

Wallingford Planning & Zoning Commission
Regular Meeting
Wednesday, February 14, 2024
7:00 p.m.
Robert F. Parisi Council Chambers – Town Hall
Town Hall – 45 South Main Street
MINUTES

Acting Chair Venoit called the meeting to order at approximately 7:08 p.m.

The Pledge of Allegiance was recited by all.

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

New Alternate Bryan Rivard was introduced and welcomed. Voting tonight will be Kohan, Fitzsimmons, Allinson, Parent, and Venoit.

Acting Chair Venoit noted that the following agenda items will not be heard tonight.

1. **PUBLIC HEARING – Zoning Change (R-18 to DD-40) Lost & Found Ventures, LLC/10 Mansion Road #503-23** Continued to March meeting
3. **PUBLIC HEARING – Special Permit (Waste Reduction Facility)/Bozzuto/507 Main St., Yalesville #402-24** Continued to March meeting
4. **PUBLIC HEARING – Special Permit (Drive-thru retail restaurant)/Kapoor/905 North Colony Road #403-24** Continued to March meeting
6. **PUBLIC HEARING – Re-subdivision - under 8-30g/Sunwood Development Corp./1136 Durham Road #101-24** Continued to March meeting
8. **SITE PLAN APPROVALS – Site Plan (Retail Restaurant) 124 Church Street, Yallesville #201-24** Continued to March meeting.

Consideration of Minutes – January 10, 2024, Regular Meeting

Commissioner Fitzsimmons: Motion to approve the Minutes of Wednesday, January 10, 2024, Meeting of the Wallingford Planning and Zoning Commission as submitted.

Commissioner Kohan: Second

Vote: Unanimous to approve.

PUBLIC HEARINGS

2. Special Permit (Jeff Ahearn) 300 Church St, Apartments #414-23

Commissioner Allinson read the legal notice and noted the correspondence. #414-23 – Special Permit request for J. Ahearn to convert the top floor of an existing office building to 3 residential apartment units located at 300 Church Street, Yalesville – CA-12 (Commercial) District. Correspondence to Jeff

Ahearn from Kevin Pagini, Town Planner dated November 29, 2023; Inspection Report from the Wallingford Fire Department signed November 21, 2023; Inter-Departmental Referral from Alison Kapushinski, Town Engineer received November 20, 2023; Inter-Office Memorandum from Scott Shipman, Senior Engineer, Water & Sewer Divisions, dated November 27, 2023; Planning & Zoning Sign-Off sheet indicating no comment by Health, Inland Wetlands and Electric Division dated November 29, 2023; Inter-Departmental Referral from Erin O'Hare, Environmental Planner, received November 14, 2023; and correspondence to Jeff Ahearn from Kevin Pagini, Town Planner, dated November 29, 2023.

Commissioner Fitzsimmons noted that there is no memo documenting that the Special Permit sign was posted. Mr. Pagini replied that he has documentation and can send it to the Commission.

Christopher Juliano, PE, Licensed Land Surveyor, Juliano Associates, 405 Main Street, Yalesville presented. He explained that this is the building that Westbrook Lobster is in. Since the pandemic, the owner has been having difficulty getting tenants for the third floor. The applicant is asking for a change of use to allow for three residential apartments on the top floor. They looked at the existing site plan and reviewed the regulations. This proposal reduces the parking requirement so there will be more than enough parking. It will be a mixed-use facility. There will be no changes to the exterior. He noted that once approved, the owner will need to adhere to all building, fire, health, and safety requirements.

PUBLIC COMMENT

None

Commissioner Fitzsimmons asked for clarification on the number of residential units and if they would be condos or apartments. Mr. Juliano replied three apartments

Hearing no public comment, Acting Chair Venoit called for a motion to close the public hearing.

Commissioner Fitzsimmons: Motion to close the public hearing for application #414-23

Commissioner Kohan: second

Vote: Unanimous

Commissioner Venoit: Motion to approve Special Permit for Ahearn at 300 Church Street #414-23 for a Special permit request for Ahearn to change existing office space to residential dwelling units located at 300 Church Street, Yalesville subject to:

- 1. Comments from Scott Shipman, Senior Engineer, Water and Sewer division dated 11/27/2023;**
- 2. Comments from the Fire Marshal's office dated 11/21/2023;**
- 3. Comments from the Town Planner dated 11/29/2023; and**
- 4. Final floor plans for units to be submitted to the Planning and Zoning Office**

Commissioner Kohan: second

Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Vice-Chair Venoit – yes.

The application is approved.

Acting Chair Venoit called for a motion to convene the Wallingford Aquifer Protection Agency meeting.

Commissioner Fitzsimmons: Motion to table the Planning and Zoning Commission Agenda and convene the Wallingford Aquifer Protection Agency meeting.

Commissioner Kohan: second

Vote: Unanimous

Acting Chair Venoit called the Wallingford Aquifer Protection Agency meeting to order. He noted that voting on this application will be Kohan, Fitzsimmons, Allinson, Parent, and Venoit.

WALLINGFORD AQUIFER PROTECTION AGENCY

1. Permit Renewal (Executive Auto Group)/1164, 1174, 1180, 1192, and 1194 North Colony Road #701-24

Atty. Dennis Ceneviva, Ceneviva Law Firm, 721 Broad Street, Meriden, and Jim Cassidy, P.E., Principle, and Project Engineer, with Hallisey, Pearson & Cassidy, 630 Main Street, Cromwell presented.

Acting Chair Venoit confirmed that the applicant should present the entire application though this portion will not be a public hearing.

Atty. Ceneviva explained that the proposal is to take the five parcels and combine them into two lots. This will involve taking some land from the Honda dealership and putting it in the Kia dealership. He explained that the owner, Mr. Orsini, is required by his relationship with Kia to build a new dealership which will be 24,000 sq. ft. All the existing buildings except the Honda building will be razed. This requires an Aquifer Protection Agency application. This is really a modification as the site already has a permit. There will be no change in the services, it will still be an auto dealership. Atty. Ceneviva stated that this application reduces a number of the existing non-conformities on the property. For example, they will reduce the six curb cuts to three, add landscaping along Rt. 5, and rehabilitate the existing dealership.

Mr. Cassidy explained what the separate properties are used for now and the proposal for the lot-line modification. He explained the requirements in 5.1.C of the RF-40 zone and how the property is currently non-conforming. Then outlines how the modifications will reduce the non-conformities. The proposal is to combine three lots into one of 4.675 acres with 590 sq. ft. frontage. They will take down the existing Kia building and build a state-of-the-art building with a footprint of 24,000 sq. ft. It will house both sales and service. They will cut down the grade on the north side and add some fill on the south side. He showed the parking areas on the plan. The back parking area will be repaved due to

regrading. Access to it is through the Honda site. In total, there will be 136 parking spaces in the lower area and 50 in the upper section. The frontage is currently all paved. They create a 10 ft landscaped area along Rt. 5 and will plant canopy trees. They will add landscaping islands in the parking lot. They will exceed the overall requirement. They will remove the retaining walls along the back except for a small retaining wall. They will landscape that slope. There will be more green on the property. The lot-line modification brings the majority of the site into compliance. Parcels 1164 – 1192 become one lot. The Honda dealership will be the only piece remaining non-compliant due to the percentage of landscaped areas. Improvements include storm drainage. Mr. Cassidy proposed a new draining system to collect all the water from the site and adequately handle it before it's discharged into the State drainage system. There will be no stormwater detention on the site. There will be a reduction in runoff due to the reduction of 12,000 sq. ft. of impervious. They will use a hydrodynamic separator before it drains into the State system. They will be building a new sanitary sewer system that links to the public sewers. The property is currently on well now. There was a recent extension of the water main on North Colony Road. They will extend it 360 ft down to provide a new hydrant and connect the building to the water main. He reviewed the two phase construction plan to show how the business will stay open during construction. They will put up concrete blocks to keep traffic away from the construction areas. Display vehicles and new inventory will be stored in the upper lot. Phase 1 is the construction of the new building, grading, putting the new drainage system in, and paving. He explained the erosion and sediment control plan. Phase 2 is the demolition of the old building, removing the pavement and old drainage system. The regulations talk about connectivity between sites but due to the extreme grade, it will be difficult to make vehicle connections. They will do stairs to access the upper lot. For landscaping, they will do landscaping along the frontage and add 13 new islands with ornamental trees in the parking lot. In front of the service area, there will be a sidewalk and 10 ft. of landscaping with shrubs. He described the site circulation. He showed the floor plan and exterior. He emphasized that this is the same use as today and that there is currently a permit for that use. There is no change to the chemicals being used. Hazardous materials will be stored inside the building. Floor drains go to an oil/water separator that is eventually pumped out to sanitary sewers. They are just updating the building.

Acting Chair Venoit asked Commissioners if they had questions as the Aquifer Protection Agency.

Mr. Pagini asked if the emergency response action plan and material management would be part of the permit. Atty. Ceneviva said yes.

Commissioner Kohan asked how often the Aquifer Protection Agency inspects properties and who does it. Mr. Pagini replied that the inspections are roughly yearly and that he has been working with Water & Sewer to schedule the inspections. He hopes regular inspections will resume soon. He recently met with DEEP to inspect some sites. Commissioner Kohan stated that this needs to be done annually. He is okay with approving the renewal of the permit but feels the inspections are a critical piece.

