

Wallingford Planning & Zoning Commission
Regular Meeting
Monday, March 11, 2024
7:00 p.m.
Robert F. Parisi Council Chambers – Town Hall
Town Hall – 45 South Main Street
MINUTES

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

The Pledge of Allegiance was recited by all.

Roll Call: Present: James Seichter, Chair; Stephen Allinson, Secretary; James Fitzsimmons, Regular Member; Jeffrey Kohan, Regular Member; David Parent, Alternate; Joseph Sanders, Alternate; Bryan Rivard, Alternate; David Parent, Alternate; and Kevin Pagini, Town Planner.

Chairman Seichter noted that the following agenda items will not be heard tonight.

1. **PUBLIC HEARING – Zoning Change (R-18 to DD-40) Lost & Found Ventures, LLC/10 Mansion Road #503-23** Continued to April meeting
3. **PUBLIC HEARING – Special Permit (Drive-thru retail restaurant)/Kapoor/905 North Colony Road #403-24** Continued to April meeting
4. **PUBLIC HEARING – Re-subdivision - under 8-30g/Sunwood Development Corp./1136 Durham Road #101-24** Continued to April meeting
5. **PUBLIC HEARING – Special Permit Exterior equipment (no building) Hopper, above-ground conveyor, and elevator tower. Ferti Management Corp. 155 East St. #405-24** Continued to April meeting
7. **SITE PLAN APPROVALS – Site Plan (Retail Restaurant) 124 Church Street, Yallesville #201-24** Continued to April meeting.

Consideration of Minutes February 14, 2024, Regular Meeting

Commissioner Fitzsimmons: Motion to approve the Minutes of Wednesday, February 14, 2024, Meeting of the Wallingford Planning and Zoning Commission as submitted.

Commissioner Kohan: Second

Vote: Unanimous to approve with Chairman Seichter abstaining.

PUBLIC HEARINGS

3. **PUBLIC HEARING – Special Permit (Waste Reduction Facility)/Bozzuto/507 Main St., Yallesville #402-24** Continued to March meeting

Commissioner Allinson read the legal notice and noted the correspondence. #402-24 – Special Permit and Floodplain Development permit request for Bozzuto to construct a waste reduction facility at an existing waste trucking facility located at 507 Main Street, Yallesville – I-40 (Industrial) District.

Correspondence included: email from the Health Department, to Kevin Pagini, Town Planner; correspondence from Kevin Pagini, Town Planner to Dennis Bozzuto, dated January 22, 2024; correspondence from Kevin Pagini, Town Planner to Dennis Bozzuto, dated February 1, 2024; Memo from Alison Kapushinski, Town Engineer to Planning & Zoning Commission, dated February 28, 2024; Inter-Departmental Comments from Erin O'Hare, Environmental Planner, signed January 25, 2024; Inter-Department Comments from Erin O'Hare, Environmental Planner, signed February 7, 2024; correspondence from Erin O'Hare, Environmental Planner, to Dennis Bozzuto and Christopher Juliano, received February 1, 2024; Inter-Department Comments from Scott Shipman, Senior Engineer, Water & Sewer Divisions, signed, January 31, 2024; Inspection Report from the Wallingford Fire Department, dated January 31, 2024; Inspection Report from the Wallingford Fire Department, dated February 9, 2024; correspondence from Christopher Juliano, Juliano Associates to Erin O'Hare, Environmental Planner, dated February 4, 2024; correspondence from Christopher Juliano, Juliano Associates, to Kevin Pagini, Town Planner dated January 31, 2024; ICC-ES Evaluation Report, received February 1, 2024, document entitled Stormwater Maintenance Proposed Waste Reduction Facility, provided by Juliano Associates, dated January 31, 2024; certification of mailing from the US Postal Service, sender Juliano Associates received February 1, 2024; correspondence from Christopher Juliano, Juliano Associates, to Kevin Pagini, Town Planner dated February 5, 2024; correspondence from Romeo Valentin, Juliano Associates, to Kevin Pagini, Town Planner, dated March 6, 2024; document entitled Stormwater Operations and Maintenance Proposed Waste Reduction Facility by Juliano Associates, dated March 6, 2024; product description of FloGuard Plus Catch Basin Insert Filter; National Flood Hazard Layer map; correspondence from Romeo Valentin, Juliano Associates on Site Inspection dated March 6, 2024; Stormwater Drainage Report by Juliano Associates dated March 6, 2024; Limited Property Boundary Survey Improvement Location Survey, Land of ADL Associates, LLC, #507 Main Street, Yalesville, dated December 20, 2023 including several site overlays and engineering specifications; email from Peter Donzello, Donzello's Farm to Kevin Pagini, Town Planner, dated March 11, 2024 and email from Alison Kapushinski, Town Engineer, to Kevin Pagini, Town Planner, dated March 11, 2024.

