

Wallingford Planning & Zoning Commission
Wednesday, November 14, 2022
7:00 pm
Robert F. Parisi Council Chambers – Town Hall
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, Chairman; JP. Venoit, Vice Chair; Stephen Allinson, Secretary; James Fitzsimmons, Regular Member; Jeffrey Kohan, Regular Member; James Hine, Alternate; David Parent, Alternate; Kevin Pagini, Town Planner.

Chairman Seichter noted that the following agenda item will not be heard tonight. No action has been requested.

4. OLD BUSINESS Site Plan (Warehouse)/Mark Development LLC/1107 Northrop Road #219-22

NEW BUSINESS

5. Site Plan (456 sq. ft. accessory apartment/Stephen & Judith Van Blarcom/8 Fawn Drive #223-22

Commissioner Allinson noted the correspondence, including Inter-Departmental Referral from the Fire Marshal received October 14, 2022; Inter-Departmental Referral from the Registered Sanitarian, received October 17, 2022; Inter-Departmental Referral from the Town Engineer, date of receipt October 12, 2022; and Inter-Departmental Referral from Scott Shipman, Senior Engineer, Water & Sewer Division, received November 2, 2022.

Carmen Gianni, Thomas Gianni & Sons, building contractor, 1 Nutmeg Valley Road, Wolcott, presented on behalf of Stephen & Judith Van Blarcom. They want to turn their garage into a kitchen and laundry room and add a shower to a bathroom. Chairman Seichter verified that they are creating an accessory apartment.

Commissioner Venoit: Motion to approve Van Blarcom, 8 Fawn Drive, application #223-22, Site Plan request for a 456 sq. ft. accessory apartment located at 8 Fawn Drive, subject to:

- 1. Comments in Interoffice Memorandum from Junior Engineer, Scott Shipman to the Planning and Zoning Department dated November 2, 2022;**
- 2. Comments of the Health Department in Inter-Departmental Referral dated October 14, 2022; and**
- 3. Final inspection by the Zoning Enforcement Officer.**

Commissioner Fitzsimmons: Second

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

The application is approved.

PUBLIC HEARING

1. CONTINUATION A Zoning Text and Map Amendment to Section 4.23 – Incentive Housing Overlay District (Sections 4.23.D and 4.23.E) to create a new sub-district to increase unit density allowances for affordable units to 50 units per acre. #904-22

Commissioner Allinson noted the correspondence which included the proposed zoning text amendment for Section 4.23 – Incentive Housing Zone, including a map.

Mr. Pagini gave an overview of the new sub-district, the Downtown Development Corridor in the Incentive Housing Overlay Zone. This will encompass 7.2 acres. The changes are to make it consistent with the Town Center Zone. It has a higher number of units per acre, 50, and adds residential amenities to the first floor as an allowed use.

Commissioner Fitzsimmons stated that he supports the changes to the Incentive Housing Zone.

PUBLIC COMMENT

Jim Wolf, EDC reported that at the last meeting of the EDC they voted to support the text amendment.

Chairman Seichter stated that he is in support. There has been an Incentive Housing Zone for a while and there has been no activity. This change should be an incentive for development.

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

Commissioner Venoit: Motion to close the public hearing for application #904-22, A Zoning Text and Map Amendment to Section 4.23 – Incentive Housing Overlay District (Sections 4.23.D and 4.23.E) to create a new sub-district to increase unit density allowances for affordable units to 50 units per acre.

**Commissioner Fitzsimmons: Second
Vote: Unanimous**

Commissioner Venoit: Motion to approve a Zoning Regulation Text and Map Amendment to Section 4.23 – Incentive Housing Overlay District (Sections 4.23.D and 4.23.E.) to create a new sub-district to increase unit density allowances for affordable units to 50 units/acre and to allow first-floor accessory residential amenities because it will allow for more opportunities to develop within our regulations.

Commissioner Fitzsimmons: Second

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

The application is approved.

2. CONTINUATION A Zoning Text and Map Amendment to Section 4.26-Town Center (Section 4.26.B.15) to create a new sub-district to increase unit density allowances for market-rate units to 40 units per acre. #905-22

Commissioner Allinson noted the correspondence which included the proposed zoning text amendment for Section 4.26 – Incentive Housing Zone, including a map.

Mr. Pagini explained that this amendment covers the same general area and changes market rate to 40 units per acre. This is to make it consistent with the Incentive Housing Zone. After a review with Corporation Counsel, it was decided to take out the requirement for mobility features. It allows for first-floor ground level as long as they are not street facing and accessibility is encouraged but not required. Mr. Pagini suggested discussing changes to the parking regulations at a workshop. Additional uses can also be discussed at that workshop. Chairman Seichter agreed that a workshop would be appropriate and asked for suggestions for parking density and uses for that workshop.

PUBLIC COMMENT

Joe Mirra, EDC, reported that the EDC discussed this amendment at their last meeting and voted to support it.

Chairman Seichter stated that he supports the amendment and hopes it generates development. Hearing no further comment, Chairman Seichter called for a motion to close the public hearing.

