

Agenda
Wallingford Planning and Zoning Commission
Monday February 10, 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- January 13, 2025

PUBLIC HEARINGS

1. Text Amendment- Section 4.7- Downtown Apartment (DA) District #904-24
(Continued from 01/13/2025)
2. Text Amendment-Section 6.38- Middle Housing #901-25

BOND RELEASE

3. Sunwood Development Corp - 862 North Farms Road/Erosion and Sediment Bond
4. Galarraga – 110 North Plains Industrial Road

REPORTS OF OFFICERS AND STAFF

5. Annual Report
6. ZBA January Decisions
7. ZBA Notice of February 18, 2025
8. Zoning Enforcement Report

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, February 10, 2025

1. Text & Map Amendment/P & Z/ Downtown Apartment Overlay District

- This proposal was initiated by the Planning office through the Chairman to allow more deed-restricted affordable housing by right. The text amendment proposes to allow affordable housing by right and includes density bonuses for construction of affordable units.
- There has been interest to build housing in the area of the proposed overlay zone extension, plus Judd Square is currently a non-conforming use as it is zoned Industrial, the map amendment would also allow for expansion of Judd Square property.
- This was one of the areas outlined in our Affordable Housing Plan and it made sense to extend the DA Overlay district to the properties adjacent to the railroad tracks.

2. Text Amendment/P & Z/Middle Housing #901-25

- After further discussion with concerned members of the community and the need we have for more housing, I am presenting the idea of changing the Downtown Apartment Overlay district into a regulation for certain districts that are outlined on the next page much like we do for the Adaptive Re-Use Regulations
- This idea would eliminate the particular geographic boundaries of the Overlay District and allow for Middle Housing development in specified districts with specific restrictions.
- The amendment would allow the following (see attached proposal):
- Multi-family market rate developments would be allowed anywhere in the following districts:
 - R-6, R-11 and R-15
 - CA and CB
 - Industrial (I-40 and I-20)
 - RF-40 only on second floors, on first floors by Special Permit
- Would be subject to parking requirements as defined in 6.11 (These requirements can be discussed at a later meeting).

It would allow Affordable Developments by right but would give a maximum 40% bulk requirement reduction/expansion incentive if building affordable housing.

An example would be a 20% reduction in bulk standard requirements to build affordable housing.

A percentage reduction would only affect the districts with larger setback requirements. For example, a 20% reduction of the side setback in the R-6 would only allow for a 1 foot reduction for the side setback.

- I have included in your packets a regulation change for further development of multi-family housing also known as middle housing. This came out of a discussion with some members of the housing working group as well as input from Economic Development. After meeting for over an hour, we came to the conclusion that units per acre should not be restricted as the bulk standards for each district would dictate how many units could potentially fit, as well as building code restrictions for unit sizes. Also, smaller lots would not have the parking space availability to allow for high unit density. Therefore, we felt as though capping the units by acre is unnecessary and cumbersome.
- I also included a map of the proposed zoning districts where it is being considered to allow this development to give a visual representation of the areas affected.
- I do not expect a vote on this. I am hoping for more discussion and fine tuning in the next month to come up with a regulation that can expand where housing is allowed. We should also think about allowing expansion of existing residential properties that may not be suitable sizes for commercial development.
- I have included a PowerPoint presentation in your packets that I will present at the meeting.

RECOMMENDED MOTIONS
Wallingford Planning & Zoning Commission Meeting
Monday, February 10, 2025

1. Zoning Text and Map Amendment/P & Z/ Downtown Apartment Overlay #904-24

Zoning text amendment and map amendment to amend the Downtown Apartment Overlay District to allow affordable, deed-restricted dwelling units by site plan approval and extend the boundary of the district to include 9 parcels on the east side of South Cherry St. because:



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

Pre-Legal Notice

The following Public Hearings will be heard at the Wallingford Planning and Zoning Commission's meeting of **Monday February 10, 2025** at 7:00 p.m. in the Robert F. Parisi Council Chambers of Town Hall located at 45 South Main Street.

1. **#901-25** – Text Amendment to add new Section 6.38 and amend Section 4.1, 4.5, 4.6, 4.8 and 4.16 to allow Multi-family dwelling units. Changes will affect the R-6, R-11, R-15, RF-40, CA, CB, I-20, I-40 zones. (Full text available in Planning and Zoning office)

WALLINGFORD PLANNING AND ZONING COMMISSION

Steven Allinson

STEVEN ALLINSON, SECRETARY

JJP

DATED AT WALLINGFORD
01/23/2025

PUBLICATION DATES
01/28/2025

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.

Wallingford Planning & Zoning Commission
Regular Meeting
Monday, January 13, 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 – December 9, 2024, Regular Meeting

Commissioner Venoit: Motion to approve the Minutes of Monday, December 9, 2024, Meeting of the Wallingford Planning and Zoning Commission as submitted.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve.

PUBLIC HEARINGS

1. Text Amendment – Section 4.7 – Downtown Apartment (DA) District - Continuation #904-24

Commissioner Allinson noted the additional correspondence. Correspondence included a document titled Alternate Proposal to Section 4.7; an overlay map of the districts affected by the alternate proposal and a copy of pages 13 – 16 of House Bill 5474.

Chairman Seichter noted that the purpose of the proposed text amendment is to increase opportunities for residential development.

Mr. Pagini summarized the first proposal to extend the Downtown Apartment District to allow multifamily dwelling units on a small portion of parcels on South Cherry Street and Ward Street. It would provide density bonuses for affordable housing. The second proposal is more aggressive. It would allow multifamily dwellings in more districts by right. He referred to House Bill 5474 effective October 1, 2024, which gives the Town points for allowing multifamily dwellings and affordable as of right. He suggested changing the term to Middle Housing instead of Multifamily and stated that he would ask the Corporation Counsel to explain the House Bill. He listed the districts that would be affected. He noted that there is still a minimum of 25,000 sq. ft. per property and a height maximum of 30 ft. He suggested getting rid of the units per acre language due to the bulk restrictions.

Chairman Seichter asked for feedback from the Commission on which proposal to consider. The first expands the downtown apartment district by 8 or 9 parcels. The second is more aggressive but has greater benefits for the Town. He stated that there would be no recommendation tonight as there may be unintended consequences.

Commissioner Rivard suggested looking at the proposals as two steps. The first is okay with a small impact. He agreed that the Commission should look for something more comprehensive. He suggested that the second proposal be step two after more discussion.

Commissioner Fitzsimmons agreed with the two-step process. He is in favor of further expanding the downtown apartment overlay district first and then looking at the other proposal. He suggested thinking about the parking requirements too. We don't want parking requirements to stop development.

Commissioner Allinson agreed with the two-step process. He noted that downtown is a focus for affordable housing and we need to make that work first.

Commissioner Sanders concurred. He stated that we will learn more during the first step.

Mr. Pagini reviewed the discussion at the last meeting. He added that the language for Market Rate was not changed. The Site Plan approval for affordable units has been added with a minimum lot size of 15,000 sq. ft. He suggested discussing a lower square footage for the parcels. The properties would still have to comply with building codes and Bulk requirements. The density bonuses have been removed. He suggested bulk restriction easement language instead of units per acre. The unit per acre calculation is confusing. Regarding minimum floor area, he stated that he suspects the building code is 400 sq. ft. He stated that he is in favor of removing the units per acre and giving developers a bonus. But this proposal only affects 9 parcels.

Commissioner Rivard asked for the pros and cons of removing the Units per acre language. Mr. Pagini replied that it is required in other districts due to the height allowed. In this district the maximum height is 30 ft. Commissioner Rivard concurred with removing the language.

Mr. Pagini added that if it is removed, an incentive for developers is needed to build affordable housing. He suggested easing the bulk restrictions. He suggested using the language in the alternate proposal, paragraph C2: "a. The Commission may approve bulk requirements to be reduced or enlarged (height only) by up to 20% as site conditions allow, for affordable housing developments." And "b. The Commission may approve further bulk requirement bonuses for projects that exceed the 30% minimum requirement for affordable units as site conditions allow on a per-application basis." He added that the height restriction is 30 ft. in this area. He explained that the bulk standards table is in 5.1 B and 5.1 C and includes setbacks, height, etc. This proposal would only affect the downtown portion of the district including Judd Square and corner of Ward and South Cherry Streets. The district would go across the street. He added that there is no setback for the train tracks and that the Commission can look at other areas.

Chairman Seichter stated that this could provide for additional development on the Judd Square property.

