

**Wallingford Planning & Zoning Commission**  
**Monday, December 12, 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; David Parent, Alternate; Kevin Pagini, Town Planner.

**Consideration of Minutes – October 12, 2022, Meeting**

**Commissioner Allinson: Motion to approve the minutes of the October 12, 2022, Meeting of the Wallingford Planning and Zoning Commission as presented.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous to approve with one abstention by Commissioner Venoit**

**Consideration of Minutes – November 14, 2022, Meeting**

**Commissioner Venoit: Motion to approve the minutes of the November 14, 2022, Meeting of the Wallingford Planning and Zoning Commission as presented.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous to approve**

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

**1. PUBLIC HEARING Special Permit (new Admissions Building)/Choate Rosemary Hall/59 North Elm Street #407-22**

**OLD BUSINESS**

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

Commissioner Allinson noted the additional correspondence, including a letter from Joseph Czentnar, Fire Chief, to Jeff Checkoway, Calare Properties, dated November 17, 2022; email from Lisette Stone, Environmental Analyst, CT Department of Public Health, to Jeffrey Dewey, BL Companies, dated November 21, 2022; Memo from Alison Kapushinski, Town Engineer, to Kevin Pagini, Town Planner, dated November 29, 2022; email from Anne Lee to Kevin Pagini, Town Planner dated December 5, 2022; letter from John Ventura, Chief of Police, to Kevin Pagini, Town Planner, dated December 6, 2022; email from Alison Kapushinski, Town Engineer, to Kevin Pagini, Town Planner, dated November 7, 2022; memorandum from Janis M. Small, Corporation

Counsel, to James Seichter, Chairman, Planning and Zoning Commission, dated December 7, 2022; email from Joan Munger, to Kevin Pagini, Town Planner, dated December 12, 2022; document entitled "Public Comment to Wallingford P&Z Application #218-22, 5 Research Parkway LLC/5 Research Parkway", from Adeleid Koepfer, submitted November 14, 2022.

Atty. James Perito, Halloran & Sage, 265 Church Street, New Haven introduced the presentation team as Jeffrey Checkoway, Calare Properties; Chris Gagnon, Project Engineer, and Pat Pablo from BL Companies. Atty. Perito stated that they will respond to questions from the last meeting, including that the Police Chief should be contacted for his opinion; was the determination of the threshold of 100 vehicle trips made correctly, and whether the application is properly reviewed as Site Plan; the location of the front of the building; and does the Fire Department have the capacity to deal with this building height. He noted that several of the documents read into the record this evening answered those questions. He referred to the letter from the Fire Chief to Mr. Checkoway stating that the department has the resources and capabilities to address emergency incidents at the proposed facility. Atty. Perito also noted that all building plans are reviewed by the Building Department as well as the Fire Department to ensure all codes are met. He referred to the memo from the Town Engineer which states that it is the most applicable standard is the ITE trip generation and discussed how it is based on an amalgam of data. Atty. Perito continued quoting from the memo that using the warehouse use and the size of the building, the ITE correctly calculates the trips as under 100 per peak hour. Atty. Perito stated that if the tenant doesn't fit that use, it will not be permitted. He also referred to the Town Engineer's comments on the stormwater analysis and pointed project site of 45 acres of which 7.6% is the analysis area. The stormwater analysis complies with 4.12.H.2. The Town Engineer's memo mentioned a review by OSTA and that this proposal meets the definition of a major traffic generator. The Town Engineer stated that OSTA will likely do a more detailed review and will determine any offsite improvements. She mentions that she spoke with the Police Chief and he concurred with her analysis. Atty. Perito stated that the Town Engineer spent a lot of time on this. Atty. Perito then mentioned the memo from Atty. Small which reiterates what was said in her earlier memo, that this is a permitted use subject to Site Plan approval, and the ITE trip generation manual is applicable. Since the Town Engineer confirmed the calculation then it's a Site Plan review. In a Site Plan review, offsite issues are not in the Commissions purview. Atty. Perito showed a mock-up of the elevations that illustrates that the front door of the building faces Research Parkway. He also showed that the building won't really be visible from Research Parkway due to the trees. He summarized that it is clear that they properly applied as a Site Plan and that the application meets the requirements. He recognized the concern that the tenant is unknown, but noted that the tenant will have to comply with the regulations.