Commissioner Fitzsimmons: Acting as the Wallingford Aquifer Protection Agency, Motion to approve the Aquifer Protection Permit Revision request to demolish an existing car dealership and existing retail store, merge contiguous properties, and construct a new 23,000 sq. ft

building for use as a car dealership and reconfigure an existing parking area in plans entitled Site Plan/Special Permit modification proposed automobile dealership dated January 4, 2024 and revised to February 6, 2024, subject to the following conditions;

- 1. Revised Materials Management Plan forwarded to the Planning & Zoning Office; and**
- 2. An updated Emergency Response Action Plan forwarded to the Planning & Zoning Office in Wallingford.**

Commissioner Kohan: second

Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Vice Chair Venoit – yes.

The application is approved.

Commissioner Fitzsimmons: Motion to close the Wallingford Aquifer Protection Agency Meeting and resume the Planning and Zoning Commission meeting.

Commissioner Kohan: second

Vote: Unanimous

- 5. Special Permit (Executive Auto Group)/1164, 1174, 1180, 1192, and 1194 North Colony Road #404-24**

Commissioner Allinson read the legal notice and noted the correspondence. #404-24 – Special Permit request for Executive Auto Group, LLC to demolish an existing car dealership and re-construct and re-configure the existing site and merge contiguous parcels to accommodate a new car dealership building and parking area located at 1164, 1174, 1180, 1192 and 1194 North Colony Road – RF-40 (Route Five) District. Correspondence included the application and Site Plan received January 5, 2024; memorandum from Allison Kapushinski, Town Engineer dated January 31, 2024; Interoffice memorandum from Scott Shipman, Senior Engineer, Water & Sewer Divisions, dated February 1, 2024; correspondence from Kevin Pagini, Town Planner to Executive Auto Group dated February 2, 2024; Inter-Departmental Referral from the Environmental Planner dated February 9, 2024; email from James Cassidy, Hallisey, Pearson & Cassidy, dated February 9, 2024; correspondence from James Cassidy, Hallisey, Pearson & Cassidy, to Kevin Pagini, Town Planner, dated February 6, 2024.

Commissioner Kohan asked about the calculation for the reduction in impervious surface as the site is not dramatically changing. Mr. Cassidy replied that currently there is a lot of paved area. They will reduce it by 12,266 sq. ft. The retaining walls in the back and to the south will be replaced with a vegetative slope. They are also taking 9/10th of an acre from the Honda dealership which will be losing 50 parking spaces. Commissioner Kohan asked about sidewalks. Mr. Cassidy replied that they looked into it and they don't propose installing sidewalks that will be in the middle of nowhere, not connected to other sidewalks. Commissioner Kohan noted that he does see people walking in that area but understands the argument. He asked about landscaping. Mr. Cassidy replied that they are required to provide 10 sq. ft. per parking space. With the landscaped islands, they will be providing 3.097 sq. ft. which exceeds the requirement. Commissioner Kohan asked about the frontage. Mr. Cassidy replied

that they would pull the site back and make the site less non-conforming. They will be planting trees along that frontage but won't meet the 50 ft. requirement. He explained that the islands in the parking lot would be slightly depressed so that runoff from the parking lots would go to the islands.

Commissioner Fitzsimmons asked if the applicant had seen all of the correspondence that the Commission had. Mr. Cassidy replied to everything but the memo from Erin O'Hare on the 9th. He reported that he spoke with Ms. O'Hare and gave her the details for erosion and sedimentation control and drainage during construction. He explained the two phases of construction to her. They discussed whether a permit was needed. He noted that the nearest river is 2,000 feet away and the nearest brook is 1,500 ft. away and there are no wetlands near this site. Based on the regulations there is no need for a wetlands permit. Commissioner Fitzsimmons noted that the last sentence of Ms. O'Hare's memo states that "at this point, I do not think an Inland Wetlands Watercourse permit is required." He asked if there was documented confirmation of that. Mr. Pagini replied that he had received no other information from Ms. O'Hare. She told him there was no issue that she could see. Commissioner Fitzsimmons referred to the email from Mr. Cassidy dated February 8th to the Fire Marshal and asked if there was a response. Mr. Pagini stated that it came in late and he emailed it to Commission members. Commissioner Fitzsimmons asked if there was a response to all the staff comments. Mr. Cassidy replied that they responded on February 6, 2024, by letter. Commissioner Fitzsimmons stated that ultimately sidewalks should connect the businesses and that other buildings on Rt. 5 have been installing sidewalks. Mr. Cassidy replied that their concern is safety if the sidewalk doesn't connect to anything and the steep grade.

Atty. Ceneviva stated concern about liability if people need to walk on the road when the sidewalk ends. It is not a cost issue. He mentioned a sidewalk covenant program. Commissioner Fitzsimmons noted that sidewalks promote safety. He would like to see sidewalks there. He agreed that this was a tough parcel. Regarding interconnectivity, he asked for clarification that the plan provides it for pedestrians, not autos. Mr. Cassidy agreed and stated it was due to the steep grade. Commissioner Fitzsimmons suggested adding sidewalks to the plan for potential connectivity to the undeveloped parcel to the south. Mr. Cassidy agreed.