Commissioner Allinson referred to section C 2b in the alternate proposal and asked if that meant we could do whatever we wanted. Mr. Pagini replied yes, but don't expect to get rid of 100% of setbacks. If it is not appropriate, we can get rid of it. Commissioner Allinson suggested thinking about the bonus beyond this overlay and not setting guardrails. We need to think about that. Mr. Pagini stated that it gives developers an incentive to do more. Commissioner Allinson suggested coming up with some sort of tier to be more flexible. Mr. Pagini suggested capping the requirement at certain levels of affordability.

PUBLIC COMMENT

Richard Partesano, 303 Highland Avenue, stated that he is a strong advocate for affordable housing and a member of an ad hoc working group called the Housing Working Group of Wallingford. He stated that to have a strong, vibrant community, we need housing for the workforce. He agreed with a comment made by Commissioner Sanders at an earlier meeting that we should go beyond the minimum requirements. We need to be creative. This proposal is a way of doing that. He noted that there is a strong link between economic development and affordable housing. He noted that affordable housing should be part of the Town's POCD.

Chairmen Seichter noted that the initial discussions on updating the POCD have started. It is due in 2026. He confirmed that all meetings will be open to the public.

Judah Lopez, 49 Academy Street, encouraged Commission members to attend the Community Conversations at the Library. She shared her story of finding housing in Wallingford. She appreciates this proposal being discussed. She encouraged town citizens to think about what it means to have neighbors who might be different from you.

Kristen Butts, 30 Deme Road, stated that she is a realtor and stated that the American dream of homeownership is often unreachable. We need to be creative and work together to increase the supply of housing. Currently, we have unintended multigenerational living which results in zoning, health, and safety violations. People of all ages are struggling to stay in town. We need to pool our knowledge and resources.

Bob Wiedenmann, 1443 Durham Road stated that he is part of the housing conversation group. He is passionate about affordable housing and stated that this is a good starting point. We tend to focus only on the 30% of affordable units, but more important is the other 70% built at moderate pricing. Under 8-30g, that is a trade-off to get the additional density. He suggested expanding beyond the proposed small area. It doesn't mean every building will become multifamily but will help developers find underused properties. He agreed to get something done now but then considered going beyond those 9

properties. Chairman Seichter noted that most of the properties Mr. Wiedenmann mentions are in the second proposal. Mr. Wiedenmann added that there may be other boundaries to look at. He suggested reducing the minimum lot size to 10,000 sq. ft. None of the R6 lots will be able to use this regulation. He also suggested that the parking requirements may be too strict. He stated that the market will dictate the parking need. Tenants ask about parking before committing to a unit. Mr. Wiedenmann acknowledged that the industry can't build enough housing to meet the need.

Chairman Seichter agreed that parking is always an issue. We need to make sure that adequate parking is available so cars aren't parked on the front lawn. He stated that the Commission has been very supportive of affordable housing yet applications are not coming in. He suggested expanding the downtown apartment district as a first step. Chairman Seichter noted that the second application involves a lot of properties. We need to look at it some more and avoid any unintended consequences. He suggested acting on the Downtown Apartment District next month. For the alternate proposal, the Commission needs time to consider it. There was consensus to proceed.

Mr. Pagini stated that he would leave the Downtown Apartment Overlay District as it is and tweak the language. He will prepare a separate alternative proposal as a separate application. He suggested adding a tiered bulk requirement up to 40%. Chairman Seichter suggested putting the proposal on paper for the Commission to consider. Mr. Pagini also suggested decreasing the lot size for the Special Permit for market-rate housing. It currently is 25,000 sq. ft. and not many lots in the district are that size. Commissioner Seichter asked for suggestions to be discussed at the next meeting.

Mr. Pagini added that there will be a survey on the town website to collect input for the POCD.

Commissioner Allinson referred to the 30 – 40-year deed restriction for affordable housing and asked if we could ask the Corporation Counsel if there is a creative way to include a permanent deed restriction. Maybe we can offer incentives in exchange. Chairman Seichter noted that he has always wanted that but this is what the legislators came up with. The Corporation Counsel has said that we can ask for more. Commissioner Allinson noted that we will eventually run out of land for new buildings. Chairman Seichter stated that the need for housing will not go away.

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

Commissioner Venoit: Motion to continue the public hearing for application #904-24 Text Amendment – Section 4.7 – Downtown Apartment (DA) District to the February meeting.

**Commissioner Fitzsimmons: second
Vote: Unanimous**

REPORTS OF OFFICERS AND STAFF

2. Administrative Approvals – noted as approved

- a. 47 Jamestown Circle – Stairs #811-24
 - b. 361 N. Colony Street – Hogan #310-24
 - c. 32 Liney Hall Lane – Hass #812-24
 - d. 25 Gregory Road – Schuler #225-24
 - e. 173 Church Street – United Concrete #226-24
 - f. 69 North Plains Highway – United Concrete #227-24
3. ZBA December Decisions – no comment
 4. ZBA Notice of January 21, 2025 – no comment

Mr. Pagini reported that the Annual Report will be available next month.

ADJOURNMENT

Commissioner Venoit: Motion to Adjourn the Wallingford Planning and Zoning Commission for Monday, January 13, 2025, at 8:20 p.m.

**Commissioner Fitzsimmons: Second
Vote: Unanimous**

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary

TEXT AMENDMENT SECTION 6.38

MIDDLE HOUSING

#901-25



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

January 16, 2025

Town Clerk- Town of Durham
Town Clerk- Town of Hamden
City Clerk- City of Meriden
Town Clerk- Town of North Haven

Re: Proposed Amendment to the Town of Wallingford Zoning Regulations to add new Section 6.38 and amend Section 4.1, 4.5, 4.6, and 4.16 to allow Multi-family dwelling units.

Dear Town/City Clerk,

In accordance with the Connecticut General State Statutes, enclosed please find a copy of the above referenced proposed amendment to the Town of Wallingford Zoning Regulations. The proposed amendments will expand the allowed use of multi-family dwelling unit developments and affordable developments throughout several zoning districts.

A public hearing for this application is scheduled for February 10, 2025.

Regards,

Kevin J. Pagini
Town Planner

TOWN OF WALLINGFORD

Town Hall, 45 South Main Street, Wallingford, CT 06492

TO: Stephanie Camp - South Central Regional Council of Governments
 J.H. Torrance Downes - Lower Connecticut River Valley Council of Governments
 Keith Rosenfeld - Naugatuck Valley Council of Governments

FROM: Kevin J. Pagini, Town Planner

PLEASE SEE ATTACHED

The change was originally requested:

by municipal agency (PZC)
 by petition

Public hearing has been scheduled for : February 10, 2025

Legal Notice Site map
 Map of proposed subdivision Text of proposed amendment

Other: See current Zoning Regulations and Zoning Map on Town Web Site under Planning and Zoning Department.

www.wallingford.ct.us

Kevin J. Pagini, Town Planner

(Authorizing Signature)

Date

Wallingford Town Hall
45 South Main Street
Wallingford, CT
Phone: (203) 294-2090 Fax: (203) 294-2095