Christopher Juliano, PE, Licensed Land Surveyor, Juliano Associates, 405 Main Street, Yalesville, presented the Site Plan. He explained that he represents Tony's Trucking and Dennis Bozzuto regarding the installation of a waste management facility on an existing site in Yalesville. It has gravel, millings, paved parking lot now that stores roll-offs and garbage trucks. There is a floodplain on the site and a FEMA floodway at the back. The proposed building will be 10,800 sq. ft. placed toward the rear of the property. They will elevate the building due to the floodplain. They will remove the unnecessary gravel and decrease the total impervious surface. He noted that they determined that compensatory storage would be needed. They will re-grade areas of the site to lower the existing area, but it is not enough. They will use the space under the slab, fill it with stone, and allow flood waters to fill into that stone. There will be 3 ft. of crushed stone under the building. He added that reducing the impervious surface results in less runoff leaving the site. They will collect stormwater from the parking area and run through an oil/water separator. This will also collect sediment and debris. He showed heat maps to demonstrate the compensatory storage. He calculated the flood storage area and the amount of stone needed. In response to the Town Engineer, they looked at flood watershed mapping to predict how much shed on abutting properties and Rt. 150. They proved that they are decreasing the flow onto

other properties. He showed a comparison of the existing impervious area and the proposed area which was requested by the Environmental Planner. The proposal is not complex except for the compensatory storage. He reported that he received a late memo from the Town Engineer with questions. He understands the concerns and has a unique solution to the matter that he will discuss with the Town Engineer. He would like this application to be tabled to April. He gave an overview of the project, which is a project to reduce waste. The transfer station will handle municipal solid waste and construction demolition waste. They will pre-sort the waste before it goes to its respective location. Tony's Trucking has been handling municipal waste since 1932. They are building this to better serve this community, keep rates down, and help solve the problems of waste. Garbage trucks will come onto the site, enter the building, and dump on a concrete slab. The waste will be sorted and ramped to a loading dock where it will go into a tractor trailer to be taken away. He does not expect a significant increase in truck trips. This project will clean the site up and tie into what they are already doing on site. The facility currently operates from 2:30 am to 4:30 pm. The new hours will be 6:30 am to 3:30 pm. They expect an additional 15 to 20 vehicles per day.

Commissioner Rivard asked if it is considered a Waste Management Transfer Station and if it will be subject to DEEP solid waste facility permits. Mr. Juliano replied yes. They need local approval first then they will apply for the DEEP permit, which takes about 18 months. They will be beholden to the DEEP for monitoring and reporting. He also noted that they won't start building until they get the permit. He noted that it is the site use that is being approved here today.