Commissioner Allinson asked about interconnectivity. He noted that the upper parking lot would have stairs and asked how cars would get to it. Mr. Cassidy showed the existing connection on the site plan. He added that there is potential for connectivity to the parcel to the south as it is the same grade. They cannot connect to the parcel to the north due to the grade. Mr. Allinson asked about the curb cuts and if one lines up with the business across Rt. 5. Mr. Cassidy replied that curb cuts will be in a similar position. He noted that the cuts farthest to the north and south will be closed. Commissioner Allinson referred to Ms. O'Hare's memo noting that she mentioned having questions for the applicant and asked if there were any additional comments from her. Mr. Pagini replied that he asked for clarification and she replied that no wetlands permit is needed and she is all set. Mr. Cassidy noted that he reviewed the criteria for a permit with her and determined that no permit is required. He noted that the owner, Mr. Orsini, will do anything she wants him to do for erosion and sediment control. Commissioner Allinson

stated that there is nothing in writing stating that the questions have been answered. He asked Mr. Pagini to relay the Commission's frustration.

Commissioner Sanders asked about the sidewalks and noted that without them people will be walking in the road once the landscaping is added. He stated that at some point it is part of the requirements. Mr. Cassidy replied that they don't want the liability of someone being forced to walk in the road when the sidewalk ends. He suggested a caveat that the sidewalk be installed when the property to the south is developed.

Commissioner Kohan asked if there is a sufficient bond for erosion and sediment control, as other recent projects have had problems with insufficient control.

Commissioner Fitzsimmons noted that they indicated that a large amount of material would be removed by truck and asked for an estimate of volume. Mr. Cassidy replied that 19,000 yards of material would be removed by 1,100 truck trips. It will be done in two phases. There will be 550 truck trips over 6-10 months for phase one and the remaining 9,000 yards during phase two. Commissioner Fitzsimmons stated that the trucks make round trips so it will be 2,200 truck trips. Mr. Cassidy agreed.

Mr. Pagini asked about a 25 ft. access easement and if it can be shown on the plan so it will be filed on the land records. Mr. Cassidy agreed. Mr. Pagini stated that there will be a condition that the contractor plan is submitted beforehand so inspections can be done. Mr. Cassidy agreed to provide the contractor schedule.

PUBLIC COMMENT

Ray Ficorelli, 3 Shangri Lane asked about the sidewalks and stated that it would be better to put it in now. Sidewalk continuity is needed, so it needs to start as soon as possible.

Commissioner Parent stated that the sidewalk covenant is the best solution. He wants to see sidewalks there, but it has to be done in a way that makes sense. He stated that he would be happy to entertain the draft covenant.

Commissioner Fitzsimmons agreed. He proposed that we require building the sidewalk and the applicant can suggest a revision to the Special Permit approval to address the concerns raised. He stated that the project will improve the area. Approve with sidewalks required and discuss it again as a revision.

Atty. Ceneviva agreed with that course. He noted that the sidewalk covenant would be added to the land records as an obligation. It is done in other communities.

Vice Chair Venoit suggested a workshop to review the draft covenant. Mr. Pagini will work on finding a date.

Commissioner Allinson agreed. He likes the sidewalk covenant idea. He also agrees with the liability concerns. He asked if the covenant could be added as a condition.

Hearing no further public comment, Acting Chair Venoit called for a motion to close the public hearing.

Commissioner Fitzsimmons: Motion to close the public hearing for application #404-24

Commissioner Fitzsimmons: second

Vote: Unanimous

Commissioner Fitzsimmons: Motion to approve application #401-24 – Special Permit for Executive Auto Group at 1164, 1174, 1180, 1192, and 1194 North Colony Road #404-24 for a Special Permit request and Site Plan approval to demolish an existing car dealership and an existing retail store, merge contiguous properties and construct a new 23,000 sq ft. building for use as a car dealership and reconfigure and existing parking area on plans entitled Site Plan and Special Permit modification in proposed automobile dealership dated January 4, 2024 and revised to February 6, 2024 subject to the following conditions:

- 1. Comments from Alison Kapushinski, Town Engineer dated January 31, 2024;**
- 2. Comments from Erin O’Hare, Environmental Planner dated February 9, 2024;**
- 3. Comments from Kevin Pagini, Town Planner dated February 2, 2024;**
- 4. Comments from Scott Shipman, Senior Engineer, Water and Sewer, dated February 8, 2024;**
- 5. Comments from the Office of the Wallingford Fire Marshal dated February 9, 2024;**
- 6. Posting of an erosion and sediment control bond in the amount of \$42,500;**
- 7. Six (6) copies of the final plans submitted to the Planning and Zoning Office;**
- 8. Applicant should install, across the entire frontage, sidewalks as discussed during this evening’s meeting; and**
- 9. Final Plans to include interconnectivity, as discussed, to the parcel to the south.**

Commissioner Kohan: Second

Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Vice Chair Venoit – yes.