§6.38 MULTIFAMILY HOUSING

- A. Purpose - to permit and encourage multi-family dwelling units, middle housing, cottage style housing, and unique multi-family development ideas in existing and new buildings within designated zoning districts and encourage affordable housing developments by easing of bulk/building and lot requirements.
- B. The following uses are permitted subject to Site Plan Approval in accordance with §7.4 in the R-6, R-11, R-15 zoning districts and subject to the following:
- a. Minimum lot size of fifteen thousand (15,000) sq. ft.
 - b. The lot shall be served by sanitary sewers and public water supply.
 - c. Bulk requirements in accordance with §5.1.B.
 - d. Parking in accordance with §6.11.
 - e. Landscaping in accordance with §6.14 except that all parking areas within twenty (20) feet of abutting properties or a street shall be surrounded with a minimum five (5) foot buffer area per §6.14.D.4.
- C. The following uses are permitted subject to Site Plan Approval in accordance with §7.4 in the I-40, I-20, CA- 12, CA-40, CB-12 and CB-40 zoning districts and subject to the following:
- a. Minimum lot size of twenty-five thousand (25,000) sq. ft.
 - b. The lot shall be served by sanitary sewers and public water supply.
 - c. Bulk requirements in accordance with §5.1.B.
 - d. Parking in accordance with §6.11.
 - e. Landscaping in accordance with §6.14 except that all parking areas within twenty (20) feet of abutting properties or a street shall be surrounded with a minimum five (5) foot buffer area per §6.14.D.4.
- D. The following uses are permitted subject to a Special Permit in accordance with §7.5 in the RF-40 zoning district:
- a. Minimum lot size of twenty-five thousand (25,000) sq. ft.
 - b. Residential units shall be located on second floor or above only.
 - b. The lot shall be served by sanitary sewers and public water supply.
 - c. Bulk requirements in accordance with §5.1.B.
 - d. Parking in accordance with §6.11.
 - e. Landscaping in accordance with §6.14 except that all parking areas within twenty (20) feet of abutting properties or a street shall be surrounded with a minimum five (5) foot buffer area per §6.14.D.4.
- E. The following uses are permitted subject to Site Plan approval in accordance with §7.4 in the R-6, R-11, R-15, RF-40, I-40, I-20, CA- 12, CA-40, CB-12 and CB-40 zoning districts:
1. Affordable Residential dwelling units which comprise a minimum of 30% of the total dwelling units as defined by CT Statute 8-30g as a set-aside development in new or existing buildings provided that:
 - a. The lot shall be served by sanitary sewers and public water supply.
 - b. Parking in accordance with §6.11.
 - c. Landscaping in accordance with §6.14 except that all parking areas within twenty (20) feet of abutting properties or a street shall be surrounded with a minimum five (5) foot buffer area per §6.14.D.4.

2. Bonuses for affordable developments are as follows:
 - a. The Commission may approve bulk standard/lot and building requirements to be reduced or enlarged by up to 20%, as site conditions allow, for affordable housing developments.
 - b. The Commission may approve further bulk requirement bonuses for projects that exceed the 30% minimum requirement for affordable units, up to a maximum of 40%, as site conditions allow on a per application basis.

The following chart shall allow for percent reduction or enlargement of bulk standard/lot and building requirements on a tiered basis:

Percent Affordable Units	Percent Reduction/Enlargement
35%	25%
40%	30%
45%	35%
50%	40%

- c. The Commission may also increase the maximum building height allowance up to 40% to accommodate substructure parking for affordable housing developments that meet the minimum 30% of the total dwelling unit requirement.

ARTICLE IV
Use Regulations

§4.1 RESIDENCE DISTRICTS (R-18, R-15, R-11, R-6)

- A. Purpose - To allow single-family residences on lots from 6,250 sq.ft. to 18,000 sq.ft. to encourage moderate to high density residential development and related purposes in areas primarily served by municipal water and sewerage facilities.
- B. The following uses are permitted subject to approval of a Zoning Permit in accordance with §8.3:
1. One single-family dwelling per lot.
 2. **Multi-Family housing as per §6.38** 6-16-
 - 23
 3. Any community residence that houses six (6) or fewer intellectually disabled persons and necessary staff persons and that is licensed by the State. 6-16-
 - 23
 4. One manufactured home per lot, subject to the following:
 - a. Each Home must be at least twenty-two (22) feet wide at its smallest dimension.
 - b. Each home must meet the Federal Manufactured Home Construction and Safety Standard.
 - c. Each home shall have a full concrete foundation. 4/18/89
 5. Structure or rooftop mounted antennas, subject to the requirements and procedures listed in §6.25. 5/18/97
 6. Any child-care, residential facility that houses six (6) or fewer children with mental or physical disabilities and necessary staff persons and that is licensed by the State. 10/16/05
 7. Any community residence that houses six (6) or fewer persons receiving mental health or addictive services and necessary staff persons paid for or provided by the Department of Mental Health and Addictive Services and that has been issued a license by the Department of Public Health under the provisions of §19a-491 of the CT General Statutes, if a license is required. 10/16/05

§4.5 COMMERCIAL (CA) DISTRICTS

A. Purpose - To allow general commercial and office development in designated areas located on or near major streets.

B. The following uses are permitted subject to Site Plan Approval in accordance with Article VII:

1. Educations or religious use by a non-profit corporation or governmental unit, excluding correctional institutions. 10/2/94; 6/16/23
2. Boarding and rooming houses.
3. Offices and financial institutions.
4. Restaurants and other food service facilities with or without a liquor permit.
5. Funeral homes.
6. Self-service clothes cleaning establishments.
7. Theaters for indoor picture projection or dramatic or musical productions.
8. Hotels and motels with not less than six (6) units, provided that the lot are is equal to not less than two-thousand (2,000) square feet for each sleeping accommodation.
9. Stores and shops where goods are sold and services are rendered primarily at retail, including:

10/2/94

- a. Bakery, catering establishments or confectionery store.
- b. Barber shops, beauty parlors, manicurists, sun tanning salons, massage therapists, and similar personal services.
- c. Book or stationary store.
- d. Laundry, cleaning and dyeing agencies.
- e. Clothing, tailoring, dressmaking.
- f. Drugs, toilet articles, dry goods and notions.
- g. Florist shop, garden and farm supplies or equipment.
- h. Furniture, interior decorating, hardware, radios, electrical or household appliances, sporting goods.
- i. Gift, antique or art or jewelry store.
- j. Groceries, fruit, vegetables or meats.
- k. Rental equipment if stored indoors.
- l. Retail package store, the sale of wine, beer or spirituous liquors.
- m. Shoes and shoe repairing.
- n. Dog and cat grooming.
- o. Printing and publishing establishments in which the floor area shall not exceed two-thousand (2,000) square feet.

10. Clubs.

11. Cafes and taverns subject to:

11/13/04

- a. Permanent outdoor patios shall be surrounded by a five (5)-foot tall white, vinyl fence with the finished side facing out.
- b. Square footage within the patio shall be included as café/tavern square footage for parking purposes.

12. Temporary construction offices.

13. Museums or art galleries

14. Governmental buildings, facilities and uses.

- 15. Public utility buildings and facilities.
- 16. Dance studios.
- 5/17/88
- 17. Veterinary hospitals for small animals, provided that the animals housed overnight are kept in a building, and that it does not provide boarding. 10/11/89
- 18. Adult uses as per §6.20.
- 9/19/92
- 19. Business and Trade Schools.
- 9/14/96
- 20. Multi-Family housing as per §6.38
- 5/15/99

C. The following permitted uses require approval of a Special Permit in accordance with §7.5:

- 1. Billiard and pool parlors, bowling alleys, skating rinks, and other indoor places of public recreations operated as a business.
- 10/2/94
- 2. Residential dwelling units subject to the following:
 - a. Shall not be located on the first-floor unless the entire first-floor is being legally used for residential purposes at the time of application. 5/19/91;
- 3/19/05
- 3. Temporary mobile office.
- 4. Uses in this zoning district generating one-hundred (100) peak hour vehicle trips or more using the standards set forth in the most recent edition of Trip Generation, ITE, or a more accurate source, if available, subject to the following: 4/16/94; 8/10/96;

- 10/18/03
- a. Submission of a traffic impact analysis containing present roadway conditions, existing roadway capacity, existing projected traffic volumes (ADT, Peak a.m. and Peak p.m.), existing and projected volume capacity ratios, existing and projected levels of service, existing and proposed sight lines, site generated traffic and traffic distributions, and traffic accident experience.
- b. A traffic impact analysis will be required: 5/17/88
 - 1. For an addition to an existing use, which use is now under the provisions of the section, and
 - 2. when an additions to an existing use brings that use under the provisions of this section.
 - 3. The traffic impact analysis shall cover the entire use, not merely the addition.
- c. No traffic impact analysis or Special Permit will be required for an addition to an existing Special Permit use if the addition generates twenty-five (25) peak hour vehicle trips or less.
- d. In all cases in which the Commission feels that a peer review of the applicant's traffic impact analysis is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review. This payment shall be made to the Town prior to the decision by the Commission on the applications.

