within the Watershed Protection Overlay District portions of the I-5 zone.

Therefore it is requested that the following revised language for §4.10.C.6. and §4.10.C.7. that was previously recommended in the February 4, 2020 letter be used in the final revised I-5 zone regulations:

"6. Manufacturing, compounding, packaging and assembling materials and products, in a building containing a minimum GFA of 60,000 sq. ft. (or as provided in Section I), and may include ancillary food service and recreation facilities, for use of employees or clientele thereof, except for the types of manufacturing listed in §4.8.B.9. and any such use on properties located in the Watershed Protection Overlay District shall not be permitted."

"7. Storage and warehousing in a building containing a minimum GFA of 60,000 sq. ft. (or as provided in Section I), except self-storage and except that the types of storage listed in §4.8.B.8., §4.8.B.9.g and §4.8.B.9.h and any such use on properties located in the Watershed Protection Overlay District shall not be permitted."

Additional uses are proposed to be added as part of §4.10.C.6. and §4.10.C.8. including breweries, cideries and wineries, and indoor and outdoor recreational facilities. Concerns relative to these uses in the Watershed Protection District portion of the I-5 zone are the increased number of vehicle trips and required additional parking associated with such uses, both of which tend to have a negative effect on water quality.

The proposed text for §4.10.C.6. states that "appropriate parking shall be provided to support the specific ancillary uses (tasting rooms, retail sales, tours, etc.)"

It is requested that "appropriate parking" be defined and contain a limit on the size of the parking area associated with these uses.

Also, a reasonable limit to the size of the parking area allowed for the "indoor and outdoor recreational facilities" should be defined in the regulations.

Is it possible that indoor and outdoor recreational facilities would allow such use as an amusement park under §4.10.C.8.? If so, the Water Division would not support such uses.

Also, recreational facilities such as golf courses could have a negative impact on water quality in the watershed due to the amount and types of fertilizers and pesticides used in maintaining such uses.

The Water Division recommends that the type of indoor and outdoor recreational facilities allowed be more specifically defined.

§4.10.D.4.

Subsection 4.10.D.4. Ground mounted solar panels to be added to the regulations which will allow these uses in the I-5 zone; however, these uses would require approval of a Special Exception.

It is not known if ground mounted solar panels would have a direct effect on the water quality within portions of the I-5 zone located in the Watershed Protection District; however, the fact that the installation of ground mounted solar panels would eliminate otherwise natural forest and native plants could be deemed detrimental to the watershed. Therefore the Water Division requests that proposed section 4.10.D.4. be tabled until such a time that an informed recommendation can be made.

§4.10.E.3.c.

The Water Division supports the 25% reduction of required parking area in the Watershed Protection District such as is proposed in the additional text in subsection 4.10.E.3.c. The Water Division would support even further reductions in the amount of parking required of up to 50% if it can be justified by the applicant. Perhaps stronger language such as the following could be considered: "The waiver of the required parking area will be considered more favorably in the portions of the I-5 zone that are located in the Watershed Protection District."

§4.10.G.2.b.

The Water Division supports the proposed additional text in subsection 4.10.G.2.b. to promote natural and native landscaping versus manicure lawns in an effort to limit the application of fertilizers and pesticides in the Watershed Protection District. Perhaps stronger language such as the following could be considered: "Open space areas located in the Watershed Protection District shall remain undisturbed or shall consist of natural and native landscaping only versus manicured lawns in an effort to limit the application of fertilizers and pesticides."

Section 4.13 – WATERSHED PROTECTION (WPD) DISTRICT

The Water Division requests that the following clarifications be made to the Watershed Protection District regulations as follows:

§4.13.A.

Change "SCRWA" to "South Central Connecticut Regional Water Authority, (SCCRWA)"

§4.13.B.

Change "ZCCRWA" to "SCCRWA"

§4.13.B.1.

- Change "rainfall that falls upon the finished surface area of any impervious or semi-impervious areas"
To "rainfall that falls upon the finished surface area of all impervious or semi-impervious areas"
- Change "excluding the roofed areas of any building"
To "excluding the roofed areas of all buildings"

§4.13.B.5.

- Change "The owner shall submit complete hydraulic calculations"
To "The owner shall submit complete hydrologic and hydraulic calculations"

§4.13.B.6.

Add the following:

"The owner shall maintain a log of all activities undertaken as part of the approved operations and maintenance plan which shall identify the items and the date completed. Such log shall be available for review by the Water Division at any reasonable time upon demand."

§4.13.C.5.a.

- Change "Generate small quantities of hazardous waste as defined by §5 of the Hazardous Waste Management Guidelines for Small Quantity Generators promulgated by the Connecticut Department of Environmental Protection, January, 1984 or latest edition."

To " Meet requirements of a Conditionally Exempt Small Quantity Generator as defined by the Conditionally Exempt Small Quantity Generator Handbook for Hazardous Waste Handlers as promulgated by the Connecticut Department of Energy and Environmental Protection, March, 2009 or latest edition."

§4.13.C.5.b.

- Change "Meet one of the exemptions defined in §22a-449(d)-1(c) of the regulations for Nonresidential Underground Storage of Oil and Petroleum Liquids promulgated by the Connecticut Department of Energy and Environmental Protection, April 17, 1985 or latest edition."

To "Meet one of the exemptions defined in §22a-449(d)-1(c) of the regulations for Nonresidential Underground Storage of Oil and Petroleum Liquids promulgated by the Connecticut Department of Energy and Environmental Protection, October 7, 2016 or latest edition."

The staff of the Wallingford Water and Sewer Divisions has no comment on Sections 2.1 General Terms, 6.1 Height Limitation nor 6.12 Outside Storage.

The Wallingford Water and Sewer Divisions appreciate the opportunity to comment and make recommendations for changes to the proposed zoning text amendments. Thank you for your consideration to the comments and recommendations made herein.

TOWN OF WALLINGFORD
DEPARTMENT OF PUBLIC UTILITIES
WATER AND SEWER DIVISIONS

902-20B

ENGINEERING SECTION
PHONE 203-949-2672
FAX 203-949-2678

INTEROFFICE MEMORANDUM

TO: THOMAS TALBOT, ACTING TOWN PLANNER
FROM: ERIK KRUEGER, P.E., SENIOR ENGINEER *hak*
SUBJECT: ZONING TEXT AMENDMENT APPLICATION #902-20
4.9 - INDUSTRIAL EXPANSION (IX) DISTRICT
4.10 - INTERCHANGE DISTRICT (I-5)
4.13 - WATERSHED PROTECTION (WPD) DISTRICT
2.1 - GENERAL TERMS
6.1 - HEIGHT LIMITATIONS
6.12- OUTSIDE STORAGE

DATE: DECEMBER 7, 2020
CC: R. HENDERSHOT; N. AMWAKE, P.E.; D. SULLIVAN; J. PAWLOWSKI

The staff of the Water and Sewer Divisions has reviewed the revised proposed text amendments you handed out at our meeting on December 2, 2020. I have the following comments and suggestions.

2.1

Open Space definition, revise as follows:

"That portion of the ground space on the same lot as the principle building which is either landscaped or maintained in its natural vegetative state *typically maintained* for conservation or passive recreation purposes."

4.9.E.3.

Keep the following text:

"In properties located within the Watershed Protection District, additional parking provisions as noted in §4.13.D shall apply"

4.9.F.5.

Revise text to read as follows:

"Wherever feasible, open space shall be larger areas contiguous to both on-site and off-site open space areas. Open space shall promote natural and native landscaping rather than regularly mowed and maintained lawns *in an effort to limit the application of fertilizers and pesticides.*"

4.9.F.6.

Revise text to read as follows:

"At least 75% of the minimum required Open Space located on properties within the Watershed Protection District shall consist of undisturbed, natural and native land, or other land areas that will be returned to a native and natural state."

THOMAS TALBOT, ACTING TOWN PLANNER

DECEMBER 7, 2020

PAGE 2

4.10.C.6.

Revise text to read as follows:

"Manufacturing, compounding, packaging and assembling materials and products, in a building containing a minimum GFA of 60,000 sq. ft. (or as provided in Section I), and may include ancillary food service and recreation facilities, for use of employees or clientele thereof, except for the types of manufacturing listed in §4.8.B.9. *except that any such use on properties located in the Watershed Protection District shall not be permitted.*"

It is requested that "appropriate parking...to support the specific accessory uses" be defined and contain a limit on the size of the parking area associated with these uses.

4.10.C.8.

Indoor and outdoor recreational facilities should be more specifically defined and the following uses shall not be allowed:

Golf courses

Amusement parks

4.10.E.3.b.

The Planning and Zoning Commission may wish to consider keeping as is or revising the paragraph on covered parking and underground parking in the regulations as it encourages covered parking in the zone. Covered parking in the Watershed Protection District is better than a parking lot in regards to storm water quality.

Remove "The waiver of the required parking area will be considered more favorably in the portions of the I-5 zone that are located in the Watershed Protection District." as it was never part of the previous revised regulation.

4.10.G.2.b.

Consider using the following language similar to the IX zone:

b. Wherever feasible, open space shall be larger areas contiguous to both on-site and off-site open space areas. Open space shall promote natural and native landscaping rather than regularly mowed and maintained lawns *In an effort to limit the application of fertilizers and pesticides. At least 75% of the minimum required Open Space located on properties within the Watershed Protection District shall consist of undisturbed, natural and native land, or other land areas that will be returned to a native and natural state.*"

4.13.C.6.

Revise to read as follows:

"Written authorization shall be obtained from both the Wallingford Water Division and the Fire Prevention Bureau prior to installation of storage containers and such authorization shall be reviewed annually."

SOUTH CENTRAL CONNECTICUT
Regional Planning Commission

902-20C

November 17, 2020

RPC
Representatives

Bethany:
Bob Harrison

Branford:
Charles Andres

East Haven:
Vacant

Guilford:
Matthew Yorzinski

Hamden:
Robert Roscow

Madison:
Joel Miller

Meriden:
Kevin Curry

Milford:
Robert Sati

New Haven:
Elias Estabrook

North Branford:
Tricia Mase

North Haven:
James Guilfetti

Orange:
Vacant

Wallingford:
Jeffrey Kohan

West Haven:
Kathleen Hendricks

Woodbridge:
Andrew Skolnick

Tom Talbot
45 South Main Street
Wallingford, CT 06492

Re: Town of Wallingford: Proposed Zoning Regulation Amendments pertaining to Industrial Expansion District, Watershed Protection District.

Dear Mr. Talbot:

Thank you for sharing the proposed Zoning Regulation amendments. The Regional Planning Commission (RPC) reviewed the proposal at its meeting on Thursday, November 12, 2020.

By resolution, the RPC has determined that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Please contact us if you have any questions. Again, we appreciate your referring this matter to us.

Sincerely,

Jeffrey Kohan
Chairman, Regional Planning Commission



Lower Connecticut River Valley Council of Governments

145 Dennison Road Essex, CT 06426 | +1 860 581 8554 | www.rivercog.org
Regional Planning Committee

November 3, 2020

Mr. Jim Seichter, Chairman
Wallingford Planning & Zoning Commission
45 South Main Street
Wallingford, CT 06492

RECEIVED

NOV 04 2020

WALLINGFORD
PLANNING & ZONING

SUBJECT: Proposed Regulations regarding the WPD, General Terms and Parking
Petitioner: Wallingford Planning & Zoning Commission

Dear Mr. Seichter:

Pursuant to Section 8-3b of the Connecticut General Statutes, the Wallingford Planning & Zoning Commission has referred numerous regulation proposals to the RiverCOG Regional Planning Committee for review for intermunicipal impacts. The regulations that will impact the properties within 500 feet of the common municipal boundary with the RiverCOG towns of Middlefield and Durham, those for which this report are written, include the Watershed Protection (WPD) Districts (Section 4.13), the revision of General Terms (Section 2.1) and the proposed Parking regulation revision (Section 6.11.C). These comments are provided for the consideration of the Planning & Zoning Commission at its public hearing which has been scheduled to commence on Monday, December 14, 2020.

Findings

South Central Regional Authority Watershed Protection District (WPD) (Section 4.13). The proposed modifications to the regulations of the overlay district governing the SCRAWPD will clarify and better manage negative impacts that could be created by projects and activities that are to occur on properties within that district. The changes will fulfil the goal of the district to "protect and maintain the surface waters" in the Wallingford public water supply watersheds. As a result, it would appear that the revisions will create *positive* intermunicipal impacts to properties across the municipal border in the Town of Durham adjacent to which the South Central Regional Authority Watershed Protection District (WPD) is located. No adverse intermunicipal impacts will occur.

General Terms (Section 2.1). The revisions proposed for Section 2.1 either clarify existing terms and, in two cases, provide qualifiers for greater height allowances in the I-5 Interchange industrial district, which is not located in close proximity to either the Towns of Middlefield or Durham. No significant adverse intermunicipal impacts will occur.

Parking (Section 6.11.C). The proposed change for this section is clarification, one that won't create any adverse intermunicipal impacts.

Thank you for the opportunity to provide this report for intermunicipal impacts. If there are any questions, please don't hesitate to contact us at (860) 581-8554.

For the Committee,

J. H. Torrance Downes
Deputy Director, LCRVCOG

RiverCOG

#2



Town of Wallingford, Connecticut

TOWN ATTORNEY
GERALD E. FARRELL, SR.

ASSISTANT TOWN ATTORNEY
GEOFFREY T. EINHORN

CORPORATION COUNSEL
JANIS M. SMALL

DEPARTMENT OF LAW
WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2140
FAX (203) 294-2112
lawdept@wallingfordct.gov

MEMORANDUM

TO: Thomas Talbot, Planning and Zoning Department
FROM: Janis M. Small, Corporation Counsel
RE: IX and IV Zone Regulation Changes
DATE: October 27, 2020

902-20F
OCT 28 2020

These are my comments on the draft (I have not yet reviewed the Watershed Regulations):

- §4.9.B.4 - Is "facilities" defined? Could it be argued it includes manufacturing?
- .5 - Shouldn't it say inside or interior storage only?
- .14 - This is should be defined?

- §4.9.D.2 - Is the word "homes" proper? You don't want to allow someone to live here, do you?

- §4.9.D.5 - Should this be a special permit? Aren't there noise/aesthetic issues?

- §4.9.E.3 - There's no teeth to "encouraged whenever feasible". If it's important to the Commission, consider requiring a demonstration that it's not feasible if it's not included in the plan.

- §4.9.F.5 - Same concern as above.

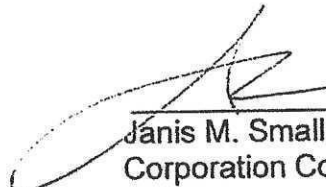
- §4.10.B.5 - Is this meant to be different from §4.9.B.1?

- §4.10.B.11 - Again, what is a "financial institution"?

- §4.10.C.6 - Is the regulation tight enough for the alcohol manufacturing uses? How much square footage must be devoted to the "manufacturing"? More/less than 50-60%?

Memorandum
October 27, 2020
Page Two

- §4.10.E.3.C - Again, "particularly encouraged" has no teeth. If it's important, make it tighter.
- §4.10.G.2.b - Same comment as above.
- §2.1 - Open Space – I question the reference to "recreation purposes". Should it say "passive"? Otherwise, I'm not sure it's meant to be that broad.



Janis M. Small
Corporation Counsel

JMS/bjc

902-20 G

**PLANNING & ZONING
INTER-DEPARTMENTAL REFERRAL
NOTICE OF PROPOSED DEVELOPMENT**

APPLICATION: #902-20

DATE OF SUBMISSION: October 9, 2020

DATE OF RECEIPT: October 14, 2020

SCHEDULED MEETING: November 9, 2020

NAME & APPLICATION OF PROPOSED DEVELOPMENTS: Zoning Text Amendment/PZC/I-5 and IX zones

LOCATION: I-5 and I-X zones

REFERRED TO:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> ELECTRIC | <input checked="" type="checkbox"/> HEALTH | <input checked="" type="checkbox"/> BUILDING |
| <input checked="" type="checkbox"/> ENGINEERING | <input checked="" type="checkbox"/> INLAND WETLANDS | <input type="checkbox"/> OTHER |
| <input checked="" type="checkbox"/> FIRE | <input checked="" type="checkbox"/> WATER & SEWER | |

DEPARTMENT COMMENTS: Engineering comments will be
included w/ w+s comment letter.

SIGNED BY: Oliver K / Town Engineer (Title)

DATE: 10/28/20

902-20H

**PLANNING & ZONING
INTER-DEPARTMENTAL REFERRAL
NOTICE OF PROPOSED DEVELOPMENT**

APPLICATION: #902-20

DATE OF SUBMISSION: October 9, 2020

DATE OF RECEIPT: October 14, 2020

SCHEDULED MEETING: November 9, 2020

NAME & APPLICATION OF PROPOSED DEVELOPMENTS: Zoning Text Amendment/PZC/I-5 and IX zones

LOCATION: I-5 and I-X zones

REFERRED TO:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> ELECTRIC | <input checked="" type="checkbox"/> HEALTH | <input checked="" type="checkbox"/> BUILDING |
| <input checked="" type="checkbox"/> ENGINEERING | <input checked="" type="checkbox"/> INLAND WETLANDS | <input type="checkbox"/> OTHER |
| <input checked="" type="checkbox"/> FIRE | <input checked="" type="checkbox"/> WATER & SEWER | |

DEPARTMENT COMMENTS: NO COMMENTS

SIGNED BY: [Signature] FIRE MARSHAL
DATE: 10/27/20 (Title)

RECEIVED
OCT 23 2020
BY: [Signature]

902-201

The Planning and Zoning Commission
Jim Seichter, Chair
Town of Wallingford
45 South Main St.
Wallingford, CT 06492

December 10, 2020

Commissioners:

As a property owner in the I-5 zone, I am alarmed that exclusions promoted by the Water and Sewer Divisions and incorporated in the latest proposed regulation changes completely disregard my rights to develop my land.

The exclusion of the watershed from the new proposed zoning changes clearly sends the message to me as well as to other property owners and potential investors that commercial real estate development in Wallingford is not welcomed.

The gutted version of expanded uses represents government at its worst. Not only does it add no additional protections to the watershed, it creates new problems that adversely impact development. The blocking of development is not only onerous, it's unnecessary.

The solution to foolproof protection of the watershed is already incorporated into the most recent draft regulations before Water and Sewer got involved: Make expanded uses subject to special permit. The Water and Sewer representatives appear to have taken no account of the watershed protections already established through more than two years of public discussion and compromise with the Planning and Zoning Commission.

The overstepping by Water and Sewer, which looks at development through a restricted lens, ignores the urgent need for economic growth, job creation and the expansion of the tax base that generates revenue for public betterment.

I urge the commission to consider the following points:

- The starting point for expanding uses in the I-5 and I-X zones began with the commitment that the watershed be inexorably protected. The previously agreed-upon changes—after years of debate—require that **new uses be subject to special permit**. This mechanism creates the governmental oversight required to fully protect the watershed. It is well within the PZC's authority under special-permit powers to ensure that advanced and effective methods of design, construction and operation are used in all new development to protect the watershed from harm.
- The expanded uses represent the outcome of the democratic process now undermined by the Water and Sewer Divisions' attempt at over-regulation.

- In its overzealousness to regulate, the Water and Sewer Divisions provides inconsistent guidelines for the I-5 zone that allow for recreational facilities, for example, which could potentially see a fertilizer runoff, while not allowing others that leave less of an ecological footprint. The proposed regulations continue to allow development of office buildings and hotels, which pose no less potential harm to the watershed than the warehousing and distribution uses that were allowed in earlier drafts of the new regulations and are far more viable in today's economic climate.

My property has long been hamstrung by allowed uses so out of step with economic realities that in the decades during which generations of my family have tried to sell it, not a single offer has come in. And yet, this is an attractive parcel of commercial land in a highly desirable area whose prudent development would only have a positive impact on Wallingford.

Wallingford is a town with an Economic Development Commission whose mission is to attract investment and development. I urge you to consider specifically why the commission was formed and to heed the wisdom of its director.

This vote on what is permissible in commercially desirable zones will reverberate across the business and real-estate development communities because it provides an iron-clad answer to the following question: What kind of a place is Wallingford to do business?

Thank you for your consideration in this matter.

Sincerely,

Kristen Demilio
677 Williams Road

CC: The Honorable William Dickinson Jr., Mayor of Wallingford
Tim Ryan, Economic Development Commission