Commissioner Parent quoted the Town Engineer's definition of a warehouse. Atty. Perito agreed that it includes wholesale distribution. Commissioner Parent referred to exhibit 218-22L, a letter from Jane Ronka of 54 High Hill Road regarding noise, screening, and noise abatement. He quoted "houses about the property along the southern border and a neighborhood to the east along the ridge." The letter expresses concern with truck noise day and night. She mentioned that the previous applicant added a physical noise barrier. She asked if permanent noise mitigation is in the site plan." Commissioner Parent quoted from last month's meeting minutes that noise shielding is "not anticipated". He stated that the

Commission is very concerned with noise mitigation. He noted the submitted plans, sheets GD5 & GD6 which show the approach of the trucks and the slope up and around the building. He stated that the acceleration, slowing for the turn, then accelerating again will cause more noise than if the access was flat. He asked if noise mitigation will be a required component. Atty. Perito replied no because they meet a different standard than a Special Permit. He noted that the tenant will have to meet the noise ordinances.

Chris Gagnon, Professional Engineer with BL Companies at 355 Research Parkway, Meriden, stated that in terms of grade, in his experience these are not considered steep. He stated that Wallingford has strict noise ordinances and the prospective tenant would have to comply with them. The Town would enforce the ordinances.

Commissioner Parent clarified that the applicant's position is that noise is not an issue and if it is, it's not up to Planning & Zoning. Atty. Perito said yes unless a certain use is known to cause a lot of noise, then attenuation may be appropriate. He doesn't anticipate the issue.

Commissioner Allinson noted that backup alerts for trucks are excluded from noise ordinances because they are required by OSHA. Atty. Perito agreed and stated that they will work with the neighbors to find a solution if it becomes a problem. They intend to be a good neighbor.

Commissioner Kohan asked if there are any guidelines in other states or counties that would require a traffic study for a project within 300 ft of an intersection. Mr. Pagini replied that he is not aware of any and the Town Engineer didn't mention any. Commissioner Kohan stated that this is a critical piece of information. He thanked the applicant for getting the answer from the Fire Chief and referred to the comments from the Police Chief. Atty. Perito stated that he understands that the Police Chief has no issues with the traffic. Commissioner Kohan quoted from the Chief's memo, "I have reviewed the memorandum from the Town Engineer dated November 29, 2022, and concur with her findings as stated in the memorandum. Absent any additional information outside of the contents of the traffic study conducted for the proposed site at 5 Research Parkway and without information as to the corporation that would potentially occupy the property, I cannot present any arguments contrary to the contents of the study or in opposition of the findings of the Town Engineer." Commissioner Kohan concluded that he doesn't know what will be in there so can't make an assessment. He stated that one of the biggest definitions that have been overlooked in this process is what we are actually expected to act on tonight. The application is for a 440,000 sq. ft. warehouse with walls 40 – 50 ft. high. Mr. Checkoway responded that the intended height is 55 ft. Commissioner Kohan stated that the regulations imply that the ITE land use code for warehouse is 150 but according to the definitions, a High Cube warehouse fits the building size and design. His interpretation is that the Engineering Department didn't take the size requirements into account. There are higher standards for traffic counts based on this proposal. The design specifications would exceed 100 trips per hour. He stated the definitions for other sizes of warehouses are based on size, storage mechanisms, low land-use footprint, and the number of truck docks. He believes that the notes from the Town Engineer don't take into account the size of the proposal. Commissioner Kohan stated that the Commission is expected to approve a project without a

tenant, which makes it tough for a land use board to make an informed decision. Atty. Perito noted that page 2 of the Town Engineer's memo talks about a High Cube Parcel Hub Warehouse and that this is not what this application is for, nor is it permitted. He added that if a tenant fit more of a freight terminal kind of use, that would not be permitted. Commissioner Kohan stated that the Town Engineer based her memo on the land use code 150, not on the size of the warehouse being proposed.