§4.6 COMMERCIAL (CB) DISTRICTS

- A. Purpose - To provide suitable locations for general commercial and office development, in addition to more extensive commercial uses.
- B. The following uses are permitted subject to Site Plan Approval in accordance with Article VII:s
1. Any use permitted in §4.5.B, including any retail trade not listed in §4.5.B. *10/18/01*
 2. Wholesale trade carried on entirely within a building or enclosure of suitable height to screen the operation from the street and any nearby residence district.
 3. Newspaper and printing plants, book binding and photo engraving. *10/2/94*
 4. Health and/or sports clubs, billiard and pool parlors, dance halls, bowling alleys, and similar places of public recreation operated as a business.
 5. Mini-Warehousing and Self-Storage. *7/14/2023*
 6. Public utility buildings, including storage yard or electric substations, but excluding electric generating or gas manufacturing plants.
 7. Retail lumber, fuel and building material yards and contractor's equipment storage, provided that all material is kept in a building or within an enclosure of suitable height to screen the operation from the street and any nearby residence district, but excluding the bulk storage of cement and concrete mixing and excluding tanks for petroleum products having a capacity greater than ten-thousand (10,000) gallons.
 8. Cold storage locker plants.
 9. Veterinary hospitals, provided that the animals house overnight are kept in a building.
 10. Cutting, sawing and storage of lumber. *6/16/23*
 11. **Multi-Family housing as per §6.38**

§4.16 ROUTE 5 DISTRICT (RF-40)

8/10/96

A. Purpose - To allow for a mixture of uses which are compatible with the district's position as a primary area for commerce, while controlling future uses in order to avoid unacceptable burdens on the infrastructure and quality of life within the district and adjacent areas.

B. The following uses are permitted subject to Site Plan Approval in accordance with Article VII:

1. **Use Group A**

a. Educational or religious use by a non-profit corporation or governmental unit, excluding correctional institutions.

6/16/23

b. Boarding or rooming houses.

c. Funeral homes.

d. Self-service clothes cleaning establishments.

e. Hotels and motels with not less than six (6) units.

f. Museums or art galleries.

g. Governmental buildings, facilities and uses.

h. Public utility buildings and facilities.

i. Dance studios.

j. Veterinary hospitals for small animals, provided that the animals house overnight are kept in a building.

k. Wholesale trade.

l. Mini-Warehousing and Self-Storage.

7/14/2023

m. Building material yards and contractor's equipment storage, provided that all material is kept in a building or within an enclosure of suitable height to screen the operation from the street and any nearby residence district.

n. Business schools.

o. Manufacturing, compounding, processing, packaging and assembling materials and products.

p. **Deleted**

5/15/99

2. **Use Group B**

a. Offices and financial institutions.

b. Restaurants and other food service facilities with or without a liquor permit.

c. Stores and shops where goods are sold and services are rendered primarily at retail.

d. Clubs.

e. Cafes and taverns subject to:

11/13/04

1. Permanent outdoor patios shall be surrounded by a five (5)-foot tall white vinyl fence with the finished side facing out.

2. Square footage within the patio shall be included as café/tavern square footage for parking purposes.

f. Billiard and pool parlors, bowling alleys, skating rinks, health and/or sports clubs and other indoor places of public recreation operated as a business.

g. Theaters for indoor picture projections or dramatic or musical productions.

h. Outpatient medical treatment facility.

C. The following uses require approval of a Special Permit in accordance with §7.5:

1. **Use Group A**

a. Temporary mobile office.

b. Group A uses in this zoning district generation one-hundred (100) peak-hour vehicle trips or more using the standards set forth in the most recent edition of Trip Generation, ITE, or a more accurate source, if available, subject to the following

4/16/94;

10/18/03

1. Submission of a traffic impact analysis containing present roadway conditions, existing roadway capacity, existing and projected traffic volumes (ADT, Peak a.m. and Peak p.m.), existing and projected volume capacity rations, existing and projected levels of service, existing and proposed sight lines, site generated traffic and traffic distributions, and traffic accident experience.

2. A traffic impact analysis will be required:

5/17/88

- a. For an addition to an existing use, which use is now under the provisions of this section, and
- b. when an addition to an existing use brings that use under the provisions of this section.
- c. The traffic impact analysis shall cover the entire use, not merely the addition.

3. A traffic impact analysis will not be required for an addition to an existing Special Permit use if the addition generates twenty-five (25) peak-hour vehicle trips or less. This provision shall be permitted to be used one (1) time over the life of the use on a specific site.

4. In all cases in which the Commission feels that a peer review of the applicant's traffic analysis is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review. This payment shall be made to the Town prior to the decision by the Commission on the application.

- c. Excavation and filling of land as per §6.10.
- d. Golf driving ranges, miniature golf courses, archery ranges, and other places of outdoor recreation operated as a business.
- e. **Deleted**

11/17/07

- f. Motor vehicle repair garages, including welding and tire recapping, provided that all mechanical and repair operations are carried on in a building or within an enclosure of suitable height to screen the operation from the street and any nearby residence district.

9/17/05

- g. Automobile, truck, farm, motorcycle and related equipment dealerships.

9/17/05

- h. Vehicle fueling/charging and/or service stations, including auto detailing, car washes, oil change facilities, and similar facilities. Location of dispensing appliance shall be subject to the determination of the Commission per the Special Permit applications; however, under no circumstances shall any gasoline dispensing appliance be located within twenty-five (25) feet of any street or property line.

9/17/05;

7/29/19

- i. Adaptive re-use to multi-family as per §6.16.

3/15/97

- j. **Multi-family housing per §6.38**

2. **Use Group B**

- a. Group B uses in this zoning district generating one-hundred (100) peak-hour vehicle tips or more using the standards set forth in the most recent edition of Trip Generation, ITE, or a more accurate source, if available, subject to the following

: 4/16/94;

10/18/03

1. Submission of a traffic impact analysis containing existing and projecting traffic volumes (ADT, Peak a.m. and Peak p.m.), existing and projected levels

of services, existing and proposes sight lines, site generated traffic and traffic distributions, and traffic accident experience.

2.
5/17/88

A traffic impact analysis will be required:

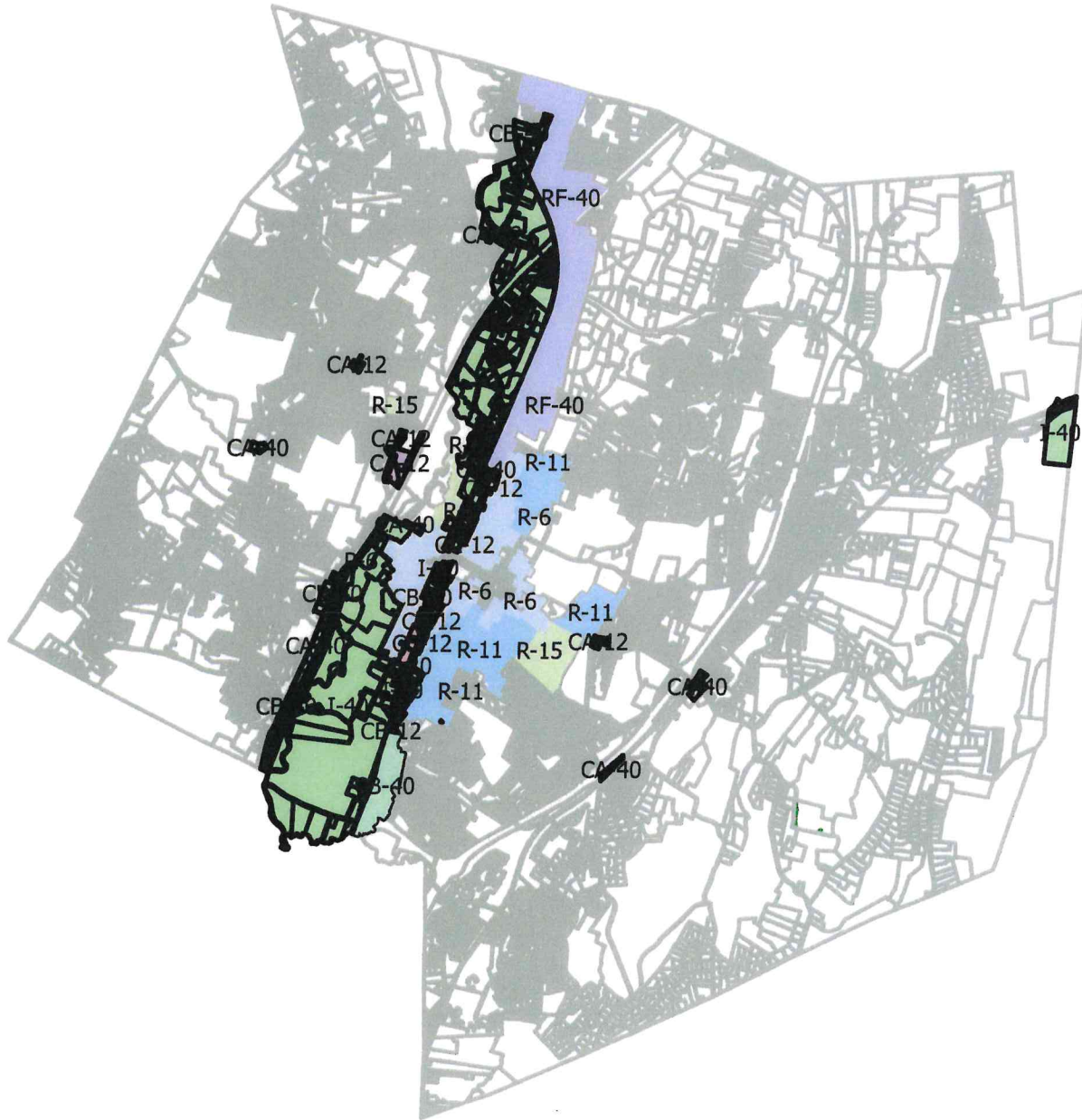
- a. For an addition to an existing use, which use is now under the provisions of this section, and
- b. when an addition to an existing use brings that use under the provisions of this section.
- c. The traffic impact analysis shall cover the entire use, not merely the addition.
- d. Gasoline service station, with or without automobile repair.

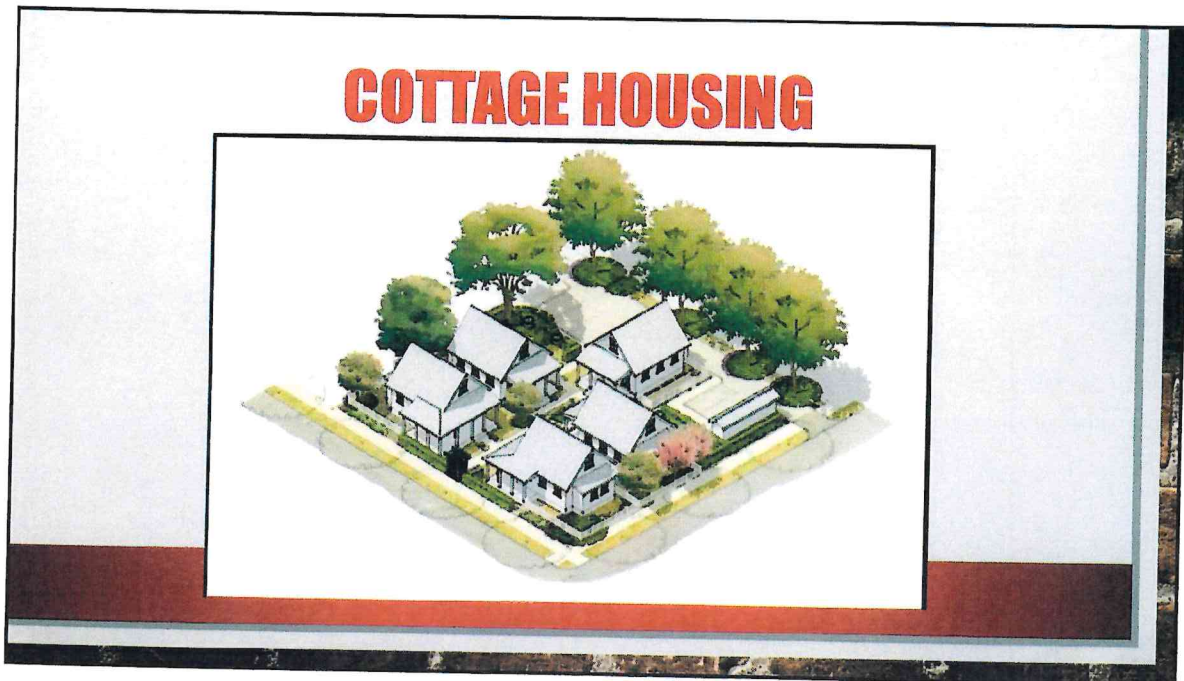
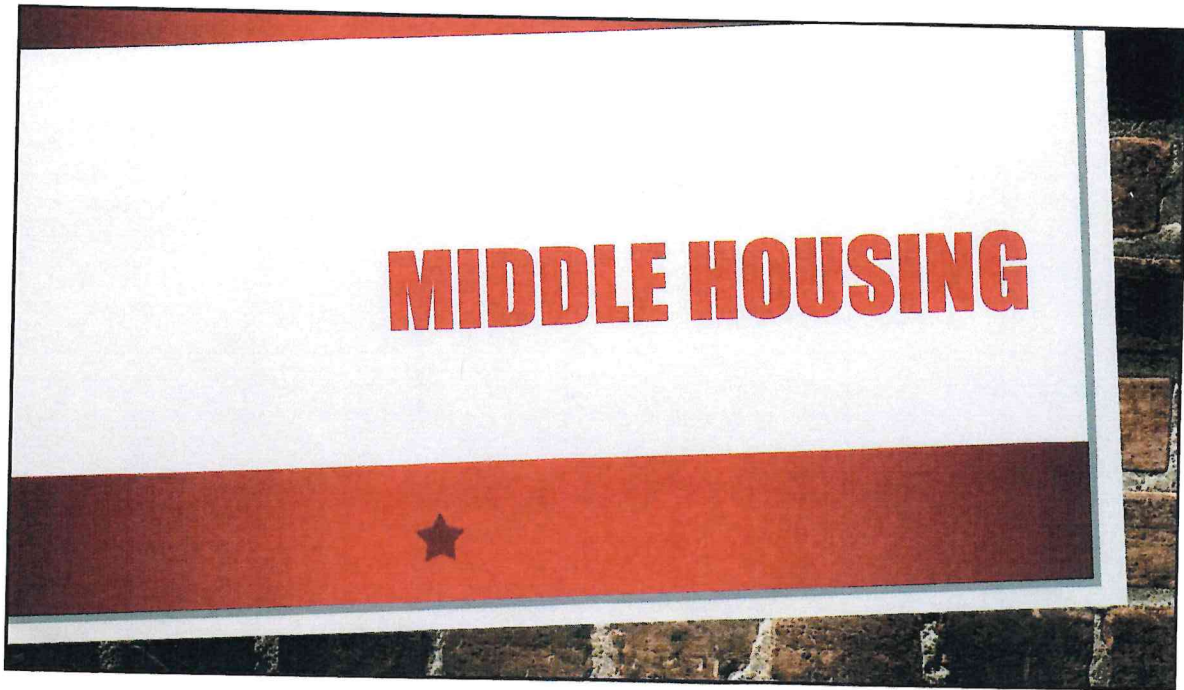
4/17/98; 2/9/04;

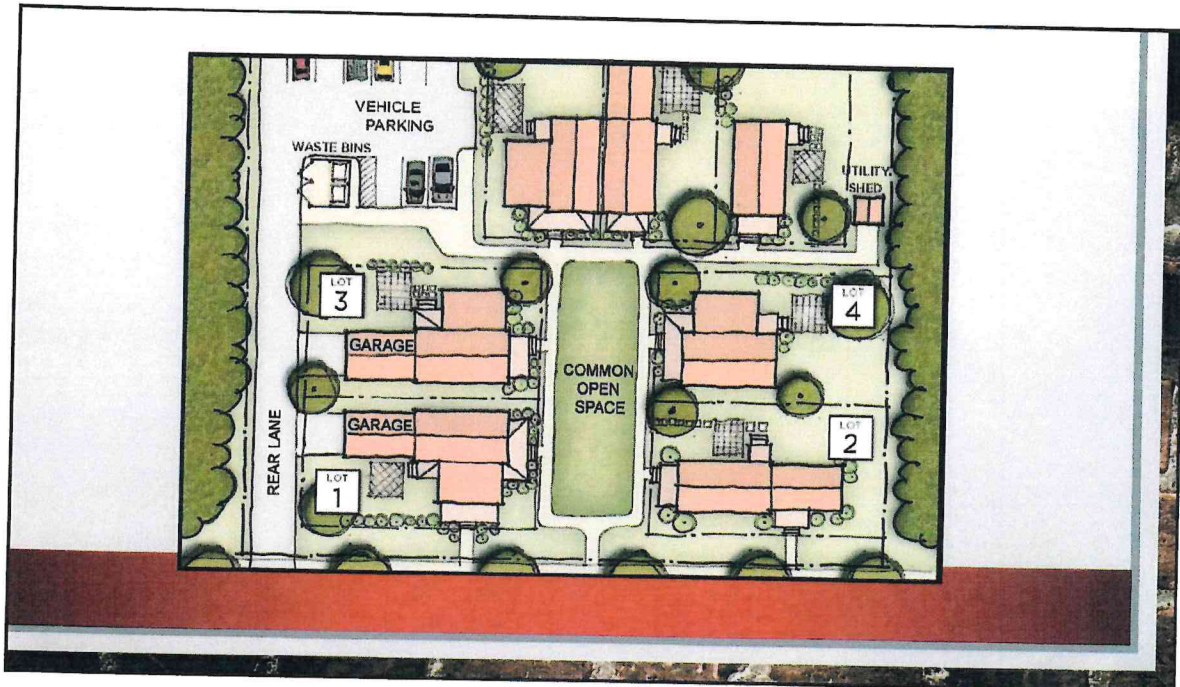
9/17/05

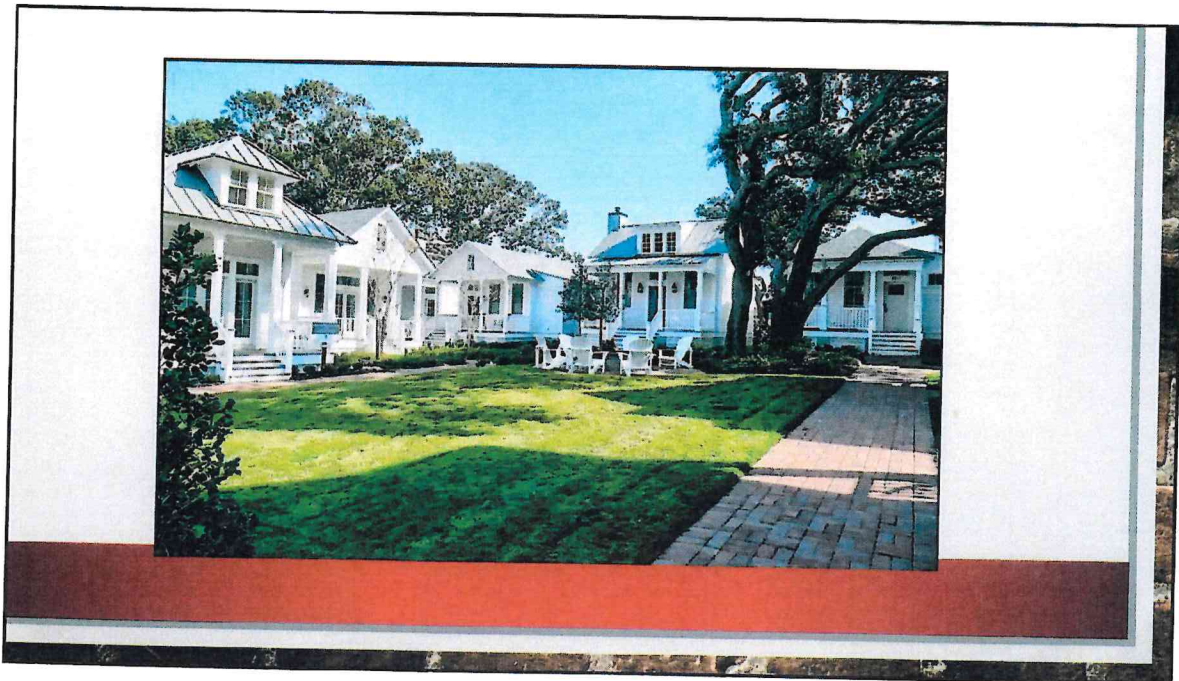
3. A traffic impact analysis will not be required for an addition to an existing Special Permit use if the addition generates twenty-five (25) peak-hour vehicle trips or less. The provisions shall be permitted to be used one (1) time over the life of the use on a specific site.

4. In all cases in which the Commission feels that a peer review of the applicants traffic impact analysis is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review. This payment shall be made to the Town prior to the decision by the Commission on the applications.













R-6, R-11, R-15

- **AVERAGE LOT SIZE IN THESE DISTRICTS IS APPROX. 13,000 SQ. FT.**
- **MULTI-FAMILY DWELLING UNITS CURRENTLY COMPRISE APPROXIMATELY 30% OF ALL PARCELS IN THESE DISTRICTS**

CA AND CB DISTRICTS

- **CA DISTRICT CURRENTLY ALLOWS MULTI-FAMILY DWELLINGS UNITS ON SECOND FLOOR OR ABOVE BY SPECIAL PERMIT**
- **CB DISTRICT DOES NOT CURRENTLY ALLOW MULTI-FAMILY, BUT MUCH OF THESE ZONES ARE ALONG MAJOR TRANSPORTATION CORRIDORS AND WITHIN WALKING DISTANCE TO THE TRAIN STATION**
- **THERE ARE A NUMBER OF EXISTING MULTI-FAMILY HOUSES IN THESE ZONES**
- **SINCE WE ARE RESTRICTING LOT SIZES FOR HOUSING, MAYBE WE SHOULD CONSIDER ALLOWING EXPANSION OF EXISTING RESIDENTIAL PROPERTIES**

RF-40 (ROUTE 5)

- **DOES NOT CURRENTLY ALLOW RESIDENTIAL HOUSING**
- **THIS PROPOSAL WOULD ALLOW IT BY SPECIAL PERMIT ON THE SECOND FLOOR OR ABOVE**

INDUSTRIAL DISTRICTS (I-20 AND I-40)

- **THERE ARE A NUMBER OF OPPORTUNITIES IN THESE ZONES, SPECIFICALLY THE NORTHERN AREAS OF THESE ZONES IN CLOSER PROXIMITY TO THE TRAIN STATION**



SUNWOOD DEVELOPMENT CORP.
HOME BUILDERS & REMODELERS

01/28/25

Wallingford Planning and Zoning
45 South Main St.
Wallingford, Ct 06492

Kevin Pagini,

I am writing in response to the \$4,500.00 erosion and sediment bond that we have open for
862 North Farms Rd., Wallingford, Ct. 06492.

At this time, I would like to close this bond.

Thank you,

Bob Wiedenmann
Sunwood Development Corp.
273 N. Colony St.
Wallingford, Ct 06492

RECEIVED

JAN 28 2025

WALLINGFORD
PLANNING & ZONING

Subject **Bond**
From Miguel Galarraga <miguel@newenglandcider.com>
To kevin.pagini@wallingfordct.gov <kevin.pagini@wallingfordct.gov>
Date 2025-01-30 11:21



Hello,

I am reaching out about a bond I have posted with you folks and how to go about getting it back.

Its under the name and business below.

Thank you

Miguel Galarraga
Owner
New England Cider Co.
110 N.Plains Ind. Rd.
Wallingford, CT 06492
203-464-7294



PLANNING AND ZONING

ANNUAL REPORT 2024

The year 2024 was relatively steady in terms of development activity and applications. The new administration has been more pro-active in promoting development and technology upgrades to assist in the development process. These changes include the purchase of an online Town permitting system as well as several other upgrades to assist in the development process.

The Commission had enough in the way of applications of one sort or another to result in the conducting of every scheduled Regular Meeting of 2024.

The majority of 2024 was spent reviewing an application for a re-subdivision for an 8-30g affordable housing application that was subsequently denied by the Commission. Other highlights included, after a 12-year hiatus, the Yalesville Limited Business District changes were proposed again by the Economic Development Commission and approved by the Commission. These changes included expansion of the district and changes to the text that will allow for increased development of multi-family housing. Another major approval was the allowance of an a first of its kind Electric Vehicle Charging Facility site plan approval within the Watershed Interchange District (WI). According to several articles, most notably by the Hartford Business Journal, this facility may be the only one within the State and possibly the Country. In my opinion, this was a major addition to the allowed uses within the district. Another major application that was submitted closer to the end of the year was a text amendment for a data center within the Watershed Interchange District (WI). The Commission discussed the amendment for several months and subsequently approved the application with various changes to the original amendment in December. This would be the most significant approval of the year. Approvals that did not require new building construction included a number of change of use approvals which included several new nail salons and cafes. Other notable projects that were approved include the first Seven Brew Coffee location in the State of CT located at the former Captain Sea's site, a brand-new Executive Kia dealership building, a 50,000 square foot addition to an existing medical manufacturer, a waste reduction facility and a new Dunkin' located at the former Duchess location.

The Planning and Zoning Commission and staff continue to pursue recommendations in the Plan of Conservation and Development (POCD); The upcoming year will bring many new changes, including the arrival of the SmartGov Online Permitting system. This system will allow online submission of applications as well as the ability for the applicant and Commissioners to view the progress of each application and view the comments and revisions in real time. It is the hope of Town Staff that this system will be implemented for full functionality in March or April of 2025. This year also brought forth many discussions about the need for housing within the community. This led to a proposal that is being submitted to the Town Council to identify an architectural firm to come up with a design to construct a Senior Housing Development at the old Choate Boathouse property that is owned by the Town. There are also plans in the work to revitalize the Town owned public parking lots, specifically between William St. and Meadow St. The new administration has brought a fresh approach to development and the new Mayor has been very proactive in meeting with myself and Economic Development to discuss different ways to guide and attract new development in Town. The new Mayor has also been extremely engaged in providing new technological additions to aid in the Planning and Zoning process including the upcoming purchase of a GPS unit and increased Geographic Information Systems availability to the public and Town staff. The public availability of this information will increase transparency and allow for more informed decision making.

Table 1. Count of applications (by year) submitted over the last 10 years:

<u>Year</u>	<u>Subdivisions</u>	<u>Site Plans</u>	<u>Changes of Use</u>	<u>Special Permits</u>	<u>Reg./Zone Changes</u>	<u>Zoning Permits</u>	<u>PZC Initiated</u>	<u>TOTAL</u>
2024	2	27	12	9	5	29	4	88
2023	1	30	14	13	2	24	2	85
2022	0	28	13	6	3	19	3	72
2021	0	23	22	12	3	20	3	83
2020	0	21	15	13	5	19	2	75
2019	0	36	22	14	0	17	3	92
2018	3	24	20	13	2	6	3	71
2017	2	44	17	11	2	-	7	83
2016	3	40	20	16	4	-	1	81
2015	1	43	22	15	7	1	2	91
2014	5	55	13	20	4	6	6	109
2013	2	38	21	24	1	7	2	95
2012	2	31	21	9	1	6	1	71

The number of applications in 2024 was on par with the previous three years (Table 1). This trend, although not substantial, is indicative of steady development within the Town. The most notable information from Table 1, however, (Site Plan approval reductions notwithstanding) is the consistency of most 2024 approval numbers with those of the previous five years.

Looking forward, the Planning and Zoning Commission will, in the near term, be focusing on revisions to the Downtown Apartment Overlay District, researching the possibility of increasing the areas that allow Multi-Family Housing, as well as adopting brand new Sign regulations. The Plan of Conservation and Development Implementation Committee will also be working to bring about change on a variety of regulatory levels intended to reflect policies called for in the POCD. We will also be forming a new POCD Steering Committee and providing the public with increased opportunities for comment with an ongoing online survey or form. The details of this online survey and form will still need to be worked out, but the hope is to allow a longer time period to gather comments from the residents regarding the Plan of Conservation and Development. Other business included working with South Central Regional Council of Governments and the local Citizen Housing Group to implement goals set forth in the Affordable Housing Plan that was adopted in early 2022.

In terms of private development, it is difficult at this point to predict what even the near future may hold for Wallingford. Although the department does still deal with a fair number of inquiries concerning economic development opportunities it is simply not possible to determine who is waiting for a more stable social and economic climate to develop, who may have given up on plans or who may come in with an application in a month. The Town has put itself in a great position to attract further technological development and more development around the lower downtown area. It will be exciting to see what the next year brings for the Town of Wallingford.



Town of Wallingford, Connecticut

NOTICE

The Tuesday, January 21, 2025, Regular Meeting of the Wallingford Zoning Board of Appeals has been cancelled. The next Regular Meeting of the Wallingford Zoning Board of Appeals is scheduled for Tuesday, February 18, 2025.



Town of Wallingford, Connecticut

LEGAL NOTICE

The Wallingford Zoning Board of Appeals will hold the following public hearings at their Meeting of Tuesday, February 18, 2025, 7:00 p.m., in the Robert F. Parisi Council Chambers, Town Hall, 45 South Main Street.

1. #24-033– Special Exception Request/Gentile/Total Garage Area of 1642 sq. ft. (max 936 sq. ft. permitted) to construct a 1200 sq. ft. detached garage at 1549 Tuttle Avenue in an RU-40 District.
2. #24-034 – Variance Request/Gentile/Building Coverage of 13% (10% max permitted) to construct a 1200 sq. ft. detached garage at 1549 Tuttle Avenue in an RU-40 District.
3. #25-001– Variance Request/Jackowiak/Revise lot lines of 3 non-conforming parcels to create 2 parcels reducing/eliminating non-conformity(s) at 105-107 Cherry Street in an I-40 District.
4. #25-002 – Variance Request/Hladky/Side yard of 15.5 ft. (20 ft. required) to construct an addition at 616 North Elm Street in an R-18 District
5. #25-003 – Variance Request/Ringold/Side yard of 10 ft. (12 ft. required) to construct a vertical addition (dormer) at 338 Ivy Street in an R-11 District.
6. #25-004 – Variance Request/Pietrunti/Front yard of 31.7 ft. (40 ft. required) to allow detached garage at 4 Field Drive in an R-18 District.

Should you wish to review the above-listed application(s), or have any questions regarding these matters, please contact the Wallingford Planning Office at 203-294-2090.

WALLINGFORD ZONING BOARD OF APPEALS


KAREN RADDATZ, SECRETARY

DATED AT WALLINGFORD
January 28, 2025

POSTING DATES
February 4, 2025
February 11, 2025

“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.”

Zoning Enforcement Report 2024

Enforcement activity remained consistent with the past 3-4 years. Volume of complaints increased with a reduction resulting in actual Zoning Violation. Continuing is the large number of complaints relative to civil issues among property owners outside of zoning purview. New violation files for the year continue to be primarily relative to illegal dwelling units, many of which discovered with high rate of property transfers. Zoning compliance requests have tripled for any lending and refinancing of properties also relative to the ongoing housing “boom” yielding violations not initiated by complaint but rather by property/Title search discovering those violations. Problem sites including years-long open zoning violations continue to be a serious issue resulting in significant increases for Legal Referrals and potential for ensuing litigation. The Zoning Board of Appeals has seen dramatic decreases in Applications for Variance Approval. The total ZBA applications for 2023 and 2024 have decreased by 60% from 2021-2022. However, the level of applications made to both the Planning and Zoning Commission and the Zoning Board of Appeals seeking after-the-fact Approval(s) to remedy active violations continues to be a consistent 20% of all Applications. The nature of current enforcement activity and the longevity of open/active violation files has prompted a finalizing of amendments to and streamlining the process for Accessory Apartment Approvals (adopted at the end of 2023) and amended sign regulations, targeted for finalization and adoption the first quarter of 2025. The Office continues to seek and pursue more compelling means of remediation of violations such as Ordinance for Citation with fines to further reduce the incidence and recurring nature of problematic sites and zoning violations. Technological improvements, both in progress and proposed, for permitting and connectivity among departments should also prevent, deter and assist in remediating many Zoning violations.

Respectfully submitted,

V. James Seichter, Chairman
Wallingford Planning & Zoning Commission

REGULAR MEMBERS

V. James Seichter, Chairman
J.P. Venoit, Vice-Chair
Steve Allinson
James Fitzsimmons
Jeffrey Kohan

ALTERNATE MEMBERS

Joseph Sanders
Dave Parent
Bryan Rivard

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Winter 2025

Volume XXIX, Issue 1

SAVE THE DATE – 2025 ANNUAL CONFERENCE

The Federation will hold its Annual Conference on March 27, 2025 at the Aqua Turf Country Club in Plantsville CT. The event starts at 5:00 p.m. The program for the Conference will include a presentation on Affordable Housing Appeals as well as the 2025 Land Use Legislative Agenda. Flyers announcing the event will be sent to all members later this month. Attendees will be entitled to receive credit for One Hour of Training as well as enjoy a wonderful dinner.

EFFECT ON PROPERTY VALUES TO BE CONSIDERED IN CELL TOWER APPLICATIONS

In order to oppose the construction of a 100' tall telecommunications tower in their neighborhood, residents formed a nonprofit group and intervened in a hearing before the Connecticut Siting Council. A wireless provider had filed an application for a certificate of environmental compatibility and public need so that it could erect a wireless telecommunications tower. Evidence was presented by the wireless provider that coverage was inadequate in parts of the town and that the location of a wireless tower in the intervenors' neighborhood would address that coverage need. The intervenors disputed

this evidence and also presented evidence that the proposed tower would adversely affect their property values.

The question for the court was whether effects on property values can be considered by the Siting Council when making a decision to approve an application for a wireless tower. In deciding whether to approve an application, the Siting Council must first decide whether there is a public need for it. If there is, the Council must then weigh this need against any adverse environmental effect the proposed wireless facility would have.

The factors that the Siting Council must consider in making its determination of whether there are adverse environmental impacts are stated in Connecticut General Statutes Sec. 16-50p (a) (3). These factors include effects on the natural environment, scenic, historic and recreational values as well as public health and safety. Property values are not specifically listed. However, the Court stated that this list was not to be interpreted as an exhaustive list and that it includes other, unenumerated factors. Thus, adverse effects on property values can be considered by the Siting Council but only in reference to how a reduction in such values is evidence of negative effects on the listed factors. *Woodbridge Newton Neighborhood Environmental Trust v. Connecticut Siting Council*, 349 Conn. 619 (2024), See Vol. 28 Issue 1 of this newsletter for lower court decision.

Written and Edited by
Attorney Steven E. Byrne
P.O. Box 1065, Farmington CT 06034-1065
Tel. (860) 677-7355
attysbyrne@gmail.com
contact.cfpza@gmail.com

RECEIVED

JAN 23 2025

WALLINGFORD
PLANNING & ZONING

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Winter 2025

Volume XXIX, Issue 1

REDUCTION IN NONCONFORMITY

The owners of a nonconforming shoreline property filed an application to replace an existing nonconforming dwelling. An application by the same owners had been denied a year prior to. The original application sought variances from shoreline and side yard setbacks so that the new dwelling could be built further from the water as required by FEMA regulations. The new application sought the same relief except that the new location for the proposed dwelling would result in a decrease in existing nonconformities, including lot coverage.

The second denial was appealed to court where it was found the board applied the wrong standard in its reasoning to deny the application. First, the board believed it was not required to approve a variance application just because it would reduce a nonconformity. While a board is not required to approve such an application, the court stated that the denial needs to be supported by substantial evidence in the record. Board members' speculation that existing nonconformities could be reduced even more was not a valid basis to support the denial.

The Board also incorrectly applied the 'impotent to reverse' rule which states that a zoning board cannot reach a different decision on a subsequent application that is substantially like a prior application

unless there has been a change in circumstances or conditions. In this case, while the two applications were similar, circumstances had changed as the second application would reduce nonconforming aspects of the property. *Warner v. Zoning Board of Appeals*, MMX-CV-23-6038768 (10.15.24)

SHORT-TERM RENTAL A PERMITTED USE OF A SINGLE- FAMILY HOME

The State Supreme Court issued a ruling upholding a decision by the State Appellate Court that a short-term rental of a single-family home is one of the permissible uses of such a building unless it is specifically prohibited by the zoning regulations. In this case, the zoning regulations listed as a permitted use in a residential district the erection of a single-family dwelling which is "a building designed for and occupied exclusively as a home or residence for not more than one family."

While the Board argued that the term 'home' indicated that transient uses were not intended, the court disagreed finding that the term 'residence' indicated a more expansive interpretation was applicable here. In reaching this decision, the court applied the long-established rule that "because zoning regulations are in derogation of common-law property rights, they must be strictly construed and not expanded by implication." In other words, if short

Written and Edited by
Attorney Steven E. Byrne
P.O. Box 1065, Farmington CT 06034-1065
Tel. (860) 677-7355
attysbyrne@gmail.com
contact.cfpza@gmail.com

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Winter 2025

Volume XXIX, Issue 1

term rentals are not permitted, it must be expressly stated. *Wihbey v. Zoning Board of Appeals*, 350 Conn. 87 (2024).

FUNDEMENTAL FAIRNESS

An application for a dog park was approved by an inland wetlands and watercourses commission. Five years later, an application to modify the approved plan was submitted. The modified plan sought to reduce the size of the approved parking lot and access road as well as modify the drainage plan to include a planting plan. Opponents of the dog park tried to re-argue the original approval. The commission based its decision solely on the proposed modifications and found that they would have less impact on the regulated areas than the original plan.

The decision was appealed, in part, on a claim that the Commission had denied the park opponents a fair hearing, depriving them of fundamental fairness. The court disagreed, finding that the proceedings before the commission complied with the standards for a fair hearing. These standards only require that due notice of a hearing is given, no one is deprived of the right or the opportunity to present evidence or cross-examine witnesses of an adversary and to know the evidence upon which the commission will act.

In regard to whether the application was complete and provided all necessary information, the court

stated the well-established rule that the determination on whether an application is complete belongs to the land use agency. *Dudash v. Conservation Commission*, FST-CV-22-6056996 (8.18.23).

ANNOUNCEMENTS

Lifetime Achievement Award and Length of Service Award

Nomination forms will be sent out later this month for these awards which will be presented to recipients at the Federation's annual conference. You should begin your process of finding eligible nominees now.

Workshops

Connecticut law now requires that every land use agency member receive 4 hours of training every two years. At the price of \$200.00 per session for each agency attending, our workshops are an affordable way for your board to 'stay legal'.

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 06034-1065
Tel. (860) 677-7355
attysbyrne@gmail.com
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

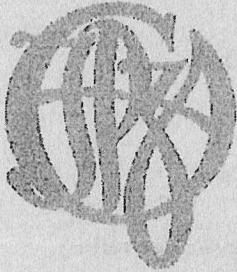
HARTFORD CT 060
21 JAN 2025 PM 5 L



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



**CONNECTICUT FEDERATION
OF
PLANNING AND ZONING AGENCIES**



ANNOUNCES

ITS



77th ANNUAL CONFERENCE

THURSDAY, MARCH 27, 2025

AT THE

**AQUA TURF COUNTRY CLUB
PLANTSVILLE, CONNECTICUT**

Cost: \$70.00 per person for Agencies that are members of the CFPZA
\$80.00 per person for Agencies that are not members of the CFPZA

**The enclosed registration form must be received by the
Connecticut Federation of Planning & Zoning Agencies
by mail, or email no later than Tuesday, March 25, 2024**

P.O. Box 1065, Farmington, CT 06034-1065

email: contact.cfpza@gmail.com

Questions? Contact Steve Byrne at (860) 677-7355

More info on back →



77th ANNUAL CFPZA CONFERENCE

Aqua Turf Country Club
Plantsville, CT
Thursday, March 27, 2025

PROGRAM

- 5:00 p.m. **SOCIAL HOUR / REGISTRATION**
6:00 p.m. **DINNER**
Salad, Penne, NY Strip, Vegetables, Potato,
Dessert
7:15 p.m. **AWARDS PRESENTATION**
 - 12-Year Length of Service Awards
 - Lifetime Achievement Awards8:00 p.m. **TOPIC: Affordable Housing Appeals as governed by Connecticut General Statutes Sec. 8-30g**

Many land use commissions have been informed by developers that unless their application for housing is approved, an affordable housing application will be submitted. The legal implications of an affordable housing application on a land use commission's discretion as well as the likely outcome of an appeal to the Superior Court will be addressed by our speaker. While the Affordable Housing Appeal process has been in existence for over 30 years, there are still questions regarding its effect on the land use process.

Principal speaker: Hon. Marshall K. Berger

A retired Superior Court Judge, Marshal Berger established and presided over the land use docket, a specialized superior court assignment that focused exclusively on land use and environmental cases, for nearly a decade. Additionally, he taught land use law as an adjunct professor at the UConn School of Law. Judge Berger is widely respected and admired for his knowledge and expertise in land use matters.

DIRECTIONS TO THE AQUA TURF

I-84 EAST FROM WATERBURY – Merge onto I-169 E via Exit 27 toward Meriden. Take the CT-10 exit, EXIT 3, toward Cheshire. Turn left onto CT-10 (Highland Ave.). Continue to follow CT-10. Stay straight to go onto Old Turnpike Road. Turn right onto Mulberry Street. Aqua Turf, 556 Mulberry Street is on right.

I-84 WEST FROM HARTFORD – Take the CT-10 exit, EXIT 29, on the left toward Milldale. Stay straight to go onto Mulberry Street. Aqua Turf, 556 Mulberry Street is on right.

FROM I-91 OR THE MERRITT PARKWAY – Merge onto I-169 E via Exit 27 toward Meriden. Take the CT-10 exit, EXIT 3, toward Cheshire. Turn left onto CT-10 (Highland Ave.). Continue to follow CT-10. Stay straight to go onto Old Turnpike Road. Turn right onto Mulberry Street. Aqua Turf, 556 Mulberry Street is on right.