Commissioner Kohan asked if the solid waste would include garbage and organic material. Mr. Juliano replied that it is municipal solid waste or what the garbage trucks pick up from residences as well as construction materials from rollouts, recyclables, etc. Since not everyone adheres to the separate bin policy, they will sort everything. They currently have to pay others to sort the waste. Commissioner Kohan asked what mechanisms will be used to reduce the odors. Mr. Juliano replied that doing the sorting indoors will help but they will also keep the garbage wet which not only reduces the odor but reduces the fire risk. They will also have a unique fire suppression system. Commissioner Kohan asked about the turnover for sorting. Mr. Juliano replied that he estimates that tractor-trailers won't be there for more than 48 hours. They intend to turn over the material quickly so it won't sit around. Commissioner Kohan asked what happens when it floods and freezes under the building. Mr. Juliano replied that they are going to elevate the building to keep all operations outside of the flood waters. The water would have to sit for a long time to freeze. It will come in through the flood vents and when it starts receding it will infiltrate into the ground as well as flow out. The stones are porous enough that they shouldn't freeze.

Commissioner Fitzsimmons referenced the March 6th memo in response to the Town Engineer. He asked about the update to the CT Stormwater Quality Manual that is effective March 30th. What impact would the new manual have on this project if applied? Mr. Juliano replied that the difference would be the water quality calculation which changed from 1 inch to 1.3 inches, thus increasing the volume. This site will comply with the 2023 manual. The galley system won't be as large as what might be needed. It is built to handle a 100-year storm. He stated that the design would comply with the new regulations.

Commissioner Fitzsimmons referred to the reference to the culvert and swale in the March 6th memo. He asked how that would be addressed. Mr. Juliano replied that the Town Engineer always asks them to look at the existing drainage to see if it works. In this case, they found a sand bar in the swale and recommended cleaning up the swale so water flows as intended. Commissioner Fitzsimmons noted that this is a small site. He asked how the site would be cleaned up as not everything would fit in the building. There is a large pile of debris left by the previous owner. Mr. Juliano replied that the floor of the building would be 1 ft. above the flood plain. The roll-offs will go away and the pile of gravel removed. The remaining outdoor unsightliness will move indoors. Commissioner Fitzsimmons asked about truck traffic. Mr. Juliano replied that he doesn't know how many trips per hour but doesn't think it will be a high volume. It will definitely not be 100 trips a day, as that is not possible for this size operation. Commissioner Fitzsimmons referred to the February 5th memo and asked where the materials would go. Mr. Juliano replied that the tractor trailers will take the stuff away and they are counted in the 15 to 20 truck trips a day. There are already garbage trucks going in and out only the tractor-trailers will be new. He agreed to get additional information on the truck trips.

Commissioner Allinson asked if there could be hazardous materials in the construction waste and how it would be remediated. Mr. Juliano replied that if hazardous material is identified at the construction site it is dealt with on site. This facility doesn't handle hazardous waste. This facility is for brick, wood, sheetrock, etc. from small contractors or small landscapers. It is always possible something hazardous could end up here. Commissioner Allinson asked if something like paint cans or asbestos was found how long would it stay there. Mr. Juliano replied that if discovered they would get it to the proper facility. They would need to document it for the DEEP permit. It would not be stored on-site.

Commissioner Sanders referred to the comments from the Water & Sewer Divisions and noted that the proposed building will not be connected to water and sewer. He asked how water from the building would be handled. Mr. Juliano replied that they use a mist to keep the garbage damp, so there won't be inches of water on the floor. Commissioner Sanders asked if there would be floor drains in the building. Mr. Juliano replied no.

Chairman Seichter asked what happens if there is a fire and the fire department pumps water into the building. Mr. Juliano replied that the fire suppression system has cameras and heat sensors. It uses environmentally friendly foam (not PFAS) to douse the fire. This keeps costs down and helps the Fire Department. The Fire Department may still pump water in. If so, the facility will have to deal with the cleanup according to the DEEP rules. He stated that he would bring more information to the next meeting.

Mr. Pagini asked for a way to have a tank in case there are liquids in the trash. He asked why the oil/water separator is preferred over the hydrodynamic separator. Mr. Juliano replied that the main function of the hydrodynamic separator is to take out solids. The oil/water separator with three chambers is better for this use. He offered the catch basin filter as well as another level. He has successfully used this product before.

PUBLIC COMMENT

None

Mr. Juliano noted that he will meet with the Town Engineer to make sure she is comfortable with the proposal.