The application is approved.

SITE PLAN APPROVALS

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

Commissioner Allinson read the correspondence into the record. Correspondence included two videos; correspondence from Paul DeMattie to Kevin Pagini, Town Planner, dated February 6, 2024 including data, transportation log and photos; email from Christian Drucker, to Kevin Pagini, Town Planner, dated

February 7, 2024 ; correspondence from Dominic Santilli, to Kevin Pagini, Town Planner, dated February 8, 2024 including an Affordable Housing Plan and traffic logs; correspondence from John Ventura, Wallingford Chief of Police, to Kevin Pagini, Town Planner, dated January 9, 2024; memorandum from Janis Small, Corporation Counsel, to the Planning & Zoning Commission, dated January 10, 2024; email from Danielle Murphy to Kevin Pagini, Town Planner; correspondence from Derek Dickson, to Kevin Pagini, Town Planner, dated January 8, 2024; email Stacey Angelico to Kevin Pagini, Town Planner, dated January 8, 2024; correspondence from Jim & Laura Allen, to Kevin Pagini, Town Planner, dated January 8, 2024; correspondence from Tracy Gilooly, to Kevin Pagini, Town Planner, dated January 8, 2024; correspondence from Christina Borger, to Kevin Pagini, Town Planner, dated January 8, 2024; correspondence from Dave Paglianetti, to Kevin Pagini, Town Planner, dated January 8, 2024; correspondence from Sarah Howard, to Kevin Pagini, Town Planner, dated January 8, 2024; correspondence from Derek Blin to Kevin Pagini, Town Planner, dated January 8, 2024; correspondence from Christine Pollick to Kevin Pagini, Town Planner, dated January 8, 2024; correspondence from Christian Drucker to Kevin Pagini, Town Planner, dated January 9, 2024, correspondence from Anastasia Hubble, MS to Kevin Pagini, Town Planner, dated January 10, 2024; correspondence from Jason Adinolfi to Kevin Pagini, Town Planner dated January 10, 2024; and email from Christopher Juliano, Juliano Associates to Kevin Pagini, Town Planner dated January 10, 2024.

Atty. Dennis Ceneviva, Ceneviva Law Firm, 721 Broad Street, Meriden, and Christopher Juliano, PE, Licensed Land Surveyor, Juliano Associates, 405 Main Street, Yalesville presented.

Atty. Ceneviva stated that the application was presented in December. Tonight they will present the modifications since that meeting. He referred to the memo from Janis Small, Corporation Counsel, and noted that the Affordability Plan has been revised since December. Changes include the allocation of affordable units has been changed to 4 at 60% average median income and 3 at 80% average median income. He added that the new plan states that the affordability restriction will be there for 40 years, not "at least 40 years".

Mr. Juliano stated that another change in the Affordability Plan is that all the units will be one-bedroom so that any unit could be an affordable unit. The original plan included efficiencies. The footprint remains the same. He noted that these are rentals and seven units will originally be designated affordable, but that it won't be the same 7 units for all 40 years. At no time will there be fewer than 7 affordable units. Mr. Juliano stated that he submitted a plan on Friday that includes a sidewalk along the Rt. 68 frontage. He stated that they did not propose one on Highland Avenue because it would be difficult to construct and maintain due to the water. He expects there will be a sidewalk on the other side when that lot is developed. He added that the applicant is willing to ask Inland Wetlands for a modification of the permit if the sidewalk is required on Highland Avenue.

Commissioner Fitzsimmons noted that they have the email but not the exhibit.

Commissioner Allinson added the February 9, 2024 memo from Christopher Juliano to Kevin Pagini, Town Planner to the correspondence record.

Mr. Pagini stated that due to discussions with the neighbors, there are new conditions.

PUBLIC COMMENT

Paul DeMattie, 4 Shangri Lane, thanked the Commission for the opportunity to speak. He stated that none of the neighbors are against affordable housing. He mentioned a petition that was signed by over 200 residents. He stated that there has been a lack of transparency as the neighbors didn't know about the Inland Wetlands Commission meetings. There was no signage on the property. He stated concern about safety and health. He noted the 8-30g regulations that allow change or denial of an application for water management, health, and safety. He asked to hear more about the traffic study if it was done. He stated that he submitted accident data for that intersection. The proposed driveway entrance is dangerous. He noted that the Fire Marshal's comments stated that it is a highly traveled highway. Mr. DeMattie stated that the sight lines are bad. He stated that there are a lot of pedestrians and bicyclists that use this area. A sidewalk is needed on Highland Avenue. He noted that the State put in crosswalks but there are no sidewalks. He asked if a water flow analysis was done and what the implications are for those with wells. He stated that the environmental impact has not been identified and asked about the downstream effect. There is a lot of standing water in that area. Why does it have to be so large? Does 7 affordable units help the Town that much? He asked what the plans look like now that they are all one-bedroom units. These buildings will be built on slabs. He asked if an engineering study was done on water saturation from hydrostatic pressure. Where does the water under the buildings go? Are mold inspections required? He asked if the Fire Marshal commented on the fire pit. He stated that the developer has a cease and desist order with Inland Wetland for his Barnes Road project. He concluded that this project's location doesn't meet the reasons for affordable housing listed on the Town's website.

Dominic Santilli, 5 Shangri Lane, noted situations when 8-30g applications can be modified or denied, including if public interests cannot be protected by reasonable changes to the project. The lack of a sidewalk on the east side of Highland Avenue is a major issue. He is happy to hear that the applicant is willing to build sidewalks there. The absence of a sidewalk causes a major safety hazard for pedestrians. This project will increase pedestrian traffic in the neighborhood. He stated that he submitted data from the Police Department on accidents and vehicle volume data from the DOT for this intersection. Over the past 5 years, there were 22 accidents that police responded to. The DOT data counted cars going through the intersection. The data from 2022 recorded 22,300 vehicles in 48 hours. He stated that the DOT recently replaced the traffic lights, and handicapped ramps and added a crosswalk. He asked the commission to deny the application. If approved, he suggested a condition that a sidewalk be installed on the Highland Avenue side. Also, delay until a revised site plan is submitted that includes that sidewalk.

Ray Ficorilli, 3 Shangri Lane, stated that the condition of his property has changed in the last 20 years. Four years ago he had to add a French drainage and a sump pump due to flooding in his basement. The property has standing water all the time. This plan is to cover the majority of the dry land with impervious surfaces, which will increase the flow of water to the retention basin and potentially across

to the northeast side. That will create unusable space on that property. The property on the other side of Rt. 68 is already wet. He doesn't know how the retention basin will work but it needs to be tested. Water drains off this property onto Rt. 68 now. He asked commission members to walk the property. If it is approved, he asked that they consider reducing the impervious surface to reduce the impact. The trees and shrubs to be removed should be clearly marked and monitored as the developer has a bad reputation for taking down more than planned. A proper size bond should be in place to protect the town. We need a project plan with milestones allowing for inspections at the milestones. The retention basin should be tested to show that it functions as designed.

Christian Drucker, 283 Highland Avenue, which abuts this property to the north. He stated that his property is below the grade of this property so any runoff in the back comes onto his property. The storm base near the end of his driveway doesn't handle the volume of rainwater now. How will they prevent water from coming onto his property? Will there be erosion and sedimentation control on his side? He noted that the entertainment area in the back of the property will be in his front yard. He expressed concern with the maintenance of the fire pit. He asked for conditions about screening between the entertainment area and his property. He asked about the lighting of the entertainment area. He noted that the square footage should be different for the efficiencies and one-bedroom units. Has the plan changed?

Jason Adinolfi, 11 Shire Drive, stated that stormwater and drinking water contamination in this project will affect the current function of the wetlands. Many neighbors already have problems with flooding. The plans show that water will be discharged west toward Shire Drive and into a culvert under Rt. 68. These areas are already frequently overwhelmed by stormwater. He noted a culvert under Shire Drive discharges onto the property and asked if that inflow has been considered. Wetlands capture and absorb rainfall, filter water that permeates into the ground, and provide drinking water for wells. He would like to see a study on the impact on groundwater and aquifers. He recognizes the importance of affordable housing but the site is unsuitable.

John Lamonaca, 5 Shire Drive, stated that they had their well tested recently for all contaminants and it is negative. This shows how the wetlands are working. All the properties in the area are on well water. Building on wetlands affects groundwater for wells. The wetlands provide natural filtration. What happens if the developer doesn't follow the rules and disturbs the wetlands? One concern is sediment getting into the wells. He asked the Environmental Planner if their drinking water would be safe. She responded that she thinks the wells won't be affected.

Jim Allen 7 Terrell Farms Way, stated concern with the health and safety of the well water and the Broadbrook Reservoir. The aquifer protection area abuts this property. There is also a stream nearby that feeds into the Reservoir. What will be the effect of the retention pond on that stream? He noted that the depth of the test wells conducted seems to be different each time it's presented. He asked if due diligence had been done on above and below-ground water flow. He would like to see data showing no effect on surrounding wells. He had questions on the retention pond and the effect on wells downstream. He suggested measuring pre-development water flow and estimating post-development.

