

Agenda  
Wallingford Planning and Zoning Commission  
Monday August 11, 2025  
7:00 p.m.  
Robert F. Parisi Council Chambers  
**Town Hall - 45 South Main Street**

**Call to Order**  
**Pledge of Allegiance**  
**Roll Call**  
**Consideration of Minutes- July 14, 2025**

**PUBLIC HEARINGS**

- |  |         |
|--|---------|
| 1. Special Permit/Midwood Management Corp/1000, 1020, 1030, 1044,<br>1080 Barnes Rd. <b>(Continued from: 07/14/2025)</b> | #401-25 |
|--|---------|

**SITE PLAN APPROVALS**

- |   |         |
|---|---------|
| 2. CT General Statute 8-30g-Site Plan/Next Gen Development LLC/100 South<br>Cherry Street <b>(Continued from: 07/14/2025)</b> | #210-25 |
|---|---------|

**PUBLIC DISCUSSION**

3. Sign Permit Fee

**REPORTS OF OFFICERS AND STAFF**

- |  |           |
|--|-----------|
| 4. Administrative Approvals-   |           |
| 5 Research Parkway/5 Research Parkway/Reduction to previous approval | #217-25   |
| 212 S. Orchard St/Falcone  | #218-25   |
| 17 Winding Brook Lane/Heath  | #219-25   |
| 10 Willard Ave/Ma  | #307-25   |
| 19 Fairlawn Drive/Barnes   | #RA-25-02 |
| 367 Williams Rd/Nadwairski   | #RA-25-03 |
|  |           |
| 5. ZBA July Decisions  |           |
| 6.ZBA August Notice  |           |

**Individuals in need of auxiliary aids for effective communication in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five (5) days prior to meeting date.**

**Staff Notes**  
**Wallingford Planning & Zoning Commission Meeting**  
**Monday, August 11, 2025**

**1. Special Permit - Midwood – 1000-1080 Barnes Rd. #401-25**

- The applicant has submitted revisions based upon comments from Town Staff as well as comments made by the peer reviewer in their report to the Town.
- The applicant is requesting to construct 3 warehouse buildings totaling 415,000 sq. ft. in 3 separate phases.
- Truck access will be on Northrop Road and Old Barnes Road.
- Town Staff, as well as myself, met with the applicant quite frequently before submission. They addressed many of our concerns prior to the official Planning and Zoning submission.
- The site is located directly adjacent to North Farms Reservoir and the application was reviewed and approved by the Wetlands Commission.
- There were e-mailed comments and suggested conditions of approval from Commissioner Kohan that have been added to the motion.
- The Fire Marshal had some last-minute changes for a relocation of a fire hydrant that can be addressed as a condition of approval.
- The applicant has responded to the recommendations of the Peer Review and have made changes to the plan that have addressed those recommendations.
- The applicant will explain the project in its entirety at the hearing.
- The applicant met with the Town Engineer and myself after the July meeting as submitted new revisions based upon her comments.
- Since there is no office space in these proposed warehouses, it was discussed at the meeting with the applicant that most warehouses in Town have sidewalks due to the inclusion of office space. Therefore, I am in agreement with the applicant that sidewalks would not be necessary for this specific project.
- The applicant also submitted a revision to the traffic study to include bus traffic counts when schools are in session and to assess 5% of the traffic potentially going north on Northrop Road.
- There were several letters submitted from the public that the Commission should ask the applicant to address at the hearing.

**2. Site Plan - 100 South Cherry St./CT Statute 8-30g #210-25**

- Applicant is requesting site plan approval under CT Statute 8-30g to construct 66 residential units, 20 of which will be affordable under CT State Statute.
- The applicant has had several meetings with Town Staff, including the Electric Division, Town Engineer and myself to correct various issues throughout the application process.
- The Commission should also offer any insight that they may have to the applicant.
- I would suggest, because this is an 8-30g project, that the Commission make any changes that they would like to see as part of the application process.
- The applicant met with the Town Engineer, a representative from the Fire Marshal's office and myself to review some site layout issues that were brought up by the Fire Marshal.
- These issues have now been addressed in the latest revisions submitted. The applicant will explain these changes during their presentation.
- There were some minor mistakes in the Affordability Plan that were pointed out by the Law Department and I also addressed them in more detail in a letter dated Aug. 6. The applicant has corrected these and I will make the final version of the plan subject to review and approval from the law department.



- I have added conditions of approval with suggestions made by the Law Department to require a yearly certificate stating compliance with the affordable housing requirements and a requirement to execute and record a restrictive covenant regarding the affordable units for the 40-year duration. The certificate will have to be approved by the Law department prior to the issuance of a building permit.

#### **Sign Permit Fees**

- I have included the e-mail in your packets from the ZEO that I had sent out after the July meeting showing the decrease in applications by not requiring the re-facing of signs.
- We are suggesting a new fee of \$300.00 for new sign permits as, after review by the ZEO, concluded that we were undercharging for new sign permits as they take more time and analysis and thus require a larger fee.

**RECOMMENDED MOTIONS**  
**Wallingford Planning & Zoning Commission Meeting**  
**Monday, August 11, 2025**

**1. Special Permit/ Midwood Management LLC #401-25**

Special Permit and site plan approval request to construct 3 warehouse buildings totaling 415,000 sq. ft. and associated parking on plans entitled "Site Development Plans for Warehouse Complex" dated September 23, 2024 and revised to July 29, 2025 subject to:

1. Comments from Environmental Planner, Erin O'Hare dated 5/13/2025
2. Comments from Senior Engineer Tom Flannery, Water and Sewer division dated 07/10/2025
3. Comments from Town Engineer, Alison Kapushinski dated 6/16/2025, 06/25/2025, 7/14/2024 & 8/7/2024
4. Comments from the Fire Marshal Brian Schock dated 7/2/2025 & 7/9/2025
5. The use of rodenticides (first and second generation) and neonics (insecticides) shall be prohibited on site.
6. Excavation permit is required from the Department of Engineering for any work within the right of way.
7. That native plantings are used that are conducive to the surrounding environment.
8. Operation & Maintenance Plan, or Notice of said Plan, to be filed on Wallingford Land Records.
9. Once final architectural plans are compiled and a tenant is finalized, applicant to submit a final set of plans that matches the architectural door locations for review by Town Engineer and Town Planner prior to the issuance of a building permit.
10. Erosion and sediment control bonds shall be posted for each phase as construction progresses in the amount of \$60,500.00 for each specific phase.
11. Six (6) copies of final plans forwarded to the Planning and Zoning office

**2. Site Plan – 8-30g – 100 South Cherry Street #210-25**

Site plan approval request to construct an affordable housing development under CT Statute 8-30g with 66 units, 20 of which will be affordable and associated parking on plans entitled "8-30g Site Plan – South Cherry Commons" dated 4/30/2025 and revised to 8/5/2025:

1. Comments from the Town Planner dated 6/17/2025 and 8/6/2025.
2. Comments from Senior Engineer Tom Flannery, Water and Sewer division dated 7/3/2025 & 8/6/2025.
3. Comments from Town Engineer, Alison Kapushinski dated 7/11/2025, 7/31/2025 and 8/7/2025.
4. Comments from the Fire Marshal Brian Schock dated 7/2/2025 & 8/6/2025.
5. Operation & Maintenance Plan, or Notice of said Plan, to be filed on Wallingford Land Records.
6. Excavation permit is required from the Department of Engineering for any work within the right of way.
7. Applicant to confirm any required permitting with Amtrak.
8. The applicant shall submit a required yearly certificate stating compliance with the affordable housing requirements to be reviewed by the Law Department and shall execute and record a restrictive covenant regarding the affordable units for the 40-year duration prior to the issuance of a building permit.
9. Erosion and sediment control bonds shall be posted for each phase as construction progresses in the amount of \$9,500.00 for each specific phase.
10. Six (6) copies of final plans forwarded to the Planning and Zoning office

**Wallingford Planning & Zoning Commission**  
**Regular Meeting**  
**Monday, July 14, 2025**  
**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 7:00 p.m.

The Pledge of Allegiance was recited by all.

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

Consideration of Minutes – June 9, 2025, Regular Meeting

**Commissioner Rivard: Motion to approve the Minutes of Monday, June 9, 2025, Meeting of the Wallingford Planning and Zoning Commission as submitted.**

**Commissioner Sanders: Second**

**Vote: Unanimous to approve with Venoit, Allinson, and Fitzsimmons abstaining.**

**PUBLIC HEARINGS**

**1. Special Permit/Midwood Management Corp./1000, 1020, 1030, 1044, and 1080 Barnes Road (Continued from 06/09/2025) #414-23**

Commissioner Allinson noted the correspondence, which included: Memorandum from Erin O'Hare, Environmental Planner to Kevin Pagini, Town Planner dated May 13, 2025; Memo from the Department of Engineering to the Planning & Zoning Commission dated June 16, 2025; document from Jon Skaarup, GM2 to Tom Hogan, Wright Pierce dated June 16, 2025 regarding Traffic Impact Study Peer Review Midwood Associates Warehouses, Wallingford, CT; email from Allison Kapushinski to George Cotter, OCC Design dated June 25, 2025; Memo from Brian Schock, Fire Marshal to Planning and Zoning Commission, dated July 2, 2025; email from Jeffrey Kohan to the Planning and Zoning Commission dated July 8, 2025; letter from OCC Group Inc. to Wallingford Planning and Zoning, dated July 7, 2025; Letter from OCC Group to Planning and Zoning dated July 7, 2025 regarding the Fire Marshal's review; letter from OCC Group Inc. to Planning and Zoning dated July 7, 2025 regarding the Engineering Department review comments including the Inventory of Stormwater Facilities for 1000, 1020, 1030, 1044 and 1080 Barnes Road, Wallingford; Inspection Report from the Fire Marshal dated July 7, 2025; Interoffice Memorandum from Thomas Flannery, Senior Engineer, Water & Sewer, to Kevin Pagini, Town Planner, dated July 10, 2025; letter to Tom Hogan, Wright Pierce, from Jon Skaarup, GM2, dated July 9, 2025; memo from the Department of Engineering to the Planning and Zoning Commission dated July 14, 2025; letter from OCC Group, Inc. to Wallingford Planning & Zoning dated July 14, 2025; and a set of maps and

engineering plans revised through July 7, 2025 and a Traffic Study by Bubaris Traffic Consultants dated November 7, 2024.

Presenters included: Atty. James Barrito, Halloran & Sage, 265 Church Street, New Haven, represented the owners, George Cotter, PE, and David Carson, OCC Group for design, Jim Bubaris, Bubaris Traffic Associates, East Hampton, and Sam Sargeant, Lazarus & Sargeant, Architects.

Atty. Barrito noted that notices were sent for the May and June public hearings, the engineering comments were addressed, the Fire Marshall comments were addressed, the traffic report was reviewed by Wallingford's consultant, comments from the Water and Sewer Division were addressed and the Stormwater System Maintenance Practice Plan, Drain Pipe Analysis and the inventory of facilities was submitted.

Mr. Carson reviewed the overall plan. The site has been owned by the applicant for decades. The most significant feature of the property is the wetland border that runs through the center of the site. The project had an extensive review by the Inland Wetlands Commission. There will be three distinct development areas. They designed the driveway network to serve all three locations, with an internal circulation concept that does not compromise the integrity of the other buildings. They separated the internal traffic of the passenger cars from the truck drivers. There are three driveway entrances for cars only and two separate truck driveways. The project will be built in phases. Each building is designed to be self-sufficient with parking, utility access, and stormwater management. He addressed questions submitted by Commissioner Kohan. Mr. Carson confirmed that they are working with the DEEP and an Environmental Consultant and are aware of the eagle nest in the area. The closest building will be over 450 feet from the last known location of the nest. Regarding native plants, this was also addressed by Wetlands. They will use temporary sediment basins during construction, and after they are no longer needed, will plant native species. Regarding chemicals, they won't be using any of the named chemicals.

Mr. Cotter explained that the project will be built in three phases. Building 1 is the only one within the aquifer protection district. He described the stormwater management for each building. All buildings use oil/water separators, underground galley systems, and hydrodynamic systems. The system will mimic existing water flows and reduce runoff. They will not increase the flows through the wetlands.

Mr. Bubaris explained that they prepared the traffic study dated October 7, 2024, to conform to what Wallingford requires for warehouse development and OSTA requires. They used the ITE warehouse land use code from the trip generation manual. They calculated that 70% of traffic will be passenger cars and 10% 2-4 axle trucks, and 20% will be 5-axle trucks. Using Wallingford's passenger car equivalents, they expect between 133 to 137 trips per hour during the 4 peak hours. They also expect the majority of the traffic to be oriented to and from Rt. 91 to the east of this development. They believe the unsignalized intersections should remain service level A to B intersections, and the signalized intersections should be level B to C. They looked at the crash experience in the area. They looked at sight lines. They concluded that the development will not have an adverse impact on traffic. They will be submitting an application

to OSTA. Mr. Bubaris stated that the peer review by GM2 confirmed that their study is good, and they made several changes based on the peer reviewer's feedback.

Commissioner Fitzsimmons asked if they did any of their own traffic counts. Mr. Bubaris replied Yes, along Northrop. They also reviewed recent counts done by the State in the area. Commissioner Fitzsimmons asked about the bus terminal. Mr. Bubaris replied that he believes that buses were running when they did the counts. Commissioner Fitzsimmons referred to the comments by GM2 that the increase will not adversely affect the bus depot. He noted that the bus terminal is on the same road as the project. He added that the GM2 report mentions that there are a high number of trucks on Northrop and substandard sight distances. Mr. Bubaris replied that their sight distances meet and exceed the standards of the CT DOT. Commissioner Fitzsimmons referred to the 2023 SCROG report that Northrop Road is tough. It is not wide or well lit, and twists. He noted that no roadway improvements have been offered. The report suggested things like lighting, center line rumble strips, and illuminated stop signs. Mr. Bubaris agreed that they are not offering improvements because most of their traffic will be heading south to Rt. 68 and Rt. 91. The issues are north of their site.

Commissioner Rivard asked if all the traffic was from Rt. 91 South, would the conclusions be the same? Mr. Bubaris replied that they expect 80% of their traffic to go to and from Rt. 91. Commissioner Rivard asked if the two passenger car driveways on Northrop will be one-way. Mr. Bubaris replied that signage will direct trucks to separate driveways, and they will not be allowed to go north.

Chairman Seichter asked if there was any evaluation of existing traffic and the sharp curve going north on Rt. 91. Mr. Bubaris replied that they did an evaluation of today's traffic and future traffic. They agreed that DOT needs to revisit that turn. He noted that they did not convert all traffic to passenger car equivalents, but can look into doing so.

Commissioner Parent asked if they had looked at worst-case scenarios, with buses, commuters, and warehouse workers. Mr. Bubaris replied Yes. Commissioner Parent asked if they considered tenants working at night. Mr. Bubaris replied yes, and that it would be better because background traffic would be lighter.

Mr. Sargeant explained that they are building two buildings, 175,000 sq. ft. and one over 100,000 sq. ft. They intend to have a relatively minor impact on the area. Building 3 has 300 ft. of trees between it and the residents on North Farms. The buildings will be done in muted grays to soften the impact. The internal design will be based on the eventual use. The client doesn't know yet how the buildings will be used.

Chairman Seichter asked about the height. Mr. Sargeant replied that he expects them to be around 35 ft. All three buildings should be standardized but circumstances may change between phases.

Commissioner Rivard stated a concern with traffic and spills within the site because the driveways cross over wetlands. The site is going from zero impervious to a fourth of the 40 acres. He is concerned with

food storage, chemicals, and spills. Atty. Barrito replied that there are controls and protections along the roads. This will not be a big box warehouse. Types of expected tenants are home improvement supplies, and that kind of thing. Mr. Carson stated that all the stormwater collection goes through hydrodynamic separators and meets DEEP water quality standards. All the roadway drainage is included. There is an existing culvert that was put in when the previous building was approved. Catch basins are piped back into hydrodynamic separators. The roads for truck traffic are 30 ft. wide. Spill containment is addressed in the Best Management Practices report and recorded on the land records. They anticipate that these warehouses will fit the need for bulk storage. They don't know the building height yet. The buildings are laid out with the potential for 45 ft heights to meet all the setbacks.

Commissioner Fitzsimmons asked if these will be 24-hour operations and if there will be outdoor lighting. Atty. Barrito replied that they may be 24-hour and that the lighting will meet the requirements. Mr. Fitzsimmons asked about noise and loudspeakers. Atty. Barrito replied that they don't know yet but intend to comply with noise ordinances. Commissioner Fitzsimmons asked about the maximum number of employees. Mr. Carson replied that parking is nearly double the minimum requirement due to the possibility of shifts. Parking far exceeds the anticipated number of employees. Commissioner Fitzsimmons referred to the Department of Engineering Memo about future code compliance and sidewalks. He agrees with the Engineer that sidewalks need to be shown on the plan, partly due to the additional impervious surface. He noted that there is no parking on the plan for building 3. Mr. Carson replied that he understands, but they don't know where the doors will be yet. He stated that there is a misunderstanding. The sidewalks are shown on the plan, and handicapped spaces are shown, though they will probably move when the doors are finalized. There are no sidewalks around the parking lots. All the sidewalks are on the plan.

Mr. Pagini stated that there was no miscommunication. The engineer wasn't satisfied with the responses. It makes sense to work it out before making it a condition of approval. Regarding traffic, he asked how much traffic would be going from the warehouse to Meriden. There are other warehouse facilities in Meriden on Northrop. Mr. Bubaris stated that they could do the calculations for sending traffic up that way. Mr. Pagini suggested assuming 5% of traffic. Mr. Bubaris replied that's 7 cars. He stated that trucks can't go that way. Signs will direct trucks to Rt. 68.

Chairman Seichter asked if trucks coming down from Meriden are prohibited. Commissioner Rivard noted that earlier, they presented that no truck traffic would be going that way. Mr. Pagini agreed to check with the Police Department. Chairman Seichter stated that clarification is needed on the engineer's memo. Due to the lack of conditions of approval from the Town Engineer, he stated that the Commission wouldn't act tonight.

#### **PUBLIC COMMENT**

Rep. Mary Mushinsky, 188 South Cherry Street, stated that North Farms Reservoir is a destination state park. It is an early site of bald eagle nesting. She requested protection of wildlife by limiting blasting for construction to avoid nesting seasons from February 1<sup>st</sup> to August 1<sup>st</sup> and December 31<sup>st</sup> to March 1<sup>st</sup>. She requested that the shoreline buffer be left intact. She requested that any poisoned pest animals be



removed so the eagles don't get poisoned. This property will be transformed from meadow and forest to 732 sq. ft. of impervious surface. She asked that the Commission require maintenance on basins and oil/water, and grit separators, possibly with a bond.

Dr. Ed Hohmann, 12 Marie Lane, stated that the intersection ratings presented by the applicant seem different than other traffic studies. If all these industries are operating at full capacity and if the Bristol Meyers property is developed, what is the effect on the intersections on the bridge over Rt. 91?

Commissioner Seichter stated that there will be no action this evening.

Atty. Barrito asked if the public hearing would stay open. Commissioner Seichter replied Yes. Atty. Barrito asked if an extension is needed. Mr. Pagini replied Yes. Atty. Barrito stated that the applicant agrees to extend to next month, and they will get back to the Commission with answers to any questions.

Commissioner Fitzsimmons noted that there was no comment from the Police Department as the traffic authority. Mr. Pagini replied that they had no comment and deferred to the Engineer. He will get those comments.

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

**Commissioner Venoit: Motion to continue the public hearing for application #401-25, Special Permit/Midwood Management Corp/1000, 1020, 1030, 1044, and 1080 Barnes Road, to the August Planning & Zoning Commission meeting.**

**Commissioner Fitzsimmons: second  
Vote: unanimous**

The application is continued.

## **2. Special Permit (Warehouse)/Mulcahy/15 Sterling Drive #404-25**

Commissioner Allinson read the legal notice and noted the correspondence. #404-25 Special Permit Request for Mulcahy to construct a warehouse building totaling 62,500 sq. ft. and reconfiguration of the existing parking area at 15 Sterling Drive – Industrial Expansion (IX) District. Correspondence included: Interoffice Memorandum from Thomas Flannery, Senior Engineer, Water & Sewer Divisions to Kevin Pagini, Town Planner, dated May 27, 2025; email from Alison Kapushinski, Town Engineer to Kevin Pagini, Town Planner, dated June 25, 2025; Inspection Report from the Wallingford Fire Department, dated June 25, 2025; Memorandum from Erin O'Hare, Environmental Planner, to Kevin Pagini, Town Planner dated July 3, 2025; maps and site plans dated May 8, 2025 and revised to June 11, 2025.

Brian Panico, Cole Civil + Survey, Plantsville; Tim Mulcahy, Sentry Commercial; and Scott Hesketh, PE, FA Hesketh & Associates, East Hampton, presented

Mr. Panico explained the project for the 22.38 acres. It is the current location of the CT Monitor headquarters, a 174,000 sq. ft. building with 164 parking spaces. They propose adding a building in the southwest corner of Sterling Drive. They will reconfigure the parking for loading docks. Primary parking for the building will be along Sterling Drive. Mr. Panico reviewed the Stormwater management plan. Roof run off will go into two underground systems with hydrodynamic separators, which connect to the underground catch basin system in the parking lot. There will be oil/water separators at the docks. They will provide 213% of the required water quality volume. Based on their discussion with Wetlands, they propose a series of measures to avoid runoff from a neighboring property onto this property. They will reduce total runoff on the site. This is a warehouse building with both truck and car traffic.

Mr. Hesketh reviewed the traffic impact report. The proposal is for a 62,500 sq. ft. warehouse. They calculated 31 trips in the AM peak and 34 in the PM peak hour. Using Wallingford's calculations, it comes to 56 trips in the AM and 61 in the PM. They used CT DOT counts and did counts of six area intersections. They are in an approved industrial park. They estimated 40 % of their traffic will be oriented to the west along Rt. 68 and 40% to the east along Rt. 68. They conducted capacity analysis calculations, and the combined traffic volume conditions result in less than one or two seconds of delay at all the intersections. They believe the road network can safely handle the traffic volume from this development. They have an application out to OSTA for revision to their current approval. They expect to receive an administrative decision.

Mr. Panico showed the architectural plans. The building will have one big open space with an office mezzanine. The original comments from the Town Engineer were addressed. They also addressed the Fire Department's concerns.

Chairman Seichter referred to the July 2<sup>nd</sup> memo from the Town Engineer. He asked if there was a response. Mr. Panico replied that he believes all the comments were addressed. Mr. Pagini confirmed that all the comments were addressed. Chairman Seichter asked if there were any conditions suggested by the Town Engineer. Mr. Pagini replied no. Mr. Panico stated that they welcome a condition that any additional comments from the Town Engineer be addressed. Chairman Seichter noted that there should be documentation that the issues were resolved, a final sign-off, or a statement that there are no conditions of approval.

#### **PUBLIC COMMENT**

None

Hearing no public comment, Chairman Seichter called for a motion on the application.

**Commissioner Venoit: Motion to close the public hearing for application #404-25 Special Permit (Warehouse)/Mulcahy/15 Sterling Drive.**

**Commissioner Fitzsimmons: second**



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

**Commissioner Venoit: Motion to approve application #404-25 Special Permit for Mulcahy at 15 Sterling Drive for a Special Permit and Site Plan approval request to construct a 62,500 sq. ft. warehouse and associated parking on plans entitled “Proposed Site Improvements” dated November 12, 2024 and revised to July 7, 2025; subject to the following conditions:**

- 1. Comments from the Environmental Planner, Erin O’Hare, dated July 11, 2025**
- 2. Comments from Senior Engineer, Tom Flannery, Water & Sewer Divisions, dated July 10, 2025**
- 3. Comments from the Town Engineer, Alison Kapushinski, dated July 2, 2025**
- 4. Comments from the Fire Marshal, Brian Schock, dated July 2, 2025, and July 9, 2025**
- 5. Excavation permit is required from the Department of Engineering for any work within the right-of-way.**
- 6. Operation & Maintenance Plan or Notice of said Plan, to be filed on Wallingford Land Records.**
- 7. Erosion and Sediment Control bond in the amount of \$9,500.00**
- 8. Six (6) copies of the final plans forwarded to the Planning & Zoning Office.**

**Commissioner Fitzsimmons: Second**

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

The application is approved.

### **SITE PLAN APPROVALS**

#### **3. Site Plan/Connecticut Foodshare, Inc./2 Research Parkway #211-25**

Commissioner Allinson read the correspondence into the record including: Interoffice Memorandum from Thomas Flannery, Senior Engineer, Water & Sewer to Kevin Pagini, Town Planner dated May 27, 2025; email from Alison Kapushinski, Town Engineer, to Kevin Pagini, Town Planner dated June 25, 2025; Inspection Report from the Wallingford Fire Department, dated June 25, 2025; Memorandum from Erin O’Hare, Environmental Planner to Kevin Pagini, Town Planner dated July 3, 2025; and Site Plans dated May 8, 2025, revised to June 11, 2025.

Tino Rivero, Chief Operations Officer, CT Foodshare, 2 Research Parkway; Chris Pawlawski, PE, Civil 1 Inc.; and Mike Romano, Sentry Commercial.

Mr. Rivero provided some statistics proving the need for the expansion, including double-digit increases in the cost of food, rent, etc. They serve the whole state. They are at capacity in their current facility. The proposed expansion will support the growth in demand and make the operation safer.

Mr. Pawlawski showed the plans. The current facility was built in 2015 and is 67,000 sq. ft. In October 2024, they were granted several variances on the property, which have been filed on the land records. They propose 61 new parking spaces and a 34,000 sq. ft. addition in two parts on the east and west of the building. One entrance will be widened. A new entrance was added for trucks only on Joseph Carini Drive. The hours of operation are 7 am to 5 pm, but trucks are usually 6 am to 6 pm. All the trucks will use Joseph Carini Drive. There are no signage changes. The front of the building and the landscaping will remain the same. They received approval from Wetlands, Engineering, Fire, and Water & Sewer. One stormwater basin will be expanded to handle roof runoff. A new stormwater retention system with a sand filter will be added due to the increase in impervious surface. He reviewed the sediment control measures, lighting, and landscaping plan. They will upgrade the generator, but there is no modification to the existing utilities. A traffic report is not required, but they expect an additional 21 trips during the AM peak and 23 in the PM peak hours. This won't impact the level of service in the area. They did traffic counts in the area. The sight distances meet requirements. He noted that the existing traffic signal at the Research Parkway driveway is in a permanent flashing status until the Bristol Myers property is developed. He showed the architectural plans. The dry goods section is expanding, a garage added, and there will be additional upstairs office space. There will be an expansion of the refrigerator cooler section, an enlarged sortation room, and a new salvage room. Both will be built on a concrete slab. He thanked the staff.

Commissioner Rivard asked about the change to the traffic flow. Mr. Pawlawski replied that it will be about 20 more trips in peak hours.

Mr. Pagini stated that it is a well put-together proposal. He noted that they indicated they would like to ask for a reduction or waiver of the application fee since they are a non-profit. Mr. Pawlawski officially requested the waiver on behalf of the applicant. Chairman Seichter replied that his only concern is that we have a lot of non-profits in town and want to be fair. He asked for input from Commission members.

#### **PUBLIC COMMENT**

None

Commissioner Allinson stated that he appreciates the work of CT Foodshare, but if we waive the fees for one not-for-profit, we have to do it for all. Mr. Rivero withdrew the request for the fee waiver.

Commissioner Rivard asked if we had done this before. Mr. Pagini replied that the Commission has rescinded the fee two or three times, and they were not always non-profits. Chairman Seichter asked for a list of which applications received the waiver.

Hearing no public comment, Chairman Seichter called for a motion on the application.

**Commissioner Venoit: Motion to approve application #211-25 Site Plan for CT Foodshare at 2 Research Parkway for a Site Plan approval request to construct a 34,243 sq. ft. addition and additional parking spaces at an existing warehouse facility on plans entitled "Proposed**

**Building Expansion” dated May 1, 2025 and revised to May 29, 2025; subject to the following conditions:**

- 1. Comments from Environmental Planner, Erin O’Hare, dated July 3, 2025**
- 2. Comments from Senior Engineer, Tom Flannery, Water & Sewer Division, dated May 27, 2025**
- 3. Comments from Town Engineer, Alison Kapushinski, dated June 25, 2025**
- 4. Comments from the Fire Marshal’s office, dated June 24, 2025**
- 5. Excavation permit is required from the Department of Engineering for any work within the right-of-way.**
- 6. Operation and Maintenance Plan or Notice of said Plan, to be filed on Wallingford Land Records.**
- 7. Erosion and Sediment Control bond in the amount of \$12,500.00**
- 8. Six (6) copies of the final plans forwarded to the Planning and Zoning Office.**

**Commissioner Fitzsimmons: Second**

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

The application is approved.

**4. CT General Statute 8-30g – Site Plan/Next Gen Development LLC/100 South Cherry Street  
(Continued from 06/09/2025) #210-25**

Commissioner Allinson read the new correspondence into the record including: Final Affordability Plan dated July 2025; email from Kevin Pagini, Town Planner to Vetan Alimi and Dave Nafis, dated June 17, 2025; email from Kevin Pagini, Town Planner to Dave Nafis, dated July 1, 2025; email from Brian Schock, Fire Marshal, to Cherie Murchison and Kevin Pagini, Town Planner, dated July 2, 2025; email from Thomas Flannery, Senior Engineer, Water & Sewer, to Cherie Murchison, Planning Office, dated July 3, 2025; memorandum from Janis Small, Corporation Counsel to Kevin Pagini, Town Planner and the Planning & Zoning Commission dated July 14, 2025; email from Alison Kapushinski, Town Engineer, to Kevin Pagini, Town Planner dated July 11, 2025; and revised Site Plans dated July 9, 2025.

Chairman Seichter stated that he doesn’t anticipate action on the application tonight due to the Town Engineer’s July 11th memo.

Samuel Sargeant, Lazarus & Sargeant, Architects, Vetan Alimi, one of the partners who owns the property, and Dave Nafis, Civil Engineer, Nafis & Young Engineers, Northford, presented.

Mr. Sargeant explained that there will be 66 affordable units. The intent of the project is to meet the need for affordable housing.

Mr. Nafis explained that there will be four buildings with 26 units, 20 units, 14 units, and 6 units. 50% of the units will be one-bedroom townhouses and 50% will be one-bedroom flat apartments. There are 5

handicapped spaces that can be relocated to the appropriate units. The dumpster is in a separate parking space. The one-way entrance is off Ward Street. The entrance at South Cherry Street will be two-way. The roadway will be wide enough for a fire truck. The site is sand and gravel, so they will put in catch basins that go into an infiltration system. They will maintain everything on-site. There is not much room for landscaping. They will put up fencing so headlights won't affect other properties. There are 5 ft. side yards and an 8 ft. front yard on Ward Street. Little excavation is needed. For traffic, they expect 38 AM trips and 36 PM trips at peak hours.

Mr. Sargeant stated that the site is surrounded by industrial and a large R-6 zone. They were asked to create a high-density project for the property. The applicant worked closely with Mr. Pagini. They hope that the R-6 zone is extended through this site. It is an isolated site, adjacent to the rail line. The proposal allows the maximum number of residential units. They will be three-story units with one-bedroom apartments on the ground floor and two-level townhouses above. They will install sound buffers at the end of the buildings near the railroad tracks. As time goes on, they may incorporate other properties.

Commissioner Fitzsimmons asked if the front door is facing Ward Street. Mr. Sargeant stated that the front doors face the parking lot. Commissioner Fitzsimmons asked if the front doors on the building facing Ward can be on that side. There is a regulation that the primary entrance faces the roadway. Mr. Alimi stated that they tried to minimize the number of units affected by the train tracks. He added that they will reorient the doors of the smallest building to face Ward Street.

Commissioner Sanders asked if the regulations for Middle Housing were considered. Mr. Alimi replied that the team tried to go in that direction, but complications steered us to the 8-30g instead. This was partly due to the delays that would have resulted due to variances, etc. He offered to go back and see if they could make it work. There are only a few regulations that they didn't meet. Those would need to be done as variance requests that would delay the project. Commissioner Sanders noted that it looks like there will be just over 30% or 20 'affordable' units. He encouraged them to set aside more. Mr. Alimi stated that he intends to purchase the remaining properties and develop more affordable housing. So there will be more applications. He expects a total of 100 or 105 units and may be able to go up on the number of affordable units.

Chairman Seichter asked about the note on the plan to raze the garage on 110 Cherry Street. Mr. Nafis replied that it was on the original plan, and they neglected to take it off. Chairman Seichter asked about the height of the fences. Mr. Nafis replied that some properties already have 6-8 foot fences. They will do something similar in vinyl. Chairman Seichter stated that the height should be consistent.

Mr. Sargeant added that the owner is in negotiations with the adjacent property owners.

Chairman Seichter stated that this will improve the site and be a benefit to the town. He wants to hear from the Engineering Department and would like to see a landscape plan. He asked them to find a way to add green space. Chairman Seichter added that the Middle Housing regulations don't take

affordability into account. This provides affordable housing. He asked them to include a calculation for the two-bedroom units as well.

Mr. Pagini agreed that clarification is needed on the two-bedroom units.

#### **PUBLIC COMMENT**

Rep. Mary Mushinsky, 188 South Cherry Street, stated that we really need buildings like this. She is pleased the Commission has been responsive. This application is making good progress. Hopefully, the soundproofing works.

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

**Commissioner Venoit: Motion to continue application #210-25 CT General Statute 8-30g – Site Plan/Next Gen Development LLC/100 South Cherry Street to the August meeting.**

**Commissioner Fitzsimmons: Second**

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

The application is approved.

#### **EXECUTIVE SESSION**

- 5. Executive Session pursuant to General Statutes §1-225(f), §1-200(6)(B), and §1-210(b)(10) to discuss pending litigation in the matter of Sunwood Development Corp. vs. Planning and Zoning Commission.**

**Commissioner Venoit: Motion to move to Executive Session for General Statutes §1-225(f), §1-200(6)(B), and §1-210(b)(10) to discuss pending litigation in the matter of Sunwood Development Corp. vs. Planning and Zoning Commission at 9:50 pm.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous**

**Commissioner Venoit: Motion to come out of Executive Session at 10:22 pm.**

**Commissioner Fitzsimmons: Second**

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

#### **PUBLIC DISCUSSION**

- 6. Sign Permit Fee**

Mr. Pagini explained the request. The new sign regulations have removed the fee for re-facing of signs. He suggested doubling the permit fee to \$200 to replace some of the revenue. He asked the Commission to think about this.

Commissioner Rivard asked how much revenue has been lost. Mr. Pagini estimated that 75% of the applications were for re-facing. He agreed to provide the numbers.

Commissioner Venoit asked how we compare to other towns. Mr. Pagini replied that our fees are similar, but he can look at the surrounding towns.

Chairman Seichter asked Mr. Pagini to put the request in a memo.

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

- 7. Administrative Approvals – noted as approved**
  - a. 600 North Colony Rd/Keystone Novelty Distributors, LLC #213-25**
  - b. 40 Carpenter Lane/Abel Womack, Inc. #215-25**
  - c. Twin Pines Dr/Carbone #216-25**
  - d. 49 Old Lane Rd./DeLuca #RA-25-01**
- 8. ZBA June Decisions – no comment**
- 9. ZBA Notice of July 21, 2025 – no comment**

#### **ADJOURNMENT**

**Commissioner Venoit: Motion to Adjourn the Wallingford Planning and Zoning Commission for Monday, July 14, 2025, at 10:25 pm.**

**Commissioner Fitzsimmons: Second  
Vote: Unanimous**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary

**1000, 1020, 1030, 1044, 1080 Barnes Rd.**

**#401-25**

**Special Permit**

**Warehouse Facility**

**Midwood Management Corp.**



401-25-14



**Town of Wallingford**  
**Department of Engineering**  
45 South Main Street  
Wallingford, Connecticut 06492  
Tel: (203) 294-2035; Fax: (203) 284-4012

Alison Kapushinski, P.E.  
Town Engineer

---

**MEMO**

**TO:** Planning & Zoning Commission

**FROM:** Department of Engineering *Amk*

**RE:** **1000, 1020, 1030, 1044, 1080 Barnes Road / Midwood**  
**PZC Application #401-25 / Special Permit**

**DATE:** July 14, 2025

**RECEIVED**  
**JUL 14 2025**  
**WALLINGFORD**  
**PLANNING & ZONING**

Dear Commissioners:

We are in receipt of the following materials for the referenced property:

- Site Development Plans for Warehouse Complex by OCC Group, Inc. dated September 23, 2024 and last revised July 7, 2025.
- Hydrologic Analysis for Proposed Warehouse Complex by OCC Group, Inc. dated September 24, 2024 and last revised January 29, 2025.
- Site Traffic Evaluation Study by Bubaris Traffic Associates dated November 7, 2024.
- Traffic Impact Study Peer Review by GM2 dated June 16, 2025.
- Response to Engineering Comments Letter to Wallingford Planning & Zoning Commission from OCC Group, Inc. dated July 7, 2025.
- Inventory of Existing Stormwater Facilities by OCC Group, Inc., not dated, received July 8, 2025.
- Storm Drain Pipe Analysis compiled June 30, 2025 by OCC Group, Inc.
- Stormwater System Maintenance Best Management Practices Plan dated February 2025, prepared by OCC Group, Inc.
- Response to Traffic Comments Letter to Wallingford Planning & Zoning Commission from OCC Group, Inc. dated July 7, 2025.
- Letter to Tom Hogan, PE (Wright-Pierce) from John Skaarup, PE, PTOE (GM2) dated July 9, 2025 regarding Traffic Impact Study Peer Review – Responses Review.

The Response to Comments Letters were reviewed. I have the following additional comments on the submitted responses.

Response to Engineering Comments Letter

1. The Applicant is suggesting a Condition of Approval to, at some point in the future, submit code-compliant design of all accessible parking and building access. This is not a common Condition of Approval, as the basic routing of sidewalks is typically required during Planning & Zoning review. Allowing this as a Condition of Approval essentially



requires the Engineering Department to conduct another review at some point in the future, which could be years from now. Including sidewalks to provide access to the buildings could have a "domino effect" with other aspects of the approval such as stormwater peak flow attenuation, pipe sizes, and water quality unit sizes. According to my quick calculations, adding sidewalks between the parking areas and buildings could result in 10,000 SF of additional impervious area, spread out among the three proposed buildings.

2. I do not see where the proposed curbing types are indicated on Sheet PG.
3. It's noted that the emergency spillway elevation was added to Sheet CP-2A. However, I did not receive CP-1A or CP-3A in the plan set. Please provide.
4. I spoke to Mr. Cotter regarding the Inventory of Existing Stormwater Facilities. I believe there was miscommunication as to what was required. The submitted Inventory simply outlines what facilities are proposed to be reused and states they are to be inspected during construction. The Inventory is required to state the conditions of the facility, and what repair work (if any) is needed. Some of these facilities have been unmaintained for over 20 years, so a proper inspection is needed to determine they will be functioning in the same manner as which the design assumes they will.

#### Traffic Impact Study Peer Review – Responses Review

1. The Engineering Department appreciates the peer reviewer's recommendations for improvements the Town might make to this section of Northrup Road in accordance with the Northrup Road Study. There are no items for the Applicant to include on their plans. The Town will coordinate with the property owner if work is planned during site construction.

If you have any questions or require any additional information, please let me know.

401-25-15

**OCC Group, Incorporated**

ENGINEERS • SURVEYORS • PLANNERS  
2091 Highland Avenue, Cheshire, CT 06410  
TEL: (203) 250-7526 FAX: (203) 271-2727  
EMAIL: OFFICE @OCCDESIGN . NECOXMAIL.COM

**July 14, 2025**

**Wallingford Planning & Zoning Commission  
c/o Town of Wallingford Planning Department  
Attn: Kevin Pagini, Town Planner  
45 South Main Street  
Wallingford, CT 06492**

**RECEIVED**

**JUL 14 2025**

**WALLINGFORD  
PLANNING & ZONING**

**Re: Engineering Department Review Comments Dated June 16, 2025  
1000/1020/1030/1044/1080 Barnes Road / Midwood  
PZC Application #401-25 / Special Permit**

**Dear Commissioners,**

**We offer this follow-up response to the Engineering Department Review  
Comments dated July 14, 2025:**

**Item 1.**

**There will be no sidewalks running the length of the parking areas on any of  
the three buildings. Handicap parking and sidewalks are shown at each end of  
all three buildings. The specific details of handicap building access will be  
shown as part of the Building Permit process.**

**Item 2.**

**The curb type is noted in the LEGEND**

**Item 3.**

**Original response was a TYPO. There is no CP-1A Or CP-3A.  
The Emergency Spillway Elevations are shown on CP-1 & CP-3.**

**Item 4.**

**All existing stormwater facilities will be physically inspected and an  
amended report will be provided.**

**Respectfully submitted,**

**OCC Group, Incorporated**

**CC: Alison Kapushinski, Town Engineer**

401-25-16

**OCC Group, Incorporated**

**ENGINEERS • SURVEYORS • PLANNERS**

2091 Highland Avenue, Cheshire, CT 06410

TEL: (203) 250-7526

FAX: (203) 271-2727

EMAIL: OFFICE @OCCDESIGN . NECOXMAIL.COM

RECEIVED

JUL 30 2025

WALLINGFORD  
PLANNING & ZONING

**July 29, 2025**

**Wallingford Planning & Zoning Commission  
c/o Town of Wallingford Planning Department  
Attn: Kevin Pagini, Town Planner  
45 South Main Street  
Wallingford, CT 06492**

**Re: Engineering Department Review Comments Dated June 16, 2025,  
July 14, 2025 and follow-up meeting on July 16, 2025  
1000/1020/1030/1044/1080 Barnes Road / Midwood  
PZC Application #401-25 / Special Permit**

**Dear Commissioners,**

**Based on our meeting with the Town Engineer and Town Planner on July 16, 2025 we offer this follow-up response to the Engineering Department Review Comments dated July 14, 2025:**

**Item 1.**

**As requested the Site Plan (Sheet SP) has been revised to provide the specific design of sidewalks at each building entrance. The entire plan set (including the Architectural Plans) has been updated accordingly to reflect this change. Additionally the Handicap Parking Details on Sheet CD have been revised and expanded.**

**There are no sidewalks running the length of the buildings due to the nature of the proposed facility (i.e. employee parking with no transient traffic) and our desire to provide a landscaped area of sufficient depth to accommodate more robust species than typical foundation planting; due to the height of the proposed buildings.**

**As discussed the addition of sidewalks will have no discernable impact on the stormwater management systems as designed.**

**Item 2.**

**The curb type is noted in the LEGEND on Sheet PG.**

**Item 3.**

**The Emergency Spillway Elevations are shown on CP-2A, SM-1A & SM-3A.**

**Item 4.**

**The Inventory Of Existing Stormwater Facilities has been revised as discussed and dated Amended July 29, 2025.**

**Refer to response from Bubaris Traffic Associates dated July 29, 2025 for requested information relative to the Traffic Impact Study.**

**Note: The plans have also been revised to reflect the requested relocation of the proposed fire hydrant at the southeast corner of Building Three as shown on Sheet SU , FP-3 & CP-3.**

**Respectfully submitted,**

**OCC Group, Incorporated**

**CC: Alison Kapushinski, Town Engineer**

**OCC Group, Incorporated**  
ENGINEERS • SURVEYORS • PLANNERS  
2091 Highland Avenue, Cheshire, CT 06410  
TEL: (203) 260-7626 FAX: (203) 271-2727  
EMAIL: OFFICE @OCCDESIGN . NECOXMAIL.COM

**Amended July 29, 2025**

**INVENTORY OF EXISTING STORMWATER FACILITIES FOR  
1000/1020/1030/1044/1080 BARNES ROAD, WALLINGFORD**

**Except for a small portion of the property the overall site drains overland to a central wetland corridor, which outlets through an existing 36" culvert prior to discharge into North Farms Reservoir.**

**The westerly end of this existing 36" RCP (Refer to Plate One) will be extended 8'. Rip-Rapped Flared End Sections will be provided at both ends. Existing unsuitable material will be removed to a depth of 12" and replaced with stone pipe bedding material.**

**In the southwesterly corner of the property a number of stormwater management structures presently exist (as installed under a previous permit but never brought on line (Refer to Plate Two). The area around these structures will be cleared of vegetation to provide access for long term maintenance.**

**The existing Level Spreader, and area 6' either side, will be cleared of trees, shrubs, and underbrush. The low side of the spreader will be graded as necessary to provide a level elevation as proposed. Rip-Rap will be installed at the end of the existing discharge pipe to the level spreader.**

**The existing 4,000 Gal. Oil/Water/Grit Separator will be cleaned, the existing 15" inlet pipe removed and opening sealed, and the existing 24" Inlet port will be modified to accept the new inlet culvert as shown on the plans.**

**The existing 3,000 Gal. Oil/Water/Grit Separator will be cleaned and the inlet port modified to accept the new inlet culvert as shown on the plans**

**The existing Stormwater Basin, including the berm, will be cleared of trees, shrubs, and underbrush. The existing stone wall forming the easterly side of the basin will be repaired as necessary to maintain its integrity. A sediment forebay will be installed at the existing 24" inlet pipe. An Emergency Spillway with an Outlet Structure will be provided for metered discharge at the southerly end of the basin as detailed on the plans. A rip-rapped swale will be provided from the overflow spillway to an existing wetland swale running along the westerly side of the berm. Vegetation within this swale will be cut to grade, and the bottom of the basin will be seeded with a New England Wet Mix.**

**The area of the site immediately adjacent to Northrop Road drains overland to the North onto the adjacent parcel (777 Northrop Road which is under the same ownership as the subject property). This parcel was improved with a Watershed Protection Basin under a prior approval and discharges via a 15" culvert under Northrop Road (Refer to Plate Three). The inlet and outlet of this culvert will be cleared of debris to maintain its operational integrity.**

**The remaining portion of the site area along Northrop Road drains overland to the South and is collected via three existing catch basins (one on Northrop Road / one on Old Barnes Road / one on-site adjacent to the cul-de-sac for Old Barnes Road (Refer to Plate Four). Each of these basins will be provided with silt sacks, protected in accordance with the E & S Control Plans throughout the construction process, and cleaned upon achieving overall site stabilization.**

Topographic map showing a hillside with contour lines and spot elevations. Two benchmark points are marked:

- EX. 38<sup>+</sup> INV=337.75
- EX. 38<sup>+</sup> INV=338.65

The map includes a 'DIRT FARM ROAD' and various elevation markers such as 340, 342.5, and 344.5. The map is labeled 'PLATE ONE' in the top right corner.

EX. 38  
INV-338.65



N/F  
STATE OF CONNECTICUT  
NORTH FARMS RESERVOIR

EX. 4,000 GAL.  
OIL/WATER/GRIT  
SEPARATOR  
M.H. COVER EL=334.96  
INV=331.09(OPENING)  
INV=331.84(15" IN)  
INV=330.84(24" OUT)

EXISTING LEVEL SPREADER

EX. 24" F.E.S.  
INV=330.61

EX. 15" RCP  
INV=332.03

EX. STORMWATER  
DETENTION BASIN

EX. 24" RCP  
INV=330.98

EX. STRM. M.H.  
TF=335.64  
INV=177(18?/24?)

EX. 3,000 GAL.  
OIL/WATER/GRIT  
SEPARATOR  
M.H. COVER  
EL=335.70  
INV=331.96(IN)  
INV=331.71(OUT)

OLD STONE  
FOUNDATION  
REMAINS

OLD STONE  
FOUNDATION  
REMAINS

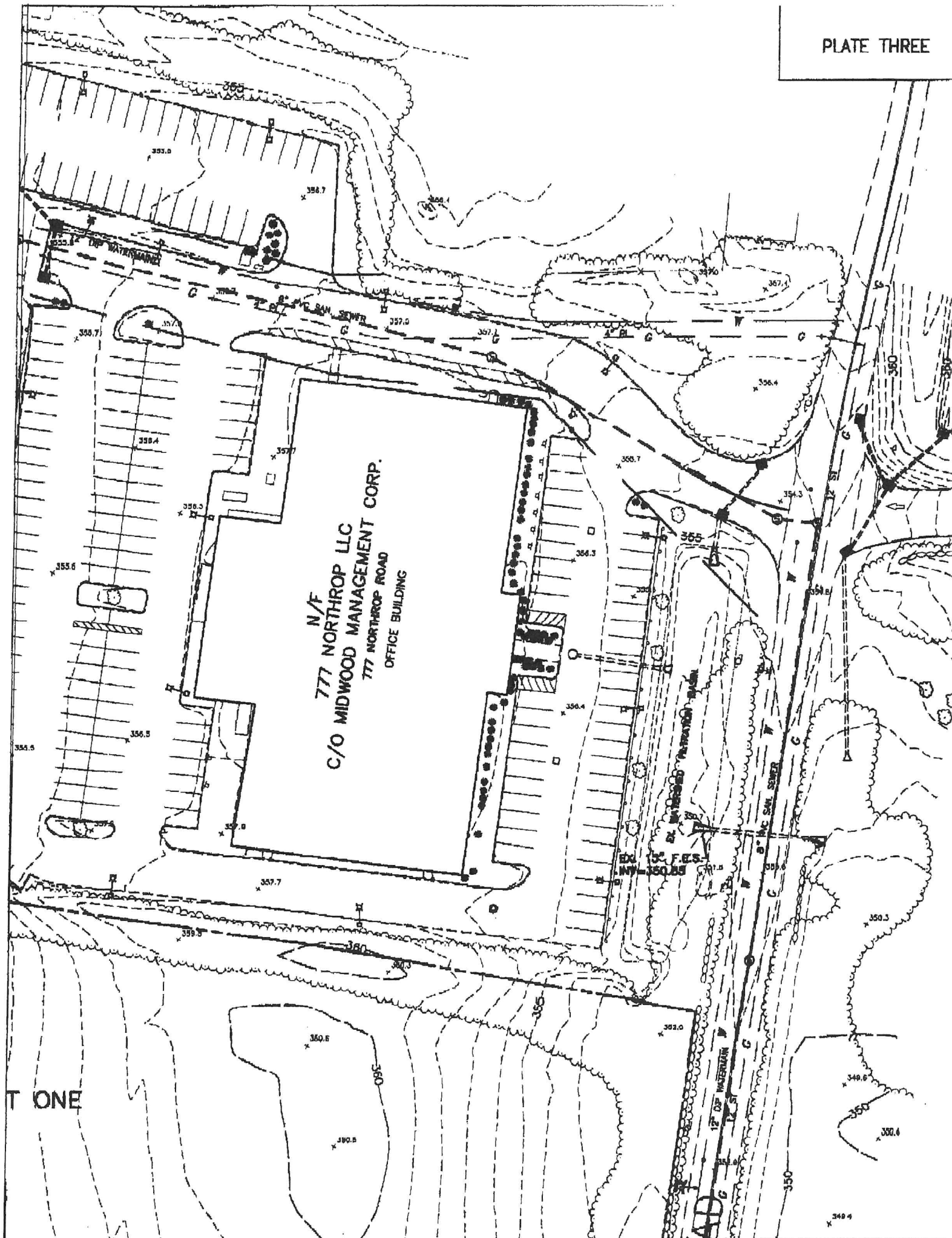
WED  
1935

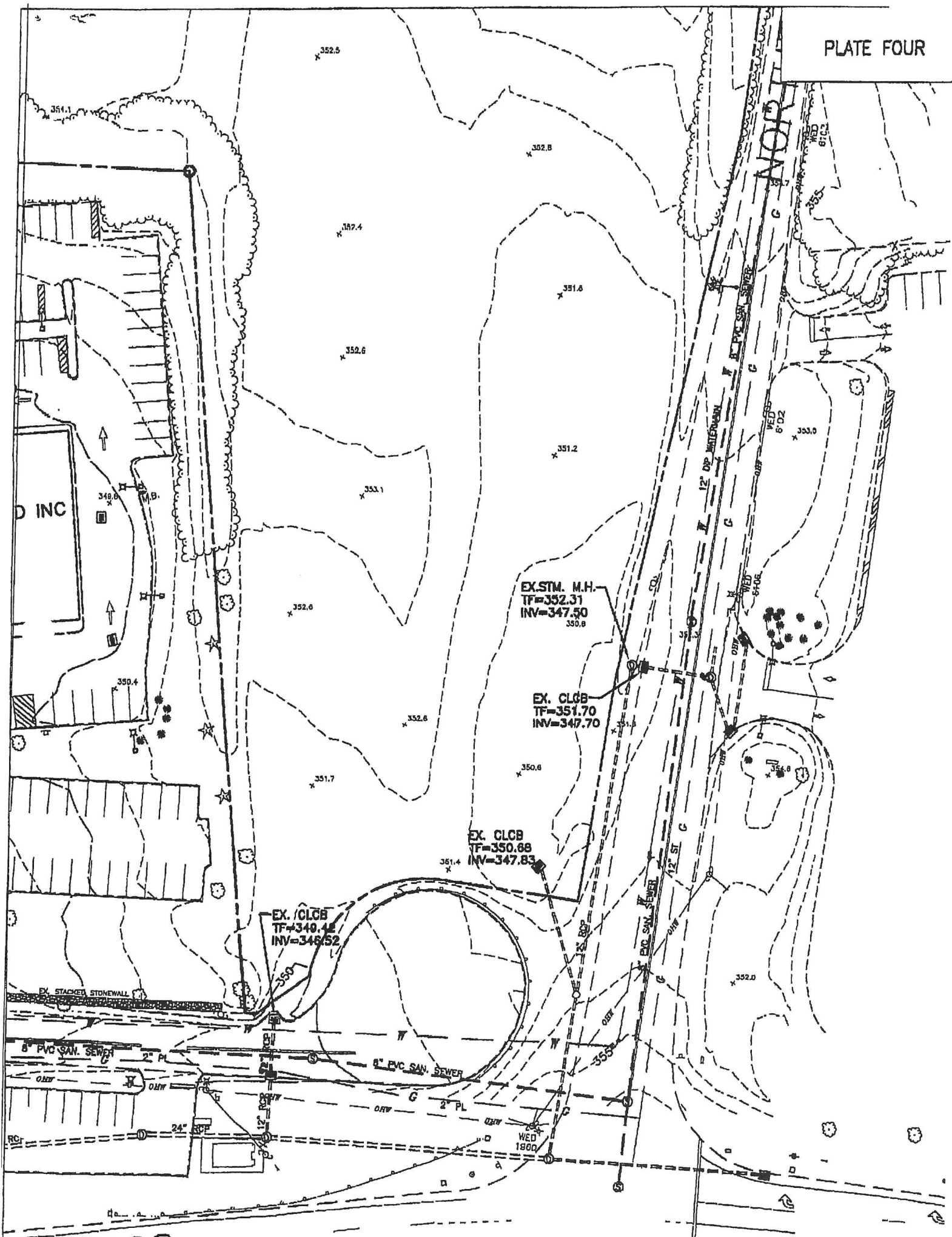
WED  
1935

WATERWAY

18" RCP







July 29, 2025

Mr. David V. Carson  
Managing Principal  
OCC Design Consortium, LLC  
2091 Highland Avenue  
Cheshire, CT 06410

**Re: Response to Planning and Zoning Commission Questions  
Midwood Associates Warehouses Application  
Route 68 (Barnes Road) at Northrop Road  
Wallingford, Connecticut**

Dear Mr. Carson:

In response to the two traffic questions that were raised at the latest PZC meeting on the subject application, we offer the following:

Date of Northrop Traffic Counts:

The traffic counts that CTDOT Planning shared with us from the therapy center application across the street from the subject site on Northrop Road were made on September 15, 2022 (a Thursday) and were appropriately projected forward by them for their use and by us for our use.

The traffic counts we made to derive more information about Northrop Road were made on September 19, 2024 (also a Thursday) and were also appropriately forecasted forward.

Given that both sets of traffic counts were made in the respective mid-Septembers when school was in session, school busses travelling to and from the bus depot located to the north of the subject site on Northrop Road were included in the traffic counts and therefore part of the analyses for both applications.

Revised Distribution to and from north via Northrop Road:

Please refer to the five revised attachments from our Site Traffic Evaluation Study that show the impact of assuming that 5 percent of site-generated traffic will be oriented to and from the north of the subject site via Northrop Road.

Firstly, the revised distribution would add only 7 vehicles per hour during the am peak, and only 7 vehicles per hour during the weekday pm peak.

Secondly, these small additional traffic volumes would have an insignificant impact on the traffic operations for the proposed site drives on Northrop Road, wherein all through movements on Northrop Road would remain at LOS A, the inbound and outbound right-turn movements would remain at LOS A, and the outbound left-turn movement would be a LOS B.

Therefore, the proposed subject warehouse development would not have an adverse impact on Northrop Road traffic operations.



Very truly yours,  
Bubaris Traffic Associates

*James G. Bubaris*

James G. Bubaris, P.E.  
Conn. Reg. No. 9203  
Principal

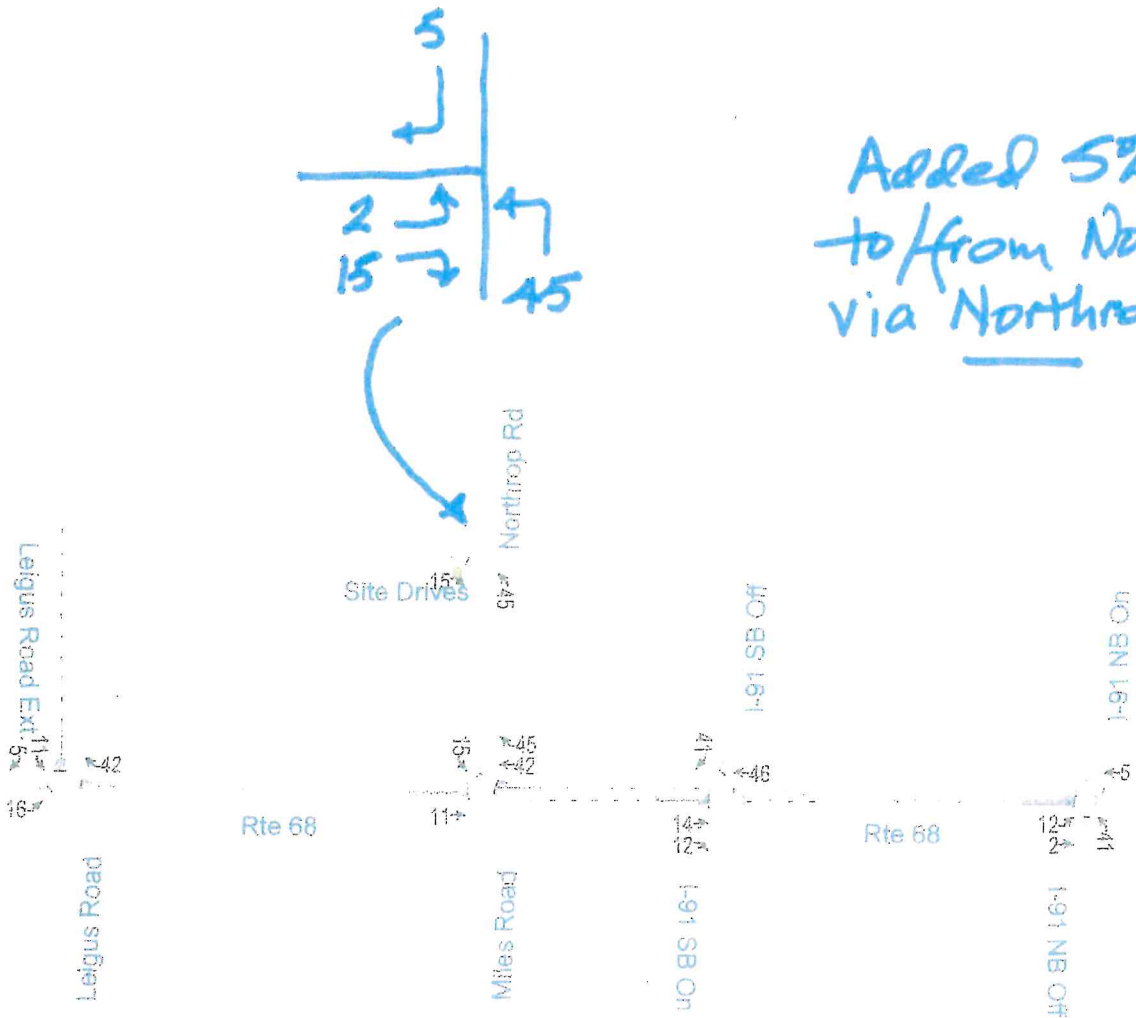
*Revised*

Exhibit 8

Site Generated 2026 AM Peak Hour Traffic Volumes

Revised

Added 5%  
to/from North  
via Northrop



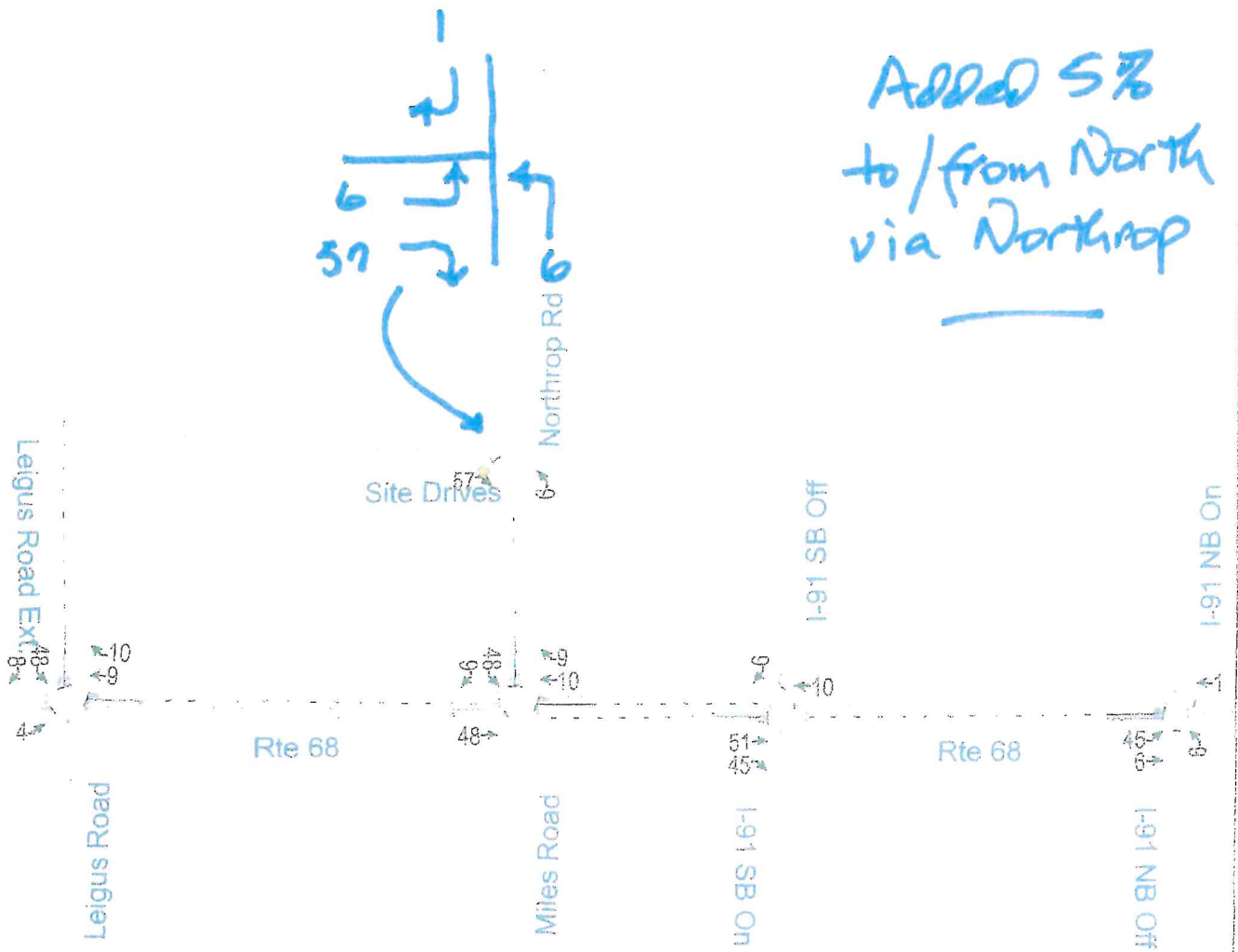


Revised

Exhibit 9  
Site Generated 2026 PM Peak Hour Traffic Volumes

✓  
Revised

Added 5%  
to /from North  
via Northrop







Comprehensive (built/1) 2026			
R&B Peak		PA Peak	
LOS	Avg Delay (sec.)	LOS	Avg Delay (sec.)
LOS A	7.5	LOS A	7.6
LOS B	7.5	LOS A	7.7
LOS A	10.5	LOS A	9.5
LOS B	11.9	LOS B	11.5
LOS B	7.6	LOS A	7.7
LOS A	8.0	LOS A	7.8
LOS A	9.3	LOS A	9.7
LOS B	12.1	LOS B	12.5
LOS A	7.6	LOS A	8
LOS A	8.0	LOS A	7.7
LOS A	9.3	LOS B	10.3
LOS B	12.8	LOS B	13.7

Barbara Traffic Associates  
October 2024

401-25-19

RECEIVED

AUG 05 2025

WALLINGFORD  
PLANNING & ZONING

To: Wallingford Planning & Zoning Commission  
From: Ed Hohmann, 12 Marie Lane, Wallingford  
CC: Kevin Pagini, Town Planner  
Date: August 5, 2025  
Subject: **Opposition to Proposed Warehouses at 1000-1080 Barnes Rd**

I strongly urge you to reject the application for three new warehouses at 1000-1080 Barnes Road due to the additional truck traffic that will be generated in an already overburdened Route 68 area. The cumulative impact of existing and recently approved warehouse developments, combined with this proposal, threatens to create gridlock that will harm residents and businesses.

The applicant's traffic study appears to be deeply flawed, failing to account for the 450,000-square-foot warehouse approved at 5 Research Parkway, which includes 105 loading docks, 96 trailer spaces, and 530 car spaces. Its significant traffic implications are conspicuously absent from the applicant's analysis. The study also appears not to recognize truck traffic from the new warehouses on Northrop Road and Murdock Avenue. These omissions undermine the credibility of their projections and ignore the reality of escalating truck traffic on Route 68 and nearby I-91 ramps.

Further, discrepancies in traffic data raise serious concerns. In June 2021, BL Companies' traffic study for 5 Research Parkway rated the I-91 southbound entrance ramp at Level of Service (LOS) C and the northbound entrance at LOS D in pre-construction conditions. Yet, the applicant's traffic engineer seemed to represent that these same ramps are currently operating at LOS A/B or B/C. This contradiction suggests either a significant error or an attempt to downplay the true impact of existing traffic and additional development. The Commission must demand clarity and accuracy on this critical issue.

I applaud the Commission's 2023 adoption of Passenger Car Equivalents (PCE) to better assess truck traffic impacts. However, the applicant's study applies PCE calculations only to their proposed site, ignoring the existing and approved truck traffic from other warehouse projects. This selective analysis paints an incomplete and misleading picture of the cumulative burden on Route 68.

The Commission has also recently approved an expansion for the CT Food Bank on Research Parkway, as well as an allowed use for an electric vehicle charging station directly across from the proposed site (Miles Drive and Route 68), which, when built, would further intensify traffic in this immediate area.

Approving more warehouses without assessing the cumulative impact of all current, approved, and proposed developments in this area risks creating a traffic nightmare that will disrupt local businesses, schools and residents alike.

Sincerely,

Ed Hohmann



401-25-20 5 August 2025

RECEIVED

AUG 06 2025

WALLINGFORD  
PLANNING & ZONING  
1000-1080 Barnes Road

✓ To: Wallingford Planning & Zoning Commission  
CC: Kevin Pagini, Town Planner  
Re: Opposition to Proposal 401-25/Warehouses

Valid reasons to reject this proposal stem primarily from traffic concerns and negative impact on neighborhoods existing contiguous to the proposed site.

Already approved for this area; not yet constructed and/or not at full capacity include:

- Warehouse - Murdoch Avenue/Northrup Road
- Warehouse - 5 Research Parkway
- Warehouse Expansion - 2 Research Parkway
- Proton Therapy Center - 932 Northrup Road
- EV charging station + retail convenience store - Route 68

In 2021 re. 401-21/5 Research Parkway, prior to the approval of the above projects:

M. Dion/BL Company re-traffic on/off Route 68 to Research Parkway:  
...Level of service "acceptable" - suggest expansion of left turn from Rt 68 onto Research Parkway.

C. Van Zanten/Peer Reviewer of traffic study by BL Co.: generally service at most intersections is "acceptable". There are several locations where queuing exceeded available storage on an average workday, but by only 2 vehicles (autos or tractor-trailers?) Southbound left turn off Research onto Rt 68 degrades on an average workday to Level E, Holidays worsen to Level E/F. Westbound traffic on Rt 68, Barnes + Research deteriorates from E to F. Mr. Van Zanten noted - a lot of the intersections are already operating at E Levels. (Again, this is a 2021 assessment, prior to approval of the above noted projects.)

Are traffic studies objective or subjective? How can the study reported by the current applicant show B/C levels in this same area??

Road Conditions - Following approval of the warehouse on Murdoch Avenue/Northrup Road the town of Wallingford hired consultants to evaluate ways to make Northrup Road safe given the addition of heavy truck traffic. The consultants made a presentation of their findings and recommendations/suggestions to improve road conditions at a public meeting. Recommendations included straightening the road, flattening the road by cutting into the rises, particularly near the existing bus facility, to improve sight lines. Stop signs + speed reduction were also recommended. The outcome of this? Arrow signs to indicate curves, installed near the new facility. No recommended safety improvements were implemented.

Posted: No Through Trucks - what does it mean? Why was it originally posted? And, why are trucks using the road to access Rt 68 and why is the town allowing this?

Re: Opposition to Proposal 401-25/Warehouses 1000-1080 Barnes Road

Impact on Neighborhoods and residents in areas contiguous to this Proposal:

Research Parkway, Northrup Road and Route 68 are our only access/egress roads available to these neighborhoods. These are the roads residents must use to get to schools, Wallingford businesses, town offices and highway access. It gets more dangerous with every approval of these large, traffic generating, 24/7 proposals. The 4-way stop at Research Parkway and Carpenter Lane is treacherous. The sight line approaching Northrup Road from Carpenter Lane is treacherous. The volume at intersections from Research Parkway and Northrup Road onto Route 68 is already heavy and getting worse. Additional traffic at the current Radiall driveway creates an even more dangerous situation at one of the most difficult areas of Northrup Road.

Add to all of this is the current construction ongoing in Meriden on Route 91, Route 15, Route 691, East Main Street and impacting traffic at Exit 15, Route 91. This is not projected for completion until 2030.

This is the wrong project, in the wrong location, at a very bad time. Warehouses do not make Wallingford a better place. They provide little in the way of good employment for local residents. At what cost does the town continue to approve these projects?

I thank the Commission for their time and consideration when reviewing these proposals. I am thankful that public opinion is allowed and encouraged. I am happy to see that public comments regarding traffic studies were implemented in the adoption of Passenger Car Equivalents (PCE) to better assess traffic impacts. Town residents also give of their time and do give thoughtful consideration to these proposals.

Given the number of newly completed and still pending or under construction projects that have already been approved for this area, I see no way the impact of another 3 large warehouses can be fully understood or appreciated.

Please give careful consideration to this proposal. In so doing, I believe the only reasonable decision is Rejection.

Thank you for putting Wallingford 1st -

Jean Menger  
Jean Menger  
15 Valley View Dr.  
Wallingford, CT  
06492

401-25-21

**Cherie Murchison**

---

**From:** Alison Kapushinski  
**Sent:** Thursday, August 7, 2025 9:37 AM  
**To:** Kevin Pagini  
**Cc:** Cherie Murchison  
**Subject:** 401-25 Engineering Comments

RECEIVED  
AUG 07 2025  
WALLINGFORD  
PLANNING & ZONING

Kevin,

I have reviewed the 7/30/25 resubmission for Midwood. Engineering comments have been addressed.

I would like to point out that Engineering's request for sidewalks along the front of the buildings was not included on the revised plans. The Response to Comments letter outlines the Applicant's stance on the matter. While I understand their reasoning, we do typically request sidewalk between the parking lot and building. I believe the Commission should review the request and the response, and make a determination from there. I am in support of the application either way. My previous concerns of a "domino effect" on the stormwater system from the addition of the sidewalks has been addressed with their latest Response to Comments letter.

Thank you,

Alison Kapushinski, P.E.  
Town Engineer  
Town of Wallingford  
(203)294-2035



401-25-22

1080 Barnes Rd Development

RECEIVED

AUG 07 2025

WALLINGFORD  
PLANNING & ZONING

From: Joe Heeran (jheeran206@yahoo.com)

To: jheeran206@yahoo.com

Date: Thursday, August 7, 2025 at 02:23 PM EDT

TO: All Members and Alternates of the Wallingford PZC (board of Commissioners)  
August 7, 2025

My name is Joseph Heeran, resident of Wallingford for 53 years. I live at 206 High Hill Rd. I'm writing this short letter to register my concerns with respect to the land development at 1080 Barnes Rd. in the construction of 3 warehouses whose total footprint of 415k square feet adjacent to North Farms Reservoir. My concerns are environmental and traffic in nature.

#### ENVIRONMENTAL

1. As you know, the reservoir is owned by the State of Connecticut. Resident on the property are Eagles protected as endangered species. The restricted area is within 660'. The distance should be determined and confirmed by US and State ERA agencies. Have those agencies been notified.?
2. Wastewater, runoff, etc. must not adversely affect the quality of the reservoir water. Since the reservoir is designated a recreational area, it seems this issue is within the purview of the Wallingford PZC. Also, since people are allowed to fish here, it seems to suggest a health concern with regard to food consumption. Does the FDA need to be notified of possible health risks?

#### TRAFFIC ISSUES

1. During PZC Hearings for special permit with respect to 5 Research Drive and the Bristol Myers sold property to Claire Developers, a traffic study was done to assess the impact on traffic flow in the area. A grade of "E" (unsatisfactory) was assigned. The grade meant improvements needed to be made to a satisfactory score. To date, no improvements have been forthcoming! I am very puzzled how a satisfactory grade can be achieved with the addition of even more traffic will be added to Rt 68. The "E" was based on 450k sq ft; now it would be a total of 865 sq ft! Also, the PZC should remember the application at the time was for 1 million sq ft. That was rejected. Therefore, a new application was made for half that area. Why is it now acceptable? Was this the devious plan hatched at the time?
2. There are NO THRU TRUCK SIGNS posted at the entrance of Northrup Avenue and Rt. 68 and also posted at the intersection Northrup and Carpenter Rd. What has changed to mitigate the safety concerns on tractor trailers on this road? What has changed to mitigate the safety risk to school bus traffic and school buses carrying school children onto this road.

Joseph and Virginia Heeran  
206 High Hill Rd.  
Wallingford CT 06492  
Cell Phone 203 823 0315.  
Home 203 265 2925

**100 South Cherry Street**

**#210-25**

**CT State Statute 8-30g Site Plan**

**Multi-Family Residential Development**

**Next Gen Development, LLC**





## *Town of Wallingford, Connecticut*

TOWN ATTORNEY  
GERALD E. FARRELL, SR.  
ASSISTANT TOWN ATTORNEY  
GEOFFREY T. EINHORN  
CORPORATION COUNSEL  
JANIS M. SMALL  
DEPARTMENT OF LAW  
WALLINGFORD TOWN HALL  
45 SOUTH MAIN STREET  
WALLINGFORD, CT 06492  
TELEPHONE (203) 294-2140  
FAX (203) 294-2112  
lawdept@wallingfordct.gov

### MEMORANDUM

TO: Members of the Planning and Zoning Commission  
Kevin J. Pagini, Town Planner

FROM: Janis M. Small, Corporation Counsel

RE: **§ 8-30g Application**

DATE: July 14, 2025

RECEIVED

JUL 14 2025

WALLINGFORD  
PLANNING & ZONING

I was asked today to provide some guidance regarding the § 8-30g application. As a refresher, I offer you these comments.

1. An application for a § 8-30g project may only be denied if the Commission specifically finds that:

- a. The decision is necessary to protect substantial public interests in health, safety or other matters in which the Commission may legally consider;
- b. Such substantial public interests clearly outweigh the need for affordable housing; and
- c. Such substantial public interests cannot be protected by reasonable changes to the affordable housing development.

These requirements should be discussed and evaluated by the Commission if it considers denying the application.

2. The Commission is aware that this is a very high standard given the State's determination that providing affordable housing is a high priority. In determining whether to approve an application, a mere possibility of harm to a substantial public interest is not sufficient. There must be a "quantifiable probability" that a specific harm will occur. Speculation of harm is never sufficient. If harm to a substantial public interest is identified, the Commission must consider whether a reasonable change in the plan would address it.

The Commission may consider reasonable changes to a plan provided the changes do not have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable dwelling units.

Memorandum  
July 14, 2025  
Page Two

3. Cases involving these applications establish that general concerns of more traffic or more pedestrians is not sufficient to deny an application. All cases are fact based but the key element is that there must be actual evidence of harm to a substantial public interest that cannot be rectified by a reasonable modification of the plan.



---

Janis M. Small  
Corporation Counsel

JMS/bjc



**Town of Wallingford**  
**Department of Engineering**  
 45 South Main Street  
 Wallingford, Connecticut 06492  
 Tel: (203) 294-2035; Fax: (203) 284-4012

Alison Kapushinski, P.E.  
 Town Engineer

## MEMO

**TO:** Planning & Zoning Commission

**FROM:** Department of Engineering *Amk*

**RE:** **100 South Cherry Street**  
**PZC Application #210-25 / 8-30g Site Plan**

**DATE:** July 31, 2025

**RECEIVED**

**JUL 31 2025**

**WALLINGFORD**  
**PLANNING & ZONING**

Dear Commissioners:

We are in receipt of the following materials for the referenced application:

- Drawings for South Cherry Commons by Nafis & Young Engineers, Inc. dated June 17, 2025 and last revised July 28, 2025.
- Stormwater Management Plan by Nafis & Young dated July 7, 2025.
- HydroCAD Report

This Department attended two meetings with the Applicant's Engineer where several comments were given on the submitted plans. The following comments remain:

1. Applicant to provide a memo summarizing the additional peak hour trips the proposed development will contribute to the surrounding roadway network.
2. The proposed driveways are shifted from the existing driveway locations. Plans to show replacement of sidewalk within the proposed driveways. Detail for Town standard 8" concrete sidewalk to be included in the plans.
3. Additional radius curb is required. Locations include: near the Ward Street driveway, west side of Building #1 parking, east and west end of parking west of Building #2.
4. The proposed driveway for the parking area is in conflict with a fire hydrant.
5. Do Not Enter signs were requested at the Ward Street driveway to discourage drivers from exiting the site via Ward Street. We are concerned the driveway location is in "no man's land" between the train tracks and the traffic signal stop bar.
6. Door locations to be added to the buildings. It's currently unclear how the grade difference between the proposed buildings and proposed parking areas/driveways is being handled.

July 31, 2025  
PZC #210-25

7. The anti-tracking pads on the Erosion Control Plan are approximately 25' and 30' in length. Minimum length per provided detail is 50'. Plan to be updated to reflect minimum length pad.
8. Stockpile locations to be shown on Erosion Control Plan. Stockpile locations should not be proposed in the same location as infiltration units.
9. Inlet protection locations to be shown and/or noted on Erosion Control Plan.
10. There's a block above the text "we 84s" near the Ward Street driveway. Applicant to confirm if the block is a transformer. If so, coordinate required protection (bollards, offset from pavement, etc.) with Wallingford Electric Division.
11. Deep sumps are missing from the catch basin detail. Deep sumps are defined as sumps that are 4 times the diameter of the connected pipe.
12. Hooded outlet is missing from the catch basin detail.
13. It appears the sanitary manhole detail is missing linework. Please revise.

If you have any questions or require any additional information, please let me know.

210-25-08

RECEIVED

JUL 25 2025

WALLINGFORD  
PLANNING & ZONING

REVISED

100 SOUTH CHERRY STREET  
WALLINGFORD, CONN.

Final Affordability Plan

JULY \_\_, 2025

Submitted by \_\_\_\_\_

## **Introduction**

This Affordability Plan is submitted to the Wallingford Planning and Zoning Commission (the "PZC" or "Commission") in connection with an application for Site Plan approval for the proposed residential rental community comprised of sixty-six (66) rental units in four (4) buildings on property located at 100 Cherry Street in Wallingford, Connecticut (the "Community").

Under this plan, just over thirty percent (30%) of the residential rental units will meet the criteria for "affordable housing" as defined in Connecticut General Statutes ("C.G.S.") § 8-30g. C.G.S. § 8-30g requires that fifteen percent (15%) of the residential rental units be affordable for forty (40) years to families earning eighty percent (80%) or less of the area or State median income, whichever is less, and that fifteen percent (15%) be affordable to families earning sixty percent (60%) or less of the area or State median income, whichever is less. This Affordability Plan ("Plan"), which is proposed as a condition of site plan approval by the PZC, satisfies these requirements and describes how the affordable residential rental units will be administered.

### **I. Units Designated as Housing Opportunity Units.**

Just over thirty percent (30%) of the residential rental units in the Community, or twenty (20) of the sixty-six (66) units, will be designated as affordable housing pursuant to C.G.S. § 8-30g. Specific residential rental units shall not be designated as affordable housing (to be called "Housing Opportunity Units" or "HOU's"), but these HOU's shall be distributed throughout the community. See designation of HOU's in Schedule A attached.

### **II. Forty (40) Year Period.**

The HOU's in the Community shall be designated as affordable housing units for forty (40) years after the initial occupancy date of the first HOU to be occupied, as stated in the lease.

### **III. Pro-Rata Construction and Dispersion.**

The HOU's shall be built and offered for rent on a *pro rata* basis as construction proceeds. It is the intent of this Plan that one (1) HOU will be built and offered for rental within the time that three (3) market-rate units are completed and offered for rental.

### **IV. Nature of Construction of HOU's.**

The HOU's shall be constructed in substantial conformance with the site plans and floor plans approved by the commission for the Community, as may be modified based on the requirements of the Wallingford Building Inspector or other Town staff in signing off on administrative permits or approvals. The minimum standards and specifications applicable to the Community are set forth in Schedule B, attached.



**V. Entity Responsible for Administration and Compliance.**

This Affordability Plan will be administered by \_\_\_\_\_ or its successors and assigns (the "Administrator"). \_\_\_\_\_ hereby represents that its staff has the experience necessary to administer this Plan. The principal point of contact under this Plan shall be \_\_\_\_\_. Contact information for the principal point of contact shall be provided to the Town of Wallingford and the Commission prior to the issuance of a Certificate of Occupancy.

The Administrator, in accordance with C.G.S. § 8-30h, shall submit annually, by January 31, a written status and compliance report to the Wallingford PZC or its designee. The Administrator shall have the authority to commence enforcement action against any tenant who has provided false or misleading information during the application process. The role of Administrator may be transferred or assigned to another entity, provided that such entity has the experience and qualifications to administer this Plan. In the event of any assignment of the role of Administrator, the Administrator, or its successor(s) will provide prior written notice to the PZC.

**VI. Notice of Initial Rental of HOUs.**

Except as provided in Section IX of this Plan, during the initial lease-up of the Community, the Administrator shall provide notice of the availability for rental of each HOU. Such notice shall be provided, at a minimum, by advertising at least two (2) times in a newspaper of general circulation in the Town of Wallingford. The Administrator shall also provide such notice to the PZC and to the Clerk of the Town of Wallingford. Such notice shall include a description of the available HOU(s), the eligibility criteria for potential residents, the maximum rental price (as hereinafter defined), and the availability of application forms and additional information. All such notices shall comply with the federal Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* and the Connecticut Fair Housing Act, C.G.S. §§ 46a-64b *et seq.* (together, the "Fair Housing Acts").

**VII. Resident Eligibility.**

Eligibility of applicants to lease a HOU in the Community shall be determined by the Administrator in accordance with this Plan and C.G.S. § 8-30g as amended.



### **VIII. Affirmative Fair Housing Marketing Plan.**

The rental of both the HOU's and the market-rate units in the Community shall be publicized, using State regulations for affirmative fair housing marketing programs as guidelines. The Developer shall have responsibility for compliance with this section. Notices of initial availability of units shall be provided, at a minimum, by advertising at least two times in a newspaper of general circulation in such identified municipalities. The Administrator shall also provide such notices to the Wallingford PZC and the local housing authority. Such notices shall include a description of the available unit(s), the eligibility criteria for potential tenants, the maximum rental price, and the availability of application forms and additional information.

All notices shall comply with the federal Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* and the Connecticut Fair Housing Act, §§ 46a-64b, 64c of the Connecticut General Statutes (together, the "Fair Housing Acts").

### **IX. Application Process.**

A person seeking to rent one of the HOU's ("Applicant") must complete an application to demonstrate eligibility. The application form and process shall comply with the Fair Housing Acts.

#### *A. Application Form.*

The application form shall be provided by the Administrator and shall include an income certification form. In general, "income" for purposes of determining an Applicant's qualification shall include the Applicant family's total anticipated income from all sources for the twelve (12) month period following the date the lease commences (the "Lease Begin Date"). If the Applicant's financial disclosures indicate that the Applicant may experience a significant change in the Applicant's future income during the twelve (12) month period, the Administrator shall not consider this change unless there is a reasonable assurance that the change will in fact occur.

In determining what is and is not to be included in the definition of annual family income, the Administrator shall use the criteria set forth by HUD and listed on Schedule C, attached.<sup>1</sup>

#### *B. Applicant Interview.*

The Administrator shall interview an Applicant upon submission of a completed application. Specifically, the Administrator shall, during the interview, undertake the following:

---

<sup>1</sup> See 24 C.F.R. § 5.609. Federal regulations are subject to change, and it is the intent of this Affordability Plan to follow HUD regulations with respect to income certification as such regulations may be amended from time to time.

1. Review with the Applicant all the information provided on the application.
2. Explain to the Applicant the requirements for eligibility, verification procedures, and the penalties for supplying false information.
3. Verify that all sources of family income and family assets have been listed in the application. Make clear that the term "family" includes all individuals who are to occupy the home, and that no relationship by blood or marriage is required.
4. Request the Applicant to sign the necessary release forms to be used in verifying income. Inform the Applicant of what verification and documentation must be provided before the application is deemed complete.
5. Inform the Applicant that a decision as to eligibility cannot be made until all items on the application have been verified.

C. *Verification of Applicant's Income.*

Where it is evident from the income certification form provided by the Applicant that the Applicant is not eligible, additional verification procedures shall not be necessary. However, if the Applicant appears to be eligible, the Administrator shall require verification of the Applicant's reported income.

If applicable, the Applicant shall provide the documentation listed on Schedule D, attached hereto, to the Administrator. This list is not exclusive, and the Administrator may require any other verification or documentation as the Administrator deems necessary.

A sample rider to the lease agreement for the HOU's is attached hereto as Schedule E.

**X. Prioritization of Applicants for Initial Rental.**

In the event that the number of qualified Applicants exceeds the number of HOU's, then the Administrator shall compile a waiting list, from which Applicants will be selected on a first-come, first-served basis. For purposes of this section, an application shall be considered received when a completed and signed application form is submitted with the \$50 application fee.

**XI. Maximum Rental Price.**

Calculation of the maximum rental price ("Maximum Rental Price") for a HOU, so as to satisfy C.G.S. §§ 8-30g, shall utilize the lesser of the area median income for the Town of Wallingford or the statewide median income as published by HUD as in effect on the day a lease is signed by the lessee of the HOU's ("Resident"). Such income shall then be adjusted for household size assuming occupancy by 1.5 persons per bedroom and using the adjustment formula adopted by HUD. The Maximum Rental Price shall be calculated as follows:

**ONE BEDROOM RENTAL UNIT FOR  
FAMILY EARNING LESS THAN 80  
PERCENT OF STATEWIDE/AREA  
MEDIAN INCOME**

**SAMPLE  
COMPUTATIONS  
BASED ON FY 2024  
DATA**

- |   |          |
|---|----------|
| 1. Determine lower of relevant year (2024) area median income for Wallingford, CT HMFA (\$92,880) for family size (family of 2), as published by HUD <sup>1</sup>   | \$92,880 |
| 2. Calculate 80 percent of Item 1   | \$74,304 |
| 3. Calculate 30 percent of Item 2, representing maximum portion of a family's income that may be used for housing   | \$22,291 |
| 4. Divide Item 3 by 12 to determine maximum monthly housing expense   | \$1,857  |
| 5. Compare HUD 2024 Fair Market Rents for New Haven- Meriden HMFA (\$1,629) times 120 percent   | \$1,955  |
| 6. Use lesser of calculated maximum monthly expense (Item 4) and HUD fair market rent (Item 5)  | \$1,857  |
| 7. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses) | \$100    |
| 8. Subtract reasonable monthly expenses (Item 6) from maximum housing expense (Item 7) to determine maximum amount available for rent.  | \$1,757  |

---

<sup>1</sup> Pursuant to 2024 data published by HUD, attached hereto.

**TWO BEDROOM RENTAL UNIT  
FOR FAMILY EARNING LESS THAN  
80 PERCENT OF STATEWIDE/AREA  
MEDIAN INCOME**

**SAMPLE  
COMPUTATIONS  
BASED ON FY 2024  
DATA**

1. Determine lower of relevant year (2024) area median income for Wallingford, CT HMFA (\$104,490) for family size (family of 3), as published by HUD <sup>1</sup>	\$104,490
2. Calculate 80 percent of Item 1	\$83,592
3. Calculate 30 percent of Item 2, representing maximum portion of a family's income that may be used for housing	\$25,077
4. Divide Item 3 by 12 to determine maximum monthly housing expense	\$2,089
5. Compare HUD 2024 Fair Market Rents for New Haven- Meriden HMFA (\$1,762) times 120 percent	\$2,114
6. Use lesser of calculated maximum monthly expense (Item 4) and HUD fair market rent (Item 5)	\$2,089
7. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$100
8. Subtract reasonable monthly expenses (Item 6) from maximum housing expense (Item 7) to determine maximum amount available for rent.	\$1,989

---

<sup>1</sup> Pursuant to 2024 data published by HUD, attached hereto.

**ONE BEDROOM RENTAL UNIT FOR  
FAMILY EARNING LESS THAN 60  
PERCENT OF STATEWIDE/AREA  
MEDIAN INCOME**

**SAMPLE  
COMPUTATIONS  
BASED ON FY 2024  
DATA**

9. Determine lower of relevant year (2024) area median income for Wallingford, CT HMFA (\$92,880) for family size (family of 2), as published by HUD <sup>2</sup>	\$92,880
10. Calculate 60 percent of Item 1	\$55,728
11. Calculate 30 percent of Item 2, representing maximum portion of a family's income that may be used for housing	\$16,718
12. Divide Item 3 by 12 to determine maximum monthly housing expense	\$1,393
13. Compare HUD 2024 Fair Market Rents for New Haven- Meriden HMFA (\$1,629) times 120 percent	\$1,955
14. Use lesser of calculated maximum monthly expense (Item 4) and HUD fair market rent (Item 5)	\$1,393
15. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$100
16. Subtract reasonable monthly expenses (Item 6) from maximum housing expense (Item 7) to determine maximum amount available for rent.	\$1,293

---

<sup>2</sup> Pursuant to 2024 data published by HUD, attached hereto.

**TWO BEDROOM RENTAL UNIT  
FOR FAMILY EARNING LESS THAN 60  
PERCENT OF STATEWIDE/AREA  
MEDIAN INCOME**

**SAMPLE  
COMPUTATIONS  
BASED ON FY 2024  
DATA**

9. Determine lower of relevant year (2024) area median income for Wallingford, CT HMFA (\$104,490) for family size (family of 3), as published by HUD <sup>2</sup>	\$104,490
10. Calculate 60 percent of Item 1	\$62,694
11. Calculate 30 percent of Item 2, representing maximum portion of a family's income that may be used for housing	\$18,808
12. Divide Item 3 by 12 to determine maximum monthly housing expense	\$1,567
13. Compare HUD 2024 Fair Market Rents for New Haven- Meriden HMFA (\$1,762) times 120 percent	\$2,114
14. Use lesser of calculated maximum monthly expense (Item 4) and HUD fair market rent (Item 5)	\$1,567
15. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$100
16. Subtract reasonable monthly expenses (Item 6) from maximum housing expense (Item 7) to determine maximum amount available for rent.	\$1,467

---

<sup>2</sup> Pursuant to 2024 data published by HUD, attached hereto.

**XII. Principal Residence.**

HOU's shall be occupied only as a Resident's principal residence. Notwithstanding any zoning, subdivision or other regulation to the contrary, subleasing of HOU's shall be prohibited.

**XIII. Requirement to Maintain Condition.**

All Residents are required to maintain their units. The Resident shall not destroy, damage or impair the unit, allow the unit to deteriorate, or commit waste on the unit. When a HOU is offered again for rental, the Administrator shall cause the unit to be inspected.

**XIV. Change of Income or Qualifying Status of Resident.**

In the event that a Resident's income changes so as to exceed the qualifying maximum, or if the Resident otherwise becomes disqualified, such Resident must provide notice to the Administrator within seven (7) days of the disqualification. When a resident becomes disqualified, the Administrator shall require the Resident to vacate the HOU within sixty (60) days. The Administrator (or owner, if the Administrator is not the owner) in his sole discretion may elect to move the Resident to a market rate apartment unit if the Resident satisfies the Administrator's (or owner's) normal criteria for such unit.

If the tenant and owner agree, the tenant may be allowed to remain in the currently occupied unit at the adjusted rental rate (60% increased to 80%, or 80% increased to FMR). In the case where a current tenant changes from an 80% HOU to FMR, the next available unit of similar size shall be offered as an 80% HOU.

**XV. Enforcement.**

A violation of this Affordability Plan shall not result in a forfeiture of title by the property owner, but the PZC shall otherwise retain all enforcement powers granted by the General Statutes, including § 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect the property and to examine the books and records of the Administrator to determine compliance of HOU's with this Affordability Plan and applicable state statutes and regulations. Such records are confidential and not subject to disclosure under the Freedom of Information Act.



**SCHEDULE A**  
**DESIGNATION OF HOUSING OPPORTUNITY UNITS**

**Total Number of Units:**

Market Rate	46
Housing Opportunity Units**	20
<b>TOTAL</b>	<b>66</b>

\*The residential rental units designated as HOUs shall be evenly dispersed throughout the Community.

\*\*Ten (10) units will be preserved for families earning sixty percent (60%) or less of the area or State median income, whichever is less, and ten (10) units will be preserved for families earning eighty percent (80%) or less of the area or State median income, whichever is less. Five (5) one bed room units and Five (5) two-bedroom units for families earning sixty percent (60%) and Five (5) one bed room units and Five (5) two-bedroom units eighty percent (80%).

**SCHEDULE B**  
**MINIMUM SPECIFICATIONS FOR HOUSING OPPORTUNITY UNITS**

**Foundation**

---

- Footings - poured concrete
- Frost Walls - poured concrete
- Floors - poured concrete

**Exterior**

---

- Framing and Sheathing- per building code
- Exterior Wall - 2 x 6 wood stud framing
- Interior Wall - 2 x 4 wood stud (bearing)
- Asphalt Shingle Roof (30 year)
- Foundation plantings as specified
- Aluminum gutters and leaders
- Exterior weather-proof outlets
- Energy efficient vinyl or fiberglass windows
- Asphalt driveways
- Insulation per code, R-21 wall, R-38 uninterrupted at ceiling

**Interior**

---

- Vinyl plank
- Energy efficient heating system
- High efficiency hot water
- Low-flow fixtures for showerheads, toilets, and faucets
- Wire closet shelving
- Pre-wired telephone and cable
- GFI circuits in wet areas (kitchens and baths)
- Panel doors- molded hardboard

**Kitchens**

---

- Vinyl Plank [flooring material]
- Full overlay cabinets, plywood box
- Electric Range, Microwave/Hood, Refrigerator
- Dishwasher, built-in, insulation blanket
- Laminate countertop
- Stainless Steel sink with single-lever faucet

**Bathrooms**

---

- Medicine Cabinet, recess mount
- Fiberglass tub and wall surround
- Cultured Marble counter with integral sink
- Tile or LVT floor

**SCHEDULE C**  
**DEFINITIONS AND ELEMENTS OF ANNUAL FAMILY INCOME**

1. Annual income shall be calculated with reference to 24 C.F.R. § 5.609, and includes, but is not limited to, the following:
  - a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses and other compensation for personal services;
  - b. The net income from operations of a business or profession, before any capital expenditures but including any allowance for depreciation expense;
  - c. Interest, dividends, and other net income of any kind from real or personal property;
  - d. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic payments;
  - e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay;
  - f. Welfare assistance. If the welfare assistance payments include an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance to be included as income consists of the following:
    - (1) The amount of the allowance or grant exclusive of the amounts designated for shelter or utilities, plus
    - (2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities;
  - g. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with the Applicant (e.g. periodic gifts from family members, churches, or other sponsored group, even if the gifts are designated as rental or other assistance);
  - h. All regular pay, special pay and allowances of a member of the Armed Forces, except combat pay as in 2.h, below;

1. Any assets not earning a verifiable income shall have an imputed interest income using a current average annual savings interest rate.
2. Excluded from the definition of family annual income are items identified in 24 C.F.R. § 5309(c), including the following:
  - a. Income from employment of children (including foster children) under the age of 18;
  - b. Payments received for the care of foster children or foster adults;
  - c. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;
  - d. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
  - e. The full amount of scholarships paid directly to the student or to the educational institution (subject to 24 C.F.R. § 5.609(b)(9)).
  - f. Amounts received under training programs funded by HUD;
  - g. Income of a live-in aide, as defined in 24 C.F.R. § 5.403;
  - h. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
  1. Temporary, nonrecurring or sporadic income (including gifts that are not regular or periodic);
  - J. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
  - k. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
  - l. Adoption assistance payments in excess of \$480 per adopted child;
  - m. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts;
  - n. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

- o. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; and
  - p. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits.
3. Net family assets for purposes of imputing annual income include the following:
  - a. Cash held in savings and checking accounts, safety deposit boxes, etc.;
  - b. The current market value of a trust for which any household member has an interest;
  - c. The current market value, less any outstanding loan balances of any rental property or other capital investment;
  - d. The current market value of all stocks, bonds, treasury bills, certificates of deposit and money market funds;
  - e. The current value of any individual retirement, 401K or Keogh account;
  - f. The cash value of a retirement or pension fund which the family member can withdraw without terminating employment or retiring;
  - g. Any lump-sum receipts not otherwise included in income (*i.e., inheritances, capital gains, one-time lottery winnings, and settlement on insurance claims*);
  - h. The current market value of any personal property held for investment (*i.e., gems, jewelry, coin collections*); and
  - i. Assets disposed of within two (2) years before the Application Date, but only to the extent consideration received was less than the fair market value of the asset at the time it was sold.
4. Net family assets do not include the following:
  - a. Necessary personal property (clothing, furniture, cars, etc.);
  - b. Vehicles equipped for handicapped individuals;
  - c. Life insurance policies;
  - d. Assets which are part of an active business, not including rental properties; and
  - e. Assets that are not accessible to the Applicant and provide no income to the Applicant.

## SCHEDULE D

### DOCUMENTATION OF INCOME

The following documents shall be provided, where applicable, to the Administrator to determine income eligibility:

1. Employment Income.

Verification forms must request the employer to specify the frequency of pay, the effective date of the last pay increase, and the probability and effective date of any increase during the next twelve (12) months. Acceptable forms of verification (of which at least one must be included in the Applicant file) include:

- (a) An employment verification form completed by the employer.
- (b) Check stubs or earnings statement showing Applicant's gross pay per pay period and frequency of pay.
- (c) W-2 forms if the Applicant has had the same job for at least two years and pay increases can be accurately projected.
- (d) Notarized statements, affidavits or income tax returns signed by the Applicant describing self-employment and amount of income, or income from tips and other gratuities.

2. Social Security, Pensions, Supplementary Security Income, Disability Income.

- (a) Benefit verification form completed by agency providing the benefits.
- (b) Award or benefit notification letters prepared and signed by the authorizing agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letter cannot be obtained.)
- (c) If a local Social Security Administration ("SSA") office refuses to provide written verification, the Administrator should meet with the SSA office supervisor. If the supervisor refuses to complete the verification forms in a timely manner, the Administrator may accept a check or automatic deposit slip as interim verification of Social Security or SSI benefits as long as any Medicare or state health insurance withholdings are included in the annual income.

3. Unemployment Compensation.

- (a) Verification form completed by the unemployment compensation agency.



- (b) Records from unemployment office stating payment dates and amounts.

4. Government Assistance.

- (a) All Government Assistance Programs. Agency's written statements as to type and amount of government assistance the Applicant is now receiving, including but not limited to assistance under the federal Section 8 program, and any changes in such assistance expected during the next twelve (12) months.
- (b) Additional Information for "As-paid" Programs: Agency's written schedule or statement that describes how the "as-paid" system works, the maximum amount the Applicant may receive for shelter and utilities and, if applicable, any factors used to ratably reduce the Applicant's grant.

5. Alimony or Child Support Payments.

- (a) Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
- (b) A letter from the person paying the support.
- (c) Copy of latest check. The date, amount, and number of the check must be documented.
- (d) Applicant's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.

6. Net Income from a Business.

The following documents show income for the prior years. The Administrator must consult with Applicant and use this data to estimate income for the next twelve (12) months.

- (a) IRS Tax Return, Form 1040, including any:  
Schedule C (Small Business)  
Schedule E (Rental Property Income) Schedule  
F (Farm Income)
- (b) An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.)
- (c) Audited or unaudited financial statement(s) of the business.

- (d) A copy of a recent loan application listing income derived from the business during the previous twelve (12) months.
- (e) Applicant's notarized statement or affidavit as to net income realized from the business during previous years.

7. Recurring Gifts.

- (a) Notarized statement or affidavit signed by the person providing the assistance. Must give the purpose, dates and value of gifts.
- (b) Applicant's notarized statement or affidavit that provides the information above.

8. Scholarships, Grants, and Veterans Administration Benefits for Education.

- (a) Benefactor's written confirmation of amount of assistance, and educational institution's written confirmation of expected cost of the student's tuition, fees, books and equipment for the next twelve (12) months. To the extent the amount of assistance received is less than or equal to actual educational costs, the assistance payments will be excluded from the Applicant's gross income. Any excess will be included in income.
- (b) Copies of latest benefit checks, if benefits are paid directly to student. Copies of canceled check or receipts for tuition, fees, books, and equipment, if such income and expenses are not expected to change for the next twelve (12) months.
- (c) Lease and receipts or bills for rent and utility costs paid by students living away from home.

9. Family Assets Currently Held.

For non-liquid assets, collect enough information to determine the current cash value (i.e., the net amount the Applicant would receive if the asset were converted to cash).

- (a) Verification forms, letters, or documents from a financial institution, broker, etc.
- (b) Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
- (c) Quotes from a stock broker or realty agent as to net amount Applicant would receive if Applicant liquidated securities or real estate.
- (d) Real estate tax statements if tax authority uses approximate market value.
- (e) Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the borrower.

- (f) Appraisals of personal property held as an investment.
  - (g) Applicant's notarized statements or signed affidavits describing assets or verifying the amount of cash held at the Applicant's home or in safe deposit boxes.
10. Assets Disposed of for Less Than Fair Market Value ("FMV") For Two Years Preceding Lease Begin Date.
- (a) Applicant's certification as to whether it has disposed of assets for less than FMV during the two (2) years preceding the Lease Begin Date.
  - (b) If the Applicant states that it did dispose of assets for less than FMV, then a written statement by the Applicant must include the following:
    - (i) A list of all assets disposed of for less than FMV;
    - (ii) The date Applicant disposed of the assets;
    - (iii) The amount the Applicant received; and
    - (iv) The market value to the asset(s) at the time of disposition.
11. Savings Account Interest Income and Dividends.
- (a) Account statements, passbooks, certificates of deposit, etc., if they show enough information and are signed by the financial institution.
  - (b) Broker's quarterly statements showing value of stocks or bonds and the earnings credited the Applicant.
  - (c) If an IRS Form 1099 is accepted from the financial institution for prior year earnings, the Administrator must adjust the information to project earnings expected for the next twelve (12) months.
12. Rental Income from Property Owned by Applicant.
- The following, adjusted for changes expected during the next twelve (12) months, may be used:
- (a) IRS Form 1040 with Schedule E (Rental Income).
  - (b) Copies of latest rent checks, leases, or utility bills.
  - (c) Documentation of Applicant's income and expenses in renting the property (tax statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or amortization schedule showing monthly interest expense).

- (d) Lessee's written statement identifying monthly payments due the Applicant and Applicant's affidavit as to net income realized.

13. Full-Time Student Status.

- (a) Written verification from the registrar's office or appropriate school official.
- (b) School records indicating enrollment for sufficient number of credits to be considered a full-time student by the school.

**SCHEDULE E**  
**SAMPLE LEASE RIDER FOR HOUs**

**2023 RIDER TO THE LEASE AGREEMENT FOR**  
**AFFORDABLE INCOME APARTMENTS (80%)\***

**1. TERM AND PROVISIONS**

The annexed Lease Agreement for an affordable residential rental unit is for a term of at least (1) year.

This unit is being rented as an "affordable housing unit" as defined by Section 8-30g of the Connecticut General Statutes, and is to be rented at or below the lesser of 80 percent of the area median income for Wallingford or 80 percent of the State Median Income as determined by the U.S. Department of Housing and Urban Development ("HUD"). (Rates are determined on an annual basis.) This development has been approved by the Wallingford Planning and Zoning Commission based in part on the condition that a defined percentage of residential rental units will be rented as affordable housing apartment homes. The Landlord is required by law to strictly enforce these restrictions.

**2. INCOME LIMITS**

Prior to the commencement of the lease term, resident must provide Landlord with a copy of his or her most recently filed Federal Income Tax Return (Form 1040 or 1040A) or any other proof requested or allowed by law for the purpose of verifying income. Resident must certify that such proof is true and accurate and that the total annual income of all the members of Resident's family who will occupy the unit subject to this lease does not exceed the amount set forth below which applies to the number of persons in Resident's family who will be residing in the subject unit:

FAMILY SIZE:

1	2	3	4
\$ _____	\$ _____	\$ _____	\$ _____

**3. MAXIMUM RENTS**

Notwithstanding anything in the Lease Agreement to the contrary, the total rent for the affordable housing residential rental units shall not exceed the amounts set forth below:

\_\_\_\_\_

\* A similar Rider will be used for the 60% affordable income units.

	MAXIMUM RENT	ACTUAL RENT (Less a Utility Allowance)
1 bedroom:		
Annual	\$.....	
Monthly	\$.....	\$.....

#### 4. UTILITY ALLOWANCE

The monthly rent for an affordable rental unit includes a monthly allowance for utilities, which are heat, hot water, electricity, trash but excluding telephone and cable television. Heat and utility costs are calculated by a reasonable estimate.

#### 5. CERTIFICATION OF INCOME

Prospective residents will be required to fill out an application form containing detailed instructions for calculating their family income and allowing the Administrator to verify the information. Applicants will be required to sign a verification of their review and understanding of the income maximums, the penalties for false information, and the applicable procedures in the event that their income increases at some future time above the allowable maximum. Applicants will also be required to provide appropriate documentation to verify their income. Incomes of resident(s) in each affordable unit will be re-verified annually at the time of the lease renewal.

This Agreement shall terminate, and the Resident may be evicted for failure to qualify, if the Resident has falsely certified family income or family composition. Such false certification constitutes material noncompliance under the Lease Agreement. Resident is obligated to provide such subsequent re-certification of income as the Landlord shall require.

The Town of Wallingford will be entitled to inspect the income statements of the residents of the affordable units upon which the Administrator bases the certification.

#### 6. CHANGE OF INCOME

In the event that an affordable unit resident's income changes so as to exceed the qualifying maximum or if the resident otherwise becomes disqualified, such resident must provide notice to the Landlord's representative within seven (7) days of the disqualification. Upon being disqualified, such resident, following the procedures set forth below, shall have the option to vacate the unit within ninety (90) days or to remain in the unit and sign a market rate lease and pay market rate for the unit.

#### 7. LANDLORD'S RIGHT TO INCREASE RENT

In the event that the Resident's residence is no longer being subsidized under Section 8 of the United States Housing Act of 1937, the Landlord's right to increase the monthly rent shall be

conditioned upon the Landlord's furnishing Resident with a notice at least sixty (60) days prior to such increase.

**8. LANDLORD'S RIGHT TO REASSIGN PREMISES**

Whereas the monthly rent for this unit is calculated on the basis of the number of bedrooms in the unit, Resident may, during the term of the Lease, be reassigned to different premises if an increase or decrease in the number of Resident's family members residing in the unit warrants such a change under applicable statutes and regulations. In the event of such reassignment, Resident's monthly rent shall be based upon the size of the unit occupied for the remaining Lease term.

**9. NO SUBLETTING OR ASSIGNMENT**

Subletting of affordable units shall be prohibited. In addition, the affordable unit shall be occupied only as the resident's principal residence.

**10. RESTRICTIONS ON USE**

No portion of the unit may at any time during the term of this Agreement be used on a transient basis, for example, as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, hospital, nursing home, sanitarium, or rest home.

**11. ACCESS TO COMMON FACILITIES**

Residents shall be given equal access with all other Residents, at an equal charge if any, to all on-site and all off-site common facilities of the Community. The Landlord shall ensure that handicapped or disabled individuals are afforded equal access to all facilities of the Community.

**12. INTERPRETATION**

Unless otherwise indicated, the terms used herein shall have the same meaning ascribed to them in the main body of this Lease Agreement. This rider shall control any conflict between terms herein and the Lease Agreement.

**13. PROCEDURES FOR INITIAL DESIGNATION AND LEASING OF AFFORDABLE UNITS**

Attached to this Lease Agreement is the developer's initial designation of the units that shall be rented as affordable units. These units shall remain vacant until a qualified family is found.



In the event that the development is fully leased, and the development contains the minimum number of affordable units containing income-qualified families, if one of the families occupying these units vacates voluntarily or otherwise, this unit will be kept vacant until another qualified family is found.

**IN WITNESS WHEREOF**, the parties hereto have executed this Rider to the Lease

Agreement on the \_\_\_\_\_ day of \_\_\_\_\_ Year \_\_\_\_\_

RESIDENT

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE MANAGEMENT REPRESENTATIVE

<b>Towns by HMFA</b>	
Bridgeport, CT HMFA	<b>Fairfield County towns of:</b> Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull
Colchester-Lebanon, CT HMFA	<b>New London County towns of:</b> Colchester, Lebanon
Danbury, CT HMFA	<b>Fairfield County towns of:</b> Bethel, Brookfield, Danbury, New Fairfield, Newtown, Redding, Ridgefield, Sherman
Hartford-West Hartford-East Hartford, CT	<b>Hartford County towns of:</b> Avon, Berlin, Bloomfield, Bristol, Burlington, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Marlborough, New Britain, Newington, Plainville, Rocky Hill, Simsbury, Southington, South Windsor, Suffield, West Hartford, Wethersfield, Windsor, Windsor Locks <b>Middlesex County towns of:</b> Chester, Cromwell, Durham, East Haddam, East Hampton, Haddam, Middlefield, Middletown, Portland <b>Tolland County towns of:</b> Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Tolland, Union, Vernon, Willington
Litchfield County, CT	<b>Litchfield County towns of:</b> Barkhamsted, Bethlehem, Bridgewater, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Kent, Litchfield, Morris, New Hartford, New Milford, Norfolk, North Canaan, Plymouth, Roxbury, Salisbury, Sharon, Thomaston, Torrington, Warren, Washington, Watertown, Winchester, Woodbury
Milford-Ansonia-Seymour, CT HMFA	<b>New Haven County towns of:</b> Ansonia, Beacon Falls, Derby, Milford, Oxford, Seymour
New Haven-Meriden, CT HMFA	<b>New Haven County towns of:</b> Bethany, Branford, Cheshire, East Haven, Guilford, Hamden, Madison, Meriden, New Haven, North Branford, North Haven, Orange, Wallingford, West Haven, Woodbridge
Norwich-New London, CT HMFA	<b>New London County towns of:</b> Bozrah, East Lyme, Franklin, Griswold, Groton, Ledyard, Lisbon, Lyme, Montville, New London, North Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Voluntown, Waterford
Southern Middlesex County, CT HMFA	<b>Middlesex County towns of:</b> Clinton, Deep River, Essex, Killingworth, Old Saybrook, Westbrook
Stamford-Norwalk, CT HMFA	<b>Fairfield County towns of:</b> Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, Westport, Wilton
Waterbury, CT HMFA	<b>New Haven County towns of:</b> Middlebury, Naugatuck, Prospect, Southbury, Waterbury, Wolcott
Windham County, CT HMFA	<b>Windham County towns of:</b> Ashford, Brooklyn, Canterbury, Chaplin, Eastford, Hampton, Killingly, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, Windham, Woodstock

Click here for the 2024 Income Limits for CHFA's LIHTC and HTCC Programs

PMSA/MSA Area			Limit	Applicable Programs	Household Size							
Bridgeport-Stamford-Norwalk MSA		1			2	3	4	5	6	7	8	
Bridgeport - HMFA												
30% of AMI	CDBG, HOME	24,650	28,150	31,650	35,150	38,000	40,800	43,600	46,400			
Extremely Low	NHTF, Section 8, S811 PRA	24,650	28,150	31,650	35,150	38,000	41,960	47,340	52,720			
50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	41,000	46,850	52,700	58,550	63,250	67,950	72,650	77,300			
60% of AMI	CDBG, HOME	49,200	56,220	63,240	70,260	75,900	81,540	87,180	92,760			
80% of AMI (Low)	CDBG, HOME, Section 8	65,600	75,000	84,350	93,700	101,200	108,700	116,200	123,700			
80% of AMI	Non-governmentally assisted	65,576	74,944	84,312	93,680	101,174	108,669	116,163	123,658			
100% of AMI	FLEX	81,970	93,680	105,390	117,100	126,468	135,836	145,204	154,572			
110% of AMI	ECL	90,167	103,048	115,929	128,810	139,115	149,420	159,724	170,029			
120% of AMI	(State) HTF	98,364	112,416	126,468	140,520	151,762	163,003	174,245	185,486			
Danbury - HMFA												
30% of AMI	CDBG, HOME	31,050	35,450	39,900	44,300	47,850	51,400	54,950	58,500			
Extremely Low	NHTF, Section 8, S811 PRA	31,050	35,450	39,900	44,300	47,850	51,400	54,950	58,500			
50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	51,700	59,100	66,500	73,850	79,800	85,700	91,600	97,500			
60% of AMI	CDBG, HOME	62,040	70,920	79,800	88,620	95,760	102,840	109,920	117,000			
80% of AMI (Low)	CDBG, HOME, Section 8	72,550	82,900	93,250	103,600	111,900	120,200	128,500	136,800			
80% of AMI	Non-governmentally assisted	82,712	94,528	106,344	118,160	127,613	137,066	146,518	155,971			
100% of AMI	FLEX	103,390	118,160	132,930	147,700	159,516	171,332	183,148	194,964			
110% of AMI	ECL	113,729	129,976	146,223	162,470	175,468	188,465	201,463	214,460			
120% of AMI	(State) HTF	124,068	141,792	159,516	177,240	191,419	205,598	219,778	233,957			
Stamford-Norwalk - HMFA												
30% of AMI	CDBG, HOME	37,950	43,350	48,750	54,150	58,500	62,850	67,150	71,500			
Extremely Low	NHTF, Section 8, S811 PRA	37,950	43,350	48,750	54,150	58,500	62,850	67,150	71,500			
50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	63,200	72,200	81,250	90,250	97,500	104,700	111,950	119,150			
60% of AMI	CDBG, HOME	75,840	86,640	97,500	108,300	117,000	125,640	134,340	142,980			
80% of AMI (Low)	CDBG, HOME, Section 8	83,300	95,200	107,050	118,950	128,500	138,000	147,500	157,050			
80% of AMI	Non-governmentally assisted	101,080	115,520	129,960	144,400	155,952	167,504	179,056	190,608			
100% of AMI	FLEX	126,350	144,400	162,450	180,500	194,940	209,380	223,820	238,260			
110% of AMI	ECL	138,985	158,840	178,695	198,550	214,434	230,318	246,202	262,086			
120% of AMI	(State) HTF	151,620	173,280	194,940	216,600	233,928	251,256	268,584	285,912			
Hartford-West Hartford-East Hartford MSA												
Hartford - West/East Hartford - HMFA												
30% of AMI	CDBG, HOME	25,600	29,250	32,900	36,550	39,500	42,400	45,350	48,250			
Extremely Low	NHTF, Section 8, S811 PRA	25,600	29,250	32,900	36,550	39,500	42,400	45,350	48,250			
50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	42,650	48,750	54,850	60,900	65,800	70,650	75,550	80,400			
60% of AMI	CDBG, HOME	51,180	58,500	65,820	73,080	78,960	84,780	90,660	96,480			
80% of AMI (Low)	CDBG, HOME, Section 8	68,250	78,000	87,750	97,450	105,250	113,050	120,850	128,650			
80% of AMI	Non-governmentally assisted	68,208	77,952	87,696	97,440	105,235	113,030	120,826	128,621			
100% of AMI	FLEX	85,260	97,440	109,620	121,800	131,544	141,288	151,032	160,776			
110% of AMI	ECL	93,786	107,184	120,582	133,980	144,698	155,417	166,135	176,854			
120% of AMI	(State) HTF	102,312	116,928	131,544	146,160	157,853	169,546	181,238	192,931			
30% of AMI	CDBG, HOME	30,550	34,900	39,250	43,600	47,100	50,600	54,100	57,600			
Southern Middlesex County - HMFA												



## DOH Development Program Income Limits based on HUD Area Median Incomes (AMI)

### 2024 Income Limits

[Click here for the 2024 Income Limits for CHFA's LIHTC and HTCC Programs](#)

See "Programs" tab for effective dates.

See "Towns by HMFA" tab for a listing of towns under each HUD Metro FMR Area

PMS/MSA Area	Limit	Applicable Programs	Household Size							
			1	2	3	4	5	6	7	8
<b>New Haven-Milford MSA</b> Milford-Ansonia-Seymour - HMFA	Extremely Low	NHTF, Section 8, S811 PRA	30,550	34,900	39,250	43,600	47,100	50,600	54,100	57,600
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	50,900	58,150	65,450	72,700	78,500	84,350	90,150	96,000
	60% of AMI	CDBG, HOME	61,080	69,780	78,540	87,240	94,200	101,220	108,180	115,200
	80% of AMI (Low)	CDBG, HOME, Section 8	68,500	78,250	88,050	97,800	105,650	113,450	121,300	129,100
	80% of AMI	Non-governmentally assisted	83,384	95,296	107,208	119,120	128,650	138,179	147,709	157,238
	100% of AMI	FLEX	104,230	119,120	134,010	148,900	160,812	172,724	184,636	196,548
	110% of AMI	ECL	114,653	131,032	147,411	163,790	176,893	189,996	203,100	216,203
	120% of AMI	(State) HTF	125,076	142,944	160,812	178,680	192,974	207,269	221,563	235,858
	30% of AMI	CDBG, HOME	27,400	31,300	35,200	39,100	42,250	45,400	48,500	51,650
	Extremely Low	NHTF, Section 8, S811 PRA	27,400	31,300	35,200	39,100	42,250	45,400	48,500	51,650
<b>New Haven-Meriden - HMFA</b>	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	45,650	52,150	58,650	65,150	70,400	75,600	80,800	86,000
	60% of AMI	CDBG, HOME	54,780	62,580	70,380	78,180	84,480	90,720	96,960	103,200
	80% of AMI (Low)	CDBG, HOME, Section 8	68,500	78,250	88,050	97,800	105,650	113,450	121,300	129,100
	80% of AMI	Non-governmentally assisted	72,968	83,392	93,816	104,240	112,579	120,918	129,258	137,597
	100% of AMI	FLEX	91,210	104,240	117,270	130,300	140,724	151,148	161,572	171,996
	110% of AMI	ECL	100,331	114,664	128,997	143,330	154,796	166,263	177,729	189,196
	120% of AMI	(State) HTF	109,452	125,088	140,724	156,360	168,869	181,378	193,886	206,395
	30% of AMI	CDBG, HOME	24,400	27,900	31,400	34,850	37,650	40,450	43,250	46,050
	Extremely Low	NHTF, Section 8, S811 PRA	24,400	27,900	31,400	34,850	37,650	40,450	43,250	46,050
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	40,650	46,450	52,250	58,050	62,700	67,350	72,000	76,650
<b>Waterbury - HMFA</b>	60% of AMI	CDBG, HOME	48,780	55,740	62,700	69,660	75,240	80,820	86,400	91,980
	80% of AMI (Low)	CDBG, HOME, Section 8	65,050	74,350	83,650	92,900	100,350	107,800	115,200	122,650
	80% of AMI	Non-governmentally assisted	65,016	74,304	83,592	92,880	100,310	107,741	115,171	122,602
	100% of AMI	FLEX	81,270	92,880	104,490	116,100	125,388	134,676	143,964	153,252
	110% of AMI	ECL	89,397	102,168	114,939	127,710	137,927	148,144	158,360	168,577
	120% of AMI	(State) HTF	97,524	111,456	125,388	139,320	150,466	161,611	172,757	183,902
	30% of AMI	CDBG, HOME	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	Extremely Low	NHTF, Section 8, S811 PRA	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	40,000	45,700	51,400	57,100	61,700	66,250	70,850	75,400
	60% of AMI	CDBG, HOME	48,000	54,840	61,680	68,520	74,040	79,500	85,020	90,480

# DOH Development Program Income Limits based on HUD Area Median Incomes (AMI)

## 2024 Income Limits

[Click here for the 2024 Income Limits for CHFA's LIHTC and HTCC Programs](#)

See "Programs" tab for effective dates.

See "Towns by HMFA" tab for a listing of towns under each HUD Metro FMR Area

PMSA/MSA Area	Limit	Applicable Programs	Household Size							
			1	2	3	4	5	6	7	8
<b>Norwich-New London MSA</b> Norwich-New London - HMFA	110% of AMI	ECL	70,532	80,608	90,684	100,760	108,821	116,882	124,942	133,003
	120% of AMI	(State) HTF	76,944	87,936	98,928	109,920	118,714	127,507	136,301	145,094
	30% of AMI	CDBG, HOME	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	Extremely Low	NHTF, Section 8, S811 PRA	24,000	27,400	30,850	34,250	37,000	41,960	47,340	52,720
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	40,000	45,700	51,400	57,100	61,700	66,250	70,850	75,400
	60% of AMI	CDBG, HOME	48,000	54,840	61,680	68,520	74,040	79,500	85,020	90,480
	80% of AMI (Low)	CDBG, HOME, Section 8	63,950	73,100	82,250	91,350	98,700	106,000	113,300	120,600
	80% of AMI	Non-governmentally assisted	59,920	68,480	77,040	85,600	92,448	99,296	106,144	112,992
	100% of AMI	FLEX	74,900	85,600	96,300	107,000	115,560	124,120	132,680	141,240
	110% of AMI	ECL	82,390	94,160	105,930	117,700	127,116	136,532	145,948	155,364
	120% of AMI	(State) HTF	89,880	102,720	115,560	128,400	138,672	148,944	159,216	169,488
	30% of AMI	CDBG, HOME	31,200	35,650	40,100	44,550	48,150	51,700	55,250	58,850
<b>Colchester-Lebanon - HMFA</b>	Extremely Low	NHTF, Section 8, S811 PRA	31,200	35,650	40,100	44,550	48,150	51,700	55,250	58,850
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	52,000	59,400	66,850	74,250	80,200	86,150	92,100	98,050
	60% of AMI	CDBG, HOME	62,400	71,280	80,220	89,100	96,240	103,380	110,520	117,660
	80% of AMI (Low)	CDBG, HOME, Section 8	68,500	78,250	88,050	97,800	105,650	113,450	121,300	129,100
	80% of AMI	Non-governmentally assisted	83,160	95,040	106,920	118,800	128,304	137,808	147,312	156,816
	100% of AMI	FLEX	103,950	118,800	133,650	148,500	160,380	172,260	184,140	196,020
	110% of AMI	ECL	114,345	130,680	147,015	163,350	176,418	189,486	202,554	215,622
	120% of AMI	(State) HTF	124,740	142,560	160,380	178,200	192,456	206,712	220,968	235,224
	30% of AMI	CDBG, HOME	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	Extremely Low	NHTF, Section 8, S811 PRA	24,000	27,400	30,850	34,250	37,000	41,960	47,340	52,720
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	40,000	45,700	51,400	57,100	61,700	66,250	70,850	75,400
	60% of AMI	CDBG, HOME	48,000	54,840	61,680	68,520	74,040	79,500	85,020	90,480
<b>Worcester, MA-CI</b> Windham County - HMFA	80% of AMI (Low)	CDBG, HOME, Section 8	63,950	73,100	82,250	91,350	98,700	106,000	113,300	120,600
	80% of AMI	Non-governmentally assisted	50,568	57,792	65,016	72,240	78,019	83,798	89,578	95,357
	100% of AMI	FLEX	63,210	72,240	81,270	90,300	97,524	104,748	111,972	119,196
	110% of AMI	ECL	69,531	79,464	89,397	99,330	107,276	115,223	123,169	131,116
	120% of AMI	(State) HTF	75,852	86,688	97,524	108,360	117,029	125,698	134,366	143,035
	30% of AMI	CDBG, HOME	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	Extremely Low	NHTF, Section 8, S811 PRA	24,000	27,400	30,850	34,250	37,000	41,960	47,340	52,720
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	40,000	45,700	51,400	57,100	61,700	66,250	70,850	75,400
	60% of AMI	CDBG, HOME	48,000	54,840	61,680	68,520	74,040	79,500	85,020	90,480
	80% of AMI (Low)	CDBG, HOME, Section 8	63,950	73,100	82,250	91,350	98,700	106,000	113,300	120,600
	80% of AMI	Non-governmentally assisted	50,568	57,792	65,016	72,240	78,019	83,798	89,578	95,357
	100% of AMI	FLEX	63,210	72,240	81,270	90,300	97,524	104,748	111,972	119,196
<b>County</b> Litchfield County	110% of AMI	ECL	69,531	79,464	89,397	99,330	107,276	115,223	123,169	131,116
	120% of AMI	(State) HTF	75,852	86,688	97,524	108,360	117,029	125,698	134,366	143,035
	30% of AMI	CDBG, HOME	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	Extremely Low	NHTF, Section 8, S811 PRA	24,000	27,400	30,850	34,250	37,000	41,960	47,340	52,720
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	40,000	45,700	51,400	57,100	61,700	66,250	70,850	75,400
	60% of AMI	CDBG, HOME	48,000	54,840	61,680	68,520	74,040	79,500	85,020	90,480
	80% of AMI (Low)	CDBG, HOME, Section 8	63,950	73,100	82,250	91,350	98,700	106,000	113,300	120,600
	80% of AMI	Non-governmentally assisted	63,952	73,088	82,224	91,360	98,669	105,978	113,286	120,595
	100% of AMI	FLEX	79,940	91,360	102,780	114,200	123,336	132,472	141,608	150,744
	30% of AMI	CDBG, HOME	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	Extremely Low	NHTF, Section 8, S811 PRA	24,000	27,400	30,850	34,250	37,000	41,960	47,340	52,720
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	40,000	45,700	51,400	57,100	61,700	66,250	70,850	75,400
	60% of AMI	CDBG, HOME	48,000	54,840	61,680	68,520	74,040	79,500	85,020	90,480

# DOH Development Program Income Limits based on HUD Area Median Incomes (AMI)

## 2024 Income Limits

Click here for the 2024 Income Limits for CHFA's LIHTC and HTCC Programs  
 See "Programs" tab for effective dates.  
 See "Towns by HMFA" tab for a listing of towns under each HUD Metro FMR Area

PMSA/MSA Area	Limit	Applicable Programs	Household Size							
			1	2	3	4	5	6	7	8
	110% of AMI	ECL	87,934	100,496	113,058	125,620	135,670	145,719	155,769	165,818
	120% of AMI	(State) HTF	95,928	109,632	123,336	137,040	148,003	158,966	169,930	180,893



210-25-09

**Cherie Murchison**

---

**From:** Alison Kapushinski  
**Sent:** Monday, August 4, 2025 2:49 PM  
**To:** Kevin Pagini  
**Cc:** Cherie Murchison  
**Subject:** RE: 210-25 100 South Cherry

RECEIVED  
AUG 04 2025  
WALLINGFORD  
PLANNING & ZONING

Kevin,

Thank you for sending the Engineering Report for 100 South Cherry by Nafis & Young Engineers, Inc. dated July 2025. Receiving this document addressed #1 of my comments dated 7/31/25.

Thank you,

Alison Kapushinski, P.E.  
(203)294-2035

**From:** Alison Kapushinski  
**Sent:** Thursday, July 31, 2025 2:55 PM  
**To:** Kevin Pagini <kevin.pagini@wallingfordct.gov>  
**Cc:** Cherie Murchison <cmurchison@wallingfordct.gov>  
**Subject:** 210-25 100 South Cherry

Hi Kevin,

I didn't see the traffic memo you mentioned for 100 South Cherry, so I included that as a comment. Since I'm out tomorrow, I wanted to get you my comment letter. Along with the PDF is the word doc for the applicant to use for their response to comments.

I'm back in on Monday if you have any questions or would like to discuss further.

Thanks!

Alison Kapushinski, P.E.  
Town Engineer  
Town of Wallingford  
(203)294-2035



210-25-10



Outlook

---

**Fw: 100 South Cherry St**

---

**From** Janis Small <jsmall@wallingfordct.gov>  
**Date** Tue 8/5/2025 3:12 PM  
**To** Kevin Pagini <kevin.pagini@wallingfordct.gov>

 1 attachment (1 MB)  
#210-25-Revised Affordability Plan.pdf;

Shouldn't there be a reference to a deed restriction?  
The Administrator section is blank.  
Shouldn't there be advertisements beyond newspapers? No one reads them.  
I don't think an affordable housing wait list should charge \$50. Does the Housing Authority charge to be on a waitlist?  
The pages are not numbered properly.  
I assume you've checked this over and the criteria is satisfactory.  
Janis

Janis M. Small  
Corporation Counsel  
Town of Wallingford  
Law Department  
45 South Main Street  
Wallingford CT 06492  
(203)294-2140  
jsmall@wallingfordct.gov

---

**From:** Cherie Murchison <cmurchison@wallingfordct.gov>  
**Sent:** Monday, July 28, 2025 11:56 AM  
**To:** Janis Small <jsmall@wallingfordct.gov>; lawdept <lawdept@wallingfordct.gov>  
**Subject:** 100 South Cherry St

Plea see attached revised affordability plan.

Thank you  
Cherie Murchison  
Planning and Zoning

210-25-11



**NAFIS & YOUNG**

Civil/Environmental Engineering & Surveying

*Allan S. Young, P.E.  
James H. Galligan, P.E.  
David L. Nafis, P.E., L.S.  
Lawrence K. Secor, CHMM*

**ENGINEERING REPORT**

June 9, 2025

RE: Traffic Generation  
South Cherry Commons  
100 South Cherry Street  
Wallingford, Connecticut

**RECEIVED**

**AUG 05 2025**

**WALLINGFORD  
PLANNING & ZONING**

The following traffic volumes are empirical data from the manual "Institute of Transportation Engineers Trip Generation". The data is based on studies of Residential Condominium/Townhouse.

Based on 66 units,

The peak one-hour for weekdays between 7am – 9am is 38 vehicle trip ends. Each unit generates 0.15-1.61 trips or an average of 0.44 with 17% entering, 83% exiting

The peak one-hour for weekdays between 4pm – 6pm is 36 vehicle trip ends. Each unit generates 0.18-1.24 trips or an average of 0.54 with 67% entering, 33% exiting.

The average, weekday, daily total is 375 trip ends. Each unit generates 1.83-11.79 trips or an average of 5.68 with 50% entering, 50% exiting.

If you have any questions, please feel free to contact me.

Respectfully submitted,

David L. Nafis, P.E., L.S.  
Nafis & Young Engineers

\\NAFIS-PTAGH67\FJ\proj-24\WALLINGFORD\SOUTH CHERRY'S TRAFFIC VOLUMES\04-14-Nafis-Report-2025-06-09.docx



# NAFIS & YOUNG ENGINEERS, INC

CIVIL / ENVIRONMENTAL  
ENGINEERING & SURVEYING

210-25-12

100 South Cherry St, Wallingford, CT  
PZC Application #210-25 / 8-30g Site Plan  
Response to comments dated July 31, 2025

RECEIVED

AUG 05 2025

WALLINGFORD  
PLANNING & ZONING

1. Applicant to provide a memo summarizing the additional peak hour trips the proposed development will contribute to the surrounding roadway network.
  - a. Memo with this information included in this submission
2. The proposed driveways are shifted from the existing driveway locations. Plans to show replacement of sidewalk within the proposed driveways. Detail for town standard 8" concrete sidewalk to be included in plans.
  - a. Town standards detail for 8" sidewalk added to details page
  - b. Callout stating "Replace sidewalk at drive with 8" thick concrete per town standard detail" has been added to the site plan
3. Additional radius curb is required. Locations include: near the Ward St driveway, west side of Building #1 parking, east and west of parking of Building #2.
  - a. Additional curb radii has been added to the site plan
4. The proposed driveway is in conflict with a fire hydrant.
  - a. Proposed driveway has been shifted, and is no longer in conflict with hydrant
5. Do Not Enter signs were requested at the Ward Street driveway to discourage drivers from exiting via Ward St. We are concerned the driveway location is in "no man's land" between the train tracks and the traffic signal stop bar.
  - a. Callout has been updated from "PROPOSED SIGN, ENTRANCE ONLY, NO EXIT" to "PROPOSED DOUBLE SIGN, ENTRANCE ONLY - NO EXIT ON WARD STREET SIDE, DO NOT ENTER SIGN ON COMPLEX SIDE"
  - b. Additional sign, with same revised callout, has been added to other side of driveway
6. Door locations to be added to the buildings. It's currently unclear how the grade difference between the proposed buildings and proposed parking areas/driveways is being handled.
  - a. Door locations have been added to site plan and subsequent plans
  - b. Buildings will utilize interior steps to reach grade OR will stagger the slab on grade foundation such that the first floor will be one or two steps up from sidewalk

210-25-13



*Town of Wallingford, Connecticut*

JAMES SEICHTER  
CHAIRMAN PLANNING & ZONING COMMISSION

KEVIN J. PAGINI  
TOWN PLANNER

WALLINGFORD TOWN HALL  
45 SOUTH MAIN STREET  
WALLINGFORD, CT 06492  
TELEPHONE (203) 294-2090  
FAX (203) 294-2095

August 6, 2025

Next Gen Development, LLC  
6 Woody Lane  
Fairfield, CT 06825

RE: 8-30g Site Plan Application #210-25  
66 residential units and associated parking

Dear Applicant:

This office has the following comments and questions regarding your application and associated plans:

1. The Final Affordability Plan must include language that states the units will be deed-restricted. There is mention under **II. Forty (40) Year Period** that the units will be designated, but it must state that they will be deed-restricted. Also, an administrator (under **V. Entity Responsible for Administration and Compliance**) must be provided in the Final Affordability Plan.
2. It is suggested to remove the \$50.00 fee for the waitlist as these are affordable units and are income restricted.
3. Can the Notice of Initial Rental of HOU's be published in other outlets besides a newspaper to reach more potential tenants?

Should you wish to discuss these comments or application further, please call the Planning Office at 203-294-2090.

Regards,

A handwritten signature in black ink, appearing to read "Kevin J. Pagini".

Kevin J. Pagini  
Town Planner



210-25-14



Wallingford Fire Department  
**Inspection Report**

100 South Cherry St. - 100 S Cherry ST, Wallingford CT 06492-6504

75 Masonic Ave

**INSPECTION DETAILS**

Inspection Date	Inspection Type	Inspection Number		
08/06/2025	Plan Review - Site	15325		
Lead Inspector	Shift	Station	Unit	
BRIAN SCHOCK	Office of the Fire Marshal	Station 2	C5	
Other Inspectors				
N/A				

**SUMMARY OF INSPECTION**

✓ 0      ✗ 0  
Passed codes      Failed codes

**GENERAL NOTES**

BRIAN SCHOCK - 08/06/2025 @ 13:28

#210-25- 100 South Cherry St. Revised Plans 2.

BRIAN SCHOCK - 08/06/2025 @ 13:29

The revised site plans are acceptable for this project to move forward.

**SIGNATURES**

Contact signature

Inspector signature

No signature  
NA

Bec

NEXTGEN DEVELOPMENT LLC

Date: \_\_\_\_\_

BRIAN SCHOCK

08/06/2025

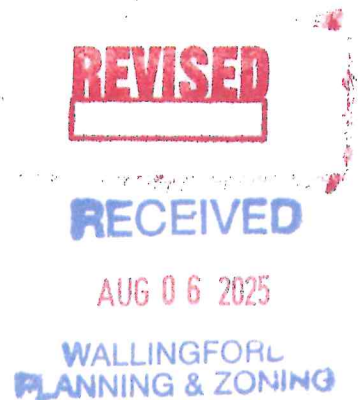
210-25-15

100 SOUTH CHERRY STREET  
WALLINGFORD, CONN.

Final Affordability Plan

AUGUST \_\_, 2025

Submitted by \_\_\_\_\_





## **Introduction**

This Affordability Plan is submitted to the Wallingford Planning and Zoning Commission (the "PZC" or "Commission") in connection with an application for Site Plan approval for the proposed residential rental community comprised of sixty-six (66) rental units in four (4) buildings on property located at 100 Cherry Street in Wallingford, Connecticut (the "Community").

Under this plan, just over thirty percent (30%) of the residential rental units will meet the criteria for "affordable housing" as defined in Connecticut General Statutes ("C.G.S.") § 8-30g. C.G.S. § 8-30g requires that fifteen percent (15%) of the residential rental units be affordable for forty (40) years to families earning eighty percent (80%) or less of the area or State median income, whichever is less, and that fifteen percent (15%) be affordable to families earning sixty percent (60%) or less of the area or State median income, whichever is less. This Affordability Plan ("Plan"), which is proposed as a condition of site plan approval by the PZC, satisfies these requirements and describes how the affordable residential rental units will be administered.

### **I. Units Designated as Housing Opportunity Units.**

Just over thirty percent (30%) of the residential rental units in the Community, or twenty (20) of the sixty-six (66) units, will be designated as affordable housing pursuant to C.G.S. § 8-30g. Specific residential rental units shall not be designated as affordable housing (to be called "Housing Opportunity Units" or "HOUs"), but these HOUs shall be distributed throughout the community. See designation of HOUs in Schedule A attached.

### **II. Forty (40) Year Period.**

The HOUs in the Community shall be designated as affordable housing units for forty (40) years after the initial occupancy date of the first HOU to be occupied, as stated in the lease. Such restriction shall imposed by way of Deed.

### **III. Pro-Rata Construction and Dispersion.**

The HOUs shall be built and offered for rent on a *pro rata* basis as construction proceeds. It is the intent of this Plan that one (1) HOU will be built and offered for rental within the time that three (3) market-rate units are completed and offered for rental.

### **IV. Nature of Construction of HOUs.**

The HOUs shall be constructed in substantial conformance with the site plans and floor plans approved by the commission for the Community, as may be modified based on the requirements of the Wallingford Building Inspector or other Town staff in signing off on administrative permits or approvals. The minimum standards and specifications applicable to the Community are set forth in Schedule B, attached.

**V. Entity Responsible for Administration and Compliance.**

This Affordability Plan will be administered by NEXT GEN DEVELOPMENT, or its successors and assigns (the "Administrator"). NEXT GEN DEVELOPMENT hereby represents that its staff has the experience necessary to administer this Plan. The principal point of contact under this Plan shall be Veton Alimi and Adam Hirsch. Contact information for the principal point of contact shall be provided to the Town of Wallingford and the Commission prior to the issuance of a Certificate of Occupancy.

The Administrator, in accordance with C.G.S. § 8-30h, shall submit annually, by January 31, a written status and compliance report to the Wallingford PZC or its designee. The Administrator shall have the authority to commence enforcement action against any tenant who has provided false or misleading information during the application process. The role of Administrator may be transferred or assigned to another entity, provided that such entity has the experience and qualifications to administer this Plan. In the event of any assignment of the role of Administrator, the Administrator, or its successor(s) will provide prior written notice to the PZC.

**VI. Notice of Initial Rental of HOUs.**

Except as provided in Section IX of this Plan, during the initial lease-up of the Community, the Administrator shall provide notice of the availability for rental of each HOU. Such notice shall be provided, at a minimum, by advertising at least two (2) times in a newspaper of general circulation in the Town of Wallingford. In addition, the Administrator shall also advertise online through Apartments.com, Realtor.com, Zillow and any such other websites or applications which may become relevant.

The Administrator shall also provide such notice to the PZC and to the Clerk of the Town of Wallingford. Such notice shall include a description of the available HOU(s), the eligibility criteria for potential residents, the maximum rental price (as hereinafter defined), and the availability of application forms and additional information. All such notices shall comply with the federal Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* and the Connecticut Fair Housing Act, C.G.S. §§ 46a-64b *et seq.* (together, the "Fair Housing Acts").

**VII. Resident Eligibility.**

Eligibility of applicants to lease a HOU in the Community shall be determined by the Administrator in accordance with this Plan and C.G.S. § 8-30g as amended.

### **VIII. Affirmative Fair Housing Marketing Plan.**

The rental of both the HOU's and the market-rate units in the Community shall be publicized, using State regulations for affirmative fair housing marketing programs as guidelines. The Developer shall have responsibility for compliance with this section. Notices of initial availability of units shall be provided, at a minimum, by advertising at least two times in a newspaper of general circulation in such identified municipalities. The Administrator shall also provide such notices to the Wallingford PZC and the local housing authority. Such notices shall include a description of the available unit(s), the eligibility criteria for potential tenants, the maximum rental price, and the availability of application forms and additional information.

All notices shall comply with the federal Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* and the Connecticut Fair Housing Act, §§ 46a-64b, 64c of the Connecticut General Statutes (together, the "Fair Housing Acts").

### **IX. Application Process.**

A person seeking to rent one of the HOU's ("Applicant") must complete an application to demonstrate eligibility. The application form and process shall comply with the Fair Housing Acts.

#### *A. Application Form.*

The application form shall be provided by the Administrator and shall include an income certification form. In general, "income" for purposes of determining an Applicant's qualification shall include the Applicant family's total anticipated income from all sources for the twelve (12) month period following the date the lease commences (the "Lease Begin Date"). If the Applicant's financial disclosures indicate that the Applicant may experience a significant change in the Applicant's future income during the twelve (12) month period, the Administrator shall not consider this change unless there is a reasonable assurance that the change will in fact occur.

In determining what is and is not to be included in the definition of annual family income, the Administrator shall use the criteria set forth by HUD and listed on Schedule C attached.<sup>1</sup>

#### *B. Applicant Interview.*

The Administrator shall interview an Applicant upon submission of a completed application. Specifically, the Administrator shall, during the interview, undertake the following:

---

<sup>1</sup> See 24 C.F.R. § 5.609. Federal regulations are subject to change, and it is the intent of this Affordability Plan to follow HUD regulations with respect to income certification as such regulations may be amended from time to time.

1. Review with the Applicant all the information provided on the application.
2. Explain to the Applicant the requirements for eligibility, verification procedures, and the penalties for supplying false information.
3. Verify that all sources of family income and family assets have been listed in the application. Make clear that the term "family" includes all individuals who are to occupy the home, and that no relationship by blood or marriage is required.
4. Request the Applicant to sign the necessary release forms to be used in verifying income. Inform the Applicant of what verification and documentation must be provided before the application is deemed complete.
5. Inform the Applicant that a decision as to eligibility cannot be made until all items on the application have been verified.

C. *Verification of Applicant's Income.*

Where it is evident from the income certification form provided by the Applicant that the Applicant is not eligible, additional verification procedures shall not be necessary. However, if the Applicant appears to be eligible, the Administrator shall require verification of the Applicant's reported income.

If applicable, the Applicant shall provide the documentation listed on Schedule D, attached hereto, to the Administrator. This list is not exclusive, and the Administrator may require any other verification or documentation as the Administrator deems necessary.

A sample rider to the lease agreement for the HOUs is attached hereto as Schedule E.

**X. Prioritization of Applicants for Initial Rental.**

In the event that the number of qualified Applicants exceeds the number of HOUs, then the Administrator shall compile a waiting list, from which Applicants will be selected on a first-come, first-served basis. For purposes of this section, an application shall be considered received when a completed and signed application form is submitted, any application fee shall be waived for those on the wait list.

**XI. Maximum Rental Price.**

Calculation of the maximum rental price ("Maximum Rental Price") for a HOU, so as to satisfy C.G.S. §§ 8-30g, shall utilize the lesser of the area median income for the Town of Wallingford or the statewide median income as published by HUD as in effect on the day a lease is signed by the lessee of the HOUs ("Resident"). Such income shall then be adjusted for household size assuming occupancy by 1.5 persons per bedroom and using the adjustment formula adopted by HUD. The Maximum Rental Price shall be calculated as follows:

**ONE BEDROOM RENTAL UNIT FOR  
FAMILY EARNING LESS THAN 80  
PERCENT OF STATEWIDE/AREA  
MEDIAN INCOME**

**SAMPLE  
COMPUTATIONS  
BASED ON FY 2024  
DATA**

- |   |          |
|---|----------|
| 1. Determine lower of relevant year (2024) area median income for Wallingford, CT HMFA (\$92,880) for family size (family of 2), as published by HUD <sup>1</sup>   | \$92,880 |
| 2. Calculate 80 percent of Item 1   | \$74,304 |
| 3. Calculate 30 percent of Item 2, representing maximum portion of a family's income that may be used for housing   | \$22,291 |
| 4. Divide Item 3 by 12 to determine maximum monthly housing expense   | \$1,857  |
| 5. Compare HUD 2024 Fair Market Rents for New Haven- Meriden HMFA (\$1,629) times 120 percent   | \$1,955  |
| 6. Use lesser of calculated maximum monthly expense (Item 4) and HUD fair market rent (Item 5)  | \$1,857  |
| 7. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses) | \$100    |
| 8. Subtract reasonable monthly expenses (Item 6) from maximum housing expense (Item 7) to determine maximum amount available for rent.  | \$1,757  |

---

<sup>1</sup> Pursuant to 2024 data published by HUD, attached hereto.

**ONE BEDROOM RENTAL UNIT FOR  
FAMILY EARNING LESS THAN 60  
PERCENT OF STATEWIDE/AREA  
MEDIAN INCOME**

**SAMPLE  
COMPUTATIONS  
BASED ON FY 2024  
DATA**

9. Determine lower of relevant year (2024) area median income for Wallingford, CT HMFA (\$92,880) for family size (family of 2), as published by HUD <sup>2</sup>	\$92,880
10. Calculate 60 percent of Item 1	\$55,728
11. Calculate 30 percent of Item 2, representing maximum portion of a family's income that may be used for housing	\$16,718
12. Divide Item 3 by 12 to determine maximum monthly housing expense	\$1,393
13. Compare HUD 2024 Fair Market Rents for New Haven- Meriden HMFA (\$1,629) times 120 percent	\$1,955
14. Use lesser of calculated maximum monthly expense (Item 4) and HUD fair market rent (Item 5)	\$1,393
15. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$100
16. Subtract reasonable monthly expenses (Item 6) from maximum housing expense (Item 7) to determine maximum amount available for rent.	\$1,293

---

<sup>2</sup> Pursuant to 2024 data published by HUD, attached hereto.

**TWO BEDROOM RENTAL UNIT  
FOR FAMILY EARNING LESS THAN  
80 PERCENT OF STATEWIDE/AREA  
MEDIAN INCOME**

**SAMPLE  
COMPUTATIONS  
BASED ON FY 2024  
DATA**

1. Determine lower of relevant year (2024) area median income for Wallingford, CT HMFA (\$104,490) for family size (family of 3), as published by HUD <sup>1</sup>	\$104,490
2. Calculate 80 percent of Item 1	\$83,592
3. Calculate 30 percent of Item 2, representing maximum portion of a family's income that may be used for housing	\$25,077
4. Divide Item 3 by 12 to determine maximum monthly housing expense	\$2,089
5. Compare HUD 2024 Fair Market Rents for New Haven- Meriden HMFA (\$1,762) times 120 percent	\$2,114
6. Use lesser of calculated maximum monthly expense (Item 4) and HUD fair market rent (Item 5)	\$2,089
7. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$100
8. Subtract reasonable monthly expenses (Item 6) from maximum housing expense (Item 7) to determine maximum amount available for rent.	\$1,989

---

<sup>1</sup> Pursuant to 2024 data published by HUD, attached hereto.



**TWO BEDROOM RENTAL UNIT  
FOR FAMILY EARNING LESS THAN 60  
PERCENT OF STATEWIDE/AREA  
MEDIAN INCOME**

**SAMPLE  
COMPUTATIONS  
BASED ON FY 2024  
DATA**

9. Determine lower of relevant year (2024) area median income for Wallingford, CT HMFA (\$104,490) for family size (family of 3), as published by HUD <sup>2</sup>	\$104,490
10. Calculate 60 percent of Item 1	\$62,694
11. Calculate 30 percent of Item 2, representing maximum portion of a family's income that may be used for housing	\$18,808
12. Divide Item 3 by 12 to determine maximum monthly housing expense	\$1,567
13. Compare HUD 2024 Fair Market Rents for New Haven- Meriden HMFA (\$1,762) times 120 percent	\$2,114
14. Use lesser of calculated maximum monthly expense (Item 4) and HUD fair market rent (Item 5)	\$1,567
15. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$100
16. Subtract reasonable monthly expenses (Item 6) from maximum housing expense (Item 7) to determine maximum amount available for rent.	\$1,467

---

<sup>2</sup> Pursuant to 2024 data published by HUD, attached hereto.

**XII. Principal Residence.**

HOU's shall be occupied only as a Resident's principal residence. Notwithstanding any zoning, subdivision or other regulation to the contrary, subleasing of HOU's shall be prohibited.

**XIII. Requirement to Maintain Condition.**

All Residents are required to maintain their units. The Resident shall not destroy, damage or impair the unit, allow the unit to deteriorate, or commit waste on the unit. When a HOU is offered again for rental, the Administrator shall cause the unit to be inspected.

**XIV. Change of Income or Qualifying Status of Resident.**

In the event that a Resident's income changes so as to exceed the qualifying maximum, or if the Resident otherwise becomes disqualified, such Resident must provide notice to the Administrator within seven (7) days of the disqualification. When a resident becomes disqualified, the Administrator shall require the Resident to vacate the HOU within sixty (60) days. The Administrator (or owner, if the Administrator is not the owner) in his sole discretion may elect to move the Resident to a market rate apartment unit if the Resident satisfies the Administrator's (or owner's) normal criteria for such unit.

If the tenant and owner agree, the tenant may be allowed to remain in the currently occupied unit at the adjusted rental rate (60% increased to 80%, or 80% increased to FMR). In the case where a current tenant changes from an 80% HOU to FMR, the next available unit of similar size shall be offered as an 80% HOU.

**XV. Enforcement.**

A violation of this Affordability Plan shall not result in a forfeiture of title by the property owner, but the PZC shall otherwise retain all enforcement powers granted by the General Statutes, including § 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect the property and to examine the books and records of the Administrator to determine compliance of HOU's with this Affordability Plan and applicable state statutes and regulations. Such records are confidential and not subject to disclosure under the Freedom of Information Act.

**SCHEDULE A**  
**DESIGNATION OF HOUSING OPPORTUNITY UNITS**

**Total Number of Units:**

Market Rate	46
Housing Opportunity Units**	20
<b>TOTAL</b>	<b>66</b>

\*The residential rental units designated as HOUs shall be evenly dispersed throughout the Community.

\*\*Ten (10) units will be preserved for families earning sixty percent (60%) or less of the area or State median income, whichever is less, and ten (10) units will be preserved for families earning eighty percent (80%) or less of the area or State median income, whichever is less. Five (5) one bed room units and Five (5) two-bedroom units for families earning sixty percent (60%) and Five (5) one bed room units and Five (5) two-bedroom units eighty percent (80%).

**SCHEDULE B**  
**MINIMUM SPECIFICATIONS FOR HOUSING OPPORTUNITY UNITS**

**Foundation**

---

- Footings - poured concrete
- Frost Walls - poured concrete
- Floors - poured concrete

**Exterior**

---

- Framing and Sheathing- per building code
- Exterior Wall - 2 x 6 wood stud framing
- Interior Wall - 2 x 4 wood stud (bearing)
- Asphalt Shingle Roof (30 year)
- Foundation plantings as specified
- Aluminum gutters and leaders
- Exterior weather-proof outlets
- Energy efficient vinyl or fiberglass windows
- Asphalt driveways
- Insulation per code, R-21 wall, R-38 uninterrupted at ceiling

**Interior**

---

- Vinyl plank
- Energy efficient heating system
- High efficiency hot water
- Low-flow fixtures for showerheads, toilets, and faucets
- Wire closet shelving
- Pre-wired telephone and cable
- GFI circuits in wet areas (kitchens and baths)
- Panel doors- molded hardboard

**Kitchens**

---

- Vinyl Plank [flooring material]
- Full overlay cabinets, plywood box
- Electric Range, Microwave/Hood, Refrigerator
- Dishwasher, built-in, insulation blanket
- Laminate countertop
- Stainless Steel sink with single-lever faucet

**Bathrooms**

---

- Medicine Cabinet, recess mount
- Fiberglass tub and wall surround
- Cultured Marble counter with integral sink
- Tile or LVT floor

**SCHEDULE C**  
**DEFINITIONS AND ELEMENTS OF ANNUAL FAMILY INCOME**

1. Annual income shall be calculated with reference to 24 C.F.R. § 5.609, and includes, but is not limited to, the following:
  - a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses and other compensation for personal services;
  - b. The net income from operations of a business or profession, before any capital expenditures but including any allowance for depreciation expense;
  - c. Interest, dividends, and other net income of any kind from real or personal property;
  - d. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic payments;
  - e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay;
  - f. Welfare assistance. If the welfare assistance payments include an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance to be included as income consists of the following:
    - (1) The amount of the allowance or grant exclusive of the amounts designated for shelter or utilities, plus
    - (2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities;
  - g. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with the Applicant (e.g. periodic gifts from family members, churches, or other sponsored group, even if the gifts are designated as rental or other assistance);
  - h. All regular pay, special pay and allowances of a member of the Armed Forces, except combat pay as in 2.h, below;

1. Any assets not earning a verifiable income shall have an imputed interest income using a current average annual savings interest rate.
2. Excluded from the definition of family annual income are items identified in 24 C.F.R. § 5309(c), including the following:
  - a. Income from employment of children (including foster children) under the age of 18;
  - b. Payments received for the care of foster children or foster adults;
  - c. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;
  - d. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
  - e. The full amount of scholarships paid directly to the student or to the educational institution (subject to 24 C.F.R. § 5.609(b)(9)).
  - f. Amounts received under training programs funded by HUD;
  - g. Income of a live-in aide, as defined in 24 C.F.R. § 5.403;
  - h. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
  - i. Temporary, nonrecurring or sporadic income (including gifts that are not regular or periodic);
  - j. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
  - k. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
  - l. Adoption assistance payments in excess of \$480 per adopted child;
  - m. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts;
  - n. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;



- o. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; and
  - p. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits.
3. Net family assets for purposes of imputing annual income include the following:
- a. Cash held in savings and checking accounts, safety deposit boxes, etc.;
  - b. The current market value of a trust for which any household member has an interest;
  - c. The current market value, less any outstanding loan balances of any rental property or other capital investment;
  - d. The current market value of all stocks, bonds, treasury bills, certificates of deposit and money market funds;
  - e. The current value of any individual retirement, 401K or Keogh account;
  - f. The cash value of a retirement or pension fund which the family member can withdraw without terminating employment or retiring;
  - g. Any lump-sum receipts not otherwise included in income (*i.e.*, inheritances, capital gains, one-time lottery winnings, and settlement on insurance claims);
  - h. The current market value of any personal property held for investment (*i.e.*, gems, jewelry, coin collections); and
  - i. Assets disposed of within two (2) years before the Application Date, but only to the extent consideration received was less than the fair market value of the asset at the time it was sold.
4. Net family assets do not include the following:
- a. Necessary personal property (clothing, furniture, cars, etc.);
  - b. Vehicles equipped for handicapped individuals;
  - c. Life insurance policies;
  - d. Assets which are part of an active business, not including rental properties; and
  - e. Assets that are not accessible to the Applicant and provide no income to the Applicant.

## SCHEDULE D

### DOCUMENTATION OF INCOME

The following documents shall be provided, where applicable, to the Administrator to determine income eligibility:

1. Employment Income.

Verification forms must request the employer to specify the frequency of pay, the effective date of the last pay increase, and the probability and effective date of any increase during the next twelve (12) months. Acceptable forms of verification (of which at least one must be included in the Applicant file) include:

- (a) An employment verification form completed by the employer.
- (b) Check stubs or earnings statement showing Applicant's gross pay per pay period and frequency of pay.
- (c) W-2 forms if the Applicant has had the same job for at least two years and pay increases can be accurately projected.
- (d) Notarized statements, affidavits or income tax returns signed by the Applicant describing self-employment and amount of income, or income from tips and other gratuities.

2. Social Security, Pensions, Supplementary Security Income, Disability Income.

- (a) Benefit verification form completed by agency providing the benefits.
- (b) Award or benefit notification letters prepared and signed by the authorizing agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letter cannot be obtained.)
- (c) If a local Social Security Administration ("SSA") office refuses to provide written verification, the Administrator should meet with the SSA office supervisor. If the supervisor refuses to complete the verification forms in a timely manner, the Administrator may accept a check or automatic deposit slip as interim verification of Social Security or SSI benefits as long as any Medicare or state health insurance withholdings are included in the annual income.

3. Unemployment Compensation.

- (a) Verification form completed by the unemployment compensation agency.

- (b) Records from unemployment office stating payment dates and amounts.

4. Government Assistance.

- (a) All Government Assistance Programs. Agency's written statements as to type and amount of government assistance the Applicant is now receiving, including but not limited to assistance under the federal Section 8 program, and any changes in such assistance expected during the next twelve (12) months.
- (b) Additional Information for "As-paid" Programs: Agency's written schedule or statement that describes how the "as-paid" system works, the maximum amount the Applicant may receive for shelter and utilities and, if applicable, any factors used to ratably reduce the Applicant's grant.

5. Alimony or Child Support Payments.

- (a) Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
- (b) A letter from the person paying the support.
- (c) Copy of latest check. The date, amount, and number of the check must be documented.
- (d) Applicant's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.

6. Net Income from a Business.

The following documents show income for the prior years. The Administrator must consult with Applicant and use this data to estimate income for the next twelve (12) months.

- (a) IRS Tax Return, Form 1040, including any:  
Schedule C (Small Business)  
Schedule E (Rental Property Income) Schedule  
F (Farm Income)
- (b) An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.)
- (c) Audited or unaudited financial statement(s) of the business.

- (d) A copy of a recent loan application listing income derived from the business during the previous twelve (12) months.
- (e) Applicant's notarized statement or affidavit as to net income realized from the business during previous years.

7. Recurring Gifts.

- (a) Notarized statement or affidavit signed by the person providing the assistance. Must give the purpose, dates and value of gifts.
- (b) Applicant's notarized statement or affidavit that provides the information above.

8. Scholarships, Grants, and Veterans Administration Benefits for Education.

- (a) Benefactor's written confirmation of amount of assistance, and educational institution's written confirmation of expected cost of the student's tuition, fees, books and equipment for the next twelve (12) months. To the extent the amount of assistance received is less than or equal to actual educational costs, the assistance payments will be excluded from the Applicant's gross income. Any excess will be included in income.
- (b) Copies of latest benefit checks, if benefits are paid directly to student. Copies of canceled check or receipts for tuition, fees, books, and equipment, if such income and expenses are not expected to change for the next twelve (12) months.
- (c) Lease and receipts or bills for rent and utility costs paid by students living away from home.

9. Family Assets Currently Held.

For non-liquid assets, collect enough information to determine the current cash value (i.e., the net amount the Applicant would receive if the asset were converted to cash).

- (a) Verification forms, letters, or documents from a financial institution, broker, etc.
- (b) Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
- (c) Quotes from a stock broker or realty agent as to net amount Applicant would receive if Applicant liquidated securities or real estate.
- (d) Real estate tax statements if tax authority uses approximate market value.
- (e) Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the borrower.

- (f) Appraisals of personal property held as an investment.
  - (g) Applicant's notarized statements or signed affidavits describing assets or verifying the amount of cash held at the Applicant's home or in safe deposit boxes.
10. Assets Disposed of for Less Than Fair Market Value ("FMV") For Two Years Preceding Lease Begin Date.
- (a) Applicant's certification as to whether it has disposed of assets for less than FMV during the two (2) years preceding the Lease Begin Date.
  - (b) If the Applicant states that it did dispose of assets for less than FMV, then a written statement by the Applicant must include the following:
    - (i) A list of all assets disposed of for less than FMV;
    - (ii) The date Applicant disposed of the assets;
    - (iii) The amount the Applicant received; and
    - (iv) The market value to the asset(s) at the time of disposition.
11. Savings Account Interest Income and Dividends.
- (a) Account statements, passbooks, certificates of deposit, etc., if they show enough information and are signed by the financial institution.
  - (b) Broker's quarterly statements showing value of stocks or bonds and the earnings credited the Applicant.
  - (c) If an IRS Form 1099 is accepted from the financial institution for prior year earnings, the Administrator must adjust the information to project earnings expected for the next twelve (12) months.
12. Rental Income from Property Owned by Applicant.
- The following, adjusted for changes expected during the next twelve (12) months, may be used:
- (a) IRS Form 1040 with Schedule E (Rental Income).
  - (b) Copies of latest rent checks, leases, or utility bills.
  - (c) Documentation of Applicant's income and expenses in renting the property (tax statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or amortization schedule showing monthly interest expense).

- (d) Lessee's written statement identifying monthly payments due the Applicant and Applicant's affidavit as to net income realized.

13. Full-Time Student Status.

- (a) Written verification from the registrar's office or appropriate school official.
- (b) School records indicating enrollment for sufficient number of credits to be considered a full-time student by the school.

**SCHEDULE E**  
**SAMPLE LEASE RIDER FOR HOUs**

**2023 RIDER TO THE LEASE AGREEMENT FOR**  
**AFFORDABLE INCOME APARTMENTS (80%)\***

**1. TERM AND PROVISIONS**

The annexed Lease Agreement for an affordable residential rental unit is for a term of at least (1) year.

This unit is being rented as an "affordable housing unit" as defined by Section 8-30g of the Connecticut General Statutes, and is to be rented at or below the lesser of 80 percent of the area median income for Wallingford or 80 percent of the State Median Income as determined by the U.S. Department of Housing and Urban Development ("HUD"). (Rates are determined on an annual basis.) This development has been approved by the Wallingford Planning and Zoning Commission based in part on the condition that a defined percentage of residential rental units will be rented as affordable housing apartment homes. The Landlord is required by law to strictly enforce these restrictions.

**2. INCOME LIMITS**

Prior to the commencement of the lease term, resident must provide Landlord with a copy of his or her most recently filed Federal Income Tax Return (Form 1040 or 1040A) or any other proof requested or allowed by law for the purpose of verifying income. Resident must certify that such proof is true and accurate and that the total annual income of all the members of Resident's family who will occupy the unit subject to this lease does not exceed the amount set forth below which applies to the number of persons in Resident's family who will be residing in the subject unit:

FAMILY SIZE:

1	2	3	4
\$ _____	\$ _____	\$ _____	\$ _____

**3. MAXIMUM RENTS**

Notwithstanding anything in the Lease Agreement to the contrary, the total rent for the affordable housing residential rental units shall not exceed the amounts set forth below:

\_\_\_\_\_

\* A similar Rider will be used for the 60% affordable income units.



	MAXIMUM RENT	ACTUAL RENT (Less a Utility Allowance)
1 bedroom:		
Annual	\$ _____	
Monthly	\$ _____	\$ _____

#### 4. UTILITY ALLOWANCE

The monthly rent for an affordable rental unit includes a monthly allowance for utilities, which are heat, hot water, electricity, trash but excluding telephone and cable television. Heat and utility costs are calculated by a reasonable estimate.

#### 5. CERTIFICATION OF INCOME

Prospective residents will be required to fill out an application form containing detailed instructions for calculating their family income and allowing the Administrator to verify the information. Applicants will be required to sign a verification of their review and understanding of the income maximums, the penalties for false information, and the applicable procedures in the event that their income increases at some future time above the allowable maximum. Applicants will also be required to provide appropriate documentation to verify their income. Incomes of resident(s) in each affordable unit will be re-verified annually at the time of the lease renewal.

This Agreement shall terminate, and the Resident may be evicted for failure to qualify, if the Resident has falsely certified family income or family composition. Such false certification constitutes material noncompliance under the Lease Agreement. Resident is obligated to provide such subsequent re-certification of income as the Landlord shall require.

The Town of Wallingford will be entitled to inspect the income statements of the residents of the affordable units upon which the Administrator bases the certification.

#### 6. CHANGE OF INCOME

In the event that an affordable unit resident's income changes so as to exceed the qualifying maximum or if the resident otherwise becomes disqualified, such resident must provide notice to the Landlord's representative within seven (7) days of the disqualification. Upon being disqualified, such resident, following the procedures set forth below, shall have the option to vacate the unit within ninety (90) days or to remain in the unit and sign a market rate lease and pay market rate for the unit.

#### 7. LANDLORD'S RIGHT TO INCREASE RENT

In the event that the Resident's residence is no longer being subsidized under Section 8 of the United States Housing Act of 1937, the Landlord's right to increase the monthly rent shall be

conditioned upon the Landlord's furnishing Resident with a notice at least sixty (60) days prior to such increase.

**8. LANDLORD'S RIGHT TO REASSIGN PREMISES**

Whereas the monthly rent for this unit is calculated on the basis of the number of bedrooms in the unit, Resident may, during the term of the Lease, be reassigned to different premises if an increase or decrease in the number of Resident's family members residing in the unit warrants such a change under applicable statutes and regulations. In the event of such reassignment, Resident's monthly rent shall be based upon the size of the unit occupied for the remaining Lease term.

**9. NO SUBLETTING OR ASSIGNMENT**

Subletting of affordable units shall be prohibited. In addition, the affordable unit shall be occupied only as the resident's principal residence.

**10. RESTRICTIONS ON USE**

No portion of the unit may at any time during the term of this Agreement be used on a transient basis, for example, as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, hospital, nursing home, sanitarium, or rest home.

**11. ACCESS TO COMMON FACILITIES**

Residents shall be given equal access with all other Residents, at an equal charge if any, to all on-site and all off-site common facilities of the Community. The Landlord shall ensure that handicapped or disabled individuals are afforded equal access to all facilities of the Community.

**12. INTERPRETATION**

Unless otherwise indicated, the terms used herein shall have the same meaning ascribed to them in the main body of this Lease Agreement. This rider shall control any conflict between terms herein and the Lease Agreement.

**13. PROCEDURES FOR INITIAL DESIGNATION AND LEASING OF AFFORDABLE UNITS**

Attached to this Lease Agreement is the developer's initial designation of the units that shall be rented as affordable units. These units shall remain vacant until a qualified family is found.

In the event that the development is fully leased, and the development contains the minimum number of affordable units containing income-qualified families, if one of the families occupying these units vacates voluntarily or otherwise, this unit will be kept vacant until another qualified family is found.

**IN WITNESS WHEREOF**, the parties hereto have executed this Rider to the Lease

Agreement on the \_\_\_\_\_ day of \_\_\_\_\_ Year \_\_\_\_\_

RESIDENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE MANAGEMENT REPRESENTATIVE

Towns by HMFA	
Bridgeport, CT HMFA	<b>Fairfield County towns of:</b> Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull
Colchester-Lebanon, CT HMFA	<b>New London County towns of:</b> Colchester, Lebanon
Danbury, CT HMFA	<b>Fairfield County towns of:</b> Bethel, Brookfield, Danbury, New Fairfield, Newtown, Redding, Ridgefield, Sherman
Hartford-West Hartford-East Hartford, CT	<b>Hartford County towns of:</b> Avon, Berlin, Bloomfield, Bristol, Burlington, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Marlborough, New Britain, Newington, Plainville, Rocky Hill, Simsbury, Southington, South Windsor, Suffield, West Hartford, Wethersfield, Windsor, Windsor Locks <b>Middlesex County towns of:</b> Chester, Cromwell, Durham, East Haddam, East Hampton, Haddam, Middlefield, Middletown, Portland <b>Tolland County towns of:</b> Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Tolland, Union, Vernon, Willington
Litchfield County, CT	<b>Litchfield County towns of:</b> Barkhamsted, Bethlehem, Bridgewater, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Kent, Litchfield, Morris, New Hartford, New Milford, Norfolk, North Canaan, Plymouth, Roxbury, Salisbury, Sharon, Thomaston, Torrington, Warren, Washington, Watertown, Winchester, Woodbury
Milford-Ansonia-Seymour, CT HMFA	<b>New Haven County towns of:</b> Ansonia, Beacon Falls, Derby, Milford, Oxford, Seymour
New Haven-Meriden, CT HMFA	<b>New Haven County towns of:</b> Bethany, Branford, Cheshire, East Haven, Guilford, Hamden, Madison, Meriden, New Haven, North Branford, North Haven, Orange, Wallingford, West Haven, Woodbridge
Norwich-New London, CT HMFA	<b>New London County towns of:</b> Bozrah, East Lyme, Franklin, Griswold, Groton, Ledyard, Lisbon, Lyme, Montville, New London, North Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Voluntown, Waterford
Southern Middlesex County, CT HMFA	<b>Middlesex County towns of:</b> Clinton, Deep River, Essex, Killingworth, Old Saybrook, Westbrook
Stamford-Norwalk, CT HMFA	<b>Fairfield County towns of:</b> Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, Westport, Wilton
Waterbury, CT HMFA	<b>New Haven County towns of:</b> Middlebury, Naugatuck, Prospect, Southbury, Waterbury, Wolcott
Windham County, CT HMFA	<b>Windham County towns of:</b> Ashford, Brooklyn, Canterbury, Chaplin, Eastford, Hampton, Killingly, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, Windham, Woodstock

# DOH Development Program Income Limits based on HUD Area Median Incomes (AMI)

## 2024 Income Limits

[Click here for the 2024 Income Limits for CHFA's LIHTC and HTCC Programs](#)  
See "Programs" tab for effective dates.  
See "Towns by HMFA" tab for a listing of towns under each HUD Metro FMR Area

PMSA/MSA Area		Limit	Applicable Programs	Household Size							
Bridgeport-Stamford-Norwalk MSA				1	2	3	4	5	6	7	8
Bridgeport - HMFA		30% of AMI	CDBG, HOME	24,650	28,150	31,650	35,150	38,000	40,800	43,600	46,400
		Extremely Low	NHTF, Section 8, S811 PRA	24,650	28,150	31,650	35,150	38,000	41,960	47,340	52,720
		50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	41,000	46,850	52,700	58,550	63,250	67,950	72,650	77,300
		60% of AMI	CDBG, HOME	49,200	56,220	63,240	70,260	75,900	81,540	87,180	92,760
		80% of AMI (Low)	CDBG, HOME, Section 8	65,600	75,000	84,350	93,700	101,200	108,700	116,200	123,700
		80% of AMI	Non-governmentally assisted	65,576	74,944	84,312	93,680	101,174	108,669	116,163	123,658
		100% of AMI	FLEX	81,970	93,680	105,390	117,100	126,468	135,836	145,204	154,572
		110% of AMI	ECL	90,167	103,048	115,929	128,810	139,115	149,420	159,724	170,029
		120% of AMI	(State) HTF	98,364	112,416	126,468	140,520	151,762	163,003	174,245	185,486
Danbury - HMFA		30% of AMI	CDBG, HOME	31,050	35,450	39,900	44,300	47,850	51,400	54,950	58,500
		Extremely Low	NHTF, Section 8, S811 PRA	31,050	35,450	39,900	44,300	47,850	51,400	54,950	58,500
		50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	51,700	59,100	66,500	73,850	79,800	85,700	91,600	97,500
		60% of AMI	CDBG, HOME	62,040	70,920	79,800	88,620	95,760	102,840	109,920	117,000
		80% of AMI (Low)	CDBG, HOME, Section 8	72,550	82,900	93,250	103,600	111,900	120,200	128,500	136,800
		80% of AMI	Non-governmentally assisted	82,712	94,528	106,344	118,160	127,613	137,066	146,518	155,971
		100% of AMI	FLEX	103,390	118,160	132,930	147,700	159,516	171,332	183,148	194,964
		110% of AMI	ECL	113,729	129,976	146,223	162,470	175,468	188,465	201,463	214,460
		120% of AMI	(State) HTF	124,068	141,792	159,516	177,240	191,419	205,598	219,778	233,957
Stamford-Norwalk - HMFA		30% of AMI	CDBG, HOME	37,950	43,350	48,750	54,150	58,500	62,850	67,150	71,500
		Extremely Low	NHTF, Section 8, S811 PRA	37,950	43,350	48,750	54,150	58,500	62,850	67,150	71,500
		50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	63,200	72,200	81,250	90,250	97,500	104,700	111,950	119,150
		60% of AMI	CDBG, HOME	75,840	86,640	97,500	108,300	117,000	125,640	134,340	142,980
		80% of AMI (Low)	CDBG, HOME, Section 8	83,300	95,200	107,050	118,950	128,500	138,000	147,500	157,050
		80% of AMI	Non-governmentally assisted	101,080	115,520	129,960	144,400	155,952	167,504	179,056	190,608
		100% of AMI	FLEX	126,350	144,400	162,450	180,500	194,940	209,380	223,820	238,260
		110% of AMI	ECL	138,985	158,840	178,695	198,550	214,434	230,318	246,202	262,086
		120% of AMI	(State) HTF	151,620	173,280	194,940	216,600	233,928	251,256	268,584	285,912
Hartford-West Hartford-East Hartford MSA		30% of AMI	CDBG, HOME	25,600	29,250	32,900	36,550	39,500	42,400	45,350	48,250
Hartford - West/East Hartford - HMFA		Extremely Low	NHTF, Section 8, S811 PRA	25,600	29,250	32,900	36,550	39,500	42,400	47,340	52,720
		50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	42,650	48,750	54,850	60,900	65,800	70,650	75,550	80,400
		60% of AMI	CDBG, HOME	51,180	58,500	65,820	73,080	78,960	84,780	90,660	96,480
		80% of AMI (Low)	CDBG, HOME, Section 8	68,250	78,000	87,750	97,450	105,250	113,050	120,850	128,650
		80% of AMI	Non-governmentally assisted	68,208	77,952	87,696	97,440	105,235	113,030	120,826	128,621
		100% of AMI	FLEX	85,260	97,440	109,620	121,800	131,544	141,288	151,032	160,776
		110% of AMI	ECL	93,786	107,184	120,582	133,980	144,698	155,417	166,135	176,854
		120% of AMI	(State) HTF	102,312	116,928	131,544	146,160	157,853	169,546	181,238	192,931
Southern Middlesex County - HMFA		30% of AMI	CDBG, HOME	30,550	34,900	39,250	43,600	47,100	50,600	54,100	57,600



# DOH Development Program Income Limits based on HUD Area Median Incomes (AMI)

## 2024 Income Limits

Click here for the 2024 Income Limits for CHFA's LIHTC and HTCC Programs  
 See "Programs" tab for effective dates.  
 See "Towns by HMFA" tab for a listing of towns under each HUD Metro FMR Area

PMSA/MSA Area	Limit	Applicable Programs	Household Size							
			1	2	3	4	5	6	7	8
New Haven-Milford MSA Milford-Ansonia-Seymour - HMFA	Extremely Low	NHTF, Section 8, S811 PRA	30,550	34,900	39,250	43,600	47,100	50,600	54,100	57,600
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	50,900	58,150	65,450	72,700	78,500	84,350	90,150	96,000
	60% of AMI	CDBG, HOME	61,080	69,780	78,540	87,240	94,200	101,220	108,180	115,200
	80% of AMI (Low)	CDBG, HOME, Section 8	68,500	78,250	88,050	97,800	105,650	113,450	121,300	129,100
	80% of AMI	Non-governmentally assisted	83,384	95,296	107,208	119,120	128,650	138,179	147,709	157,238
	100% of AMI	FLEX	104,230	119,120	134,010	148,900	160,812	172,724	184,636	196,548
	110% of AMI	ECL	114,653	131,032	147,411	163,790	176,893	189,996	203,100	216,203
	120% of AMI	(State) HTF	125,076	142,944	160,812	178,680	192,974	207,269	221,563	235,858
	30% of AMI	CDBG, HOME	27,400	31,300	35,200	39,100	42,250	45,400	48,500	51,650
	Extremely Low	NHTF, Section 8, S811 PRA	27,400	31,300	35,200	39,100	42,250	45,400	48,500	51,650
New Haven-Meriden - HMFA	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	45,650	52,150	58,650	65,150	70,400	75,600	80,800	86,000
	60% of AMI	CDBG, HOME	54,780	62,580	70,380	78,180	84,480	90,720	96,960	103,200
	80% of AMI (Low)	CDBG, HOME, Section 8	68,500	78,250	88,050	97,800	105,650	113,450	121,300	129,100
	80% of AMI	Non-governmentally assisted	72,968	83,392	93,816	104,240	112,579	120,918	129,258	137,597
	100% of AMI	FLEX	91,210	104,240	117,270	130,300	140,724	151,148	161,572	171,996
	110% of AMI	ECL	100,331	114,664	128,997	143,330	154,796	166,263	177,729	189,196
	120% of AMI	(State) HTF	109,452	125,088	140,724	156,360	168,869	181,378	193,886	206,395
	30% of AMI	CDBG, HOME	24,400	27,900	31,400	34,850	37,650	40,450	43,250	46,050
	Extremely Low	NHTF, Section 8, S811 PRA	24,400	27,900	31,400	34,850	37,650	40,450	43,250	46,050
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	40,650	46,450	52,250	58,050	62,700	67,350	72,000	76,650
Waterbury - HMFA	60% of AMI	CDBG, HOME	48,780	55,740	62,700	69,660	75,240	80,820	86,400	91,980
	80% of AMI (Low)	CDBG, HOME, Section 8	65,050	74,350	83,650	92,950	100,350	107,800	115,200	122,650
	80% of AMI	Non-governmentally assisted	65,016	74,304	83,592	92,880	100,310	107,741	115,171	122,602
	100% of AMI	FLEX	81,270	92,880	104,490	116,100	125,388	134,676	143,964	153,252
	110% of AMI	ECL	89,397	102,168	114,939	127,710	137,927	148,144	158,360	168,577
	120% of AMI	(State) HTF	97,524	111,456	125,388	139,320	150,466	161,611	172,757	183,902
	30% of AMI	CDBG, HOME	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	Extremely Low	NHTF, Section 8, S811 PRA	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	40,000	45,700	51,400	57,100	61,700	66,250	70,850	75,400
	60% of AMI	CDBG, HOME	48,000	54,840	61,680	68,520	74,040	79,500	85,020	90,480

# DOH Development Program Income Limits based on HUD Area Median Incomes (AMI)

## 2024 Income Limits

[Click here for the 2024 Income Limits for CHFA's LIHTC and HTCC Programs](#)  
 See "Programs" tab for effective dates.  
 See "Towns by HMFA" tab for a listing of towns under each HUD Metro FMR Area

PMSA/MSA Area	Limit	Applicable Programs	Household Size							
			1	2	3	4	5	6	7	8
<b>Norwich-New London MSA</b> Norwich-New London - HMFA	110% of AMI	ECL	70,532	80,608	90,684	100,760	108,821	116,882	124,942	133,003
	120% of AMI	(State) HTF	76,944	87,936	98,928	109,920	118,714	127,507	136,301	145,094
	30% of AMI	CDBG, HOME	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	Extremely Low	NHTF, Section 8, S811 PRA	24,000	27,400	30,850	34,250	37,000	41,960	47,340	52,720
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	40,000	45,700	51,400	57,100	61,700	66,250	70,850	75,400
	60% of AMI	CDBG, HOME	48,000	54,840	61,680	68,520	74,040	79,500	85,020	90,480
	80% of AMI (Low)	CDBG, HOME, Section 8	63,950	73,100	82,250	91,350	98,700	106,000	113,300	120,600
	80% of AMI	Non-governmentally assisted	59,920	68,480	77,040	85,600	92,448	99,296	106,144	112,992
	100% of AMI	FLEX	74,900	85,600	96,300	107,000	115,560	124,120	132,680	141,240
	110% of AMI	ECL	82,390	94,160	105,930	117,700	127,116	136,532	145,948	155,364
	120% of AMI	(State) HTF	89,880	102,720	115,560	128,400	138,672	148,944	159,216	169,488
	30% of AMI	CDBG, HOME	31,200	35,650	40,100	44,550	48,150	51,700	55,250	58,850
<b>Colchester-Lebanon - HMFA</b>	Extremely Low	NHTF, Section 8, S811 PRA	31,200	35,650	40,100	44,550	48,150	51,700	55,250	58,850
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	52,000	59,400	66,850	74,250	80,200	86,150	92,100	98,050
	60% of AMI	CDBG, HOME	62,400	71,280	80,220	89,100	96,240	103,380	110,520	117,660
	80% of AMI (Low)	CDBG, HOME, Section 8	68,500	78,250	88,050	97,800	105,650	113,450	121,300	129,100
	80% of AMI	Non-governmentally assisted	83,160	95,040	106,920	118,800	128,304	137,808	147,312	156,816
	100% of AMI	FLEX	103,950	118,800	133,650	148,500	160,380	172,260	184,140	196,020
	110% of AMI	ECL	114,345	130,680	147,015	163,350	176,418	189,486	202,554	215,622
	120% of AMI	(State) HTF	124,740	142,560	160,380	178,200	192,456	206,712	220,968	235,224
	30% of AMI	CDBG, HOME	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	Extremely Low	NHTF, Section 8, S811 PRA	24,000	27,400	30,850	34,250	37,000	41,960	47,340	52,720
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	40,000	45,700	51,400	57,100	61,700	66,250	70,850	75,400
	60% of AMI	CDBG, HOME	48,000	54,840	61,680	68,520	74,040	79,500	85,020	90,480
<b>Worcester, MA-CT</b> Windham County - HMFA	80% of AMI (Low)	CDBG, HOME, Section 8	63,950	73,100	82,250	91,350	98,700	106,000	113,300	120,600
	80% of AMI	Non-governmentally assisted	59,920	68,480	77,040	85,600	92,448	99,296	106,144	112,992
	100% of AMI	FLEX	74,900	85,600	96,300	107,000	115,560	124,120	132,680	141,240
	110% of AMI	ECL	82,390	94,160	105,930	117,700	127,116	136,532	145,948	155,364
	120% of AMI	(State) HTF	89,880	102,720	115,560	128,400	138,672	148,944	159,216	169,488
	30% of AMI	CDBG, HOME	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	Extremely Low	NHTF, Section 8, S811 PRA	24,000	27,400	30,850	34,250	37,000	41,960	47,340	52,720
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	40,000	45,700	51,400	57,100	61,700	66,250	70,850	75,400
	60% of AMI	CDBG, HOME	48,000	54,840	61,680	68,520	74,040	79,500	85,020	90,480
	80% of AMI (Low)	CDBG, HOME, Section 8	63,950	73,100	82,250	91,350	98,700	106,000	113,300	120,600
	80% of AMI	Non-governmentally assisted	59,920	68,480	77,040	85,600	92,448	99,296	106,144	112,992
	100% of AMI	FLEX	74,900	85,600	96,300	107,000	115,560	124,120	132,680	141,240
<b>County</b> Litchfield County	110% of AMI	ECL	69,531	79,464	89,397	99,330	107,276	115,223	123,169	131,116
	120% of AMI	(State) HTF	75,852	86,688	97,524	108,360	117,029	125,698	134,366	143,035
	30% of AMI	CDBG, HOME	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	Extremely Low	NHTF, Section 8, S811 PRA	24,000	27,400	30,850	34,250	37,000	41,960	47,340	52,720
	50% of AMI (Very Low)	CDBG, HOME, RAP, Section 8	40,000	45,700	51,400	57,100	61,700	66,250	70,850	75,400
	60% of AMI	CDBG, HOME	48,000	54,840	61,680	68,520	74,040	79,500	85,020	90,480
	80% of AMI (Low)	CDBG, HOME, Section 8	63,950	73,100	82,250	91,350	98,700	106,000	113,300	120,600
	80% of AMI	Non-governmentally assisted	59,920	68,480	77,040	85,600	92,448	99,296	106,144	112,992
	100% of AMI	FLEX	74,900	85,600	96,300	107,000	115,560	124,120	132,680	141,240
	110% of AMI	ECL	82,390	94,160	105,930	117,700	127,116	136,532	145,948	155,364
	120% of AMI	(State) HTF	89,880	102,720	115,560	128,400	138,672	148,944	159,216	169,488
	30% of AMI	CDBG, HOME	24,000	27,400	30,850	34,250	37,000	39,750	42,500	45,250
	Extremely Low	NHTF, Section 8, S811 PRA	24,000	27,400	30,850	34,250	37,000	41,960	47,340	52,720



# DOH Development Program Income Limits based on HUD Area Median Incomes (AMI)

## 2024 Income Limits

Click here for the 2024 Income Limits for CHFA's LIHTC and HTCC Programs

See "Programs" tab for effective dates.

See "Towns by HMFA" tab for a listing of towns under each HUD Metro FMR Area

PMSA/MSA Area	Limit	Applicable Programs	Household Size							
			1	2	3	4	5	6	7	8
	110% of AMI	ECL (State) HTF	87,934	100,496	113,058	125,620	135,670	145,719	155,769	165,818
	120% of AMI		95,928	109,632	123,336	137,040	148,003	158,966	169,930	180,893

210-25-16

TOWN OF WALLINGFORD  
DEPARTMENT OF PUBLIC UTILITIES  
WATER AND SEWER DIVISIONS

ENGINEERING SECTION  
PHONE: 203-949-2672  
FAX: 203-949-2678

---

INTEROFFICE MEMORANDUM

---

AUG 06 2025

WALLINGFORD  
PLANNING & ZONING

**TO:** KEVIN PAGINI, TOWN PLANNER – VIA EMAIL  
**FROM:** THOMAS FLANNERY, SENIOR ENGINEER, WATER AND SEWER DIVISIONS  
**SUBJECT:** 100 SOUTH CHERRY STREET – #210-25 SITE PLAN P & Z COMMENTS  
**DATE:** AUGUST 6, 2025  
**CC:**

---

The staff of the Water and Sewer Divisions has reviewed the drawings as submitted for the subject application and this memo consolidates their comments and requirements.

This office has no objections to the site plan for the multi-family residential buildings as currently proposed. The new buildings will be serviced by municipal water and sanitary sewer as indicated. If the use changes from apartments to units that can sold individually, then individual water and sanitary sewer services will be required to each unit.

There are some water and sewer utility details that remain to be resolved and therefore we request that they be made conditions of approval to be met by the applicant prior to the issuance of a building permit:

1. Submission of final water use, sewer use, plumbing fixture counts, irrigation system demand if required, and if a (proposed) fire sprinkler system, the needed fire flow estimates for the proposed buildings.
2. Submission of an architectural and plumbing floor plan for the proposed buildings which indicates the provisions for a utility room, utility closet or dedicated utility area, conforming to Water Division requirements, inside of the proposed buildings, to house the domestic water meter and pressure reducing valve. The proposed domestic water service must enter the structure directly into the utility/meter area with the details of the plumbing settings for the meter and pressure reducing valves in conformance with the Standard Details of the Water Division. The size of the domestic water service and meter shall be determined by the Water Division based upon the final plumbing fixture counts submitted.
3. Fees and connection charges for the water and sanitary sewer utility connections will be based on the size of the water meter as determined by the Water Division. All fees must be paid prior to connecting the building to the water and sewer utilities. If a separate water only irrigation meter is desired additional connection fees and water meter installation charges will apply.
4. Submission of a revised utility plan subject to the final review and approval of the Water and Sewer Divisions prior to the start of construction, incorporating the following details and revisions:
  - a. Separate domestic water and fire lines with individual connections to each building are required. The domestic service will be sized by the Water Division based on fixture counts provided by the owner. The Fire Marshal shall determine whether an on-site fire hydrant is required.
  - b. If a fire sprinkler system is required or proposed, then estimated fire demands and details of the system must be submitted for review and approval by the Water

Division. Fire department connection, fire hydrants and the fire protection system shall meet the requirements of the Fire Marshal's office.

- c. A manhole needs to be installed on the existing sanitary sewer main in Ward Street at the point of connection.
  - d. Three private sewer laterals, as proposed, cross under the water service. A profile of the sewer main and water services in this area shall be submitted to verify proper separation or reconfigure the services to avoid crossings.
5. Posting of a Water and Sanitary Sewer Utility Performance Bond to cover the installation of the required utility services and protection of the existing utility facilities during construction may be required. Amount of the bond to be determined pending final design of the utilities.



**Town of Wallingford**  
**Department of Engineering**  
 45 South Main Street  
 Wallingford, Connecticut 06492  
 Tel: (203) 294-2035; Fax: (203) 284-4012

Alison Kapushinski, P.E.  
 Town Engineer

## MEMO

**TO:** Planning & Zoning Commission

**FROM:** Department of Engineering *Amk*

**RE:** **100 South Cherry Street**  
**PZC Application #210-25 / 8-30g Site Plan**

**DATE:** August 7, 2025

**RECEIVED**

**AUG 07 2025**

**WALLINGFORD**  
**PLANNING & ZONING**

Dear Commissioners:

We are in receipt of the following revised materials for the referenced application:

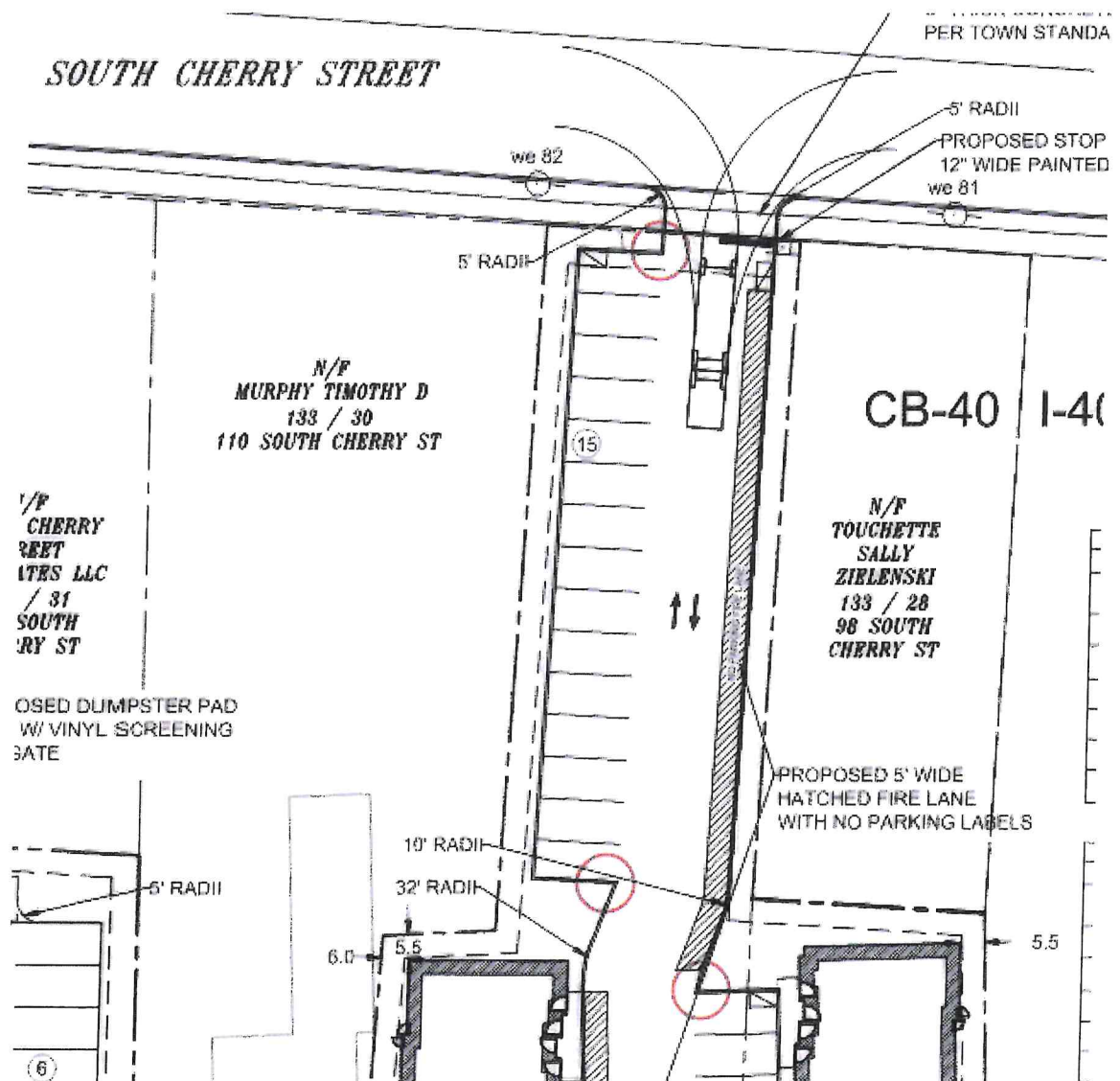
- Response to Comments letter from Nafis & Young Engineers, Inc. dated July 31, 2025.
- Drawings for South Cherry Commons by Nafis & Young Engineers, Inc. dated June 17, 2025 and last revised August 4, 2025.
- Engineering Report by Nafis & Young Engineers, Inc. dated June 9, 2025

I would like to recommend the following Conditions of Approval:

1. The Permanent Pavement Repair detail to be coordinated with the Department of Engineering Detail during the Excavation Permit process.
2. Prior to the issuance of a Building Permit, Applicant to submit an updated Grading Plan depicting the first floor for each section, if staggered foundations are utilized, for review by Engineering.
3. Finals plans to include a note on the Stockpile Siltation Control Detail to the effect of "stockpiles are not to be placed in same location as future infiltration units".
4. Final plans to show the below curb corners with radii:



August 7, 2025  
PZC #210-25



If you have any questions or require any additional information, please let me know.

# **Sign Permit Fees**



---

**Fw: Historical Sign Permit data for PZC info**

---

**From** Kevin Pagini <kevin.pagini@wallingfordct.gov>

**Date** Fri 7/25/2025 3:05 PM

**To** vjseichter@sbcglobal.net <vjseichter@sbcglobal.net>; bhr6@cornell.edu <bhr6@cornell.edu>; jvenoit@masonicare.org <jvenoit@masonicare.org>; sallinson@gmx.com <sallinson@gmx.com>; Jfitzsimmons <JFITZSIMMONS@westchester.com>; jeffrey.kohan@snet.net <jeffrey.kohan@snet.net>; 37jsanders@outlook.com <37jsanders@outlook.com>; townca2005@gmail.com <townca2005@gmail.com>

**Cc** zoning <zoning@wallingfordct.gov>; Amy Torre <amy.torre@wallingfordct.gov>

Dear Commission Members,

Please see requested information in the e-mail below regarding our sign revenue and how the new regulations will affect that revenue. We would like to raise the current fee to account for the loss in revenue from our re-facing applications that will be discontinued.

Our current application fee is \$100.00, but 80% of our current applications are re-facing. See the below explanation and examples about raising our fee to make up for some of this lost revenue.

Thank you and have a great weekend,

Kevin J. Pagini  
Town Planner  
Town of Wallingford  
P: 203-294-2090

---

**From:** Amy Torre <amy.torre@wallingfordct.gov>

**Sent:** Friday, July 25, 2025 2:45 PM

**To:** Kevin Pagini <kevin.pagini@wallingfordct.gov>

**Subject:** Historical Sign Permit data for PZC info

Kevin,

I have reviewed sign permits issued for an 18 month period (1/1/2024 - 6/30/2025) to provide the Planning and Zoning Commission enough information to evaluate raising fee for sign permits relative to newly adopted Sign Regulations removing permits for replacing legally existing signage.

57 Sign Permits were issued

12 of 57 Permits included new signage

45 of 57 permits were refacing/replacing existing only

Application fees (\$100.00 ea.) for 57 Sign Permits = \$5700.00

Applications for new signs only @ \$100.00 ea. = \$1200.00/\$5700.00 =21% total permits issued.

Reduction of 79% revenue from Sign Permits applying Sign Regulations adopted June 2025.

Example @ \$300.00 Sign Permit Application fee for the same 12 new sign permits would realize \$3600.00 which is 63% of past returns.

(regional example of tiered fees)

Hamden's current sign permit application fees:

4 sq. ft. or less \$180

Between 4 sq. ft. and 16 sq. ft. \$240

Over 16 sq. ft. \$310

Respectfully,

Amy

*Amy B. Torre*

Land Use Specialist/ZEO

Town of Wallingford

203-294-2090



## *Town of Wallingford, Connecticut*

### LEGAL NOTICE

The Wallingford Zoning Board of Appeals, at their Meeting of Monday, July 21, 2025, voted to take the following actions:

They voted to approve :

1. #25-019 – Variance Request/22 South Branford Road, LLC/Front yard of 45 ft. (75 ft. required) to construct an addition and attached garage at 22 South Branford Road in an RU-120 District.

They voted to deny:

1. #25-020 – Special Exception Request/Kroher/Garage area of 1464 sq. ft. (936 sq. ft. max permitted) to construct a 936 sq. ft. detached garage at 38 Pieper Drive in R-18 District.
2. #25-021 – Variance Request/Diaz/side yard of 4.37 ft. (20 ft. required) to construct a 240 sq. ft. attached carport at 62 Ridgeland Circle in an R-18 District.

WALLINGFORD ZONING BOARD OF APPEALS

A handwritten signature in black ink, appearing to read "Karen Raddatz", is written over a horizontal line.

KAREN RADDATZ, SECRETARY

DATED AT WALLINGFORD  
July 22, 2025

PUBLICATION DATE  
July 25, 2025



*Town of Wallingford, Connecticut*

## **NOTICE**

There is no Regular Meeting scheduled for the Wallingford Zoning Board of Appeals in August 2025. The next Regular Meeting of the Wallingford Zoning Board of Appeals is scheduled for Monday, September 15, 2025.

# CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2025

Volume XXIX, Issue 3

## SUPREME COURT RULES HOOPHOUSE EXPANDS NONCONFORMING USE

The State Supreme Court has overruled an opinion issued by the Appellate Court on the issue of what is an illegal expansion of a nonconforming use. The Appellate Court decision appeared in Vol. 28, Issue 2 of this newsletter. The case concerned an application by the operator of a residential treatment facility to erect a hoop house on farm property it owned. The residential treatment facility was located on 2 parcels. One parcel housed the residential treatment buildings while the other parcel was an operating farm used to provide food to the residents and staff of the facility as well as to offer therapy programs for the residents. While the existence of the treatment facility predated the adoption of zoning in the town and was a nonconforming use, the farm parcel use by the treatment facility had been approved by special permit and site plan approval.

The commission denied the application stating that since the farm operation had been approved as a special permit and site plan use, the use of the farm could not deviate in any way from these approvals, including the addition of a hoop house. The applicant disagreed, stating that all nonconforming uses must be treated the same and allowed to intensify. The appellate court agreed ruling that no matter how they are created, all nonconforming uses can

intensify, which is often defined as being more of the same.

The State Supreme Court focused on the nature of the nonconforming use and whether the erection of a hoop house would be an expansion of it. In this case, the nonconforming use was the therapy program associated with the farming of fruits and vegetables.

The operator of the treatment center had stated numerous times that the hoop house would allow for an extended growing season and thus extend the therapy program associated with it. It is well established that changing a seasonal nonconforming use to a year-round nonconforming use constitutes an impermissible expansion. Such was the case here where the hoop house would allow for an impermissible expansion in the amount of time when the nonconforming use would be active. *High watch Recovery Center Inc. v. Planning & Zoning Commission*, 352 Conn. 1 (2025).

## WETLANDS BOARD DECIDES WHICH EXPERT TO BELIEVE

An application to construct a housing complex on land surrounded by wetlands was denied by the inland wetlands board on the basis that the proposed development would have an adverse impact on the wetlands. The applicant had retained various experts who were all of the opinion that no adverse impacts would take place and, even if they did, there were no feasible

Written and Edited by  
Attorney Steven E. Byrne  
P.O. Box 1065, Farmington CT 06032  
Tel. (860) 677-7355  
[attysbyrne@gmail.com](mailto:attysbyrne@gmail.com)  
[contact.cfpza@gmail.com](mailto:contact.cfpza@gmail.com)

**RECEIVED**

JUL 28 2025

WALLINGFORD  
PLANNING & ZONING

# CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2025

Volume XXIX, Issue 3

and prudent alternatives. The expert retained by the board came to the opposite conclusion, finding that the intensity of the development as well as the steep slopes on the property adjacent to wetlands and the removal of the tree canopy would lead to adverse impacts. In addition, by relocating certain stormwater controls and reducing the scale of the project, feasible and prudent alternatives existed.

The denial was appealed and presented the court with the issue of whether the expert testimony amounted to substantial evidence to support the board's decision. The court found that it did. The authority to decide which expert to believe rests solely with the board. A commission is not required to believe any witness, including an expert. What is required is that the proceedings be fundamentally fair which includes, in part, providing the expert with the opportunity to address the board and the board members expressing their opinions on the expert's testimony during the public hearing. *Ridgefield Professional Office Complex LLC v. Inland Wetlands Board*, DBD-CV-23-6047606 (10.29.24)

## MAN FACES SUBSTANTIAL FINE FOR CUTTING TREES

A town was awarded \$598,476.00 under Connecticut General Statutes Sec. 52-560a when it successfully sued an individual for cutting down trees on land owned by the town as open space. The guilty person

owned land abutting the town property. He allegedly cut down the trees in order to improve his view of a lake.

The aforementioned state statute provides a useful tool for land trusts, conservation commissions and towns to protect their lands from harm. The statute not only authorizes the recovery of costs for restoring the damaged land, it also allows for up to five times the restoration costs in punitive damages as well as the payment of its attorney fees. Prior to the enactment of this law, only the value of the removed trees, calculated as lumber or firewood, could be recovered. *Town of Southbury v. Salzman*, UWY-CV-19-6049516 (4.17.25)

## CLIMATE CONCERNS INSUFFICIENT BASIS FOR DENIAL

The owner of a two-lot subdivision originally approved for single family use sought to develop the property for apartments. The existing sewer line had been upgraded 10 years before to accommodate multi-family use on the two lots. An application was filed with the WPCA to modify the existing connection approval as well as for a determination of adequacy. After several meetings, the WPCA denied the application for two reasons: that the federal government stated that current rainfall models are inaccurate and that without a sewer plan, the WPCA is in no position to approve the application.

On appeal, the court found these reasons insufficient to support a denial

Written and Edited by  
Attorney Steven E. Byrne  
P.O. Box 1065, Farmington CT 06032  
Tel. (860) 677-7355  
[attysbyrne@gmail.com](mailto:attysbyrne@gmail.com)  
[contact.cfpza@gmail.com](mailto:contact.cfpza@gmail.com)



# CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2025

Volume XXIX, Issue 3

finding that there was no evidence in the record to support a denial based upon proper reasons, such as a lack of capacity at the sewage treatment plant. Instead, nearly all of the evidence demonstrated there was sufficient capacity to handle the planned multi-family use and that the WPCA's concerns amounted to speculation.

In defense of the WPCA, it was concerned about climate change and that increased rainfall was causing infiltration of rainwater runoff into the sewage system which could cause capacity issues. However, no evidence, other than commission member's concerns, was in the record. *Hill Street 72 LLC v. Water Pollution Control Authority*, HHD-CV-23-6168031 (4.17.2025)

## EVIDENCE OF NO ADVERSE IMPACTS NECESSARY

A commission's decision to approve a barn and accessory apartment for a horse farm was reversed by a court on appeal. The basis for the court's decision was that the commission's decision was not supported by substantial evidence in the record. The property involved in the application was almost entirely wetlands and substantial amounts of topsoil had been removed from the property in the past. This left the water table exposed to possible adverse impacts from the proposed agricultural activity. Since there was no evidence in the record that addressed the

issue of possible adverse impacts to wetlands, the Commission's decision was found to be unsupported by any evidence in the record. *Ucciardo v. Warren CWC*, LLI-CV-21-6029304 (3.3.23)

## ANNOUNCEMENTS

### **Membership Dues**

Notices for this year's annual membership dues were mailed March 1, 2025. The Federation operates solely on the funds provided by its members. So that we can continue to offer the services you enjoy, please pay promptly.

### **Workshops**

**Four hours of Commissioner training must be completed once every four years or once each term of a commissioner.** At the price of \$185.00 per session for each agency attending, our workshops are an affordable way for your board to 'stay legal'. **Email us at [contact.cfpza@gmail.com](mailto:contact.cfpza@gmail.com) to schedule a workshop.**

## ABOUT THE EDITOR

*Steven Byrne is an attorney with an office in Farmington, Connecticut. A principal in the law firm of Byrne & Byrne LLC, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.*

Written and Edited by  
Attorney Steven E. Byrne  
P.O. Box 1065, Farmington CT 06032  
Tel. (860) 677-7355  
[attysbyrne@gmail.com](mailto:attysbyrne@gmail.com)  
[contact.cfpza@gmail.com](mailto:contact.cfpza@gmail.com)

# BOOK ORDER FORM

Name of Agency: \_\_\_\_\_

Person Making Order: \_\_\_\_\_

Address: \_\_\_\_\_

Purchase Order No.: \_\_\_\_\_

**"PLANNING AND ZONING IN CONNECTICUT"**

at \$ 35.00 each for members      Copies \_\_\_\_\_ \$ \_\_\_\_\_

at \$ 40.00 each for nonmembers

**"CONNECTICUT ZONING BOARD OF APPEALS"**

at \$ 30.00 each for members      Copies \_\_\_\_\_ \$ \_\_\_\_\_

at \$ 35.00 each for nonmembers

**"WORKSHOP BOOKLETS" at \$12.00 each for members & \$16.00 each for nonmembers**

Planning & Zoning Commissions      Copies \_\_\_\_\_ \$ \_\_\_\_\_

Zoning Board of Appeals      Copies \_\_\_\_\_ \$ \_\_\_\_\_

Inland Wetlands & Watercourses      Copies \_\_\_\_\_ \$ \_\_\_\_\_

Historic District Commissions      Copies \_\_\_\_\_ \$ \_\_\_\_\_

TOTAL DUE: \$ \_\_\_\_\_

*Please make check payable to:  
Connecticut Federation of Planning & Zoning Agencies*

**CONNECTICUT FEDERATION OF  
PLANNING & ZONING AGENCIES**

P.O. Box 1065

270 Farmington Avenue

Farmington CT 06034



Wallingford Planning & Zoning Commission  
Municipal Building  
45 South Main Street  
Wallingford, CT 06492