Commissioner Kohan noted that the new building will be 1 ft above the recorded past floods or a 100-year flood. He asked if they considered going 2 ft above instead. Mr. Juliano replied that that is possible and that he will look at increasing it.

Chairman Seichter called for a motion to continue the application.

Commissioner Venoit: Motion to continue application #402-24 Special Permit and Floodplain Development Permit for Bozzuto at 507 Main Street, Yalesville to the April meeting.

Commissioner Kohan: second

Vote: Unanimous

The application is continued.

SITE PLAN APPROVALS

7. Site Plan 8-30g to construct a 22-unit multi-family with an associated parking lot – Perretta – 898 Church Street, Yalesville #227-23

Commissioner Allinson read the new correspondence into the record, including Sidewalk map Land of Meriden Church of Christ dated February 9, 2024; Final Affordability Plan dated February 2024; email from Joe Sanders, Commission Member to Kevin Pagini, Town Planner, dated February 16, 2024; correspondence from Mary-Alice Petrucelli-Timek to Jim Seichter, Planning & Zoning Commission dated February 22, 2024; email from Brian Connors to Alison Kapushinski, Kevin Pagini, Erin O’Hare, the Health Department, Law Department and the Mayor dated February 20, 2024; email from Debbie Beauvais to the Planning & Zoning Office, dated February 22, 2024; email from Dominic Santilli to the Town Engineer, Kevin Pagini, Erin O’Hare, Health Director, Law Department and the Mayor dated February 24, 2024; email from Yash Patel to the Engineering Department, Erin O’Hare, Kevin Pagini, the Health Department the Law Department, the Mayor and the Planning & Zoning office dated February 21, 2024; memorandum from James Allen, Jason Adinolfi, Dominic Santilli, and the 898 Church Street Committee to Erin O’Hare, Environmental Planner dated March 4, 2024; petition with 137 signatures dated March 4, 2024; Inter-Departmental Comments from the Electric Division signed March 6, 2024; Additional background document from the 898 Church Street Committee dated March 6, 2024; Inspection Report from the Wallingford Fire Department, dated March 7, 2024; email from Brad Sammis to the Planning & Zoning Office, Kevin Pagini, Janis Small, Erin O’Hare, and the Mayor dated March 7, 2024; map entitled Hydric Soils, Wallingford CT; map entitled Soil Drainage Class, Wallingford, CT dated April 2010; a document and map noting traffic in 1994; correspondence from Alison Kapushinski, Town Engineer to

Kevin Pagini, Town Planner dated March 11, 2024; correspondence from Christopher Juliano to Kevin Pagini, Town Planner dated February 26, 2024; Limited Property/Boundary Survey Improvement Location Survey Land of Meriden Church of Christ, revised date February 29, 2024, received March 5, 2024; email from Dominic Santilli to Kevin Pagini, Town Planner, dated March 11, 2024; email from Dominic Santilli to Kevin Pagini, Town Planner dated March 10, 2024; and a set of PowerPoint slides entitled 898 Church Street Residents Concerned About Health and Safety of Proposed Development; Erosion Control Plan dated June 2, 2023; floor plan of the building dated May 28, 2023.

Chairman Seichter verified that the Commission needs to act on this application tonight. He announced that voting tonight will be Kohan, Fitzsimmons, Allinson, Parent (in place of Venoit), and himself. He noted that that he was not present at the last meeting but has reviewed the materials, and the minutes and watched the recorded meeting.

Atty. Dennis Ceneviva, Ceneviva Law Firm, 721 Broad Street, Meriden, and Christopher Juliano, PE, Licensed Land Surveyor, Juliano Associates, 405 Main Street, Yalesville presented. Atty. Ceneviva stated that they would address some of the concerns that were brought up at the last meeting. He summarized that the building will have 22 one-bedroom units and referred to the revised floor plan.

Chairman Seichter noted that they only have the first floor of the floor plan. Mr. Juliano explained that they redesigned the first floor to be all one bedroom and since all the differences were on the first floor, that is the floor plan they provided.

Atty. Ceneviva reviewed that 30% or 7 units will be affordable. Four at 60% of AMI and three at 80% of AMI.

Mr. Juliano presented the changes to the plan including adding the sidewalk along Highland Avenue. This will require them to go back to Inland Wetlands for a modification to the permit. Other changes include the removal of the fire pit and the addition of 19 white pines for a visual barrier near the closest neighbor's driveway. In addition, they will install a stockade fence along the Stormwater Management area and add additional native shrubs along the front. He addressed the concerns with stormwater runoff and clarified the size of the area that is being developed. Mr. Juliano explained how stormwater would drain off the property. He pointed out that they received Inland Wetlands approval for the drainage and the Town Engineer reviewed it. The detention basin is designed with a zero infiltration rate. It drains into the wetlands. This project will not change the drainage patterns. There is not a high ground water situation in the area of development. He showed the floor plan with all the ground-floor apartments as one bedroom. This wasn't a big change. Nothing changed on the 2nd and 3rd floors.

Chairman Seichter asked if the units at the ends are still two stories. Mr. Juliano replied yes, that hasn't changed. The upstairs units are two-story.

Commissioner Parent asked about the basin excavation mentioned in the conditions of approval. Mr. Juliano replied that once the basin is constructed down to the final grade, the Town Engineer wants

three percolation tests at the bottom. This will show how slowly water will infiltrate into the ground. It was designed with no infiltration rate, so if we get some it will be a bonus. Commissioner Parent clarified that if it is not satisfactory, they won't be able to build. Mr. Juliano replied that the test was to see if it would meet a specific rate. He is not worried. Regardless it doesn't impact the stormwater calculations.

Commissioner Fitzsimmons clarified that they are now proposing sidewalks along the entire frontage on Rt. 68 and Highland Avenue. Mr. Juliano said yes. Commissioner Fitzsimmons stated a need for specific conformance with landscaping requirements. Mr. Juliano agreed. Commissioner Fitzsimmons stated that they need additional landscaping in the storm basin area along Rt. 68 and along the vegetation line behind the patio. He asked about the addition of trees along the Drucker property. Mr. Juliano confirmed that in addition to the trees already there, they will add 19 to provide additional screening. Commissioner Fitzsimmons asked if they could add some closer to the clearing limit. Mr. Juliano agreed and said it was not an issue. He suggested some kind of dense evergreen and agreed to consult with an arborist to make sure it would work year-round. He will share the recommendation with Mr. Pagini. Commissioner Fitzsimmons asked if street trees are required. Mr. Pagini replied that there are some along Rt. 68 and along Highland Avenue they will keep the native vegetation. He expects that the shrubbery and native landscaping will keep debris out of the storm basin. Commissioner Fitzsimmons asked if the landscaping plan complies with the requirements for street trees. Mr. Pagini replied yes. Mr. Juliano added that there will be street trees along Highland Avenue and that they are not taking down old trees. He believes that this meets the requirements.

Mr. Pagini asked Mr. Juliano to explain the use of a sediment trap as opposed to a storm basin. Mr. Juliano replied that after discussions on the Durham Road Project, he realized that Wetlands had approved the plan using a basin as a temporary sediment trap. The Town Engineer found it is not recommended. Since it's a small site, creating a second temporary sediment trap is not beneficial. He proposes excavating the basin down to 2 ft. above the final grade during construction. Once the parking lot is paved and the buildings are up, and then excavate the last 2 ft. of the basin. As sediment gets into the basin it can slow filtration rates. He suggests taking this extra step. Digging out the remaining 2 ft will take out any sedimentation. He will make sure Inland Wetlands is aware of this change.

Chairman Seichter referred to the memo from the Town Engineer regarding the Bio-filter. Mr. Juliano explained the treatment train. The bio-filter is to remove any hydrocarbons, oils, etc. before going into the basin. The main treatment is in the basin itself. All the pieces are part of the treatment train and comply with current guidelines. This complies with the future Stormwater Manual. The Biofilter is an addition, not a main source of treatment. It will prevent hydrocarbons and anything coming off of vehicles absorbed so it is not transported downstream. This was reviewed by the Environmental Planner.

PUBLIC COMMENT

Dominic Santilli, 5 Shangri Lane, spoke about safety and health issues. He stated that the residents had engineers analyze the plan due to questionable data. He thanked the applicant for the sidewalks. He

noted that they filed a petition that the Wetlands decision be revoked. This is being reviewed by Corporation Council Janis Small. He stated that they emailed a list of suggested conditions of approval. This included 1) the applicant to provide a revised permit from Inland Wetlands for the sidewalk on Highland Avenue; 2) the Commission to require a deed restriction limiting the number of residents per unit to two; 3) requiring a large bond for at least a year to deal with potential contamination of wells. He asked the Commission to deny the application and require the engineer to redo the plan with the revised stormwater manual and a peer review to be done by an engineer.

Jim Allen, 7 Terrell Farms Way, reviewed the PPT slide set that was provided. He stated that they strongly support the development of affordable housing. He stated that this is not the right site for this project. His concern was with health and safety, stormwater, and wells. He believes there are serious design flaws in the bio-filter based on the Stormwater Manual. It is undersized. He noted that there is no maintenance plan submitted. He quoted from the Manual. He stated that they shared their concerns about the effect on wildlife with the DEEP. He noted that private wells are not noted on any of the site plans. He stated that their concerns are not with the 8-30g, but with stormwater, wells, and flooding. He recommends denying the application and requiring the applicant's engineer to use the new CT Stormwater Manual.

Paul DeMattie, 4 Shangri Lane, stated that during the February meeting, the developer's attorney talked about Corporation Counsel's January 11th memo and how the burden to prove that denial is proper, rests with the Commission when it should be on the developer and his engineer. Regarding the statement that speculation of harm is never sufficient how about speculation of no harm? The research that was done by the neighbors is commendable. He noted that this was not a personal attack on Mr. Juliano. Mr. DeMattie mentioned other recent projects designed by Mr. Juliano for the 100-year storm that failed. The Commission has a responsibility. This is a residential zone. He noted that the quilt hanging at the front of the room states "Freedom from Fear". He asked the Commission to make the right decision. He quoted from the January 11th memo that 'the Commission has the right to deny the application to protect the public interest in health, safety and any other matters in which the Commission may legally consider'. The neighbors provided an abundance of technical data on traffic volume and design flaws related to Stormwater Management. This relates to Health and Safety. He asked that the Commission deny the application based on the problems identified by the taxpayers.

Brad Sammis, 4 Ryan Drive, questioned the Stormwater Drainage System report. It states that the basin decreases the peak flow of the property. What about the total? Mr. Juliano replied that the total volume would be increased. Stormwater calculations regulate peak flows off the property but do not regulate volume. Any development increases volume, but infiltration will reduce the volume. Mr. Sammis commented on the lack of transparency for this application. Mr. Pagini replied that the 8-30g application cannot have a special permit as a special permit is discretionary. It is a separate process from the State. Mr. Pagini reported that it is a Site Plan so notification is by placing the Site Plan on an agenda. There is no legal notification or sign required. Mr. Sammis noted that 8-30g doesn't mention a special permit. Chairman Seichter replied that it doesn't say it requires a special permit or notification. He discussed this with the Corporation Counsel and was assured that the Commission is handling this

application the way it should be handled. Mr. Sammis stated that with 22 units, you can assume 100 vehicles a day. He submitted traffic data. That is a quantifiable risk.

Derek Dickson 10 Hayledge Court, noted that white pines are not a good choice. He commented on the traffic and how recent accidents have cars end up off the road into where the new sidewalks will be. So this will put people in harm's way.

Chairman Seichter thanked the neighbors for sharing their comments.

Atty. Ceneviva noted that the accusations in the PowerPoint presentation were a defamatory indictment of Mr. Juliano and the Town Engineer. He is certain the Commission understands that the 8-30g standards are different from a Site Plan. He doesn't see that the concerns expressed show a quantifiable probability of harm. The Wetlands application was approved and the plans were vetted by the Town Engineer.

Mr. Juliano stated that he understands the concerns of the neighbors. He tried his best to hear the comments and attempted to address them. This project was reviewed by the Town's professional Engineer and Environmental Planner. This project wouldn't happen if there were errors and omissions. He made revisions based on the comments from the neighbors. He commented on some of the other recent projects that were referenced by the neighbors. In one case the developer didn't install the erosion control that was designed. In another project, the high groundwater condition didn't exist when the project was designed. His office is working with the Town Engineer and a third-party reviewer on a solution. Mr. Juliano stated that he stands by what he designs and goes above and beyond.

Atty. Ceneviva stated that the record is now complete. If there was quantifiable probability of harm, the Commission would have to come up with a solution. The burden is on the Commission based on the statute.

Commissioner Kohan stated that he respects Mr. Juliano as an honest, dedicated professional. He added that he appreciated the comments from the public and asked what the professional qualifications were of those who made statements opposing the professional engineers. He noted a neighbor's concern about Box Turtles and vernal pools. He suggested adding a condition that the applicant have a scientist conduct a box turtle search of the property, so any turtles can be tracked during construction. He also proposed a condition that any construction be done only after the breeding season when the vernal pools dry up. He agreed that it is not a great location for this development. As for the quantifiable probability of harm, Ms. Small highlighted what was not sufficient to deny the application. There must be actual evidence of harm. Based on the 8-30g State requirements, this application would be hard to deny.

Commissioner Fitzsimmons referred to Mr. Santilli's email of March 10th requesting a deed restriction. He asked if that can be done. Mr. Pagini replied that he had not spoken to the Corporation Counsel. He

added that he is not sure it has ever been done before and didn't think it could be enforced. Commissioner Fitzsimmons suggested asking Corporation Counsel if so it is part of the record for future reference. He clarified that the request by the residents regarding wetlands is not something for the Commission to consider. Mr. Pagini agreed. Commissioner Fitzsimmons stated that seven units of non-market rate housing for 40 years don't do much to help Wallingford. He agrees that it is not a great location. He noted that the Commission is out of time and needs to make a decision. Corporation Counsel reminds the Commission that the 8-30g is a very high standard, so a mere possibility of harm is not sufficient to deny. Based on all the information submitted, he doesn't see that they have a choice. He thanked the public for their input as it did change the application. Commissioner Fitzsimmons asked if the last memo received from the Town Engineer is the December 4th one just to be sure there are no more suggested conditions. Mr. Pagini replied that it was correct other than the basin and percolation test condition.

Commissioner Allinson stated that this is a complicated application. He heard over and over again that the 8-30g language was insufficient. He added that we are bound by the statute and feel the same constraints. He commended the neighbors for their well-thought-out presentations. He agreed that this is not what we envisioned for an 8-30g application but that doesn't prohibit it. He stated that the deed restriction proposal is a creative idea but may be a constitutional or fair housing problem.

Commissioner Sanders thanked Mr. Juliano for the replies to the questions he sent. Mr. Juliano's willingness to listen helped the project. He noted that Rep. Mushinsky also had concerns about the 8-30g statute that she was going to bring up at the State level. He encourages the public to share their concerns with their representatives. He thanked the neighbors for their ideas and trust.

Commissioner Parent stated that he was impressed by the presentations. He agreed that this is not the best location for the project, but there aren't many places that meet all the requirements for affordable housing. This does help provide more affordable homes.

Chairman Seichter noted that the plans were reviewed by the Inland Wetlands Commission and the Town Engineer and he has confidence in them. The Wetlands permit is outside the purview of this Commission. He appreciated the changes made to the percentages of the affordable units and the redesign to remove the efficiencies. He is disappointed that the final Affordable Housing plan limits the availability to 40 years. He noted that other approved affordable housing projects are also not in ideal locations. He would like to see more affordable housing in transit and incentive housing zones, but it is up to the developers to find the property. He asked if the applicant would consider increasing the 40-year limit. Atty. Ceneviva replied that the applicant didn't have much objection. They are just following the statutory requirements. He would be happy to talk to the applicant about that. Chairman Seichter thanked the neighbors for their input. Hopefully, they can feel that they affected the project and that the Commission listened.

Mr. Pagini noted that he agreed that some sort of signage should be required by the State.

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

Commissioner Fitzsimmons: Based on the totality of the record, Motion to approve application #227-23 Site Plan request for Perretta under Statute 8-30g to construct a 22-unit multi-family residential development with associated parking at 898 Church Street, Yalesville on plans entitled “Multi-family residential development 898 Church Street” dated June 2, 2023 and revised to 2/29/2024 subject to the following conditions:

- 1. All comments from the Wallingford Fire Marshal’s office**
- 2. Comments from Wallingford’s Town Engineer, Alison Kapushinski dated 12/4/2023**
- 3. Comments from Scott Shipman, Senior Engineer, Wallingford Water and Sewer Division dated 11/29/2023**
- 4. Submission of a native tree and shrub planting plan to provide extra landscaping for two areas on site, the storm basin area along Rt. 68 and along the vegetation line behind the back patio area that includes native plantings such as bayberry, winterberry, and huckleberry bushes, alimentary trees and bushes, and mountain laurels (native species only) with the exception of the use of white spruce along the back patio vegetation line and Christmas holly before a building permit is issued**
- 5. That the proposed sidewalk along the western side of Highland Avenue receives Inland Wetlands and Watercourses approval before a building permit is issued.**
- 6. That all existing storm drains and culverts are inspected and cleaned out prior to commencing construction.**
- 7. That the storm basin is not used as a temporary sediment trap. The sediment trap must be located in a different location per newly updated CT Guidelines for Erosion and Sediment Control.**
- 8. That the Wallingford Town Engineer and Wallingford Town Planner are notified prior to construction of the basin is to begin.**
- 9. Once the basin is fully excavated to finished grade, 3 percolation tests shall be performed and data, including observed percolation rates and duration of pre-soak, shall be submitted to the Wallingford Town Planner and Wallingford Town Engineer for review before issuance of a Building Permit.**
- 10. Inspection of all erosion and sediment controls by the Wallingford Environmental Planner and the Wallingford Town Planner before construction is commenced.**
- 11. An Erosion and Sediment Control bond in the amount of \$35,500**
- 12. Final Affordability Plan to be forwarded to the Planning and Zoning office**
- 13. Six (6) copies of the approved, final plans forwarded to the Planning and Zoning Office**
- 14. Applicant is to have an environmental engineer walk the site prior to construction looking for box turtles. If any are found, place a monitor on the turtle to allow construction to occur while protecting any located turtles**
- 15. Applicant shall commence construction after vernal pools are dry and/or amphibian breeding season is over**

16. A bond in the amount of \$10,000 be posted for claims associated with any water quality or well issues during construction and 1 year following 100% occupancy

Commissioner Kohan: Second

Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Chairman Seichter – yes.

The application is approved.

BOND RELEASE

8. 5 Chimney Sweep Rd. / Tom Sullivan

Mr. Pagini reported that this bond is ready to be released.

Commissioner Fitzsimmons: Motion to release the bond being held for 5 Chimney Sweep Road as recommended by the Town Planner.

Commissioner Kohan: Second

Vote: Unanimous

REPORTS OF OFFICERS AND STAFF

9. Administrative Approvals – noted as approved

a. 6 Summit Dr., Accessory Apartment

b. 342 Grieb Rd, Accessory Apartment (under Reasonable Accommodations Act)

10. ZBA February Decisions – no comment

11. ZBA Notice of March 18, 2024 – no comment

ADJOURNMENT

Commissioner Fitzsimmons: Motion to Adjourn the Wallingford Planning and Zoning Commission for Monday, March 11, 2024, at 9:55 pm.

Commissioner Kohan: Second

Vote: Unanimous

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary