

Wallingford Planning & Zoning Commission
Special Meeting
Monday, September 13, 2023
7:00 p.m.
Robert F. Parisi Council Chambers – Town Hall
Town Hall – 45 South Main Street
MINUTES

Chairman Seichter called the meeting to order at approximately 7:10 p.m.

The Pledge of Allegiance was recited by all.

Roll Call: Present: James Seichter, Chairman; Stephen Allinson, Secretary; Jeffrey Kohan, Regular Member; Jamie Hine, Alternate; David Parent, Alternate; Kevin Pagini, Town Planner

Consideration of Minutes – August 14, 2023, Regular Meeting

Commissioner Kohan: Motion to approve the Minutes of Monday, August 14, 2023, Regular Meeting of the Wallingford Planning and Zoning Commission as submitted.

Commissioner Allinson: Second
Vote: Unanimous to approve.

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

1. **PUBLIC HEARING – Special Permit (Nursing Home to multi-family residential)/Fifty-Five LLC/55 Kondracki Lane #408-23.** This has been withdrawn and is expected to be resubmitted.
2. **PUBLIC HEARING – Special Permit (8 vacuum booms, 8 ft. in height)/Naresh Komal/954 South Colony Road #410-23**
3. **OLD BUSINESS – Site Plan (restaurant, bar, food trucks)/Joe Flamini/10 Mansion Road #217-23**

NEW BUSINESS

4. Site Plan (underground storage facility)/A. Vorsteveld (BYK)/524 South Cherry Street, #223-23

Commissioner Allinson noted the correspondence for the record. Correspondence included the Site Plan application and plans as well as an Inspection Report from the Fire Marshal received August 21, 2023, and an Interoffice Memorandum from Scott Shipman, Senior Engineer Water & Sewer Divisions to Kevin Pagini, Town Planner, dated August 28, 2023.

Jeff Flynn, Site Manager, BYK USA, Inc., Anton Vorsteveld, Project Engineer, BYK USA, and Greg Sierper, Engineering Manager, for BYK USA presented the application. Mr. Vorsteveld explained that the plan is to demolish the existing canopy between buildings and add new roofing and six underground storage tanks. The tanks are being built in accordance with current CT State Statutes and Industry UL 58

Standards. The tanks will store flammable raw materials. Putting them underground prevents a flammable situation. Stormwater will go into existing retention basins. One unloading station for tankers will be added to connect to the underground storage tanks and the area will be connected to an existing underground catch tank for any spill or leakage. The project is not visible from the road.

Commissioner Kohan asked about the size of the tanks. Mr. Vorsteveld explained that they are 32,000 gallons, 50 ft long, and 10 ft wide. The bottom will be about 15 feet underground. The tanks are double-wall construction with a small interstitial space. The interstitial space is monitored continuously for leaks as required in the statutes. Commissioner Kohan asked if there was any additional protection in the area. Mr. Vorsteveld replied that the area will have sheet piling and a 2 ft concrete mat under the tanks.

Mr. Flynn added that they are following DEEP regulations and statutes are pretty prescriptive for how underground tanks are designed and installed. They will comply with the latest statutes. They currently store flammable materials on site and this will be safer. This is similar to gas station construction.

Chairman Seichter asked how long the tanks would last. Mr. Vorsteveld replied at least 30 years. Greg noted that is the guarantee from the manufacturer and they can be recertified after 30 years.

Commissioner Allinson asked about the plan for replacing the tanks. Mr. Flynn replied that regulations say their life can be extended through regular inspections and good integrity. There are biannual inspections of the outer wall system and the interstitial space. Commission Allison clarified that they will replace the tanks when the regulations or inspection says to. Mr. Vorsteveld replied yes. Mr. Pagini clarified that if they are replacing the tanks and not making changes, they don't have to come back to this commission. Mr. Flynn noted that they will comply with regulations to protect the environment.

Commissioner Hine asked if this is safer than how the raw material is stored now. Mr. Flynn replied yes. Now they are using above-ground storage tanks that are smaller than the new ones. If there was a leakage or an incident, it would be a large fire. The underground tanks will have only one source of air so it will be safer. He stated that the Fire Department would corroborate that. This is a big investment for the company but safer for the town and community. Commissioner Hine asked about the flammable materials. Mr. Flynn replied that the material is different from gasoline but has a similar flash point and similar characteristics. Mr. Sierper noted that they will be using pressure-rated stainless steel tanks inside a coated steel tank not fiberglass tanks like gas stations use. Commissioner Hine asked if the State does any monitoring or inspections. Mr. Flynn replied that they will be registered with the DEEP and do regular monitoring and self-reporting. The State requires certification of personnel who run the storage tank.

Commissioner Kohan noted the memo from Senior Engineer, Scott Shipman that mentions the fire line and provides instructions. It includes that nothing can be built over the fire line and states that a construction permit must be acquired. Mr. Sierper replied that that was not a problem. Mr. Flynn added that they are happy to comply and will apply for the construction permit.

Mr. Pagini clarified that the same chemicals are now stored on site.

Hearing no further public comment, Chairman Seichter called for action on the application.

Commissioner Kohan: Motion to approve application #223-23 BYK Inc. / Underground Storage Facility for a Site Plan approval for BYK Inc. to construct an underground tank storage farm addition to an existing facility on plans entitled “BYK USA, INC. General Arrangement – Tank Farm Expansion Project” dated 6/30/2023 subject to the following conditions of approval:

- 1. Comments from Scott Shipman, Senior Engineer, Water & Sewer Divisions dated 8/28/2023;**
- 2. Comments from the Fire Marshal’s office dated 8/21/2023;**
- 3. An Erosion and Sediment Control bond in the amount of \$2,500.00; and**
- 4. Six (6) copies of the approved, final plans forwarded to the Planning and Zoning office.**

Commissioner Allinson: Second

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

The application is approved.

5. Site Plan (10 residential units under 8-30g)/Sunwood Home Solutions, LLC/862 North Farms Road #224-23

Commissioner Allinson noted the correspondence for the record. Correspondence included: Application of Sunwood Homes Solutions LLC, received dated August 9, 2023; set of documents starting with Memorandum updated to Wallingford Planning & Zoning Commission from Hinckley Allen & Snyder, LLP, received August 9, 2023; topographic study received August 9, 2023; Site Plan received August 9, 2023; Inspection Report from the Fire Department, received August 21, 2023; Interoffice Memorandum from Scott Shipman, Senior Engineer, Water & Sewer Divisions to Kevin Pagini, Town Planner, dated August 28, 2023; Memo from the Department of Engineering to Planning & Zoning Commission, dated August 30, 2023; letter from Robert Wiedenmann, Sunwood Development Corp. to Alison Kapushinski, Town Engineer, dated September 8, 2023; and Memorandum from Tim Hollister, Hinckley Allen, to Wallingford Planning and Zoning Commission, dated September 11, 2023.

Robert Wiedenmann, President of Sunwood Development Corp. and Manager of Sunwood Home Solutions, 273 North Colony Street explained the application. He noted that the application was prepared by an expert on affordable housing projects. He noted the need for affordable housing. The location is south of North Farms Fire Station. It is an acre that has an existing house that will be demolished. This is a small project that will be attractive to older residents wanting to downsize or younger residents who can’t afford to stay in town. He explained that a higher density and different housing options can be done without impacting neighborhoods and communities. He wants to demonstrate to the industry that small builders can do this type of development tastefully and profitably. He noted that the application process is different from older 8-30g applications. The memo

explains how it now is a Site Plan Approval only. The Statute states that 30% of the units have to be restricted to affordable housing for 40 years. He is proposing 5 two-family homes. The first floor will have one-bedroom units and the second floor will have two. Each building will have a single-car garage and a full basement. He noted that the houses will have a single-family residential look with different colors and slightly different materials so they don't look the same. He noted that the Town Engineer's comments have been incorporated into the renderings presented tonight. He stated that the Town Engineer asked him to consider a single, loop driveway instead of the five individual driveways. He showed renderings of the two options. There will be the same number of parking spaces either way. He believes the separate driveways look more like single-family homes. He noted that there are no wetlands and storm drainage will be managed on-site. The property slopes to the back and there will be no increase in runoff.

Mr. Pagini reported that he met with the Town Engineer and Mr. Wiedenmann. He stated that the Engineer doesn't have a preference for the driveway.

Commissioner Kohan stated that aesthetically and for safety, he prefers the loop driveway.

Commissioner Hine stated that aesthetically, he likes the 5 driveways. He asked how far they would be away from each other. Mr. Wiedenmann replied, 20 ft. from the end of the parking space of one driveway to the next driveway. He added that the Town Engineer typically looks for 50 feet and these are 40 feet apart at the curb.

Chairman Seichter noted that the loop driveway allows for more landscaping but requires parallel parking along the street side. The row of cars in front of the houses would take away from the single-family residential feel. He prefers the 5 driveways.

Commissioner Allinson asked how the landscaping would be maintained. Mr. Wiedenmann replied that a private contractor would be hired to do lawn maintenance. Commissioner Allinson asked if they would be parking a truck and trailer on the road and how that might affect the Fire House traffic. He asked if the Fire Chief had been given the opportunity to comment. Mr. Wiedenmann agreed that a landscaping trailer would likely be parked on the road. He thinks the Fire Department exits on the other side but is happy to discuss it with the Fire Chief. He noted that the issue wasn't raised by the Fire Marshal.

Commissioner Kohan asked if they had considered putting some parking in the back. Mr. Wiedenmann replied that the property slopes down in the back, so no. That would also require a longer driveway and more impervious surface.

Chairman Seichter asked for a straw poll on the driveway configuration. The consensus was a preference for the 5 separate Driveways.

Commissioner Parent asked which units will be the affordable units. Mr. Wiedenmann replied it would be three of the two-bedroom units.

Chairman Seichter verified that there is no difference in size for the affordable units. Mr. Wiedenmann confirmed. Chairman Seichter commented on the length of time for the affordability. The town is trying to get to 10% affordable housing but in 40 years the units roll off the list. Mr. Wiedenmann noted that the original Statute used 30 years and it was extended to 40 years. He believes there are problems with restricting the property into perpetuity. He doesn't know the rationale for choosing 40 years. Chairman Seichter asked if a 2 bedroom unit at 80% of market rate is really affordable. Mr. Wiedenmann agreed that they should have used a different term because affordable means something different to everyone. Chairman Seichter thanked him for bringing the project forward.

Mr. Pagini suggested additions to the conditions on the Motion including the comments from Scott Shipman dated August 28th, those from the Town Engineer as well as the submission of the final Affordability Plan. He noted that the Legal Dept. will review the Affordability Plan.

Hearing no further public comment, Chairman Seichter called for action on the application.

Commissioner Kohan: Motion to approve application #224-23 for 862 North Farms Road/Sunwood Development for a Site Plan approval request to construct five detached residential duplexes (10 units in all) pursuant to CT General Statute 8-30g at 862 North Farms Road on plans entitled "Site Plan – Affordable Residential Development 862 North Farms Road" dated 8/3/2023 and revised to 9/5/2023, subject to the following conditions of approval:

1. **Comments from Scott Shipman, Senior Engineer, Water & Sewer, dated August 28, 2023;**
2. **Comments from Kevin Pagini, Town Planner, dated August 30, 2023**
3. **Comments from Alison Kapushinski, Town Engineer, dated September 8, 2023, with the correction to item C1 for 5 driveways;**
4. **An Erosion and Sediment Control bond in the amount of \$4,500.00;**
5. **A copy of the Final Affordability Plan to the Town Planner; and**
6. **Six (6) copies of the approved, final plans forwarded to the Planning & Zoning office.**

Commissioner Allinson: Second

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

The application is approved.

BOND RELEASES AND REDUCTIONS

7. **Site Plan / United Concrete / 494 Main Street, Yalesville #228.07**

Mr. Pagini reported that this is not ready to be released.

REPORTS OF OFFICERS AND STAFF

7. **Administrative approvals - noted as approved**
 - a. **Site Plan (Reasonable Accommodations)/K. Musket/32 Apple Tree Lane #222-23**
 - b. **Site Plan/A. Vorsteveld (BYK USA)/524 South Cherry Street #220-23**
 - c. **Site Plan/P Robb-United Performance Metals/9 Fairfield Boulevard #221-23**

d. Site Plan Revision/CT Foodshare/2 Research Parkway #225023

Mr. Pagini noted that one reasonable accommodation request was received since the new regulations were passed. He offered to share it. He mentioned that he expects another one shortly.

8. ZBA August 2023 Decisions – no August ZBA Meeting

9. Notice of September 18, 2023, ZBA Meeting – no questions

Mr. Pagini noted that in the Text Amendment that has been distributed for review, he has corrected it to include no access to Tankwood Road in the IX Special Permit.

ADJOURNMENT

Commissioner Kohan: Motion to Adjourn the Wallingford Planning and Zoning Commission for Wednesday, September 13, 2023, at 8:15 p.m.

Commissioner Allinson: Second

Vote: Unanimous

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary