

Wallingford Planning & Zoning Commission
Monday, August 9, 2021
7:00pm
Robert F. Parisi Council Chambers – Town Hall
45 South Main Street
MINUTES

Chairman Seichter called the meeting to order at approximately 7:05 p.m.

Pledge of Allegiance was recited by all.

Roll Call: Present: James Seichter, Chairman; Jeff Kohan, Secretary; Jaime Hine, Alternate; Steven Allinson, Alternate; Armand Menard, Alternate; Kevin Pagini, Town Planner; Thomas Talbot, Planner; Amy Torre, Zoning Enforcement Officer.

Absent: JP Venoit, Vice-Chair; James Fitzsimmons, Regular Member; Regular Member; Rocco Matarazzo,

Chairman Seichter read the attendee instructions as stated in Executive Order 13A.

Consideration of Minutes - July 12, 2021

Chairman Seichter announced that a motion on the minutes will be deferred because not enough of the Commissioners in attendance tonight attended that meeting.

Chairman Seichter noted that the following agenda item will not be heard this evening at the request of the applicant.

6. NEW BUSINESS: Site Plan (service area expansion)/1164-1174 North Colony Road, LLC/1164-1174 No. Colony Road #213-21

PUBLIC HEARINGS

1. Special Permit (Warehousing)/Montante Construction/5 Research Parkway (PUBLIC HEARING CLOSED) #401-21

Chairman Seichter noted that due to the expectation of only four commissioners in attendance and the amount of information to be reviewed and with the agreement of the applicant, the Commission has decided not to discuss or vote on this application this evening. He noted that the Public Hearing has been closed and that the Commission has until September 16th to make a decision.

Commissioner Allinson noted the correspondence which is a letter from Robinson & Cole to Chairman Seichter dated August 9, 2021.

2. Special Permit/1070 North Farms Road, LLC/1117 Northrop Road & 2 Northrop Industrial Park Road East (CONTINUATION) #402-21

Commissioner Allinson noted the correspondence. Inter-Departmental Referral submitted March 4, 2021, from the Fire Marshal; email dated March 31, 2021, from Dennis Ceneviva, Esq. to Kacie Hand; Interoffice Memorandum dated April 8, 2021, from Erik Krueger, Senior Engineer to Thomas Talbot, Acting Town Planner; Memo dated April 28, 2021, from Department of Engineering to Planning & Zoning

Commission; letter dated April 29, 2021, from Thomas Talbot, Planner to 1070 North Farms Rd. LLC; Memo dated April 29, 2021 from Vanessa Bautista, Chief Sanitarian to Thomas Talbot, Town Planner; letter dated May 14, 2021 from James and Shirley Shadish to Planning and Zoning Commission; email dated May 6, 2021 from Shirley and James Shadish to Kevin Pagini; email dated May 6, 2021 from Dennis Ceneviva, to Kacie Hand; email dated June 10, 2021 from Dennis Ceneviva to Kevin Pagini; correspondence dated May 11, 2021 from David G. Sullivan, SLR International to Kevin Pagini; letter dated June 29, 2021 from Colleen Byrne and Kevin Solli, SOLLI Engineering to Kevin Pagini Town Planner; letter dated June 28, 2021 from James Cassidy, Hallisey, Pearson & Cassidy to Planning & Zoning Department; Inter-Departmental Referral dated March 4, 2021 from Fire Marshal; Memorandum dated July 29, 2021 from Erin O'Hare, Environmental Planner to Kevin Pagini, Town Planner; Memo dated July 30, 2021 from Department of Engineering to Planning & Zoning Commission; letter dated August 4, 2021 from Hallisey, Pearson & Cassidy to Alison Kapushinski, Engineering Department; Memorandum dated August 6, 2021 from Erin O'Hare, Environmental Planner to Kevin Pagini, Town Planner; a site plan and Wetlands application received August 5, 2021; and email dated August 9, 2021 from Allison Kapushinski.

Atty. Dennis Ceneviva of the Ceneviva Law Firm introduced the applicant, John Orsini, Jim Cassidy of Hallisey, Pearson & Cassidy Engineering Associates, and Matt Baldino, a traffic engineer for Solli Engineering. Atty. Ceneviva explained that the 46.45 acres are an assemblage of several parcels and two cul-de-sacs. The western part, Northrop Industrial Park Road West is developed and occupied. The proposal is to merge the vacant eastern parcels and cul-de-sac into a single parcel and build a 250,000 sq. ft. warehouse with associated auto and truck parking and drive aisles. Water service will be provided by Meriden as is already done for the others on Northrop Industrial Park Road West. All parking and loading areas will drain to an underground filtration system. They have already received approval from Inland Wetlands. There is also an administrative approval for the change outlined in item 402-21L with the response to the peer review comments. The change involves widening Northrop Road the full distance of its frontage and re-grading it near the entrance to address concerns of sightlines. The location is subject to a grant proposal to review the whole Northrop Road area but this significant increase in road width is a great benefit to that location. Widening the road puts grading within 50 ft of wetlands but they file for administrative approval. They have received approval. He explained that they are planning for 4-5 tenants similar to those in the western Northrop Industrial Park.

Jim Cassidy, Professional Engineer and Principle of Hallisey, Pearson & Cassidy Engineering Associates 630 Main Street, Cromwell explained that they are seeking approval for a 250,000 sq. ft. warehouse and distribution facility in an IX zone. He explained the layout of the parcels and that the property abuts five other industrial properties on the west also owned by the same company. He noted that there is a single residence near the center of the frontage and existing farmland to the east. There is a 125 ft. CL&P/HELCO right of way that traverses east to west through the property. He pointed out the wetlands that flow southerly into a brook to the south. One is 5.9 acres and the other is 8 acres. The building will be between the wetland areas. This is not a flood hazard zone. He explained the history of the property and why they are proposing to combine the parcels into one property. Of the 250,000 sq. ft. facility, 7500 sq. ft. will be office space. They will use a single access drive off of Northrop Road with a single lane in and two out lanes. To the east, the loading area will have 45 spaces. They have designed some

additional trailer spaces for storage and three car parking areas under the assumption that there will be multiple tenants. Parking spaces total 209 which is more than is required. He explained the extensive stormwater management system. There will be no increase in inflows as it discharges down off the south end of the property towards Catlin Brook. The system is designed to treat the first flush of runoff, including salt, sand, and oil before it goes into the wetlands area. He explained the improvements to Northrop Road which includes the reconstruction of 900 feet of roadway. It will go from 24 ft wide to 30 ft wide and the vertical crest will be lowered by 3-4 feet. He provided the site line demonstration plan. He explained the two phases of the erosion and sedimentation control plan. He reviewed the landscaping plan that was submitted and the site photometric plan. Mr. Cassidy showed the floor plan with three sections for three tenants. The building will be a single-story 40 ft high steel building and similar to the buildings on the west side. Lastly, he showed the Zoning Requirements table and demonstrated how they met or exceeded all requirements. He noted that all town department and staff comments have been addressed.

Matt Baldino of Solli Engineering located at 501 Main Street, Monroe, explained the traffic impact assessment. They analyzed the adjacent roadway network and four intersections. He explained that they measured the existing conditions in September of 2020 and adjusted the results to pre-COVID conditions. They assumed a 1% growth rate and also considered traffic associated with nearby developments including 5 Research Parkway and 850 Murdock Avenue. He reported that they expected 43 new trips in the AM peak period and 48 in the PM peak period of the adjacent street traffic. He noted due to the location of the intersections on a State route and due to the size of this development, a permit is required by OSTA. They will review the traffic and look at adjacent signalized intersections. He stated that they believe no roadway improvements are required to accommodate the proposed traffic. They will be widening the road increase site lines and allowing truck circulation. He noted that they have addressed all the comments.

Atty. Ceneviva noted that Solli has responded to the assessment of the independent peer reviewer. Regarding tenants, he quoted from the letter from CBRE, the realtor who is doing the leasing for this site. In the letter, dated July 26, 2021, the realtor states that the focus is on attracting classic warehouse users, clean warehouse users with normal auto and trailer parking.

Carl Giordano, the traffic peer reviewer from SLR explained his comments and noted that the vast majority was addressed and others were inconsequential. The big items in the review were already addressed including the site lines and treating the development as a traditional warehouse with traditional uses. His concerns with truck turns have been resolved by the widening of the road. He noted that a SCROG study was initiated to study the narrow spots along the roadway beyond the site frontage. Regarding intersection traffic operation, for the most part, this development will not have a notable impact. There will be one or two locations with the level of service degradations. One is the Barnes and Rt. 91 Northbound ramps which will degrade to a level F. The other is Barnes Road's north eastbound left turn which will degrade from a D to an E. The other locations are inconsequential overall traffic operations at those intersections.

Chairman Seichter asked for clarification on the degradations mentioned and asked if there was a response from the applicant on how to address them. Mr. Giordano replied that the worst will be Barnes Rd at Rt. 91 Northbound on-ramp going east left turn onto the ramp. His analysis doesn't show that any improvement with signal timing should be done.

Commissioner Kohan asked if the trip numbers were for cars or trucks. Mr. Giordano replied that it is a combination. Mr. Baldino stated that he can provide specifics, but they assumed that the truck percentage is low during peak hours on the adjacent streets. He added that it is assumed all trucks exit right out of site toward the highway ramps. He noted that they did adjust during the build condition for additional truck volume.

Commissioner Hine asked what is meant by the degradation to the Rt 91 N on-ramp heading east on Barnes. Mr. Giordano replied that it would be a 10-12 second increase in delay. He noted that without development the intersection is at level E. Commissioner Hine asked if the level of service grades work like school grades with anything lower than a C as being undesirable. Mr. Giordano replied that typically level of service A to D is considered acceptable and F should be looked at for improvement. Mr. Baldino noted that they are showing an increase of 11.8 seconds on that left-turn movement, but in the revised material they were told to account for trips for the 5 Research Parkway development. One improvement related to that development is the restriping of the off-ramp to provide a middle right and left-turn lane. They will look at this with DOT and OSTA to see if timing improvements are needed. Commissioner Hine asked if they looked at timing adjustments. Mr. Baldino said he could. He stated that the overall intersection only increases by less than 3 seconds for all drivers. DOT will look at that. He stated that they have not identified specific improvements. Commissioner Hine referred to the end of the traffic study where the applicant stated that "there is no indication that the proposed development will have an adverse impact on the roadway network". He asked Mr. Giordano, the traffic peer reviewer if he agreed with that statement. Mr. Giordano replied, if we look at the overall approaches, those one or two spots wouldn't make us decide there is an adverse impact. It is a spot we would like to see if it can be better but overall, there is no adverse impact. Mr. Giordano added if one or two locations can be adjusted with DOT it would be ideal. Commissioner Hine asked if he had any concern that some intersections are already at D and E levels and this proposal would add another warehouse. Mr. Giordano explained his analysis used three scenarios: existing conditions, background conditions such as 5 Research Parkway, and lastly conditions with the proposed project. Each has an impact on intersections. He stated that it would not be correct to say that it would break the intersection. This is a conservative analysis. He agreed that one or two spots have room for improvement.

Chairman Seichter asked if the extended delay on the Northbound ramp affected queuing on Rt. 68. Mr. Giordano replied that he did not look into it. Mr. Baldino replied that the intersections are coordinated so queuing at the easternmost intersection is controlled by the intersection before it. He said that the queuing at that eastbound approach is metered by the intersections prior. He offered to look into it to get more detail. Chairman Seichter asked for the length of queuing lane. Mr. Baldino replied 640 ft for the eastbound approach. It pretty much extends back to the prior intersection. The queuing under the existing conditions extends on the eastbound approach through to the other intersection through the

full 640 ft in the o build condition as well as the build scenarios. Queuing on the southbound approach has a minor increase. He said he can provide specifics.

Commissioner Allinson referred to exhibit 402-21L, the response to the Peer Reviewer's analysis from Solli Engineering. It seems to rely on data that may or may not occur base on other build improvements. In response #14 regarding capacity analysis, it seems to rely on data that may or may not occur from another build which is reliant on the State of CT and an OSTA application. He asked Mr. Giordano if the State makes no improvements at that intersection, what would the effect be on the traffic. The analysis is if improvements occur. He specified the I91 N ramp intersection thathas anincreased delay of 15-20 seconds. Mr. Giordano replied that the analysis assumes the most conservative scenario and includes the mitigation for the 5 Research Parkway project. Mr. Baldoni stated that the traffic study dated March 3rd didn't include the traffic associated with the 5 Research Parkway project and it shows no adverse impacton the roadway network. They also included 850 Murdock in their analysis and did demonstrate both with and without 5 Research Parkway. He reported back on the queue lengthfor the eastbound approach which ismetered by the other intersection so the queue length only increases from 457 to 477 feet. It does not extend through the 640 ft that is actually available.Commissioner Allinson stated that he only questioned this because we don't know what the State is going to do.

Mr. Pagini stated that all his concerns were addressed.

Public Comment – none

Commissioner Kohan stated that this is a good project and he knows the road improvements will help. He thinks it's a minimal increase in traffic. He stated that without the 5 Research Parkway application, this would have no impact. He stated that we are relying on OSTA to make things work, but for this application, he believes it has minimal impact on the traffic situation. He supports this application.

Atty. Ceneviva pointed out that they were instructed to consider the impact of the 5 Research Parkway project in their traffic study. He agreed this is not a large traffic generator and another set of eyes will look at it as it still has to go to DOT.

Chairman Seichter called for a Motion to close the public hearing.

Commissioner Kohan: Motion to close the Public Hearing for application #402-21 1070 North Farms Road, LLC.

CommissionerHine: Second

Vote: Kohan – yes; Hine– yes; Allinson – yes; Menard – yes; ChairmanSeichter – yes.

Chairman Seichter echoed Commissioner Kohan. He believes the predicted traffic being generated is rather small. He recognized the benefit of road improvements. Mr. Orsini's other warehouse properties in the area are attractive.

Commissioner Kohan asked if a sedimentation control bond would be required. Mr. Pagini replied yes. They currently have a special permit for excavation and fill. There are just some issues to work out on whether we can transfer some of that bond to this project. He suggested a condition that the bond amount will be determined at a later date.

Commissioner Kohan: Motion to approve application #402-21 1070 North Farms Road, LLC - Special Permit for 1070 North Farms Road LLC for a 250,000 sq. ft. distribution warehouse and an associated 209 parking spaces located at 1117 Northrop Road and 2 Northrop Industrial Park Road East as shown on plans entitled "Proposed 250,000 sq. ft. Warehouse/Distribution Building" dated September 29, 2020, and revised to August 4, 2021, subject to:

- 1. Comments of Town Engineer Alison Kapushinski to Planning and Zoning Commission dated 7/30/2021 and 4/28/2021;**
- 2. Comments of the Fire Marshal in Inter-Departmental referral dated 3/11/2021 and 7/2/2021;**
- 3. Comments of Erik Krueger, Senior Engineer Water & Sewer Department in Interoffice Memorandum dated 4/8/2021;**
- 4. Property address of merged lots to be obtained from the Building Department before final maps are submitted and any permits (including Zoning and Special Permits) issued. Final plans with new address should also be accompanied with a new deed; and**
- 5. Bond amount to be determined from previous excavation application.**

Commissioner Hine: Second

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

The application is approved.

3. Zoning Text Amendment/§4.9.B(10) & §6.11(C)/Small Animal Surgical Services of CT, LLC #501-21

Commissioner Allinson read the legal notice "#501-21 Zoning Regulation Text Amendment for White to add Section 4.9.B.13 and to modify Section 6.11.C. to the Wallingford Zoning Regulations to allow Outpatient Small Animal Surgical Facilities as a permitted use in the Industrial Expansion (IX) District" and noted the correspondence. Application dated June 10, 2021, Letter dated July 30, 2021, from Attorney Jim Loughlin to James Seichter, Planner & Zoning Commission; letter dated July 14, 2021, from Kevin Pagini, Town Planner to E. James Laughlin; letter dated July 12, 2021, from Jeffrey Kohan, South Central Connecticut Regional Planning Commission to Kevin Pagini; Inter-Departmental Referral dated June 11, 2021, from Senior Engineer; Inter-Departmental Referral dated June 11, 2021, from Town Engineer; Inter-Departmental Referral dated June 11, 2021, from Fire Marshal.

Atty. Jim Loughlin of Loughlin Law, 221 North Main Street, Wallingford introduced Christine White who has been in business with her husband working on a referral basis for decades. Their business at this site would continue on a referral basis only. He referenced his letter dated June 11 along with the

application, the legal notice, and his letter dated July 30th. Initially, the application was to add section 13 to 4.9 of the regulations along with providing for parking in 6.11. He explained that staff noted that a definition of a small animal outpatient surgical facility should be added. Town Counsel stated that re-noticing was not needed because the change to the proposal is incremental. He noted when the time comes they will submit floor plans for approval by the Fire Marshal's office. The most important part of this application is the definition of an outpatient small animal surgery facility. He explained that they would perform referral basis surgery, mostly on dogs and cats. All activities will be indoors, except for a supervised walk in a designated area. If an overnight stay is required, it would be necessary as a result of the surgery. There will be no kennels or long-term stays. They expect to need less parking than a human outpatient medical treatment facility already provided for in the IX zone. They suggested the IX zone for this use because they want a more professional vs. commercial atmosphere. There will be no cosmetology or neutering unless it is arising out of the surgery. They are looking to provide a professional campus-like setting. This will also protect the IX Zone because they will preserve one of the most historic buildings in Town, the old Calcane Real Estate building located north on North Main Street Extension. The old Barnes Homestead will remain unchanged. There will be 10 employees and the whole building will be reused but kept in the same state as now. This is a growing industry, boutique surgeries. He noted that had the industry been around when the zoning was developed it would have been included.

Mr. Pagini clarified that this type of use would be allowed in all areas of the IX, not just this one location.

Chairman Seichter noted that we do allow outpatient medical facilities in the IX zone. He sees outpatient treatment for pets to be similar with no boarding except for the occasional overnight.

Public Comment - none

Chairman Seichter called for a Motion to close the public hearing.

Commissioner Kohan: Motion to close the Public Hearing for application #501-21 Zoning Text Amendment Small Animal Surgical Services of CT, LLC

Commissioner Hine: Second

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

Commissioner Hine: Motion to approve #501-21, Zoning Text Amendment Small Animal Surgical Services of CT, LLC Zoning Text Amendments to Section 2.2, 4.9.B.10, and 6.11(C) of the Wallingford Zoning Regulations to allow Outpatient Small Animal Surgical Facilities as an allowed use to the Industrial Expansion (IX) district as proposed in language entitled "Text Amendment – Small Animal Surgical Facility" dated 7/30/2021 because:

- 1. We currently allow for outpatient treatment facilities in the zone;**

2. **This will allow for a professional, campus-like atmosphere;**
3. **It will preserve a historic building; and**
4. **It will promote a growing industry.**

CommissionerHine: Second

Vote: Kohan – yes; Hine– yes; Allinson – yes; Menard – yes; ChairmanSeichter – yes.

The application is approved.

4. Special Permit (Faculty Housing)/Choate Rosemary Hall/45 Hillhouse Avenue #407-21

Commissioner Allinson read the legal notice: #407-21 Special Permit for Choate Rosemary Hall Foundation for seven detached units of faculty housing at 45 Hillhouse Avenue zone R-18 and noted the correspondence. Memorandum dated July 19, 2021 from Erin O'Hare, Environmental Planner to Kevin Pagini, Town Planner; letter dated July 20, 2021 from Kevin Pagini, Town Planner to Patrick Durbin; letter dated January 14, 1970 from Robert Fay, Fay & Lunt Attorneys-at-Law to Vincent Nuzzo, Business Manager, Choate School Foundation; Memo dated July 28, 2021 from Department of Engineering to Planning & Zoning Commission; correspondence received August 3, 2021 from multiple signers to Wallingford Planning and Zoning and the Choate Community; Inter-Departmental Referral dated July 9, 2021 from Fire Marshal; Map entitled Soil Erosion and Sediment Control Narrative dated June 1, 2021; Interoffice Memorandum dated August 4, 2021 from Erik Krueger, Senior Engineer, Water & Sewer Divisions to Kevin Pagini, Town Planner; Inter-Departmental Referral received July 9, 2021 from Environmental Planner, document entitled calculating rooftop rainfall from the Rain Catcher, Santa Fe, New Mexico, with some photographs, correspondence and notes.

Atty. Dennis Ceneviva of Ceneviva Law Firm introduced Patrick Durbin, CFO of Choate Rosemary Hall; Daren Overton, Engineer, SLR Consulting and Sam Sargeant, Project Engineer at Lazarus and Sargeant. The project is on 5.1 acres on the northern side of Hillhouse Avenue, a private road owned by the applicant. The parcel historically had two houses and garages. They will keep one house and develop private a 500 ft. cul-de-sac and seven single-family houses. These will be used exclusively as faculty housing. Their drainage report has been reviewed by the Town Engineer. They are prepared to address the concerns of the neighbors, emphasizing that buildings are designed so as not to exacerbate any existing problems with the brook to the west of this parcel but also to improve the existing conditions.

Darren Overton, Licensed Professional Engineer, SLR Consulting, in Cheshire, shared the proposed development plan rendering. He reviewed the existing conditions and the surrounding neighborhoods. To the south is Rosemary Lane with other faculty housing and west is the properties that front on North Elm Street. He pointed out the stormwater management basin in the subdivision to the north and the watercourse that runs just off Choate property to the west. The property is currently mostly wooded. There is a ridge through the site with two distinct watersheds. The eastern side drains to the south to an existing 12-inch cross culvert on the south side of the property. The remaining part of the ridge drains down the slope. As part of the Wetlands application, the soil scientists identified

wetlands that come onto the property associated with the stream corridor. There is some surface runoff that runs down that stream corridor. He explained that one of the existing houses will be removed. They will add a stormwater management basin that collection from the roadway. The catch basins have sumps to collect coarse sediments. There is an overflow structure and storage within the basin. They will also upgrade the culvert to a 15-inch pipe. Regarding the stream channel and hillside runoff onto adjacent properties to the west, they propose a new watershed taking the runoff associated with the roadway and divert it away from the western runoff into the stormwater basin. They maintain the existing watershed as much as possible and manage the stormwater. All the controlled discharges will be on Choate property. He explained the sediment erosion control plan and noted that they are only developing 3.1 acres of the 5.1-acre parcel. He noted that the stream is a very low gradient stream. Usually, a low gradient stream has less than a 2% slope. This one has less than 1%. There is a well encoder associated with it that has been identified on the Choate side of the property that extends to the other side of the stream on the neighboring properties. Atty. Ceneviva noted that by reducing the watershed area will minimize flow going to the existing stream on properties on North Elm. Mr. Overton stated that their computations show a 5% reduction in runoff in either watershed. They are diverting some of the watersheds away from the west.

Chairman Seichter asked for clarification that the flow west of the stream will be reduced by 5%. Mr. Overton replied yes. Eventually, all of the stormwater makes its way to stream in some manner further south. Atty. Ceneviva noted the concern of the neighbors that the development would exacerbate existing problems but they are providing 5% mitigation.

Samuel Sargeant of Lazarus & Sargeant Architects, North Main Street, Wallingford, explained that the 7 new buildings will be almost identical to the buildings across Hillhouse, six will be central hall colonials and one a cape. They will range from 1800 sq ft to 2700 sq ft. The existing home will get new siding. Choate emphasized that showcase of passive house design, with low environmental impact including insulation, high-efficiency heating, and cooling as well as Tesla Photovoltaic roof shingles.

Mr. Pagini noted the public correspondence regarding the stream.

Public Comment

Michael Mancino, 14 Sunset Drive, spoke for his grandchildren on 367 North Elm Street. He provided a packet with photos and information. He stated that he appreciated Choate's efforts but there will still be a significant amount of water going into the existing waterway. He added that the existing waterway doesn't move. He pointed out photos of the backyard of 311 North Elm which is owned by Choate where the brook is blocked. He stated that putting this project there will add significant water to the brook. He stated that the area is wet and that Choate didn't create it but they are adding to it. Mr. Overton replied that he has been at the site and noticed that the cross culvert under Hillhouse is blocked with wood which they will clear. He noticed standing water downstream in the wooded area. He noted that some of the mowed yards go right down to the channel. He stated that there isn't much that can be done with these pockets of standing water. He stated that they will look at cleaning out the cross culverts.

Chairman Seichter noted the next to the last photo in the packet seems to show the yard to be overgrown. Mr. Overton replied that it is a naturally wet meadow area that is associated with the wetlands on each side of the stream corridor. This time of year the vegetation is tall and lush. He suggested working with the Wetlands Commission to mow and maintain the property owned by Choate. Mr. Mancino noted that the prior owner of 311 North Elm kept it clear so the water flowed. It is not being maintained. He doesn't want this project to exacerbate the problem.

Mike Votto, 377 North Elm Street asked for an explanation of the erosion controls. Mr. Overton explained what will be done for erosion control during construction, including trapping sediment so it doesn't get into the drainage system, erosion control blankets on slopes, and establishing permanent vegetation. He explained that these controls serve as a temporary method for controlling water quality and preventing sediment runoff while the project is under construction. Mr. Votto noted that since the houses will be on a hill, the water will still come down. He asked if trees will be removed. Mr. Overton replied that trees will be removed in the development area. The change to the land cover has been taken into consideration as part of the stormwater management computations. He showed a before and after the development rendering showing where trees will be removed. He noted that stormwater management for the houses on the west side includes dry wells to collect roof runoff. He explained how these will work including when the capacity is exceeded it will spill onto the ground. Mr. Votto noted his concern that any development would cause more water to end up in the brook. Taking trees down causes erosion. The brook is already high all the time. He noted that the neighbors have been told before that precautions will be taken. He asked if the Commission could put something in to allow recourse if the plans don't work. He is not convinced that the development won't make the situation worse.

Laura Spiteri, 325 North Elm Street asked the applicant to consider taking the dead trees out of the stream. She noted that Choate took two houses down 5-6 years ago and now there is storm runoff. She wants to make sure this doesn't happen again. Mr. Overton replied that they will take away the dead trees and stated that the erosion controls are in place to prevent erosion during construction.

Sarah Mancino, 267 North Elm Street stated that there is a vast difference in the area backyards. Some have standing water, others have blockages. There is an invasive, non-native plant species, Pharamites, which take up a significant part of the backyard of 311 North Elm and is moving upstream. She is concerned because of the threat to native wildlife and standing water breeds mosquitoes. She asked what the yards are going to look like if this development adds to the problem. She asked if something can be done to make that channel flow better as it would have a huge impact.

Chairman Seichter asked Choate what they can do to improve the flow on their property and what ongoing maintenance can they do to alleviate the issue. Mr. Overton replied that the channel is about 3 ft wide and about 1 ft deep. He did notice the Pharamites in the picture but doesn't believe it's on the 311 property. The stream is surrounded by mostly native grass and stated that periodic mowing along

the channel will help. Choate would be willing to consider doing that and working on vegetation management with the neighbors. He did note that part of the stream is wooded.

Lois Schock, 319 North Elm Street noted that her backyard is not mow-able. She has already lost a third of her yard to Pharamites that came from Choate property. She provided photos to the Commission. Ms. Schock explained that removing an invasive species is a big deal. She has been chopping down and burning it for 20 years. It needs to be sprayed with two separate chemicals in late August. She has asked the town for a reduction in taxes due to the loss of her yard. She noted that nothing moves in the stream. It would be wonderful if the neighbors would help keep the stream clean. She asked the Commission for help with this.

Phillip Youker, 29 Curtis Avenue stated that he is struck by the changes in tree cover. He noted that Choate owns a lot of property and asked if there were any alternative locations for this development that would not require the removal of so many trees. Patrick Durbin, CFO, of Choate, 333 Christian Street, replied that they did consider other land but chose this due to the proximity to other faculty housing and because this site makes the most sense. It fits our needs.

Michael Mancino noted that the answers given tonight are not truthful. The yard behind 311 is overgrown and is blocking the stream because it is not maintained. He asked the Commission for help.

Chairman Seichter asked if staff had a recommendation to address the issues mentioned. Mr. Pagini replied that he didn't think a maintenance plan was addressed with the Inland Wetlands Commission. He stated that there is nothing in the current regulations that allow for a maintenance plan or inspection by Water and Sewer. He stated that they could add language to ask for a routine inspection of the stormwater management system and clean up the stream so it is flowing correctly. It would be difficult to put something requiring them to do something on the adjacent properties. Chairman Seichter stated he meant something like periodic clear out of the stream, maintenance of stream, etc. on Choate property. Mr. Pagini stated that they can write the language to address this in a way that the applicant can perform some kind of routine inspection of the stormwater system to make sure it's performing the way it was designed.

Commissioner Kohan shared some suggested wording for conditions of approval. He asked for comments on the following draft wording.

1. Clear out the culvert and maintain some type of regular maintenance routine to ensure it remains free-flowing.
2. Work with Inland Wetlands to get approval to mow some of the areas to free up the flow.
3. Look for impediments to stream on their property.

Atty. Ceneviva stated that these are reasonable suggestions. He noted that Wetlands had a condition during construction. He read number 5, regarding sediment flow to this particular area that it be monitored before and after storm events and any deficiencies be rectified. He stated that Choate is in

favor. Chairman Seichter noted that we would want monitoring post-construction as well. Atty. Ceneviva noted that the stream behind 311 was dredged three years ago.

Mr. Hine asked for clarification of the 5% net reduction in runoff to the west. Mr. Overton replied that it is part of the stormwater management report submitted and reviewed by the Town Engineer. Mr. Hine asked if there is any way of monitoring run-off after the development is completed. Mr. Overton replied that it is not easy to measure small streams and it would be difficult to get enough predevelopment data to compare it to. He explained how they calculated the current run-off rate and used that to design the controls to mitigate any increase. He noted that they used updated rainfall data. Commissioner Hine stated that Choate has been a good neighbor and is willing to work with the community. He asked if there is anything they can offer in terms of monitoring that could be presented to the neighbors for a limited amount of time showing no changes. Mr. Overton replied that the prior development sent runoff to the stream. This project is designed to draw dry and will be maintained. The discharges from this stormwater basin are not directed to the neighbor's property. A comprehensive management plan was reviewed by the Town Engineer. There are also conditions of the Wetlands approval that add assurances.

Commissioner Menard stated that as a good neighbor, Choate should, with the neighbors' permission, be able to straighten out this problem.

Chairman Seichter called for a Motion to close the public hearing.

Commissioner Kohan: Motion to close the Public Hearing for application #407-21 Choate Rosemary Hall

Commissioner Hine: Second

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

Commissioner Kohan: Motion to approve #407-21 Choate Rosemary Hall, Special Permit request to construct 7 new detached dwelling units and a newly constructed private driveway to be used as faculty housing for a currently operating private school as shown on plans entitled “Choate Rosemary Hall New Faculty Housing” dated 7/9/2021, subject to the following conditions of approval:

- 1. Comments from Erik Krueger, Senior Engineer, Water, and Sewer Division dated 8/4/2021;**
- 2. Comments in Interoffice Memorandum from Erin O’Hare, Environmental Planner, dated July 19, 2021;**
- 3. Comments in Interoffice Memorandum from the Department of Engineering to the Planning and Zoning Department dated 7/28/2021;**
- 4. An Erosion and Sedimentation Control bond in the amount of \$40,000;**
- 5. The applicant will clean out the cross culvert on the site behind 311 North Elm and maintain periodic maintenance;**

6. **The applicant will work with Inland Wetlands to get permission to periodically mow the wet meadow in the same location; and**
7. **The applicant will look over the site for other impediments to the stream**

CommissionerHine: Second

Vote: Kohan – yes; Hine– yes; Allinson – yes; Menard – yes; ChairmanSeichter – yes.

The application is approved.

OLD BUSINESS

5. Site Plan/6 Research, LLC/4A Research Parkway #210-21

Commissioner Allinson noted the correspondence. Inter-Departmental Referral dated April 8, 2021 from the Fire Marshal; letter dated April 23, 2021 from Thomas Talbot, Planner to Six Research LLC; Memo dated April 28, 2021, from Department of Engineering to Planning & Zoning Commission; Interoffice Memorandum dated April 29, 2021, from Scott Shipman, Engineer, Water & Sewer to Kevin Pagini, Town Planner; Stormwater Management System Computation package from Summer Hill Civil Engineers and Land Surveyors, P.C. received May 3, 2021; Interoffice Memorandum dated May 10, 2021 from Erik Krueger, Senior Engineer, Water & Sewer Divisions to Kevin Pagini, Town Planner; email dated May 6, 2021 from Dennis Ceneviva to Kacie Hand; Memorandum dated June 8, 2021 from Erin O’Hare, Environmental Planner to Kevin Pagini, Town Planner; Memo dated June 2, 2021, from Department of Engineering to Planning & Zoning Commission; Inter-Departmental Referral dated April 8, 2021 from Fire Marshal; email dated June 11, 2021 from Dennis Ceneviva to Kevin Pagini; letter dated June 17, 2021 from Michael Ott, Summer Hill Civil Engineers and Land Surveyors to Alison Kapushinski, Town Engineer.

Dennis Ceneviva of Cenviva Law firm introduced Michael Ott, Project Engineer for Summer Hill Civil Engineering & Land Surveying. He explained that the proposal is for a vacant 3.2 acres in an IX zone that abuts 6 Research Parkway. That property was approved for vehicle storage via application 202-19. This proposal is for the same use except the building will have no offices. There is no need for water and sewer in this building. This is an expansion of an automotive storage facility and will have a new 6000 sq ft building for vehicle storage. No fueling, repairs, maintenance, or washing of vehicles will be performed. There will not be separate access for this site. The intent is to merge the two properties. They will use the existing curb cut on 6 Research Parkway.

Michael Ott, Licensed Professional Land Surveyor with Summer Hill Engineers at 60 Wall Street, Madison explained that this is an expansion of the existing facility next door at 6 Research Parkway. He explained the stormwater management described in the report submitted. He noted that currently there is no impervious surface on this parcel. They will create 61,700 sq ft of impervious surface, to accommodate the car carrier vehicles. He explained that the site is in the watershed protection district and the site drains to the south and enters the wetlands on the east side and then ultimately into the Muddy River. They have designed an extensive stormwater management system focusing both on water quality and on the control of the peak rates of discharge of stormwater runoff. The undeveloped site is relatively flat

with woods and brush. They designed a stormwater sand filter that accepts runoff from all the pavement areas to take care of water quality. He noted that the stormwater management plan was reviewed by the Water Department. Higher flows will be directed to a stormwater management basin before being discharged. He showed the location of the property and explained that the building will be in the southwest corner of the lot. The sand filter and stormwater management basin will be on the east side close to Research Parkway. Stormwater runoff flows to the south on the west side of Research Parkway and enters the stormwater management facilities at the next developed site. He noted that the same type of lighting and fencing as at 6 Research will be used. He noted that ultimately the parcels will be merged. He added that there is a significant buffer (150 ft) between the rear of the developed parcel and Thorpe Avenue to the west. They will leave the vegetation along the street line.

Atty. Ceneviva referred the Commission to the meeting of March 2019 where there was a concern about exhaust fumes. He stated that all the vehicles are relatively new and the exhaust is under the vehicles. The applicant reported at that time that no one will know the trucks are running. The 150 ft distance to Thorpe Avenue will ensure no impact on the residents.

Chairman Seichter noted that the existing facility has a larger building but less impervious surface than the new site. He asked why this is and how the facility operates. He also asked if there would be overnight parking. Atty. Ceneviva replied that the intent is for the vehicles go to out on Sunday or Monday and come back on Wednesday or Friday. The building is to house luxury vehicles. He stated that there would be no lifts. He explained that the existing facility can only handle 8 18 wheel car carriers and this new facility will accommodate 15. He noted that all the truck movements will be on site with no backing onto Research Parkway.

Commissioner Hine asked for clarification that there will be no repairs or vehicle washing at this site. Atty. Ceneviva confirmed and added that the Water Department spelled that out.

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

Commissioner Kohan: Motion to approve #210-21 6 Research LLC/4A Research Parkway Site Plan Approval request for an automotive storage facility located at 6/4A Research Parkway as shown on plans entitled "East Side Auto Transport Automotive Storage Facility" dated April 2021 and revised to 6/2/2021, subject to the following conditions of approval:

- 1. A Sedimentation and erosion control bond in the amount of \$10,000;**
- 2. Comments in Interoffice Memorandum from the Department of Engineering to the Planning and Zoning Department dated 4/28/2021 and 6/2/2021;**
- 3. Comments in Interoffice Memorandum from the Fire Marshal to the Planning and Zoning Department dated 4/15/2021;**
- 4. Comments in Interoffice Memorandum from the Water and Sewer Division to the Planning and Zoning Department dated 4/29/2021 and 5/10/2021; and**
- 5. Comments in Interoffice Memorandum from the Environmental Planner to the Planning and Zoning Department dated 6/8/2021.**

CommissionerHine: Second

Vote: Kohan – yes; Hine– yes; Allinson – yes; Menard – yes; ChairmanSeichter – yes.

The application is approved.

BOND RELEASES AND REDUCTIONS

- 7. Special Permit/Bilchfeldt-Quality Subaru/711 North Colony Road #416-16** – Mr. Pagini noted that this is not ready to be released.
- 8. Site Plan/Thurston Associates/30 Thurston Drive #213-14** – Mr. Pagini recommended complete release.

Commissioner Kohan: Motion to release the bond for #213-14 Site Plan/Thurston Associates/30 Thurston Drive

CommissionerHine: Second

Vote: Kohan – yes; Hine– yes; Allinson – yes; Menard – yes;ChairmanSeichter – yes.

REPORTS OF OFFICERS AND STAFF

9. Staff update on IX and I-5 Regulations

Mr. Pagini reported that an initial meeting to discuss the first draft of the regulations was held on July 8th. He received input from Town Departments at that meeting. Meetings were then held with Water & Sewer, Economic Development, and the Corporation Counsel. Their comments were incorporated into a second draft that has been sent to all town departments. He expects thesecond round of comments in the next 10 days when he plans another meeting with all the staff departments. He hopes to have a workshop before the September meeting. Chairman Seichter suggested that once he is ready to have a workshop, he can contact Commission members for their availability.

10: Administrative Approvals – Noted as approved

- a. Change of Use/Blue Ox Axe Throwing LLC/21 North Plains Industrial Road, Unit B #311-21**
- b. Change of Use/Sabrina Ferraiolo/321 North Colony Street #312-21**
- c. Change of Use/Yellow King Brews LLC/920 South Colony Road #313-21**
- d. Site Plan/Abel-Womack, Inc./40 Carpenter Lane #214-21**

11. ZBA Decisions – July 19, 2021

Mrs. Torre reported that there will be no ZBA meeting in August and the September Agenda has not been set yet.

12. Zoning Enforcement Report

Mrs. Torre asked for feedback on the new report format for the monthly activity. She noted that they were heavy on big violations trying to be served by use and variances and some construction variances to allow something that has already occurred. She added that she doesn't have the September agenda yet.

ADJOURNMENT

Commissioner Kohan: Motion to adjourn the August 9,2021 Planning and Zoning meeting at 10:30 pm.

**CommissionerHine: Second
Vote: Unanimous to approve**

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary

DRAFT