Commissioner Fitzsimmons thanked the Town Planner for his help reviewing the materials. He noted that he also had conversations with the Town Attorney. The memorandum sent from the Town Engineer to the Town Planner on November 29<sup>th</sup> is what he feels was missing at the last meeting. He believes the Town Engineer took the time to document what was talked about at the meeting and appreciates that she addressed several items from the November meeting. Regarding the traffic study, in the conclusion by Pat Pablo states "It should be noted based on BL Company's prior experience with the project area, we anticipated offsite improvements such as clear vegetation at the Research Parkway/Carpenter Lane to increase sight lines, move the Research Parkway northbound stop bar at the site drive number 1 to accommodate truck turns and...the CT Rt 68 double left into Research Parkway operates with throat width of 27.5 ft. Current CONDOT regulations suggest expanding the throat width to 30 ft." Commissioner Fitzsimmons asked if those proposed improvements or will they only happen if the State requires them. Pat Pablo, Professional Engineer and Professional Traffic Operational Engineer with BL Companies stated that they are proposed. She also noted that they expect OSTA to go with the more in-depth certificate process and that these proposed improvements may be required. Atty. Perito stated that they cannot do offsite improvements unless asked to do so by the State. Commissioner Fitzsimmons asked if onsite improvements could be done if requested. Atty. Perito replied yes. Commissioner Fitzsimmons noted that the Town Engineer pointed out that there is still an error in the Traffic Report. It says the traffic generated by the proposed development is less than 100 vehicle trips and it should be more than 100 vehicle trips. He clarified that a State review process is triggered by parking and building size. Atty. Perito replied yes. Commissioner Fitzsimmons referred to the Town Corporation Counsel's December 7<sup>th</sup> memo reminding the Commission that the site plan approval application is for a warehouse and no other use will be allowed. Atty. Perito agreed. Commissioner Fitzsimmons quoted from the memo "The review of a Site Plan for permitted as of right use is limited to a determination as to whether the Site Plan meets the specific regulations applicable to the Site Plan." He acknowledged that a Site Plan is very different from a Special Permit. He added that it is difficult when there is a proposed use like this that abuts a residential area. He understands that they don't have the flexibility they would have under a special permit. He noted that one of the suggested conditions is about the use of Carpenter Lane only for emergency access. He asked if we could include the prohibition of the use of Carpenter Lane for any construction activity as well due to school bus traffic. Mr. Pagini stated that they can. Mr. Checkoway agreed not to use Carpenter Lane as a construction entrance.

Chairman Seichter agreed with the applicant that the Town Engineer's memo did address the different ITE designations and how they are not appropriate and would not be allowed. He added that the Corporation Counsel noted that the traffic count chart in the regulations would not be operative, and

the Town Engineer agreed. Chairman Seichter stated that he believes all outstanding issues have been addressed.

Mr. Pagini stated that he had no further comments and that the Commission should consider discussing how to address warehousing for future applications.

#### PUBLIC COMMENT

Bruce Ollodart, 15 Cliffside Drive asked about the traffic model which was based on 450,000 sq. ft. He stated that the height will also add volume and could lead to more traffic. He asked how the height and volume are taken into consideration. Ms. Pablo replied that for this study, the warehouse land use code 150 which has typical inside ceiling heights of 48 to 50 ft. This is well within that.

Susan Larson, 3 Tammy Hill Road, stated that the Better Highway Administration website suggested that it is easier to handle noise situations up front. It is a lot easier to avoid a problem than to try to correct it. We don't have the opportunity to rebuild our houses in a way to accommodate this. We will hear all the truck backup noises. She noted that there are already issues with tractor-trailers at the Rt. 68/Research Parkway intersection.

Jen Frechette, 29 Valley View Drive, stated that it is obvious that many of the Commission don't want to approve this. She asked if it's possible to put this on hold and go back to look at the regulations to make sure this can't happen again. Chairman Seichter noted that the application is based on the current regulations. The Commission has to act on those regulations.

Scott Gray, Oxford Trail thanked the Commission for the work they are doing and thanked the residents for their show of support. He noted that December 10, 2018, was the first public hearing for this property. He stated that it's a pain to have to keep doing this. He stated the reasons why the neighbors don't want this project include that it's a major development and alteration of property at the head of a water source; the lake has been damaged; a lot of salt runs into the river and is in wells now; the neighborhood will be subject to more air, water, light and noise pollution; and the Rt. The 68/91 intersection is already a pain to get through on a good day. We don't want the quality of life to decline. He understands that the Law Department feels the project must be approved to avoid litigation. He asked the Commission to do the right thing. Sometimes it's better to stand up against the letter of the law.

Jack Arigoni, 18 Martin Trail, stated that he learned this summer that chloride levels are already high. He is worried about chloride affecting wells and the town water system. He noted that over the last three years they have gone down, which may be because there has been no activity at this site. He believes that water should be the main concern. He noted that there is a steep hill on the property that the trucks will have to go up and down, which will result in more noise.

Sonia Wolf, 14 Oxford Trail noted that there is a clause in the regulations that development has to fit with the character of the area. This will grossly change that whole side of town. She asked the Commission to vote no.

Ed Bradley, 2 Hampton Trail, thanked Mr. Pagini for his assistance. Mr. Bradley asked why the original memo was requested from the Corporation Counsel. Commissioner Fitzsimmons replied that at the time, he questioned this application as a Site Plan versus a Special Permit and needed confirmation that it was appropriate. Mr. Bradley referred to the Chief Sanitarian's comments from October 31<sup>st</sup> and asked what radius is used to determine wells near blasting. Mr. Checkoway replied that the radius can range from ¼ mile to 1500 ft. from the blast impact point. Mr. Bradley asked who would be conducting the testing of the private wells and what assurances are there for property owners. Mr. Checkoway replied a third party would do it prior to the event as a baseline. It's called a pre-blast survey. He stated that there is no blasting planned. If an issue is found afterward, the applicant would need to replace damaged wells. Mr. Bradley referred to the Town Engineer's memos of November 7 and 29 referring to the contradiction in the traffic report about the OSTA review. He asked if it is still a requirement. Chairman Seichter replied that this was addressed earlier by the applicant. Regarding the ITE trip generation, Mr. Bradley stated that the Town Engineer's note that the world is constantly changing. He quoted from the Town Engineer's memo "when data allows an equation for the line of best fit is provided". Mr. Bradley asked if the applicant has applied for any necessary permits through Aquifer Protection Agency. Chairman Seichter replied no, they are not required to. Mr. Pagini noted that this application doesn't fall into the State Aquifer Protection regulations. Mr. Bradley noted that aquifers recharge into wetlands and that there has never been a hydrogeologist study done to determine where the water comes from. He reported that even when the uphill waters of the Muddy River dry up during a drought, the lower Muddy River still runs. Mr. Bradley commented on the Corporation Counsel memo of November 3<sup>rd</sup> citing cases dating back to 1988. Laws and regulations change. He asked what the enforcement actions are for an applicant that breaks the rules. Mr. Pagini reviewed the steps of zoning violations leading up to court action. For traffic violations, the Police Chief can request a traffic count. Mr. Pagini noted that there are several active court cases currently. Mr. Bradley noted the Auto Auction property that is in violation for overnight parking and it's been going on for a while. He summarized that he believes the Corporation Counsel is telling the commission they will be sued if they don't approve this application. He believes the Commission has cause to reject the application. If the town is sued, so be it. Let the courts sort it out.

Mr. Checkoway stated that they spent a lot of time on this process. They knew they would not get a Special Permit approved for this property. So they waited for the new Watershed Interchange District regulations for warehouse uses. They worked closely with Town staff and their engineers and he is confident that this application meets every regulation for a Site Plan approval. He appreciates the Town staff's assistance and the Commission's careful review.

Commissioner Fitzsimmons stated that it is hard balancing the rights of homeowners, property owners, and applicants. It is difficult when a commercial use abuts a residential area. Based on the information presented this application meets the criteria for a Site Plan approval based on the current regulations.

Chairman Seichter agreed.

**Commissioner Venoit: Motion to approve application #218-22, Site Plan/Calare – 5 Research Parkway, Site Plan approval request for Calare Properties to construct a 450,000 sq. ft. warehouse facility located at 5 Research Parkway on plans entitled “Planning and Zoning Submission for Proposed Development” dated August 5, 2022, and revised to November 2, 2022, subject to the following conditions:**

- 1. Comments in Interoffice Memorandum from Senior Engineer, Scott Shipman to the Planning and Zoning Department, dated 11/2/2022;**
- 2. Comments of the Health Department in Inter-Departmental Referral dated 10/31/2022;**
- 3. Copies of applicable approved DEEP Stormwater permits are to be provided as follows: Stormwater Permit for Construction activities to be provided prior to commencement of site construction, and Stormwater Permit for Industrial Activity to be provided prior to issuance of Certificate of Occupancy;**
- 4. Comments that were provided to the applicant by the CT Department of Public Health as this application lies within the watershed of a public drinking water supply;**
- 5. That all proposed improvements receive approval from OSTA prior to the issuance of the Certificate of Occupancy. This includes all recommendations detailed in the report from BL Companies entitled “Traffic Overview” dated October 31, 2022;**
- 6. Sedimentation and Erosion Control to be covered by a bond in the amount of \$1,200,000 required by the Inland Wetlands and Watercourses Commission in their approval dated October 5, 2022;**
- 7. Required landscaping bond to the Planning and Zoning Department in the amount of \$85,000;**
- 8. That depressed islands are included in the car parking area as Bioretention islands with an underdrain. Islands to be constructed as Bioretention islands to be coordinated with the Town Planner and Town Engineer;**
- 9. Inclusion of Bioretention islands in final Site Operations and Maintenance Plan;**
- 10. The owner (current or future) of the property is to ensure compliance at all times with: the “Site Operations and Maintenance Plan” prepared by BL Companies, dated May 3, 2022, and revised to September 30, 2002; “Construction Contingency Plan for Erosion Control and Emergency Spills” prepared by BL Companies, dated May 3, 2022;**
- 11. Conditions of approval in the memorandum from Erin O’Hare, Environmental Planner, dated October 6, 2022;**
- 12. Comments of the Fire Marshal, dated 10/14/2022;**
- 13. Comments of Alison Kapushinski, Town Engineer, dated 9/26/2022; 10/18/2022; and 11/29/2022;**
- 14. Comments from the Town Planner dated 8/10/2022; 8/24/2022; and 10/18/2022, with the agreed request of no construction access at Carpenter Lane;**
- 15. Maintaining compliance with Sections 4.13.B & D of the Watershed Protection District at all times;**

- 16. Use of van spaces, trailer parking spaces, and loading docks/truck parking spaces to be limited to trailers/trucks and vans being used for the loading/unloading of the merchandise being stored in the warehouses and other deliveries to/from the warehouses. Site not to be used as a “truck terminal, freight terminal, parcel sorting, and retail distribution center or drop yard”, as in the only vehicles, trucks, trailers, or vans that are to be parked, stored, or otherwise kept on site are those currently being used for the above purposes; no vehicle repairs or washing is to occur on-site, and the site shall not be used for any outside storage of any kind or long-term storage of inactive vehicles or vehicles not immediately associated with the warehouse activities on-site; and**
- 17. Six (6) copies of the final approved plans forwarded to the Planning and Zoning office.**

**Commissioner Fitzsimmons: Second**

Commissioner Kohan added that this is a tough application as we are being asked to approve something when they don't know how it will be used. He respects and appreciates the comments from his fellow Commissioners but a lot is riding on the Town Engineer's memo regarding traffic. Regarding the specific definitions of what we are being asked to approve, he believes it is actually a land use code 154, 155, or 156 use, not a 150. The Town Engineer does mention that those uses are prohibited but doesn't mention the size of this application, which he believes is not a land use code 150.

**Vote: Kohan – no; Fitzsimmons – yes; Venoit – yes; Allinson – no; Chairman Seichter – yes.**  
The application is approved.

**3. Site Plan (warehouse)/Mark Development LLC/1107 Northrop Road #219-22**

Commissioner Allinson noted the correspondence, including Interdepartmental Referral from the Fire Marshal received August 15, 2022, Memorandum from the Town Engineer to the Town Planner dated September 29, 2022, Interoffice Memorandum from Scott Shipman, Senior Engineer to Kevin Pagini, Town Planner, dated September 29, 2022, email from Dennis Ceneviva to Kevin Pagini, Town Planner, dated October 11, 2022, email from Dennis Ceneviva to Kevin Pagini, Town Planner, dated November 8, 2022, letter from James Cassidy, P.E., to Alison Kapushinski, Town Engineer, received November 29, 2022; Traffic Impact Assessment from Colleen Byrne, Project Manager, Solli Engineering, to James Cassidy, Hallisey, Pearson & Cassidy Engineering Associates dated September 29, 2022 revised to November 29, 2022; Interoffice Memorandum from Scott Shipman, Senior Engineer, to Kevin Pagini, Town Planner, dated December 8, 2022; Memorandum from Alison Kapushinski, Town Engineer, to Kevin Pagini, Town Planner dated December 8, 2022; and a revised set of site plans.

Atty. Dennis Ceneviva of the Ceneviva law firm and James Cassidy, P.E. of Hallisey, Pearson & Cassidy Engineering Associates, and Colleen Byrne, Traffic Engineer, Solli Engineering, presented for the applicant. Atty. Ceneviva stated that this is a two-parcel site. Totaling over 55 acres, 6.36 acres are in Wallingford, and the rest in Meriden. The parcel is currently vacant. The proposal is to permit a 130,016 sq. ft. industrial building with 23,679 sq. ft. in Wallingford. He reported that they have received approval



from both Meriden and Wallingford Inland Wetlands and Watercourse Commissions. They have a hearing later this week at the Meriden Planning Commission. He explained that they have a tenant for the front 50,000 sq. ft which will use the Wallingford portion. It is a tool manufacturer with one shift of 70 employees. Mr. Cassidy reviewed the site plan using PowerPoint. The use will be manufacturing with a portion as distribution. The total site is 55.12 acres and they have already built another building behind the former Flexall building which is in Meriden. This building will be one-story steel framed. The access will be off Northrop Road. He showed where they have an approved building site across the street in Wallingford. There are significant wetlands on the property. He showed the two access driveways, loading docks, and 96 parking spaces. He pointed out deferred parking spaces on the Meriden side bringing the total to 154. The building will meet or exceed all the IX zone regulations. He noted that they have already received a variance for the front yard setback. The building is skewed due to wetlands which caused the need for the variance. He noted that the parking on the plan is based on the uses for the Town of Meriden. He added that they are asking for a reduction in parking from 180 as the 154 spaces they are providing is more than adequate. Mr. Cassidy stated that they will plant trees along the frontage to provide screening, along the access drive, and some evergreens to screen the loading docks and plantings around the perimeter. He shared the utility plan. A stormwater quality basin will be constructed to the north to collect runoff from the parking areas. All the roof leaders will go to an existing drain pipe to the wetlands. They did an extensive drainage study. All drainage is away from Wallingford under Rt. 91 through Meriden. They will continue a water main extension to serve this building from Meriden. They will connect to existing sanitary sewers which go to Meriden. Mr. Cassidy described the building and the materials. He explained the roadway grading and widening they will do to improve the sight lines.

Colleen Byrne, Senior Project Manager, Solli Engineering, 501 Main Street, Monroe, stated that she is a certified Road Safety Professional. She showed the intersections that were studied. She explained that they used manufacturing and warehousing as the land uses and decided to use LUC140 for a more conservative analysis. The ITE still came out under 100 peak-hour trips. They did an operational analysis with the city intersections and determined that service levels will remain at B or C. The site is currently subject to a Major Traffic Generator certificate. She noted that they will have to go to OSTA for review and expect an administrative decision review since they don't impact the interstate system. The roadway improvements on Northrop Road will provide sight distance improvements for the existing driveway as well as the proposed driveway.

Mr. Pagni stated that he did speak with them on sight line distances as well as construction traffic. They agreed that the roadway should be improved as part of this project even though it was approved as part of the project that was approved for across the street. He noted that the construction traffic needs to go in through the existing driveway to avoid safety hazards. In answer to a question as to which town would respond in an emergency, he replied that the applicant needs to establish the jurisdiction. Atty. Ceneviva agreed.

Commissioner Kohan asked if the road grading will be done before or after the construction of the new building. Atty. Ceneviva replied that it was required for the building across the street and will be part of

this approval too. It would need to be completed before the Certificate of Occupancy. They would not use the new driveway until it is done. He promised that this building will be completed. Commissioner Kohan asked what happens if OSTA says there is too much traffic. Ms. Byrne replied that OSTA has thresholds. They can request additional information or analysis. If OSTA determines mitigation is required, they will require us to provide it. Mitigation could be signal light timing, widening, new traffic signals, etc. Atty. Ceneviva stated that they can also deny the application.

Commissioner Fitzsimmons asked if the frontage will face Northrop Road. Atty. Ceneviva replied yes. Mr. Cassidy explained that the small area in front is a patio for employees. He added that the building sits down below the front property elevation. Commissioner Fitzsimmons asked if the building will be visible from Rt. 91. Mr. Cassidy replied yes. Commissioner Fitzsimmons referred to the memo from Water & Sewer dated December 8<sup>th</sup> regarding the dry water main for future use. Mr. Cassidy replied that this building will be serviced by Meriden. He stated that the memo is saying that if you are doing all this work, you should consider putting in the main now for the future building across the street. Commissioner Fitzsimmons asked if they are planning on a dry water main. Mr. Cassidy replied no, due to budgetary reasons and it depends on the use of the other building. It is an extension of the Meriden system and would help this applicant with future development, but would only be for the other building.

Commissioner Allinson asked what percentage of the space is the manufacturing tenant going to use. Atty. Ceneviva replied about 35%. The other 80,000 sq. ft. has a lot of interest, mostly for typical warehouse uses. The other building is fully occupied and was built a year ago. He noted that the land use code used for the traffic study was based on the whole building.

Chairman Seichter asked if the other building in the back is leased. Atty. Ceneviva replied that it is fully leased and the front of the building is already occupied. Chairman Seichter noted the use of manufacturing for the traffic study as it uses a higher trip generation.

#### PUBLIC COMMENT

Steven Backless, Valley View Drive thanked the application for the good presentation. He noted that if approved this will create a chokehold in this area. Traffic will continue to build. How will the people in that neighborhood be protected and how will people be held accountable? In response to a question, Chairman Seichter noted that Ms. Byrne used a traffic generation number for a manufacturer so it is different from the prior application.

**Commissioner Venoit: Motion to approve application #219-22, Site Plan/Mark Development LLC – 1107 Northrop Road for a Site Plan approval request for 1107 Northrop Road, Mark Development, LLC for a 130,016 sq. ft. warehouse-distribution/executive office facility (of which 23,679 sq. ft. lies within the Town of Wallingford) and an associated 97 parking spaces located at 1107 Northrop Road as shown on plans entitled “Proposed 130,000 sq. ft. Executive Office and Warehouse/Distribution Building” dated May 3, 2022, and revised to November 23, 2022, subject to:**

1. **Comments of Town Engineer Alison Kapushinski to Planning and Zoning Commission dated 9/29/2022 and 12/8/2022;**
2. **Comments of the Fire Marshal in Inter-Departmental Referrals dated 8/18/2022 and 8/12/2022;**
3. **Comments of Scott Shipman, Senior Engineer Water and Sewer Division in Interoffice Memorandum dated 9/29/2022 and 12/8/2022;**
4. **Applicant to use the existing driveway for all construction traffic;**
5. **An Erosion and Sedimentation Control Bond in the amount of \$21,340.00; and**
6. **Six (6) copies of the final approved maps forwarded to the Planning & Zoning office.**

**Commissioner Fitzsimmons: Second**

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

The application is approved.

#### **NEW BUSINESS**

**4. Site Plan (650 sq. ft. accessory apartment)/A. Lavoie/33 Valley View Drive #227-22**

Commissioner Allinson noted the correspondence including the application for an accessory apartment; the Inter-Departmental Referral from the Director of Health received November 23, 2022; and Inter-Departmental Referral from the Fire Marshal, received November 30, 2022.

Brendan Reed and Amanda Lavoie presented. Mr. Reed explained that the project is for a 650 sq. ft. in-law apartment for Ms. Lavoie's grandmother. It will be an addition off the back of the house, requiring them to remove a small section. Ms. Lavoie noted that her neighbors are supportive and in the audience tonight.

Mr. Pagine noted that the land use specialist reviewed the application and it is in compliance. It is on well and septic so did not require comment from Water & Sewer.

**Commissioner Venoit: Motion to approve application #227-22 Site Plan/Lavoie – 33 Valley View Drive for a Site Plan request for a 650 sq. ft. accessory apartment located at 33 Valley View Drive, subject to:**

1. **Comments of the Health Department in Inter-Departmental referral dated 11/22/2022; and**
2. **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.

#### **REPORTS OF OFFICERS AND STAFF**

5. **Administrative Approvals - Noted as approved**

- a. **Site Plan/M&M Group/844 North Colony Road (Wal\*Mart) #226-22**
- b. **Change of Use/B. Sargent-Delta Arsenal/342 Quinnipiac Street #312-22**

**6. ZBA November 21, 2022 Decisions** - no comments

**7. No December ZBA Meeting** – no comments

Mr. Pagini stated that the quarterly Zoning Enforcement Report will be provided to the Commission in January.

**ADJOURNMENT**

**Commissioner Venoit: Motion to adjourn the December 12, 2022 meeting of the Wallingford Planning and Zoning Commission at 9:30 pm.**

**Second: Fitzsimmons**

**Vote: Unanimous to approve**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary