

Wallingford Planning & Zoning Commission
Monday, January 11, 2021
Remote Meeting
MINUTES

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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; Rocco Matarazzo, Secretary; JP Venoit, Vice-Chair; Jim Seichter, Chairman; Jaime Hine, Alternate; Steven Allinson, Alternate; Staff: Thomas Talbot, Acting Town Planner; Amy Torre, Zoning Enforcement Officer.
Absent: Armand Menard, Alternate.

Approval of Minutes – December 14, 2020

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

Commissioner Fitzsimmons: 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 applicant.

3. **Special Permit (Convenience Store/Gas Fueling Facility)/7-11 Inc./1033 North Colony Road #412-20**No Action Requested
4. **Special Permit Revision/Rocha/694 North Colony Road #413-20** No Action Requested
5. **Special Permit (Dealers and Repairers)/Cariati/70 North Plains Industrial Road #414-15**No Action Requested

PUBLIC HEARING

1. **Special Permit (Fill & Excavation)/Pfizer/21 Toelles Road #409-20**

Commissioner Matarazzo read the legal notice and noted all correspondence pertaining to this application for the record. Interdepartmental Referral dated August 6, 2020 from Fire Marshal; Memorandum dated September 3, 2020 from Erin O'Hare, Environmental Planner to Tom Talbot, Acting Town Planner; correspondence dated September 4, 2020 from Lucas Hellerich, Woodard and Curran to Kacie Hand; Special Permit Application correspondence dated October 28, 2020 from Lucas Hellerich, Woodard and Curran to Kacie Hand; correspondence dated September 14, 2020 from Adelheid Koepfer to Jim Seichter, Planning and Zoning; correspondence dated October 29, 2020 from Thomas Talbot, Planner to Lucas Hellerich, Woodard and Curran, Inc.; Memorandum dated November 2, 2020 from Erin O'Hare Environmental Planner, to Tom Talbot, Planner; Interoffice Memorandum, dated October 27, 2020 from Erik Krueger, Senior Engineer, Water & Sewer Division, to Erin O'Hare, Environmental Planner; Memorandum dated January 8, 2021 from Erin O'Hare, Environmental Planner to Tom Talbot, Planner; Memo dated January 8, 2021 from Department of Engineering to Thomas Talbot, Planner.

Lucas Hellerich, CT Licensed Professional Engineer and CT Licensed Environmental Professional of Woodard and Curran, 213 Court Street, Middletown represented the applicant. He shared the plans for the wetlands soil mediation project approved by the Inland Wetlands and Watercourses Commission on January 6th. He explained that they submitted the revised project drawings with all the changes required by Inland Wetlands. They also responded by letter to all the Town Planner's comments on October 29, 2020. He explained that a contingency plan for potential flooding, erosion, and sedimentation was also submitted. The project is required by the CT Department of Energy and Environmental Protection to remediate wetland soils impacted by nickel which is a heavy metal that can be toxic to ecological receptors. The project represents several temporary disturbances to improve the quality of the wetland by removing the nickel impacted soil as well as invasive plant species. Then they will replace it with clean soil. They took steps to minimize the impact on the wetlands, reduced the volume to be removed, and retained many large trees. The CT DEEP Remediation Division has reviewed and concurred with the project and the plan has been publicly noticed. Wallingford Inland Wetlands reviewed and approved. A Third Party peer review (Malone & McBroom) was performed by a professional wetlands scientist and a water resources engineer from an engineering firm. The Army Corps of Engineers is currently completing their review of the project and the US EPA has also reviewed it. He explained that 21 Toelles Road encompasses 5 and 21 Toelles Road. Mr. Hellerich showed the existing conditions, buildings, vacant property, and Wharton Brook. The property has a forested wetland area and is within the 100 years/500-year floodway. They performed several environmental investigations and an ecological risk assessment was performed. From that, the CT DEEP required remediation. Mr. White explained that the project consists of excavation of soil, placement of clean backfill, and restoration of the wetland. Pfizer is responsible for performing the project and monitoring and maintaining the wetland. The original plan was to clear cut the 2.2 acres. Based on soil sampling, they reduced excavation volume by half and limit the 2' excavation to the center of the area and the sides with a 6" excavation. In response to comments and soil sampling, they did a tree survey and created a plan to retain the large trees and only remove soil to the top of the tree roots. They prepared a contingency plan to address flooding concerns. The erosion and sedimentation control approach was explained as well as the methods to be used. They will perform selective clearing to move equipment around the site and retain trees with a 15" diameter. Within the drip line of those trees, they will only excavate to the top of root zones. They will be doing excavation in stages and cells. He defined the total excavation area. Once excavations are performed they will backfill in 6" areas with organic topsoil. In 2ft areas, the top 12 inches is organic topsoil and the bottom is sandy loam soil. Backfilling is prioritized around the trees and lower elevations. They have developed a robust wetlands plantings plan and invasive plant species management plan. The restoration monitoring program will continue until the performance metrics are met. Mr. White indicated that they will perform the project in the late spring and summer of 2021. It will take several months with the excavation and backfilling work completed over several weeks. Inland Wetlands issued a permit with nine conditions of approval including four different performance bonds. This includes sedimentation erosion control; wetland plantings invasive species management; post-restoration monitoring and reporting. The project has had a significant review. They have incorporated a robust erosion and sedimentation plan and a restoration plan. They have a comprehensive contingency plan for potential flooding and an invasive species management plan.

Chairman Seichter asked for more information on the proposed soil staging areas and the materials management area. Mr. Hellerich explained they are temporary areas covered with plastic sheeting on the ground. Soil excavated is placed there to dry out, surrounded by silt fence and straw bales. The piles are covered by plastic sheeting until they are loaded into trucks. The management area is in a current landscaped area and is used to place equipment, additional fencing, sedimentation controls, and fractionation tank storage. Chairman Seichter asked how long the soil will stay in the staging areas. Mr. Hellerich stated that the expectation is anywhere from a couple of days to two weeks depending on truck availability and the availability of a receiving facility. Chairman Seichter asked if the clean soil coming into the site is stored onsite or placed immediately. Mr. Hellerich replied that the intent is for trucks to bring the soil in and using the access pads, dump it right into the excavation areas. There is no intent to stockpile clean soil.

Thomas Talbot, Planner, indicated that all his questions had been addressed.

Commissioner Fitzsimmons asked how many total truck trips are expected. Mr. Hellerich replied outbound about 225 and inbound maybe a few more. Commissioner Fitzsimmons asked how long the project will last given ideal weather conditions. Mr. Hellerich replied all the steps would take 12 to 16 weeks. Commissioner Fitzsimmons asked the height of the piles in the staging areas. Mr. Hellerich replied that they don't list a maximum but the expectation is 8 to 10 feet. Commissioner Fitzsimmons asked for verification that the piles are always covered at the end of the day and the longest time they would be there would be several weeks. Mr. Hellerich stated that was correct, but the expectation for the piles would be only a couple of days. Commissioner Fitzsimmons asked about the truck routes. Mr. Hellerich replied that there are several potential disposal locations for the contaminated soil but the primary one is in central Massachusetts. So it is most likely that the disposal trucks will go onto Rt. 91 North from Toelles Road. For the backfill, there are several sources, with some in the Connecticut Central Valley. He expects trucks to use Rt. 91 to Rt. 5 and Toelles Road. Commissioner Fitzsimmons stated that he preferred to keep the trucks off the town road and noted that Toelles already has heavy traffic. Mr. Hellerich noted that the number of trucks expected per day is between 8 and 20. They are usually spread out with 2-3 waves throughout the day. Commissioner Fitzsimmons asked if the new fill is similar in characteristic to the existing soil. Mr. Hellerich concurred and stated that it is tested for macronutrients and total organic carbon and should be similar or better than what is there. A soil scientist visited the site. The soil that is backfilled in the bottom half of the 2" zones is a sandy loam-like what is currently there. Commissioner Fitzsimmons asked if other strategies to remove the nickel were considered by Pfizer. Mr. Hellerich replied that Nickel is a heavy metal that can bind strongly to organic soils so it is difficult to wash out. He explained that soil washing involves a lot of disturbance and is not guaranteed to work. Another technology used on low levels of different types of metals involves planting, harvesting, disposal of harvested plants, and replanting, and takes a long time. For a project like this, to restore a wetland soil, it can't be capped or contained. It needs to be excavated and disposed of. Commissioner Fitzsimmons asked for clarification if the CT DEEP ordered or recommended this. Mr. Hellerich stated that the site is subject to the Connecticut Property Transfer Act. There were several concerns on the site already remediated. This is one of the last of the areas on the site to have remediation done. The driving requirement is the Property Transfer Act and the remediation standard regulations are being followed to complete the remediation of this wetland.

Commissioner Kohan asked about the concentration of nickel in the soil and how that compares to unacceptable levels. Mr. Hellerich replied that the concentration is on the order of several hundred milligrams per kilogram. It's below a human direct exposure standard, but there was some site-specific ecological toxicity testing done which showed that there is nickel on the site that's above the toxicity limit. That's how they defined the limit of the excavation. Commissioner Kohan asked for clarification that the entire site is not over that limit, just a couple of specific areas. Mr. Hellerich replied yes. The soil in the top 6 inches of the areas defined on the map and the top 2 feet in the central areas is the soil that contains the nickel above the standard. Commissioner Kohan asked when the project will start. Mr. Hellerich replied in late May or early June. Commissioner Kohan asked if they have found any evidence of eastern box turtles on the site. Mr. Hellerich replied that that is a species of special concern and they did include Eastern Box Turtle protocols. They will have a herpetologist with expertise in the Eastern Box Turtle perform a preconstruction survey as per the comments from the Inland Wetlands Commission. The herpetologist will visit during construction; provide training for construction and project staff on identification and proper handling. Commissioner Kohan asked if the CT DEEP or the Department of Engineering had any informal feedback with concerns. Mr. Hellerich replied that the peer review firm, Malone & McBroom, was engaged by the Inland Wetlands Commission and they did a 2+ hour walkthrough. They did a pretty thorough evaluation which helped support the Town and the engineering review of the project. He noted that the CT DEEP didn't raise any questions and had extensive discussions with the Environmental Planner's office.

Commissioner Hine asked if the Army Corps of Engineers and the US EPA had approved the plan. Mr. Hellerich replied that they are still waiting for the Army Corps general permit approval. They asked to review the plans as revised, which was done. The US EPA, in terms of inland wetlands restoration, provided their comments to the Army Corps and agreed with the restoration plan for plantings, monitoring protocols, and invasive species work. Commissioner Hine asked if they need that before they start. Mr. Hellerich said yes. Commissioner Hine asked how long the monitoring protocol will last, and what the metrics are that need to be attained. Kyle Apigian, Technical Manager and Ecologist for Woodard and Curran, serving as the Wetlands Scientist, replied the goal is to meet performance standards established in the wetlands restoration plan. They are around making the site and soil stable. There are criteria related to vegetation cover and woody vegetation species. Also needs to be a demonstration that trees are growing. Metrics related to invasive species. So to be sure they are being met, the site will be monitored two times a year for up to 10 years. There will be no discussion of ending the monitoring until at least two of the criteria are met. Commissioner Hine asked if the monitoring reports are given to the Town. Mr. Apigian replied yes. Commissioner Hine asked if the excavation cells will have barriers between them while being excavated to prevent contamination. Mr. Hellerich replied that each of the 6" cells is 100 cubic yards and the 2' cells are 200 cubic yards. He reported that they have not envisioned using barriers between them. They don't expect any significant movement of soil between the cells. Commissioner Hine asked if each cell is excavated and filled one at a time. Mr. Hellerich replied that it will depend on the ability to get dispose of soil and import clean backfill. The expectation is to excavate one to several cells and

backfill as soon as possible. The expectation is that several cells will be done over several days and backfill together. They will not open all the cells at once.

Commissioner Fitzsimmons asked if a sedimentation bond will be required on top of the bonds for Wetlands. Chairman Seichter replied that yes, there is a \$20,000 sedimentation and erosion control bond. Commissioner Fitzsimmons due to the number of truck trips, will we limit the hours of operation. Chairman Seichter replied that the applicant has asked for Monday through Saturday, 7am to 7pm. Mr. Hellerich responded that that is what they replied to the October 29th comments. Mr. Talbot confirmed that.

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

Commissioner Venoit: Motion to close the public hearing for #409-20 Special Permit (Fill & Excavation) for Pfizer for the remedial removal and replacement of approximately 3,300 cubic yards of wetlands soils on 2.23 acres on property located at 5 and 21 Toelles Road.

Commissioner Fitzsimmons: Second

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

Commissioner Venoit: Motion to approve application #409-20 Special Permit (Fill & Excavation) for Pfizer for the remedial removal and replacement of approximately 3,300 cubic yards of wetlands soils on 2.23 acres on property located at 5 and 21 Toelles Road as shown on plans entitled 29 Toelles Road, Wallingford, CT, project number 0232569.00 dated August 2020 amended to December 2020, subject to:

- 1. Comments and interoffice memorandum from the Fire Marshal to the Planning and Zoning Commission dated August 12, 2020;**
- 2. Comments in the interoffice memorandum from Erik Krueger, Senior Engineer, Water and Sewer Divisions to Erin O’Hare, Environmental Planner, cc to Thomas Talbot, Planner, dated August 27, 2020;**
- 3. Comments in the interoffice memorandum from the Department of Engineering to Thomas Talbot, Town Planner, dated January 8, 2021;**
- 4. Comments and interoffice memorandum from Erin O’Hare, Environmental Planner to Thomas Talbot, Planner, listing all conditions of Inland Wetlands Commission, approval number A20-7.1, dated January 8, 2021, all conditions of that approval incorporated into application for special permit #409-20, except for condition number 12;**
- 5. Sedimentation and erosion control bond or \$20,000; and**
- 6. Obtaining an Army Corps of Engineer General Permit**

Commissioner Fitzsimmons: Second

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

The application is approved.

Continuation of Zoning Text Amendment/Sections 4.9 (I-X**2.), 4.10 (I-5), and 4.13 (WPD) 2.1, 5.1.C., 6.1.C., and 6.12.B./PZC #412-20**

Commissioner Matarazzo noted all additional correspondence pertaining to this application for the record. Letter dated January 5, 2021, from the Office of the Mayor to Chairman Seichter, Wallingford Planning and Zoning Commission, signed by Mayor William Dickinson; Janis Small, Law Department; Timothy Ryan, Economic Development and Rick Hendershot, Director of Utilities. He read the letter into the record: Referencing Zoning Text Amendment Section 4.9 (IX), Section 4.10 (I-5) and 4.13 (WPD), 2.1, 5.1.C., 6.1.C., and 6.12.B. Dear Commissioners, Due to serious legal and policy concerns about the proposed changes, we are requesting additional time to develop thoughts and language for consideration of the Planning and Zoning Commission regarding the 902-20 application, we request that the current amendments be withdrawn. The undersigned will be meeting to articulate relevant language and will provide such work product by March 31, 2021, at the latest. Thank you for considering this request to encourage a more comprehensive proposal for the Commission's consideration.

Chairman Seichter explained that last month there was a lengthy discussion on these text amendments which raised various issues. He has been told that there was a meeting of the signers with Mr. Talbot. They ask for more time to look at the regulation and see what issues there may be from a legal standpoint and from a definition standpoint of some uses to make it clearer. Thus we have this letter asking us to withdraw the application. He noted that it is the Commission's application so we have the authority to do so.

Commissioner Fitzsimmons stated that he doesn't object to pulling it off the agenda for several months but it is not going away. We have been working on this for years.

Commissioner Venoit stated his agreement with Commissioner Fitzsimmons.

Commissioner Kohan stated that he was concerned with the legal and policy concerns being brought up so late in the game. He stated that he is okay with letting it go for a few months, but he added that it sets a precedent that someone can come in and express objections in this manner that we would have to seriously consider.

Commissioner Matarazzo stated that he also agreed with Commissioner Fitzsimmons.

Commissioner Hine stated that he is generally in agreement, but he is in favor of continuing the hearing instead of withdrawing. He stated that the Commission needs to stress that we need to move forward as soon as possible. He noted that there are two conflicting provisions in the regulations. One allows warehousing and storage in the wetlands protection district in the IX zone and the I-5 zone that doesn't allow warehousing in the wetlands. He is still waiting for a response from the Water Division on this conflict and their position on extending the prohibition to both zones. He stated that he doesn't feel comfortable acting on applications that may come in the meantime. He asked that we request a response from the Water Division. Mr. Talbot stated that in discussions the Water Divis

has been clear on why they object to uses in the I5 that are permitted in the IX. They see it as a situation where these uses are an existing fact on the ground. They don't want to extend it to the I-5 because that represents that much more of a threat to the watershed. They feel the existing regulations are a done deal and they are not interested in equity in the two districts in terms of uses. They don't want to extend what's currently permitted in the I-X portions of the watershed to the I-5. They don't want an expansion of uses that they are suspicious of. Commissioner Hine stated that he is not satisfied with that explanation. It would be helpful to have someone explain why uses are allowed in one and not the other. Chairman Seichter noted that Mr. Talbot had sent an email to Mr. Amwake asking for a definitive answer and has not yet received a response. Commissioner Hine asked if Mr. Talbot could follow up and ask if they have a position on doing away with both or extending both. Chairman Seichter indicated that that was part of the email.

Commissioner Allinson stated that he had no objections. We can re-file after we get the input. It is in the Town's best interests that we get further information from the experts.

Jennifer Frechette stated that she is upset and it feels like the Mayor is serving a private party. This means that residents have to continue to watch agendas. It is very anxiety provoking. She stated that she is disappointed with the Mayor.

Ed Bradley, 2 Hampton Trail, agreed with tabling the application. There was a lot of information that came up at the last meeting. His comments were in the I-5, the WPD regulations. He is confused with Mr. Krueger's stand. He believes there is a great distinction between the IX and I-5. I-5 is part of the watershed, is wetlands, and is adjacent to homeowners as well as Spring Lake and McKenzie reservoir. That is his big objection to section 4.13 in the WPD. He asked as the proposals are reviewed, how will residents be made aware of changes proposed before the next meeting? Chairman Seichter confirmed that residents would have to go to the office to get a copy of the revisions. He explained that the Commission will meet to review the proposed changes to the regulations to determine if a workshop is needed before holding a public hearing. The workshops are open to the public. Mr. Bradley asked how far before a meeting the Commission gets their packets. Chairman Seichter replied that they get the applications the month before and the attachments the Friday before.

Bill Stuckey, 54 High Hill Road, asked if a clean copy of the changes was available, as was indicated at the last meeting. Chairman Seichter said no because it has been withdrawn. Mr. Stuckey stated that he is disappointed that after 14 months enough people had a chance to chime in. His impression from the Water Division was that they want to protect the watershed and manufacturing warehousing wasn't something they wanted in those areas. He asked how applications would be handled in the meantime. Chairman Seichter replied that any applications would be handled under the existing regulations.

Hearing no further public comment, Chairman Seichter asked for a motion to close the public hearing and indicated that only those who were present for the last meeting's discussion should vote.

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Commissioner Venoit: Motion to close the public hearing for application #902-20, Zoning Text Amendment/Section 4.9 (IX), Sec. 4.10 (I-5), and 4.13 (WPD), 2.1, 5.1.C., 6.1.C., and 6.12.B./Planning and Zoning Commission.

Commissioner Fitzsimmons: Second

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

Chairman Seichter then asked for a motion to withdraw the application.

Commissioner Venoit: Motion to withdraw application#902-20, Zoning Text Amendment/Section 4.9 (IX), Sec. 4.10 (I-5), and 4.13 (WPD), 2.1, 5.1.C., 6.1.C., and 6.12.B./Planning and Zoning Commission.

Commissioner Fitzsimmons: Second

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

The application is withdrawn.

5. Zoning Regulation Amendment/Sec. 6.26.D. (Steeple up-lighting)/Knight and Farrell # 505-20

Commissioner Matarazzo read the legal notice and noted all correspondence pertaining to this application for the record. Correspondence dated December 28, 2020, from Thomas Talbot, Planner to Steve Knight and Jerry Farrell; Memorandum dated January 6, 2021, from Janis Small, Corporation Counsel to Thomas Talbot, Planning and Zoning.

Gerald Farrell, 54 North Elm Street, explained the proposed amendment. He stated that the amendment is presented on behalf of the First Congregational Church, which already has up-lighting, and Holy Trinity is considering it. They came up against Section 6.26.C.2 which prohibits up-lights, however, Section 6.26.D is an exception that allows up-lighting of one and two-family homes or an American Flag. He asked that this exemption be extended to Church steeples. He supplied a draft amendment with narrow wording for steeples built before 1940. He explained that he used 1940 because many statutes use that year as a demarcation point for historic structures. He believes the amendment would apply to four churches in Wallingford. He noted that the current regulation recognizes the symbolic value of the American flag and stated that steeples have symbolic value too.

Chairman Seichter disclosed that he is a member of one of the churches mentioned but he had no prior knowledge of the application or the drafting of the amendment. He stated that he discussed his potential conflict with the Corporation Counsel and she indicated that he was not in conflict. Chairman Seichter stated that since he is not active in the operations of the church he will not recuse himself. He stated that he has concerns with the proposed amendment because it discriminates against other religious organizations. He doesn't see why a religious organization's building should be treated differently than commercial buildings for up-lighting.

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Commissioner Fitzsimmons asked why up-lighting for any towered or spired structure associated with a non-religious use is not proposed as an exemption. For example, Choate has cupolas and spires. Mr. Farrell replied that he tried to give them something that would avoid opening the flood gates on up-lighting. How to do that while recognizing that there are some other legitimate purposes of up-lighting? He proposed religious symbols as a suggestion. Commissioner Fitzsimmons stated that he generally liked the zoning text amendment and is not as concerned with the buildings that would not be included, but it needs work. He stated that done nice, up-lighting looks great. We need to explore it further to make sure we are okay with the definition and if there are any other appropriate buildings.

Commissioner Venoit stated that he agreed with Commissioner Fitzsimmons that we need more dialog on what we feel comfortable with.

Commissioner Kohan stated that he is not in favor. He felt this was essentially spot zoning. He added that many churches are in residential areas and we try to limit ambient lighting in those areas. He noted that there is no time cut off for the lighting. He stated that he agreed with the Corporation Counsel's comments.

Commissioner Matarazzo stated that he agreed that more thought is needed. He is not opposed to up-lighting done right.

Commissioner Hine stated he agrees and is aware of the problem of being either too broad or too narrow. He suggested focusing on the definition of a steeple and maybe time limitations. He agreed that it is doable, but not in the current form.

Commissioner Allinson stated that he likes up-lighting and would like to see it done properly. He agreed with the Corporation Counsel that the net effect that only four churches will be allowed is an issue. He stated that it can be done with the proper language.

Mr. Farrell asked for a copy of Janis Small's memorandum. He noted that it was recommended that they speak with her but were not able to. He noted that his goal was to be as narrow as possible. Chairman Seichter promised to get him a copy of the memo and encouraged him to meet with Atty. Small.

Steve Knight, 289 Ivy Street, added that he hopes the door is still open for the discussion and stated that they are comfortable expanding the scope to include everyone that should be included without opening it to misuse.

Chairman Seichter stated that the Commission is willing to discuss it again and continue the public hearing. He stated that the applicant has been given instructions to prepare for the February meeting.

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Commissioner Fitzsimmons stated that he is in favor of continuing the discussion as there is a need to ensure it is not discriminatory.

Commissioner Kohan stated that he is okay with continuing and added that churches are in residential areas. He asked for a time limit on how late the lights can be left on as he is concerned with the impact on residents.

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

Commissioner Venoit: Motion to continue the public hearing for #505-20, Zoning Regulation Amendment Section 6.26.D (steeple up-lighting)/ Knight and Farrell to the February 2021 meeting.
Commissioner Fitzsimmons: Second

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

NEW BUSINESS

5. Site Plan/Proton International/932 Northrop Road #221-20

Commissioner Matarazzo noted all correspondence pertaining to this application for the record. Letter dated December 23, 2020, from Thomas Talbot, Planner to Proton International, LLC; correspondence dated January 6, 2021, from Andrew White and Charles Croce, Tight and Bond, Inc. to Thomas Talbot, Planner; Correspondence dated January 4, 2021, from Craig Yannis and Charles Croce, Tight & Bond, Inc. to Atty. Jim Loughlin; correspondence dated January 5, 2021, Andrew White and Charles Croce, Tight and Bond, Inc. to Alison Kapushinski, Town Engineer; correspondence dated January 6, 2021, from Atty. Jim Loughlin to Thomas Talbot, Town Planner; Interoffice Memorandum dated January 5, 2021, from Erik Krueger, Senior Engineer, Water & Sewer Division to Erin O’Hare, Environmental Planner; Memo dated December 30, 2020, from Department of Engineering to Planning and Zoning Commission; Interdepartmental Referral dated November 25, 2020, from Town Engineer; Interdepartmental Referral, dated November 25, 2020, from Fire Marshal Office; Memo dated December 30, 2020, from Department of Engineering to Inland Wetlands and Watercourses Commission; Memorandum dated January 8, 2021, from Erin O’Hare, Environmental Planner to Tom Talbot, Acting Town Planner; memorandum dated January 7, 2021, from Erik Krueger, Senior Engineer to Tom Talbot, Acting Town Planner; set of plans dated January 6, 2021; conceptual rendering dated January 6, 2021.

Jim Loughlin, of Loughlin Law, 221 North Main Street, Wallingford presented. Also present were Peter Carbone, of Proton International; Andrew P. White an engineer with Tighe & Bond Engineers of Middletown, Paul Rushton, Director of Design for Proton International in the UK; Franck Le Bousse, an architect. Atty. Loughlin stated that the use proposed is for a state of the art cancer treatment center. They would provide radiation therapy surgery done with protons instead of photons. Protons are heavier and provide for more precise surgery with less collateral damage. There will be a Superconductor onsite. The 27 or 28,000 square foot building will have one treatment room. The partners are Yale-New Haven Health and Hartford Healthcare with Proton International. The location is at the intersection of Rt. 91 and 68. This is a fully taxable building that will generate nominal traffic. This is Outpatient medical use which is approved in the I-5 Zone. Atty. Loughlin explained that they

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received a parking variance from the ZBA for a significant reduction to allow protection of the aquifer, preserve trees, and to have less impervious surface. The property is in the aquifer protection district,

so they met with the Water Division who is in favor of the application. They applied under the site plan section because they are under the 100 peak hour vehicle trips based on traffic estimates from four other similar sites. The

maximum number of employees at any time is 24 and no more than 3 or 4 patients at any time. He noted that they have no signage plans yet, but will come back for approval when they do. He reported that they met with the Wetlands commission who approved. He reported that they responded to all of Mr. Talbot's comments and included those changes in the plans. He shared a conceptual rendering of the building.

Andrew White described the access through a driveway off Northrop Road, north of the Marriott. The site is 11.79 acres which are entirely wooded. He described the drainage and catch basins which will discharge approximately 90% of the site stormwater goes to a culvert on the south edge of the property through a pipe beneath the Marriott's parking lot. He showed the front entrance on the north with a majority of the parking to the east. Site grading is nominal. At the request of the Water Department, they are providing sand filters to meet the stormwater requirements. Per Water Department Aquifer Watershed Protection regulations they have two stormwater systems: **(1)** One to collect exclusively landscaped areas and, **(2)** one for the paved areas that use two sand filters as well as water quality hydrodynamic separators. He stated that they are reducing peak flow offsite and volumetric runoff offsite with no impact on downstream. He described the utilities with two utility poles off Northrop and explained that they have a generator for back up. He described the two phases of first prepping the land and then construction. He described two phases of soil control methods during construction. He reviewed the landscaping lighting plans.

Commissioner Fitzsimmons noted that there is a zoning requirement for the orientation of buildings. He asked for clarification of the location of the front of the building. Mr. White noted that the front of the building is oriented north and though not perpendicular to the road, the driveway gives a direct view of the front. Commissioner Fitzsimmons noted that traffic will mostly come from Rt. 68 to Northrop and asked Mr. Talbot if it complies with the building orientation regulation. Mr. Talbot replied that it meets the general intent of the regulation. That kind of regulation is more applicable to urban settings. He believes this proposal complies with the intent. Commissioner Fitzsimmons noted that he just wants to be sure it conforms substantially. He noted that he likes the reduction in blacktop.

Commissioner Kohan stated that he is in favor and said that it will be a great addition to Wallingford. He asked why they chose Wallingford. Atty. Loughlin replied it was due to the visibility to Rt. 91; the location halfway between Hartford and New Haven as well as halfway between New York and Boston; the favorable utility rates and the proximity of hotels. Commissioner Kohan asked if they were aware of the stone gate on the southern edge of the property near Northrop Road. He asked if they were

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aware of any historical value. Paul Rushton replied that they are aware of the post and will keep it as is. He noted that they do not know the history.

Commissioner Matarazzo stated that this will be a great addition to Wallingford and he supports it. He noted no problem with the orientation of the building.

Commissioner Hine stated that he supports the project and feels it's perfect for the area.

Commissioner Allinson thanked the presenters for a thorough presentation.

Chairman Seichter stated that he appreciates the applicant choosing Wallingford. He asked for clarification of the number of parking spaces and handicapped spaces. He also asked what the triangles with 2 inside on the drawing meant. Mr. White showed the spaces and verified there were 50. He noted that they were required to have two handicapped spaces and opted for four. He explained that the delta with the two corresponds to a second revision. The second revision was done after the meeting with the Wetlands Commission last week and discussions with Mr. Talbot and the Town Engineer. Revision 2 is the latest.

Tim Ryan of the Economic Development Commission commented that this is a fantastic opportunity for Wallingford and is a project that he's been working on for 2.5 years.

Commissioner Venoit: Motion to approve application #221-20 Site plan application for Proton International for a 27,810 sq. ft. outpatient medical treatment facility on 11.82 acres as shown on plans entitled Connecticut Proton Therapy Center Outpatient Facility, Proton International, 932 Northrop Road, dated December 2020 revised to January 6, 2021, subject to:

1. **Comments in an interoffice memorandum from Erik Krueger, Senior Engineer, Water, and Sewer Division to Erin O'Hare, Environmental Planner, cc to Tom Talbot, Planner, dated January 5, 2021,**
2. **Comments in the interoffice memorandum from the Fire Marshal to the Planning and Zoning Department dated December 18, 2020**
3. **Comments in the interoffice memorandum from Erin O'Hare, Environmental Planner to Thomas Talbot, Planner, listing all conditions of Inland Wetlands Commission approval A20-12.1 dated January 8. 2021. All conditions of this approval to be incorporated into the site plan application 221-20 except for condition number 1 bonding.**
4. **Comments in interoffice memorandum from Erik Krueger, Senior Engineer, Water & Sewer Division to Thomas Talbot, Planner, dated January 7, 2021, and**
5. **Sediment and erosion control bond of \$30,000.**

Commissioner Fitzsimmons: Second

Vote: Fitzsimmons – yes; Venoit – yes; Kohan – yes; Matarazzo – yes; Chairman Seichter – yes
The application is approved.

REPORTS OF OFFICERS AND STAFF

9. **ZBA Notice – January 19, 2021,**no questions from Commissioners

10. **Zoning Enforcement Log**

DRAFT

Commissioner Kohan asked what the current status is for 12 & 15 Windswept Road, Paradise Hills Winery. Amy Torre replied that most issues were regarding special events and conditions surrounding those events. She is not aware of any recent special events but they need to adhere to certain numbers of attendees and numbers of events. She agreed this needs to be revisited.

11. Administrative Approvals:

- a. Change Use/Barnes Homestead/40 North Main Street #312-20**
- b. Change of Use/Termini/9 North Main Street #313-20**
- c. Survey Waiver/Baker/4 Union Street #801-21**

No comments were made regarding these approvals.

Chairman Seichter suggested adding a discussion to the next meeting of Food Truck Regulations and their uses at wineries and other uses. He asked Commissioners to come with ideas of what they do or don't want.

Commissioner Venoit: Motion to Adjourn the Monday, January 11, 2021 Planning and Zoning Commission at approximately 10:00 p.m.

Commissioner Fitzsimmons: Second

Vote: Unanimous

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary