

Application #401-21  
5 Research Parkway, Wallingford

Statement of Consistency  
Zoning Regulations Section 7.5.B Criteria  
[Applicant's Statements in Bold Font]

B. Criteria for Evaluating a Special Permit.

1. Appropriateness of location or use:

- a. The size and intensity of the proposed use or uses and its or their effect on and compatibility with the adopted Plan of Development, the specific zone and the neighborhood;

**The Site is located in the IX zone district. The proposed use is permitted in the IX zone district. The maximum building coverage is 25%, and the application proposes building coverage of only 2.8%. The proposed building is smaller than the Bristol-Myers Squibb building was. Proposed building setbacks far exceed minimum requirements from all property lines. The required minimum open space is 50%, and the application proposes 68% open space.**

**The Plan of Conservation and Development (POCD) specifically states as part of its action agenda “Attract new businesses to key industrial areas” and “Work to locate new tenant(s) for Bristol-Myers Squibb facility. Continue to monitor situation and interested parties. Explore incentives for further redevelopment, such as an Enterprise Zone.” (POCD p. 15)**

**The proposed project would bring a new high-quality tenant to the Bristol-Myers Squibb Site and would directly address and satisfy these action items in the POCD.**

- b. The existence of other uses of the same kind or character in the neighborhood and the effect thereof on said neighborhood;

**The Site is located in the IX zone district. Other existing industrial and commercial uses are located to the west and north of the Site. For example, an Amazon sortation center (BDL5), a United States Postal Service facility, and other warehouse and distribution uses are located on Research Parkway north of the Site. The proposed use is compatible with the character of the industrial and commercial uses in the area.**

**Residential uses are located to the east and south of the Site. The scheme of the Zoning Regulations and the Zoning Map recognizes that in many locations in Wallingford, industrial zone districts are located near residential**

**zone districts. In such situations, industrial uses and residential uses can co-exist near each other when careful planning is undertaken to mitigate any potential negative impacts from industrial uses.**

**Here, the applicant has taken great care to ensure that the proposed project is compatible with its residential neighbors. As described in the application materials, the following key planning and site design issues have been thoroughly addressed:**

- i. The traffic plan will be protective of nearby residential neighborhoods by eliminating access onto Carpenter Lane (except for emergency vehicles) and having all vehicular access occur at the existing Research Parkway entrance. Research Parkway was planned for commercial and industrial traffic and it creates a direct route to Route 68 and I-91.**
  - ii. The landscaping plan will be protective of nearby residential neighborhoods by including extensive evergreen plantings in double and triple widths along the eastern and southern property lines to form a dense screen. The landscaping plan has been revised to include an additional 150 evergreen trees.**
  - iii. 239 parking spaces have been eliminated from the site plan, resulting in parking areas being moved further away from the southerly property line.**
  - iv. The location and design of the project will mitigate potential noise impacts to nearby residential neighborhoods, as demonstrated by the professional sound study that was completed by the applicant.**
  - v. All site lighting will utilize LED, dark-sky compliant, full-cutoff fixtures. A photometric plan has been prepared which demonstrates no off-site spillage of light from the facility.**
- c. The capacity of adjacent streets to handle peak traffic loads and hazards created by the use;**

**The Traffic Study was updated to reflect the elimination of all vehicular access to Carpenter Lane. The Addendum demonstrates that, after development of the facility, the surrounding roadway network will continue to operate at acceptable levels of service. Research Parkway was planned for commercial and industrial traffic and it creates a direct route to Route 68 and I-91.**

**At the request of the Town's peer review consultant, and even though not required by CT DOT, the Addendum also reviewed the holiday peak period and found acceptable levels of service at all nearby intersections other than the I-91 northbound off-ramp at Route 68. Potential mitigation has been identified and can be proposed to CT DOT to improve the build-condition levels of service at that location.**

- d. The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties;

**The proposed building is 41,000 square feet smaller than the Bristol-Myers building was. The proposed building is setback from all property lines by considerable distances. The building setback to the easterly property line is 372 feet; to the southerly property line is 1,548 feet; to the westerly property line is 1,454 feet; and to the northern property line is 740 feet. Because of these very large setbacks, the proposed building will not cause any obstruction of light or air.**

**The facility is a clean enterprise and will not emit smoke, odor, gas, or dust. The applicant retained Ostergaard Acoustical Associates, a professional acoustical engineering firm to conduct a sound study of the proposed project, including an ambient sound study of actual sound conditions at off-site locations. The study concluded that sound emissions from the project post-construction will satisfy state laws and regulations, as well as the Town of Wallingford Noise Ordinance.<sup>1</sup>**

**Specifically, the sound study found that steady HVAC site noise will meet state and local regulations at all nearby residential, commercial and industrial receptors by wide margins. In fact, the HVAC sound is of low enough magnitude that it will likely not even be audible at off-site locations. Daytime and nighttime vehicle sound, including delivery vans, employee and driver vehicles, and truck activity, will meet all relevant state and local regulations and project sound goals. In summary, the sound study concluded that no negative acoustical impacts are anticipated from Site operations, and the results support the conclusion that site sound will conform to state and local regulations and harmonize with existing sound in the vicinity.**

- e. Unusual topography of the location, the nature, location, and height of buildings, walls, stacks, fences, grades and landscaping of the site;

**The proposed building height is 44.6 feet, which is quite low in comparison to the size of the Site. Given the very large building setbacks from all property lines, the Zoning Regulations would otherwise permit a much taller building.**

**The application includes a very extensive landscaping plan, which has been further enhanced with this submittal. At the southern end of the Site, the continuous row of proposed evergreen trees has been expanded to provide additional screening for the residential properties located south of the site. With the additional 50 evergreen trees that are proposed, the total number of**

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<sup>1</sup> The Town Noise Ordinance is set forth in Chapter 144 of the Town Code. Where the emitters district is industrial, which is the case here, the noise at the property lines cannot exceed 70 dBA in industrial zones; 66 dBA in commercial zones; 61 dBA in residential zones during the daytime; and 51 dBA in residential zones at nighttime.

**evergreen trees proposed in this area is 150, consisting of Eastern White Pine and Eastern Hemlock species. The proposed trees are shown in double and triple rows to create a maximum screening effect.**

**In response to comments made during the May 10 public hearing regarding evaluation of the existing vegetative buffer along the eastern property line, the project team's landscape architects re-visited the site to confirm the condition of this boundary. The easterly portion of the Site south of the Muddy River includes a wide vegetative buffer (at least 100 feet in width) along the eastern property line comprised of a mix of evergreen and deciduous trees. With this wide existing buffer in good condition and the proposed parking lot being located lower in elevation than the surrounding residential neighborhood, additional screening in this area is not necessary.**

**The northern end of the site includes the proposed location of the delivery station building, staging areas, truck loading and parking areas. The existing buffer along the eastern boundary consists of deciduous hardwood trees (maples, oaks, etc.) located outside of the existing perimeter fence. The Landscape Plan has been enhanced to include an additional 100 evergreen trees in this area to provide year-round screening. The proposed trees are shown in triple row for maximum screening and include White Fir, White Spruce & Blue Spruce.**

**In total, 150 additional evergreen trees have been proposed with this submittal to enhance the visual screening of the Site from nearby properties, and to improve the overall aesthetics of the project.**

- f. The extent, nature and arrangement of parking facilities, entrances and exits;

**As initially submitted, the application included a total of 1,508 parking spaces, including 475 spaces for associates and 1,033 spaces for delivery vans. In response to comments by members of the Planning and Zoning Commission, the applicant has agreed to substantially reduce the amount of parking. A total of 239 parking spaces will be eliminated, including elimination of 91 spaces for associates at the northern end of the site and 148 delivery van spaces at the southern end of the site. This 15% reduction in the number of parking spaces not only reduces total impervious coverage by 105,581 square feet, but it also increases the width of buffers separating the project from residences that are located south of the Site. This further enhances the harmony of the project with nearby properties.**

**The parking lots have all been designed to include interconnecting walks with painted crosswalks and speed bumps at all crosswalks to promote pedestrian safety.**

**The applicant has also agreed to a major concession by eliminating all vehicular access to and from Carpenter Lane, other than for emergency vehicles. This should ensure that no traffic from the facility will cut through nearby residential neighborhoods. All vehicular traffic will use the driveway entrance onto Research Parkway. The applicant's traffic engineering team prepared an Addendum to the Traffic Study that demonstrates that the elimination of the Carpenter Lane entrance can be accomplished while still retaining acceptable levels of service in the surrounding roadway network.**

- g. Problems of fire and police protection;

**The Site was previously developed as a large facility for Bristol-Myers Squibb. Principal access to the Site was from a driveway entrance on Research Parkway. Access to the proposed project will be kept at the same location as for Bristol-Myers (main entrance on Research Parkway). Access for police and fire protection should be substantially the same as for Bristol-Myers.**

**The access drives and parking areas within the Site have been designed to accommodate emergency vehicle access.**

**A fire pump house has been proposed to ensure proper water pressure and fire suppression infrastructure. All new construction will be built to the latest building code requirements for health and safety standards.**

- h. The preservation of the character of the neighborhood;

**The Site is zoned Industrial Expansion (IX). The proposed use (warehouse) is permitted in the IX zone district. A special permit application is required due to the anticipated levels of traffic. Other existing industrial and commercial uses are located to the west and north of the Site. For example, an Amazon sortation center (BDL5), a United States Postal Service facility, and other warehouse and distribution uses are located on Research Parkway north of the Site. The proposed use is compatible with the character of the industrial and commercial uses in the area.**

**Residential uses are located to the east and south of the Site. The scheme of the Zoning Regulations and the Zoning Map recognizes that in many locations in Wallingford, industrial zone districts are located near residential zone districts. In such situations, industrial uses and residential uses can co-exist near each other when careful planning is undertaken to mitigate any potential negative impacts from industrial uses.**

**Here, the applicant has taken great care to ensure that the proposed project is compatible with its residential neighbors. As described in the application**

materials, the following key planning and site design issues have been thoroughly addressed:

- i. **The traffic plan will be protective of nearby residential neighborhoods by eliminating access onto Carpenter Lane (except for emergency vehicles) and having all vehicular access occur at the existing Research Parkway entrance. Research Parkway was planned for commercial and industrial traffic and it creates a direct route to Route 68 and I-91.**
  - ii. **The landscaping plan will be protective of nearby residential neighborhoods by including extensive evergreen plantings in double and triple widths along the eastern and southern property lines to form a dense screen. The landscaping plan has been revised to include an additional 150 evergreen trees.**
  - iii. **239 parking spaces have been eliminated from the site plan, resulting in parking areas being moved further away from the southerly property line.**
  - iv. **The location and design of the project will mitigate potential noise impacts to nearby residential neighborhoods, as demonstrated by the professional sound study that was completed by the applicant.**
  - v. **All site lighting will utilize LED, dark-sky compliant, full-cutoff fixtures. A photometric plan has been prepared which demonstrates no off-site spillage of light from the facility.**
- i. The availability of adequate sewerage and/or water supply;

**The Site was previously developed as a large facility for Bristol-Myers Squibb, and was served by public water and sewer service. The proposed project will also be served by public water and sewer infrastructure. The proposed facility will likely have fewer employees than Bristol-Myers, which will result in reduced demand for water and sewer services.**

- j. All other standards prescribed by these Regulations.

**The application complies with all other pertinent provisions in the Regulations.**

**For example, the proposed stormwater drainage system meets and exceeds all pertinent design standards, including CT DEEP water quality standards, CT DOT drainage manual standards, and Wallingford water supply standards. The stormwater drainage system was thoroughly studied and revised during review of the inland wetlands permit application.**

2. Conformance: Conformance with the Wallingford Zoning Regulations and, where applicable, the Wallingford Subdivision Regulations and any applicable laws, codes or ordinances.

The IX zoning district permits storage and warehousing uses. The proposed use in this application is a warehouse use, which is permitted in the zone district. Amazon already operates two other warehouse facilities in Wallingford. Amazon operates a sortation center at 29 Research Parkway (site code BDL5), which is also located in the IX zone district. Amazon operates a delivery station at 425 S. Cherry Street (site code DOB2), which is located in the I-40 zone district (warehouses are a permitted use). The Planning and Zoning Commission recently reviewed and approved Amazon's application for 425 S. Cherry Street as a warehouse use (copy of the Commission's meeting minutes from March 11, 2020 and May 11, 2020 attached). Therefore, this application proposes a permitted use. Special permit review is required pursuant to Regulations section 4.9.C for traffic review.

Warehousing involves trucks bringing goods to the facility for unloading, sorting, storing and reloading onto vehicles for delivery to end users, whether that be business or residential customers. The Amazon facility proposed in this application does exactly that – trucks bring packages to the facility which are unloaded, sorted, stored for a short period of time, and then reloaded onto delivery vans. With the rise of electronic commerce, the time frame for business transactions and the delivery activity has shortened considerably. But the use is still fundamentally a warehouse that receives and unloads goods, sorts and stores them, and then reloads them onto outgoing vehicles for delivery to customers.

3. Safety, Health and Environment: Accessibility for emergency vehicles and equipment; proper utility, drainage, driveways and similar specifications; pedestrian access, mobility and safety; impact on the environment shall be considered.

**Access for emergency vehicles.** As described above, the Site was previously developed as a large facility for Bristol-Myers Squibb. Access to the proposed project will be kept at the same location as for Bristol-Myers (main entrance on Research Parkway). Access for police and fire protection should be substantially the same as for Bristol-Myers. The access drives and parking areas within the Site have been designed to accommodate emergency vehicle access. A fire pump house has been proposed to ensure proper water pressure and fire suppression infrastructure. All new construction will be built to the latest building code requirements for health and safety standards.

**Utilities.** The Site was previously developed as a large facility for Bristol-Myers Squibb, and was served by public water and sewer service. The proposed project will also be served by public water and sewer infrastructure. The proposed facility will likely have fewer employees than Bristol-Myers, which will result in reduced demand for water and sewer services.

**Drainage.** The proposed stormwater drainage system meets and exceeds all pertinent design standards, including CT DEEP water quality standards, CT DOT drainage manual standards, and Wallingford water supply standards. The

stormwater drainage system was thoroughly studied by the Town's peer review consultants during review of the inland wetlands permit application. As a result of comments and suggestions from the peer reviewers, the plans were revised and improved. The stormwater management plan proposed in this application is substantially the same as was approved by the Inland Wetlands and Watercourses Commission (IWWC). The amount of impervious surface has been reduced as a result of the elimination of 239 parking spaces, which has had a beneficial impact on the stormwater management plan.

**Driveways.** The plan for driveways into the Site will be protective of nearby residential neighborhoods by eliminating access onto Carpenter Lane (except for emergency vehicles) and having all vehicular access occur at the existing Research Parkway entrance. Research Parkway was planned for commercial and industrial traffic and it creates a direct route to Route 68 and I-91. The access drives and parking areas within the Site have been designed to accommodate emergency vehicle access.

**Pedestrian access, mobility and safety.** The parking lots have all been designed to include interconnecting walks with painted crosswalks and speed bumps at all crosswalks to promote pedestrian safety.

**Impact on the environment.** The facility is a clean enterprise and will not emit smoke, odor, gas, or dust. The applicant retained Ostergaard Acoustical Associates, a professional acoustical engineering firm to conduct a sound study of the proposed project, including an ambient sound study of actual sound conditions at off-site locations. The study concluded that sound emissions from the project post-construction will satisfy state laws and regulations, as well as the Town of Wallingford Noise Ordinance.

The project is designed to be electric vehicle (EV) ready for that point in the future when the tenant uses electric vehicles.

As described above, the proposed stormwater drainage system meets and exceeds all pertinent design standards, including CT DEEP water quality standards, CT DOT drainage manual standards, and Wallingford water supply standards. The stormwater drainage system was thoroughly studied by the Town's peer review consultants and the Wallingford Water Division during review of the inland wetlands permit application. The inland wetland permit approval includes a habitat restoration plan and a box turtle protection plan. The applicant also agreed to place a conservation easement on several areas in the northern part of the Site to preserve potential amphibian habitat areas.

The application includes a robust erosion and sediment control plan. The applicant agreed to a condition of approval from the IWWC to pay the cost of an Independent Erosion Control Plan Implementation Monitor to monitor construction activities to ensure that all erosion control measures are implemented correctly and effectively.



4. Overall Design, Architectural Treatment and Aesthetic Character: The basic design of the proposed uses, buildings or development; the relationship between the buildings and the land; the relationships between uses and between buildings and structures; the overall physical appearance of the proposed use, building or development and its subsequent compatibility with surrounding development and the neighborhood.

Findings as to design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, commercial or other purposes, and, by so doing, impairs the benefits of occupancy of existing property in such areas, the stability and value of both improved and unimproved real property in the area, prevents the most appropriate development and use of such areas, produces degeneration of property with attendant deterioration of conditions in the area affecting the health, general safety and welfare of the community, and destroys a proper relationship between the taxable values of real property in the area and the cost of municipal services provided thereto.

**The proposed building is appropriate in character for the area. The building design is similar to other warehouse and distribution buildings that are located in the area. The building design will consist of concrete construction with canopies for loading areas. The building height will be 44 feet, which is considerably lower than what would otherwise be allowed by the Regulations. The proposed building is smaller in size than the Bristol-Myers building. The Town's consultant has engaged in a thorough third party review of the building plans. All new construction will be built to the latest building code requirements for health and safety standards.**