Commissioner Venoit: Motion to close the public hearing for application #905-22, A Zoning Text and Map Amendment to Section 4.26 – Town Center (Section 4.26.B.15) to create a new sub-district to increase unit density allowances for market-rate units to 40 units per acre.

Commissioner Fitzsimmons: Second

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

Commissioner Venoit: Motion to approve application #905-22, a Zoning Regulation Text and Map Amendment to Section 4.26 – Town Center (Section 4.26.B.15) to create a new sub-district to increase unit density allowances for market-rate units to 40 units per acre and to allow first-floor accessory residential amenities because there will be more opportunity for development within our regulations.

Commissioner Fitzsimmons: Second

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

The application is approved.

OLD BUSINESS

3. Site Plan (warehouse)/5 Research Parkway Wallingford LLC/5 Research Parkway #218-22

Commissioner Allinson noted the correspondence including: Memorandum from Alison Kapushinski, Town Engineer, dated June 28, 2022; Correspondence from Kevin Pagini, Town Planner dated August 10, 2022; Inter-Departmental Referral from the Fire Marshal, date of receipt August 8, 2022; correspondence from Kevin Pagini, Town Planner to Calare Properties, dated August 24, 2022; document entitled Traffic Overview, received August 5, 2022; Correspondence from Jeff Dewey, BL Companies to Alison Kapushinski, Town Engineer dated September 30, 2022, correspondence from Jeff Dewey, BL Companies to Kevin Pagini, Town Planner, dated September 30, 2022, document entitled Site Operations and Maintenance Plan, stamped Revised, received October 5, 2022; document entitled Traffic Overview, stamped Revised, received October 5, 2022; Memorandum from Erin O'Hare, Environmental Planner, to Kevin Pagini, Town Planner, dated October 6, 2022; email from Jane Ronka to Kevin Pagini, Town Planner, dated October 11, 2022; Inspection Report from the Wallingford Fire Department with an Inter-Departmental Referral, received October 19, 2022; correspondence from Kevin Pagini, Town Planner and Alison Kapushinski, Town Engineer to Calare Properties dated October 20, 2022; Inter-Department Referral from Vanessa Beautista, Registered Sanitarian, date of receipt August 8, 2022; letter from Dale P. Hourigan & Family to Wallingford Planning and Zoning Commissioners, dated October 25, 2022; letter from Joan DiPasquale to the Planning & Zoning Commission dated October 29, 2022; email from Dr. Edmund Hohmann to the Wallingford Planning and Zoning Commission dated October 31, 2022; email from James Perito, Esq., to Kevin Pagini, not dated; memo from Vanessa Beautista, Chief Sanitarian, to Kevin Pagini, Town Planner, dated October 31, 2022; Interoffice Memorandum, from Scott Shipman, Senior Engineer, Water & Sewer Divisions to Kevin Pagini, Town Planner dated November 2, 2022; letter from Jeffrey Dewey, BL Companies to Kevin Pagini, Town Planner, dated November 2, 2022; letter from Jeffrey Dewey, BL Companies to Kevin Pagini, Town Planner and Alison Kapushinski, Town Engineer, dated November 2, 2022; Traffic Overview, Proposed Warehouse Development, stamped revised, received November 2, 2022; document entitled Traffic Overview, stamped Revised, received November 2, 2022; correspondence and addendum from Robert DeMaio to Wallingford Planning & Zoning Commission, dated November 4, 2022; Memorandum from Janis Small, Corporation Counsel, to Kevin Pagini, Town Planner, dated November 3, 2022; letter from James and Carol Mikulski, to James Seichter, Chairman, Wallingford Planning & Zoning, dated November 22, 2022; email from Linda Prinzhorn, to Kevin Pagini, Town Planner, dated November 3, 2022; email from Jane Kinkead to Kevin Pagini, Town Planner dated November 3, 2022; email from Scott Gray, to Kevin Pagini, Town Planner dated November 4, 2022; email from Jen Freschette, to Kevin Pagini, Town Planner, dated November 4, 2022; email from Cindy McCaffrey, to Kevin Pagini, Town Planner, dated November 4, 2022; email from Janet Cizek, to Kevin Pagini Town Planner dated November 4, 2022; letter from Beverly Morse, to Planning & Zoning Commission, dated November 3, 2022; document entitled Supplement to Application for Site Plan for 5 Research Parkway dated November 14, 2022, email from Joan Munger to Kevin Pagini, dated November 14, 2022; document entitled Construction Site Contingency Plan for Erosion Control and Emergency Spills, received August 5, 2022; document entitled Erosion and Sediment Control Reporter, received August 5, 2022; and a set of site plans.

Atty. James Perito, Halloran & Sage, 265 Church Street, New Haven introduced the presentation team as Jeffrey Checkoway, Calare Properties; Chris Gagnon, Jeff Dewey, Dominic Sultruda, and Pat Pablo from BL Companies. Atty. Perito explained that the site plan balances development with water quality. They

propose a 450,000 sq ft warehouse at 5 Research Parkway on a 180-acre site. He referenced the new Watershed Interchange District regulations (4.10.B.4 and 4.10.C) which permit warehousing and distribution, excluding freight terminals and drop yards, for site plan approval as long as the peak hour vehicle trips are less than 100 utilizing the standards in the most recent edition of the trip generation ITE. He reported that they received unanimous approval from Inland Wetlands on October 5th after several public hearings. The review was detailed and focused on the protection of the wetlands, wetlands buffer, watershed, and water quality. He reported that their engineers worked with staff to enhance the protections. All the required submissions in regulation 7.4 have been submitted. The applicant and engineers met with town staff and reviewed the technical and staff comments from Town Planner, Town Engineer, Water & Sewer, Fire Marshal, and Health Department. Town staff visited the site to review technical aspects of the sedimentation and erosion control plans and stormwater systems. There after revised plans were submitted. The final plans meet all the requirements. He quoted from the Corporation Counsel memo dated November 3, 2022, that “when a commission acts on the Site Plan application, it does so in an administrative capacity. If the plan meets the specific regulations, it must be approved.” He stated that this site plan application meets the regulations. He noted how the site plan is in conformance with the Plan of Conservation and Development.

Chris Gagnon, Professional Engineer with BL Companies at 355 Research Parkway, Meriden, demonstrated how they comply with regulations using a PowerPoint presentation. The 450,000 sq. ft. warehouse will have 10,000 sq. ft. of office space, 105 loading docks, 96 trailer parking spaces and 530 passenger vehicle parking spaces. He referred to the site plan objectives in regulations 7.2. C and 7.2.D. He showed how they separated the tractor-trailer access from the pedestrian-vehicle parking and how pedestrians will not cross the truck roadway. The warehouse will be on the southern portion of the property and will use the existing driveway from Research Parkway with the signal. He explained how they will comply with watershed protection by using a new 100-foot non-disturbance area outside of the water courses and ponds. To accomplish this they had to change the entrance to the site. Since the utilities follow the road, they will also be outside the 100-foot buffer. He stated that they will provide robust stormwater management and erosion control plans vetted through the Wetlands approval process. They built it to meet the requirements of the new Watershed district. He indicated the sand filters and stormwater basin. They made sure they complied with 14.3.B.1b of the watershed protection regulations for parking and roads. All proposed pavement has a diversion structure leading to the hydrodynamic separator that leads to sand filters. To encourage infiltration of stormwater they propose a large perforated pipe along the front of the building to infiltrate about half the roof runoff. There will be no direct challenge of untreated run-off to the resources. Mr. Gagnon continued with the robust landscaping plan. One of the improvements is a landscape island every 15 parking spaces as well as in the loading area and trailer parking. He showed how they complied with the requirements of the Site Pan objectives in 7.2 of the regulations. This included fire and police access; the site designed to segregate truck and passenger vehicle traffic; adequate parking and circulation; appropriate curbing and walkways; minimizing tree clearing; significant screening from residents; compliance with watershed regulation 16.4 and 4.10.D.4 landscaping requirements; minimizing light trespass off the property; conditions by the Water & Sewer department; extensive wetlands review; comprehensive three-phase erosion control plan; peak runoff rates are reduced; stormwater drain designs meet regulations. He

noted that currently the site only has a stormwater collection system. The runoff will be reduced with this development and the design will improve water quality. As to traffic generation, they used the most updated ITE and were under the 100 peak vehicle trips for the site. This means no traffic study is required. He noted that the front yard will be over 100 ft. from Research Parkway to the building and 700 feet from where the development starts so they are over the 100 ft. front yard requirement. They are well over the 50% open space requirement. They made sure the plan complied with the original zone and the new watershed protection overlay. Atty. Perito noted that they agree with the proposed conditions of approval.

Mr. Pagini asked the applicant to provide an overview of the proposed daily operation, even though there is currently no tenant.

Jeffrey Checkoway, Calare Properties, stated that there is no tenant. The plan is to look for a Class A warehouse user. This refers to a certain number of employees with parking as well as delivery uses and trailer storage. He anticipates not limiting hours of operation. They are looking for a standard warehouse, not a drop yard. He described a Class A warehouse as a well-maintained site, typically tilt-up construction with a 40 ft. clear storage, ESFR fire suppression, and a small office component. Generally, there would be receiving warehouse products.

Commissioner Kohan noted that the description of the warehouse without a tenant causes questions. There are a lot of different types of warehouses according to the ITE land use codes. He asked if this warehouse fits the 150 category definition or based on the size is it closer to a major distribution center than a warehouse? Atty. Perito replied that the regulations don't distinguish types of warehouses. The ITE deals with calculating trips. He referred to the report dated October 31, 2022, which used the 150 designation based on the size of the building. Using that required manual, the trips calculated are very conservative. It actually overestimates what could be there. He stated that he is not aware of another standard. They can't find a tenant until they receive approval. The Site Plan gives more certainty. Their focus has been to protect the watershed and wetlands as the regulations require. Using the regulations the trips will comply. If the tenant is different classification, they may need to come back. Commissioner Kohan stated his uncertainty about not knowing the ultimate use. He noted that his traffic calculations show 88 peak-hour trips, not 80. If go they into higher uses, such as 156, it will create more peak-hour trips. So the use is important. The access roads are currently at class C or D. There are other warehouses in that area. How much more traffic will make the intersections fail? The exits on Rt. 91 are close to failing at peak hours already. He believes that this should be taken into consideration due to safety. He asked what the difference is in the traffic overview regarding the turning radius of trucks in item 218-22i. He also asked if the Fire Marshal is aware of the height of the walls and the provision to possibly raise them. There are special considerations if walls are that high. The use, tenant, and equipment will affect the Fire Department. He stated that he expected more detail. Regarding parking, he stated that the numbers don't add up. How can there be a need for 530 parking spaces but under 100 peak-hour trips?

Pat Pablo, Professional Engineer and Professional Traffic Operational Engineer with BL Companies explained the traffic analysis is based on warehouse land use code 150 from the ITE Trip Generation Manual, Edition 11. That land use code generates less than 100 trips so it doesn't warrant a traffic study. The 150 code is the most conservative. Ms. Pablo suggested that the difference in peak-hour trips that Commissioner Kohan is using may be due to different versions of the manual. She explained the left turn movements off of Rt. 68 in the graphics. They are required by OSTA to present this information to show how this project will impact the state roadway. She noted that DOT recently resurfaced the roadway and the striping was left the same. Commissioner Kohan noted that the middle lane left turn at this intersection during rush hour is already a problem. An increase in traffic is a major issue. He stated that he is aware that OSTA will weigh in.

Atty. Perito noted that this is a site plan, not a special permit. He quoted a legal precedent that indicates that once a Zoning Authority establishes that a particular use within a zone is permitted a conclusive presumption arises that such a use, in general, does not adversely affect the traffic that's in the zone." He stated that OSTA will look at the traffic. In a Site Plan approval process, offsite traffic is not in the Commission's jurisdiction according to the law. Commissioner Kohan stated that without understanding who the tenant is it is a false equivalent and we can't determine what the traffic will be. Ms. Pablo explained that the number of passenger vehicle parking spaces is needed to accommodate multiple shifts. Mr. Gagnon noted that the peak-hour trips speak only to that hour. It is not equivalent to how many cars will be on site.

Chairman Seichter noted the increasing number of parking spaces with each revision of the traffic study. All the revisions indicated total in and out of the facility is 750. That would mean roughly 375 parking spaces. Mr. Gagnon stated that the parking lot complies with bulk zoning requirements for the zone and the proposed use. The site plan design begins with that target number. The minimum required is 480 spaces based on the regulations and there is an allowance for a 120% increase. The 530 is below that allowable increase. The proposed lot complies with the requirements of the regulations for this use and the Watershed regulations. You can't compare the ITE trips to the number of spaces on site. Chairman Seichter asked what latitude the Commission has to reduce the parking based on what is being presented. Mr. Pagini replied that the WI regulations allow the Commission to waive up to 75% of the required parking area provided that the applicant deems it warranted and the area is reserved in case it is needed for future parking. It needs to conform to Open Space and it is up to the applicant to agree. Town staff would be amenable to a reduction. If their tenant needs more, they would have to come back. Chairman Seichter stated that the ITE says one amount of traffic. The plan seems to say there will be more than 750 total trips in and out. Mr. Gagnon stated that traffic to a site is generated by the use. The concept of additional parking doesn't trigger more trips. Chairman Seichter asked if 375 spaces is enough. Atty. Perito replied that if they don't need that many spaces, they will come back and ask for a waiver to reduce the parking spaces. They don't want to build more spaces than the tenant needs.

Commissioner Fitzsimmons asked for the date of the application and whether the Commission needs to vote tonight. Mr. Pagini replied that the application came in on August 5th. The applicant can consent to a 30-day extension, otherwise, they would have to vote tonight. Commissioner Fitzsimmons asked if

there was a memo from Alison Kapushinski dated November 4th. Mr. Pagini replied that the Town Engineer's comments are from an email and were incorporated in his notes, but he can provide a copy. Commissioner Fitzsimmons asked how many meetings the applicant has had with Town staff. Mr. Gagnon replied there were around 10, counting all the different departments. Commissioner Fitzsimmons noted that is a lot of activity for a site plan. He stated that this will be a 24/7 operation and is the most significant site plan that he has ever seen. Commissioner Fitzsimmons asked about the building's orientation because regulations require the building to face the street. Mr. Gagnon stated that this is not a commercial building and doesn't really have a front but it runs parallel to Research Parkway. They have not defined a front as it is not open to the public. Atty. Perito stated that the building is not visible from the road and has loading docks on two sides. He stated that they can designate the side facing Research Parkway as the front. Commissioner Fitzsimmons asked who reviewed the traffic information and clarified that we cannot ask for a peer-reviewed traffic study because it's a site plan. Mr. Pagini stated that the Town Engineer reviewed it. Commissioner Fitzsimmons asked if FedEx would be an example of a Class A warehouse. Ms. Pablo replied that a FedEx facility would probably not fit under warehouse classification 150 in the ITE manual. She couldn't give an example of Class A. Mr. Checkoway replied that Class A is a type of building, height, and fire suppression system. It has nothing to do with the tenant. Commissioner Fitzsimmons asked if the applicant is aware of the conditions in the November 4th memo from the Town Engineer. It was noted that the Town Engineer is referring to Mr. DeMaio's letter of November 4th. Commissioner Fitzsimmons quoted "the traffic memo still contradicts itself. An OSTA review WILL be required as the development is over 100,000 sq. ft. and 200 parking spaces. Though exceeding only one of those warrants an OSTA review. That's explained on page 2 and is later contradicted in the first paragraph in the conclusion on page 3 where it states an OSTA review will not be required. I anticipate OSTA will review this as a Major Traffic Generator (MTG) due to the modifications proposed to Rt. 68 turn lanes onto Research Parkway, therefore I have no say in this decision." Commissioner Fitzsimmons asked if that is the applicant's understanding of the OSTA review. Mr. Gagnon agreed that it will be reviewed by OSTA due to the parking and size of the building. He stated that the 'not' in the conclusion was a typo. He noted that there are two types of OSTA reviews, an administrative determination, and a major traffic generator. The difference is limited to whether proposed offsite improvements would be required. Based on the potential recommendation of things like lane restriping, it would count as an MTG. MTG just means offsite improvements are required. It is not based on being impactful on traffic. Atty. Perito stated that Statute 14-311 defined MTGs as the number of spaces and square footage. Almost everything falls in that category now.

Commissioner Allinson asked if there has been a conversation with the Registered Sanitarian. Mr. Pagini replied that she just mentioned a concern for wells if there was to be blasting. Commissioner Allinson asked if the well testing suggested in the Inter-Department Referral was typical. Mr. Pagini replied that there is common State regulatory language for when there is blasting near wells. It is suggested that a baseline be established before any blasting. Atty. Perito stated that he exchanged emails with the Registered Sanitarian. He quoted "If there is no blasting, then no further action is required." He stated that there is no plan for blasting. Mr. Pagini added that the Health Department stated that this is a standard recommendation. Commissioner Allinson asked if the expectation is that this facility will run

24/7. Atty. Perito replied yes. Commissioner Allinson stated a concern that there would be refrigerator trucks parked on the property. Atty. Perito stated that the noise ordinances are clear and it would be in the lease that tenants comply. Commissioner Allinson stated his concern that reefer containers mean more trips because of spoilage. Not knowing the tenant, they can say that the use is a 150 category, but if 50 % of the spaces need to be used for reefer containers it will change the number of trips. Atty. Perito agreed that we don't know. Commissioner Allinson asked about the spaces at the rear for trailer drops. He asked how the number was determined. Mr. Gagnon said it was based on the regulations. Loading parking spaces are required and we are allowed up to 120% of loading docks for trailer parking. He noted that they are well below the allowable number. He noted that the use of cold storage or reefer trucks would not affect the number of trips. Atty. Perito stated that the truck and car parking is under the maximum as they are trying not to make more parking that is needed. Commissioner Allinson asked who prepared the traffic overview. Ms. Pablo stated that she drafted the study. Commissioner Allinson asked if there will be noise shielding for the neighbors up the hill. Atty. Perito stated that it is not anticipated. The trucks will be a fairly long distance away and there will be a fair amount of foliage. Commissioner Allinson noted some concerns about the traffic and the denigration that will likely occur. He stated that he often sees tractor-trailers failing to make that turn onto Research Parkway. He is concerned about safety.

Commissioner Hine stated that he is not happy with the regulations. He stated that they spent a lot of time on them and the provisions that would have made this application a special permit were taken out. Now we have a site plan for a 450,000 sq. ft. building with over 500 parking spaces. He believes this should not be a Site Plan application. Commissioner Hine asked about the height of the building. Mr. Checkoway replied that the intent is for a 40 ft. clear building with a pitch that would be around 52 ft. high but it has not been designed yet. It will be within regulations. Commissioner Hine asked who reviews plans to see if they are categorized correctly. Mr. Pagini replied that they are reviewed by the Planner's office, the Town Engineer, the Law Department, and the Water and Sewer Division. He stated that he goes by the use described by the applicant. Commissioner Hine read the definition of a High Cube Warehouse under the ITE as a building at least 200,000 sq. ft. with a ceiling height of 24 ft. or more and is used mainly for storage and consolidation of manufactured goods before their distribution to retail locations or other warehouses. Anything stored in this building would have to go to retailers, it can't be parcel sorting or distribution. Ms. Pablo added that another description states that multiple modes of transportation are accessible including train or aviation. Commissioner Hine stated that that is a category, not the general description. He understands that there are subcategories, like the High Cube Parcel Hub Warehouse which is not the proposed warehouse. He added that he is aware of criticism of the ITE manual concerning High Cube Warehouses and trip generation. Ms. Pablo agreed that there are criticisms but that the CT DOT OSTA office requires a different type of trip generation for High Cube warehouses like Amazon. Commissioner Hine quoted from a report by the Lehigh Valley, PA Planning Commission regarding the ITE and High Cube Warehouses. It states that they found a stronger correlation between vehicle trips and gross building square footage for High Cube Warehouses which is not in the ITE trip generation manuals. He noted that in recent times warehouses are getting higher and getting more automated. It's like stacking warehouses. There is more traffic because goods are moving at a faster pace. The regulation says uses in the zoning district generating 100 peak hour vehicle trips or

more using the standards in the most recent edition of the Trip Generation ITE or a more accurate source, if available. He asked if the ITE is the most accurate source. This building is potentially two times the height of a traditional warehouse. He is not sure that it will generate less than the 100 trips in peak hour. Commissioner Hine asked about the number of parking spaces. Atty. Perito stated that they would like to reduce the number of spaces, but the number is based on the regulations and they want to provide sufficient parking. Commissioner Hine asked if the Site Plan applicant is required to demonstrate what the traffic generation will be. Mr. Pagini concurred. Commissioner Hine asked why the Corporation Counsel submitted a Memo. Mr. Pagini replied that a commission member requested that she look at the application to confirm that it is appropriate as a Site Plan instead of a Special Permit. Commissioner Hine quoted from the application supplement dated November 14, 2022. The last paragraph quoting the Pansy Road Case, suggests that 'once Zoning authority establishes that a particular use within a zone is permitted, a conclusive presumption arises that such use, in general, does not adversely affect the traffic within the zone.' He continued, 'The review of traffic concerns is limited to onsite traffic flow.' He stated that there is a provision in our regulations that basically says that even if this use is permitted if generates over 100 trips it is by special permit. Atty. Perito noted that that is for a special permit, not a site plan. Commissioner Hine quoted that "when a particular use is permitted", in this case, a warehouse. He continued, "... such a use in general doesn't adversely affect traffic in the zone." Atty. Perito stated that a special permit opens up other areas to look at. He added that the Commission created the regulations and the applicant followed them. The ITE is what is accepted. They meet the site plan parameters. Commissioner Hine stated that there is language in the regulation that would allow the use of a more accurate way to do the traffic study. Ms. Pablo stated that the CT DOT specifically only uses the ITE trip generation manual. If there is no land use code, CT DOT will provide guidance. She noted other states that use different trip generation rates. Commissioner Hine noted that there is debate about warehouses and whether the ITE is the best source. Our regulations allow us to use a more accurate source.

Commissioner Parent asked if the warehouse counts as 450,000 sq. ft. for the ITE if the height makes it essentially a multi-story warehouse. It has virtual floor space. They can stack goods up. He noted that a different methodology may be needed. He also noted that we are missing too much information to have the confidence to vote. Atty. Perito replied that they designed the project based on the regulations and those regulations don't mention height or virtual floors. Whether the tenant will use the full 40 ft height, they don't know. In the context of the regulations, it can't be addressed.

PUBLIC COMMENT

Joe Heeran, 206 High Hill Road stated that he has been there for 42 years. He thanked the Commission for their work. He stated that this is a strategy to bypass a special permit. He stated that he attended the Inland Wetlands meeting where in response to a question he was told that they want a bigger warehouse. So this is a deceitful thing. It's always traffic.

Bob DeMaio, 14 Marie Lane, stated concerns with the truck traffic. He stated that not knowing the true use is unfair. There will certainly be more than 82 trips per hour. Based on parking spaces there are 500 cars and 200 trucks going in and out every day. There are other traffic measuring tools, such as

'Passenger Car Equivalents' that is used by the Federal Highway Administration. Trucks operate differently from cars and can be counted as two or three cars. Regarding loading docks, the regulations state they should be located in the side or rear yards and screening can be requested. In this case, the front of the warehouse is a loading dock. Regarding outside storage, the watershed regulations fell short. The Watershed Interchange District does not allow outside storage, so trailer parking on the site will not be allowed. The regulations define storage as merchandise supplies, machinery, metal containers, and trailers. The definition of the zone is to protect the Town's drinking water while allowing low-intensity uses. This application is a replica of one of the 2018 applications. He quoted from the minutes of the October 10, 2018 meeting, "I recognize this looks like a development for an Amazon Google type of business." From the November 14, 2018 minutes, he quoted, "When talking about hours of operation this is not a tenant-driven operation. It's based on eCommerce."

Joan DiPasquale, Barnes Road, a stone's throw from this property, stated that she sent a letter. After listening to the presentation, she believes that Calare is playing cat and mouse with us.

Robert Kesilewski, 117 Thorpe Avenue, stated that he drove a truck for 40+ years. He noted that this is the same footprint as Amazon and other distribution warehouses. He stated that on most trips he had to wait an hour or so to unload. He noted that due to the waiting trucks there was always oil on the pavement.

Jen Frechette, Valley View Drive, thanked the Commission for their efforts. She stated that she is frustrated that the regulation changes did not set us up for better success. She stated concerns with the 24/7 operation, tractor-trailers coming and going, and the noise day and night. She stated that this is one of the two warehouses they originally proposed and nothing is stopping them from coming back with the second warehouse or subdividing the property. This is phase one of the development.

Steve Baklas, 32 Valley View Drive, stated that the Class A minimum is 42 ft. for inside, not including the chillers on the roof. He noted that this will be a noisy site. He asked about pollution from idling trucks. He stated a concern with traffic in the area due to other construction. He noted that the State gave Wallingford a grant to purchase land on Williams Road to protect Mackenzie reservoir and this seems against the purpose of that grant.

Holly McNabola, 90 High Hill Road, stated concern with the quick response to the question on the noise being produced. It means they are not thinking about it. There is not much thought for the neighbors. All the traffic rules are great but she was almost hit while running on High Hill Road by a tractor-trailer truck.

Adelheid Koepfer, 35 Whiffle Tree Road, asked what differentiates a warehouse from a freight terminal. Mr. Pagini replied that they defined parcel sorting and retail distribution to prohibit that use. Commissioner Hine stated that it is a problem that we don't have definitions of warehousing, freight yards, and drop yards. Ms. Koepfer stated that the way it is designed it looks like a freight terminal is not allowed but due to the number of truck parking spots and loading bays, it looks like a freight terminal.

She pointed out some inconsistencies and omissions in the Watershed Overlay District regulations. She stated that the Watershed Interchange District regulations are a great amendment but have some shortcomings. This application should not be approved tonight unless these issues are fixed. She asked why it is not a special permit. She noted that in paragraph 6.10, there could be a special permit for excavation and filling. It looks like there is quite a lot of excavation and filling to be done on the site. She asked about section 6.L.11.h and the trip generation table. Mr. Pagini replied that the trip generation table is outdated and is supposed to be removed. Ms. Koepfer noted that it is still there and says Warehousing generates 1.6 per 1000 sq. ft. peak hour vehicle trips. Mr. Pagini stated that it also states that the most recent ITE manual must be used. Ms. Koepfer noted that the table indicates that the warehouse would have over 700 peak-hour trips. Regarding the POCD, she stated that it also asks to reduce impervious cover in the watershed and to use low-impact development. This application does neither. She stated that there is only the central retention basin. This application should not be approved tonight. This still looks like an Amazon warehouse. She noted that Amazon is scrapping plans for opening warehouses, so we could be approving an empty shell that might never bring in tax revenue while the construction and operation will affect the water. With major storms happening up to 4 times more in the future, will the retention basin be enough?

Scott Gray, 14 Oxford Trail, stated that he appreciates the work of the Commission. He stated that he lives on Spring Lake and hears stories of how it used to be swimmable. When Bristol Myers was built it flooded the Muddy River and silted up the lake. There is no going back. He noted the levels of noise, air, and light pollution from this site. He stated that access to Rt. 68 from Williams Road is already difficult. He noted that he was surprised that Inland Wetlands approved the application and that the rainfall data they reviewed was not correct. He stated that soil erosion, sediment control, and runoff will affect those downstream. He stated that the citizens should come first and encouraged the Commission to vote no.

Ed Bradley, 2 Hampton Trail, expressed concern about the voting at the Inland Wetlands meeting. He stated that the EDC is pushing this and doesn't care about the aquifer and wetlands. He believes the Mayor is also behind it. He stated that people should get their well water tested as the State only tests the water at Mackenzie Reservoir. Chairman Seichter confirmed that this commission is also the Aquifer Protection Commission. Mr. Bradley stated that the Town continues to ignore the downstream flooding.

Sonia Wolf, 14 Oxford Trail, thanked the Commission. She asked how the number of trips can be based on the ground square footage when there are virtual floors. There is no doubt that they are trying to avoid a special permit. All you have to do is live on that side of town to understand the traffic concerns. This will change the character of the neighborhood. The increase in traffic and pollution will make it worse.

Jerry Lombardo, 18 Oxford Trail, noted the tremendous amount of weight of the building, trucks, and cars and stated that it will affect the nearby aquifer.

Scott McCaffrey, 53 Cliffside Drive, stated that at a minimum this will be a very big, very busy warehouse. He would love to see something else on the site. This will generate tons of traffic at all hours of the day.

Adelheid Koepfer, 35 Whiffle Tree Lane, stated that this should be a special permit application and trigger the regular traffic impact analysis. She noted that Section 4.12.H asks for a watershed analysis down to the point where the site is only 10% of the Watershed. Has that been done? Mr. Pagini replied that Town Engineer has been asked to look at 4.12. He will ask her to respond.

Atty. Perito stated that there are big distinctions between prior applications and this one. The regulations changed and set the threshold for this type of warehouse. The Fire Marshal looks for proper access. When the building plans are submitted for permit, they look at things like building codes and height. This is a legitimate concern but is handled at the building permit stage. Regarding the criticism of the Wetlands Commission's approval, they did a very thorough review. Their focus was to ensure that the existing wetlands and water systems are protected. The Watershed Protection area talks about wanting a larger roof and smaller parking. The roof here does that. Regarding standards for traffic, The ITE is clearly in the regulations and used by CT DOT. So that is the standard we have to go with. They did an exhaustive review with Wetlands and a review with staff. He stated that not knowing the tenant is not uncommon. This project complies with the regulations and they accept the proposed conditions.

Commissioner Fitzsimmons stated that this is a lot to digest and asked to continue this to the December meeting. If he could get more information, he would ask for the architectural drawings to answer questions about building orientation and loading docks.

Commissioner Kohan stated that he is ready to act tonight. He asked if the items in Scott Shipman's memo should be discussed as they are significant. He noted that Mr. DeMaio mentioned the storage trailers and asked if this is temporary parking or long-term. Mr. Checkoway replied that they don't intend to have permanent outdoor storage. Mr. Gagnon asked if the trailer itself is outside storage or if storing something in a trailer is now outside storage. He stated that they will accept the condition that no outdoor storage will be allowed. Chairman Seichter asked what the intention is for those parking stalls. Atty. Perito replied that he can only comment on what other warehouse users have done. Commissioner Kohan stated that he is happy to wait for next month to vote.

Commissioner Allinson stated that he doesn't think additional information will change his opinion. Having more time to review the materials would be helpful, but he could go either way.

Chairman Seichter stated that the Commission needs more time. He asked Mr. Pagini to ask the Town Engineer about a more accurate source for traffic generation as mentioned on page 74. He noted that page 184 has numbers for trip generation. Does that count as another source? Chairman Seichter asked the applicant for consent to continue.

Mr. Checkoway stated that they consent to the extension to the next meeting. He asked if there are additional questions so they can come in with something that will get approved. They created something within the regulations for site plan approval. The ITE is the only standard they have. He noted that they could have done something bigger but didn't. He has never had a client that generated more trips than the ITE suggested. He stated that he knows that they will eventually have to meet all the building and fire codes to get a CO. The Planning Department will see it again at that stage.

Chairman Seichter asked if there is any other information the Commission needs from the applicant.

Commissioner Fitzsimmons asked if the police department, the legal traffic authority, can be asked to comment on the traffic figures for the December meeting.

Commissioner Kohan stated that he would like to see the Fire Marshal weigh in on the specs that we have now for ceiling height and the potential for automation equipment. He referred to the Warehouse Capital of the World in New Jersey, a New Jersey State Planning Commission Distribution Warehouse Goods Movement Guidelines dated September 7, 2022, which talks about safety on pages 11 & 12. He'd like to see our Fire Marshal comment on what is proposed and what New Jersey brings up.

BOND RELEASES AND REDUCTIONS

6. Site Plan/Milestone Construction Services (Rowland Technologies)/320 Barnes Road #201-19

Mr. Pagini recommended releasing the bond.

Commissioner Venoit: Motion to release the bond for application #210-19 Milestone Construction Services/320 Barnes Road.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve

7. Site Plan/Controlled Fluidics (T. Rohlf's)/1262 Old Colony Road #218-20

Mr. Pagini recommended releasing the bond.

Commissioner Venoit: Motion to release the bond for application #218-20 Controlled Fluidics/1262 Old Colony Road.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve

8. Special Permit/Pfizer/5-21 Tolles Road #409-20

Mr. Pagini recommended releasing the bond.

Commissioner Venoit: Motion to release the bond for application #409-20 Pfizer/5-21 Tolles Road.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve

REPORTS OF OFFICERS AND STAFF

9. 2023 PZC Meeting Schedule – no comment

10. Administrative Approvals noted as approved

a. Survey Waiver/T. Guodace/47 Wall Street #812-22

b. Site Plan/CT Healthcare Research & Education Foundation, Inc./110 Barnes Road #224-22

c. Site Plan/Infra-Metals co./8 Pent Highway #225-22

Commissioner Kohan asked about Delta Arsenal manufacturing ammunition and if there are safety concerns. Mr. Pagini reported that they specifically asked for manufacturing in the original approval. He brought it to the Corporation Counsel who couldn't clearly determine if it was allowed back in 1996 as part of their approval. As part of the ATF renewal, the Town wants them to true it up as part of the administrative approval. Mr. Pagini stated that he went out with the Fire Marshal to inspect the property and determined that it could be done with an administrative approval as the Fire inspection will be part of the approval.

11. ZBA October 17, 2022 Decisions - no comment

12. ZBA Notice of November 21, 2022 - no comment

Commissioner Kohan asked about the Zoning Enforcement Report. Mr. Pagini replied that it has been decided that the Zoning Enforcement Officer will provide an in-depth quarterly report. If any Commissioners have questions between reports, they can contact the Zoning Enforcement Officer directly.

ADJOURNMENT

Commissioner Venoit made a Motion to adjourn the November 14, 2022 Planning & Zoning meeting at 11:00 pm.

Commissioner Fitzsimmons: Second

Vote: Unanimous

Respectfully submitted

Cheryl-Ann Tubby

Recording Secretary