He asked how the drainage system would be maintained. He asked if soil testing was done by a subject matter expert. He asked who would monitor the culvert under Church Street. All pollutants and fertilizer will go into the retention pond which is not treated but drains across the street. Has all due diligence been done to guarantee no damage will be done? The project should be delayed until an independent third-party engineering and environmental company reviews the data to prove there will not be any issues.

State Rep. Mary Mushinsky, 85th District noted that this property is not in her district. She stated that affordable housing in Wallingford is needed. She thanked the Commission for their efforts. This proposal adds affordable units but is too far from downtown and public transit. The location doesn't solve the issues of Affordable Housing. She stated that the state legislature is trying to change the law to encourage building housing for workers, the elderly, and those with disabilities in downtown or transit development zones.

Vincent Piscitelli, 293 Highland Avenue, stated that there is standing water on that property now. What happens when they cut down the trees? He stated concern with traffic and safety. He noted that the traffic lights at that intersection often don't work. Public health is an issue from the mold and the effect on well water. There are a lot of questions that have not been answered.

Atty. Ceneviva responded that the memo from January 10th from Janis Small outlines the effects of 8-30g. It's a very high standard due to affordable housing being a priority. He stated that issues related to the wetlands were identified at the Inland Wetlands and Watercourses hearings. Issues with the impact of wetlands, erosion, and sediment control were dealt with. There has to be some quantifiable data or probability that harm will occur. He noted that general traffic concerns are not sufficient to deny an 8-30g application. The burden would be on the Commission to defend a denial.

Mr. Juliano responded to the comment on transparency. When a site plan is submitted to the Inland Wetlands Commission, there is no notice required unless there will be a significant impact on wetlands. The Commission ruled it was not because all activities for this project are outside the wetlands. He stated that this will not be a major traffic generator and doesn't warrant a study based on the regulations. He said they checked the sight lines and demonstrated that they would be good. Regarding lighting, a photometric plan was submitted. He noted that there is a lot of woodland between the units and the neighbors to the north. He is happy to add screening. He noted that a church was proposed and approved for this parcel and this project is smaller. Each building will have a similar footprint to a single house in nearby neighborhoods. This property is not in a flood zone. There will be an HOA maintenance component to the property because these will be rentals. Mr. Juliano reported that he did the calculations for storm drainage and groundwater. He is only concerned with what happens on this property. He manages what changes they make on the property. They have a vegetated filter strip off the parking lot to treat and a sediment chamber to pull all sediment. They meet the BMP requirements. He stated that the Fire Marshal had no comment on the fire pit. If the fire pit is an issue it can be removed from the plan. He agreed that any accident is one more than should happen, but traffic accidents are related to speeding. This is an enforcement issue. He stated that soil tests were done by a

certified soil scientist. He stated that wells should not be impacted but recommends that residents test before, during construction, and after. Most of the neighbors are at higher elevations, so everything should flow toward Rt. 68. He believes the water affecting that neighbor's driveway is a catch basin maintenance issue.

Commissioner Allinson noted that Janis Small's memo gives guidelines for 8-30g applications. He asked what would fall into substantial harm. Regarding water, how did the test pits work? Mr. Juliano replied that soil testing was part of the Inland Wetlands application. There were 6 test pits dug with a backhoe. One dug in each building envelope, two in the parking lot, and two where the retention basin will be. The soil is very sandy and well-drained. On the east side, it is a perched wetland. The other side is a wooded wetland. There was no mottling, no water weeping, and no water in the bottom of the test pits. This was presented to the Inland Wetlands Commission. This was surprising due to the amount of rain this year. On the eastern, Highland Avenue side, water flows to the northeast to the catch basin under Highland Avenue through the Harisimovich property and down to Hanover Brook. The central and western portion of the property flows to Rt. 68, is collected in a drainage ditch in a State right of way and goes under Rt. 68 to the south. They will not impede the flows to the east. Current flows now will not be affected. This will not send any more water to Highland Avenue. He expects there to be less flow than currently. Commissioner Allinson clarified that any water flow from the property will be remediated by the catchment basin. Mr. Juliano replied yes. He explained how the catchment basin works. Water from the entertainment area, roof, and parking lot goes into the retention basin. It will infiltrate into the ground. Larger flows will enter a standpipe. From the basin, it goes a plunge pool to the swale and Rt. 68. There is a sediment chamber in the last catch basin. He added that the HOA will need to keep it clean and maintain it according to the schedule on the plans as part of the Inland Wetlands approval. Commissioner Allinson asked if we are aware of any concerns from the Environmental Planner regarding the water catchment plan. Mr. Paging replied no. The maintenance plan will be filed on the land records and inspections will be done by the property owner. Mr. Juliano noted that maintenance schedules are usually quarterly.

Commissioner Fitzsimmons asked when the Commission needs to act on this application. Atty. Ceneviva stated that the time frame is the same as for a site plan, 65 days. He also noted that there is a \$20,000 bond from Inland Wetlands. Mr. Pagini stated that the Commission has until mid-March to act. They will need consent from the applicant for the extension. Commissioner Fitzsimmons noted that they didn't have the benefit of all this input at the December meeting. He clarified that this project would be city water and city sewer while everyone else out there is well. Mr. Juliano confirmed that they will get water from a private water main on Highland Avenue. Commissioner Fitzsimmons referred to the memo from the Corporation Counsel reminding the Commission that 8-30g overrides a lot of things. He noted that this is a Site Plan, not a Special Permit. A public hearing is not required. He noted the substantial public interest. He stated that he is in favor of continuing to next month. Commissioner Fitzsimmons agrees that we need more non-market rate housing, but these units are too far away from the transit district and bus lines. The location doesn't fit. One-bedroom units don't encourage families. He doesn't know if this is the best proposal for non-market-rate housing. He agrees we need non-market rate housing in Wallingford.

Mr. Juliano asked if not this, then what? Wallingford would have to buy it as open space. This project meets a need. He added that Affordable Housing is allowed anywhere in town in certain zones.

Commissioner Kohan agreed that this is not an ideal location for 8-30g housing, but based on the requirements it can be anywhere in town. He noted that there was discussion at the last meeting of extending the number of years it has to be Affordable. He asked for more information on that. He stated that he would like to see the inspection process for sediment containment operation and maintenance plan be part of the condition of approval so that the Town Planner receives inspection reports. He stated that he would like to see the sidewalks built. He noted that the fire pit in the recreation area is not necessary. He asked if the condition of screening should be more specific.

Commissioner Sanders asked how much of the three acres to be developed will be impervious. Mr. Juliano replied that the parking area, buildings, and entertainment area. He can provide the exact number. Commissioner Sanders stated that he would like more time as well. He asked if the city sewer could handle the water and where does it go. Water problems are hard to resolve. He stated that he doesn't think 8-30g is intended to provide developers immunity from zoning requirements.

Commissioner Parent stated that re-litigating the Inland Wetlands process is not the purview of this Commission. The applicant has Inland Wetlands approval. They have answered all the questions. He stated that he doesn't think the application should be continued.

Acting Chair Venoit stated that he thinks the Commission needs more time. The public had a lot of questions. More information is needed. He is in favor of continuing.

Commissioner Kohan agreed that there are outstanding questions and is in favor of continuing.

Commissioner Fitzsimmons stated that he is in favor of continuing. There are questions on suggested conditions and the affordability topic.

Commissioner Allinson stated that he would like more time. He wants to know more about the water and maintenance plan. He also encouraged town staff to supplement their reports.

Atty. Ceneviva asked for clarification of what is expected of them for the next meeting. The location is not a factor. He has no problem consenting to a continuation. The sidewalks can be added to the plan. The fire pit can be removed. The Commission wants information on the stormwater management and maintenance schedule. He stated that they will work with the Town Planner to make sure they provide what is needed.

Mr. Juliano stated that he will resubmit the maintenance plan and will add inspections. He will add screening to the recreation area. Mr. Pagini asked the Commissioners to send him what they wanted to see and suggested screening around the retention basin for aesthetics and safety.

Vice Chair Venoit stated that public comment will be allowed at the next meeting.

Hearing no further public comment, Acting Chair Venoit called for a motion to continue the application to next month.

Commissioner Fitzsimmons: Motion to continue application #227-23 – Site Plan 8-30g to construct 22-unit multi-family with an associated parking lot for Perretta at 898 Church Street, Yalesville to the March 11, 2024 meeting.

Commissioner Kohan: Second

Vote: Unanimous

The application is continued.

REPORTS OF OFFICERS AND STAFF

7. Annual Report

Commissioner Fitzsimmons: Motion to approve the Planning & Zoning Annual Report of 2023 as submitted by the Town Planning Office.

Commissioner Kohan: Second

Vote: Unanimous

8. Administrative Approvals – noted as approved

a. **2 Chapel St., Unit #6, retail/medical office to Wellness Spa**

9. ZBA January Decisions – no comment

10. ZBA Notice of February 20, 2024 – no comment

11. Zoning Enforcement Report – Mr. Pagini noted that the office received permission from the Ordinance Committee to increase the P&Z citation ability. Details are forthcoming.

Vice Chair Venoit reminded Commission members of the FOI and Ethics training scheduled for February 29th and that Commissioners should let Janis Small or Kevin Pagini know if they cannot attend.

ADJOURNMENT

Commissioner Fitzsimmons: Motion to Adjourn the Wallingford Planning and Zoning Commission for Wednesday, February 14, 2024, at 10:55 pm.

Commissioner Kohan: Second

Vote: Unanimous

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary