

**Wallingford Planning & Zoning Commission**  
**Monday, July 10, 2023**  
**7:00 p.m.**  
**Robert F. Parisi Council Chambers – Town Hall**  
**Town Hall – 45 South Main Street**  
**MINUTES**

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

The Pledge of Allegiance was recited by all.

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

Consideration of Minutes – June 6, 2023, Special Meeting - Workshop Format

**Commissioner Venoit: Motion to approve the minutes of Tuesday, June 6, 2023, Special Meeting - Workshop Format of the Wallingford Planning and Zoning Commission as submitted.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous to approve with two abstentions (Seichter and Venoit)**

Consideration of Minutes – June 12, 2023, Regular Meeting

**Commissioner Venoit: Motion to approve the minutes of Monday, June 12, 2023, Regular Meeting of the Wallingford Planning and Zoning Commission as submitted.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous to approve with one abstention (Venoit)**

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

1. **PUBLIC HEARING – Special Permit (Nursing Home to multi-family residential)/Fifty-Five LLC/55 Kondracki Lane #408-23**
6. **NEW BUSINESS – Site Plan (restaurant, bar, food trucks)/Joe Flamini/10 Mansion Road #217-23**

**PUBLIC HEARINGS**

2. **Zoning Text Amendment/PZC/Sec. 6.36 Reasonable Accommodations #902-23**

Commissioner Fitzsimmons noted the correspondence for the record. Correspondence included: memorandum from Janis Small, Corporation Counsel, to Kevin Pagini, Town Planner, dated June 29, 2023.

Mr. Pagni summarized that Section 6.36 allows for accessibility improvements, including exemptions for wheelchair accessibility and other accommodations in any type of zoning request. Reasonable Accommodations and will be enacted as Article X. The section that it replaces will become Articles 11 and 12. He noted that the Law Department provided a memo.

Chairman Seichter noted that this was discussed at the last meeting, and input from the Corporation Counsel was requested on the Reasonable Accommodations.

Commissioner Kohan noted that his understanding is that any appeals on this Reasonable Accommodation have to go to the Zoning Board of Appeals (ZBA) according to State Statute. He is not comfortable voting on this based on the information provided by the Corporation Counsel. He will be okay with it if we include the ZBA as part of the regulation. He reported that he reviewed the powers of the ZBA in the regulations, and they can take appeals from our denials. He recommended adding “and/or ZBA” to F5 “should have a hearing by the Planning and Zoning Commission at its next regular meeting if practical.”

Commissioner Fitzsimmons asked if the applicant would get to choose which board to appeal to. Commissioner Kohan said yes. Commissioner Fitzsimmons noted that the memo from the Corporation Counsel says that appeals from a decision by the Town Planner for accommodation must go to the ZBA, but there is no legal requirement. He stated that he would support adding the ‘and/or’ but would like more clarification.

Chairman Seichter suggested continuing this item and recommended Commissioner Kohan talk to the Corporation Counsel to get some clarity.

Commissioner Hine stated that he is concerned with giving the applicant a choice. We need to be clear about where the appeal goes.

Mr. Pagni noted that Counsel had hoped this would be approved tonight. There is a deadline, but he doesn’t know when it is.

Commissioner Fitzsimmons supports tabling the item because we need more information.

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

**Commissioner Venoit: Motion to continue the public hearing for application #902-23, Zoning Text Amendments/PCZ/Sec. 6.36 Reasonable Accommodation.**

**Commissioner Fitzsimmons: second**

**Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Parent – yes; Chairman Seichter – yes.**

3. **Zoning Text Amendment/PZC/Sections 2.2; 4.6.B.5; 4.16.B.I; 4.22.C.18 & Moratorium Section 6.38 #903-23**

Chairman Seichter noted that the item in the legal notice is correct and has more detail than the published agenda. He asked for a motion to correct the agenda.

**Commissioner Venoit: Motion to add Section 2.2 and 6.38 Moratorium to application #903-23.**

**Commissioner Fitzsimmons: second**

**Vote: Unanimous**

Commissioner Fitzsimmons read the legal notice #902-23 – Zoning Text Amendments to replace “storage warehouse” with “mini-warehousing and self-storage” as an allowed use in the T-30, RF-40, CB-12, and CB-40 zones. (Sections 4.6.B.5; 4.16.B.I; 4.22.C.18) and add a definition of “Mini-warehousing and self-storage” to Section 2.2. Addition of Section 6.38 that would enact a moratorium on warehousing for certain zones in the Town of Wallingford, CT. He noted the correspondence for the record. Inspection Report from the Fire Marshal dated June 26, 2023, correspondence from the Planning Office, and correspondence from the South Central Region of Governments received July 6, 2023.

Mr. Pagni reported that at the Workshop, it was decided to add a definition of mini-warehousing and self-storage for the T-30, RF-40, CB-12, and CB-40 zones to replace storage warehousing as an allowed use. That affects 4.6.B.5; 4.16.B.I; and 4.22.C.18. The Moratorium will affect the IX, WI, I-40, and I-20 Industrial Zoning Districts. The current moratorium expires on July 15<sup>th</sup>. This moratorium will replace it.

Commissioner Fitzsimmons noted that these amendments were discussed at length at the workshop with significant input from the public. He stated that he is in favor of this proposed amendment.

Chairman Seichter stated that he is in favor, and he anticipates that by the end of October, we will have regulations for warehousing for these zones.

**PUBLIC COMMENT**

Joan Munger, 15 Valley View Drive, asked when the new moratorium will end. Chairman Seichter replied on October 30, 2023. Ms. Munger asked if there would be more workshops and a public hearing. Chairman Seichter replied yes.

Mr. Pagni asked if the Commission wants to add the language from the Fire Marshal (storage that is not classified as a hazardous occupancy) into the definition or address it on specific applications. Chairman Seichter preferred including it.

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

**Commissioner Venoit: Motion to close the public hearing for application #903-23, Zoning Text Amendments Sections 2.2; 4.6.B.5; 4.16.B.I; 4.22.C.18 & Moratorium Section 6.38.**

**Commissioner Fitzsimmons: second**

**Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Parent – yes; Chairman Seichter – yes.**

**Commissioner Venoit: Motion to approve text amendment #903-23, Text Amendments for the addition of definition of “Mini-Warehousing and Self-Storage” to Section 2.2 and replace “Storage Warehouses” as an allowed use with “Mini-Warehousing and Self-Storage” and enact Section 6.38 – A Moratorium on warehousing in Certain Zones within the Town of Wallingford, CT, including comments from the Fire Marshal dated June 26, 2023, because this allows regulations to replace storage warehouses and the change in moratorium from July 15<sup>th</sup> to October 30<sup>th</sup> will allow the Planning and Zoning Commission more time to deal with the regulations.**

**Commissioner Fitzsimmons: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Parent – yes; Chairman Seichter – yes.**

The Text Amendment is approved.

#### **RECEIPT AND ACTION REQUESTED (PUBLIC HEARING)**

##### **4. Special Permit (fill & excavation)/Deborah Lyman/415 North Branford Road #409-23**

Chairman Seichter clarified that the legal notice and the agenda indicated the incorrect address. 415 North Branford Road is the correct address.

Commissioner Fitzsimmons read the legal notice and noted the correspondence for the record. #409-23 – Excavation and Fill Special Permit request for Deborah Lyman to add approximately 400 cubic yards of fill at 415 North Branford Road – RU-120 (Rural Residential) Zone. Correspondence included Inspection Report from the Fire Marshal dated June 26, 2023; correspondence from Kevin Pagini, Town Planner to Deborah Lyman, dated June 26, 2023; Interoffice Memorandum from Scott Shipman, P.E., Senior Engineer, Water & Sewer Divisions to Kevin Pagini, Town Planner, dated June 29, 2023; memorandum from Erin O’Hare, Environmental Planner to Kevin Pagini, Town Planner, dated July 10, 2023.

Christopher Zibbideo, P.E., L.S., with Close, Jensen, and Miller, 1137 Silas Deane Highway, Wethersfield, presented for the applicant. He explained that the property has 24 acres, but only three acres are available for building. He noted the area for the septic and the plan for the house on the remaining property after the setback. The septic system will require fill. It was designed with the Sanitarian. The driveway will be long and will need to use fill. The existing driveway entrance is unsafe, but they will improve it by making a 12-foot landing zone. The fill will primarily be at the entrance. The fill that is currently there is part of a Wetlands agreement. It is clean concrete fill from another project.

Mr. Pagini noted a condition for erosion control blankets and to follow the Watershed Protection District regulations. Mr. Zibbideo stated that the applicant had no objections.

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

**Commissioner Venoit: Motion to close the public hearing for application #409-23, Special Permit (fill and excavation)/Deborah Lyman/415 North Branford Road.**

**Commissioner Fitzsimmons: second**

**Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Parent – yes; Chairman Seichter – yes.**

**Commissioner Venoit: Motion to approve application #409-23 for Lyman at 415 North Branford Road for a Special Permit and Site Plan approval request to add approximately 400 cubic yards of fill at 415 North Branford Road for the construction of a single-family dwelling on plans entitled “Proposed Subsurface Sewage Disposal System Plan & Zoning Location Survey Property of 415 North Branford LLC” dated 6/2/2023, subject to the following conditions:**

- 1. Comments in Interoffice Memorandum from Senior Engineer Scott Shipman to the Planning and Zoning Department dated 6/29/2023;**
- 2. Comments from the Town Planner dated 6/26/2023;**
- 3. Comments from Erin O’Hare, Environmental Planner, dated 7/10/2023;**
- 4. That erosion control blankets are installed on all slopes 3:1 or greater;**
- 5. An Erosion and Sediment Control bond in the amount of \$1,750.00; and**
- 6. Six (6) copies of the approved final plans forwarded to the Planning and Zoning Office.**

**Commissioner Fitzsimmons: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Parent – yes; Chairman Seichter – yes.**

The application is approved.

#### **OLD BUSINESS**

- 5. Site Plan (renovations to the existing dining hall)/Choate Rosemary Hall/138 North Elm Street #213-23**

Chairman Seichter noted that the Commission needs to determine if this is a Major or Minor revision. If it is deemed Major, it would require a Special Permit. He stated that the expansion is less than 3,600 sq. ft. and will result in no additional traffic, so he sees it as minor.

Commissioner Fitzsimmons stated that based on the information provided, he agrees that it is minor.

Commissioner Venoit stated that it is minor.

Commissioner Parent stated that it is minor.

**Commissioner Venoit: Motion to consider application #213-23, a minor alteration to the site.**

**Commissioner Fitzsimmons: second**

**Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Parent – yes; Chairman Seichter – yes.**

Commissioner Fitzsimmons noted the correspondence for the record. Variance granted February 18, 2023, from the Wallingford Board of Zoning Appeals; email from Dennis Ceneviva, Ceneviva Law Firm, to Kevin Pagini, Town Planner, dated May 4, 2023; email from Rob Blanchard, to Town Council, dated May 16, 2023; Inspection Report from the Fire Marshal, dated May 11, 2023; email from Robert Blanchard with attachments to Kevin Pagini, Town Planner, dated June 22, 2023; Memorandum from Janis Small, Corporation Counsel to Kevin Pagini, Town Planner dated July 6, 2023; email from Philip Youker, to Kevin Pagini dated July 7, 2023; letter from Thandiwe Taylor, Class of 2026 to the Planning and Zoning Commission dated July 10, 2023; and a letter from Amanda Benneh, dated July 10, 2023.

Presenting were Atty. Dennis Ceneviva of Ceneviva Law Firm at 721 Broad Street in Meriden, and Patrick Durban, CFO, Choate Rosemary Hall, 33 Christian Street.

Atty. Ceneviva explained that the property, with the recent addition of land, is now 10.8 acres. The site has nine buildings. The west wing of Hill House is the focus of this application. The request is to expand the cafeteria to meet the changing needs of students and increase access. The cafeteria is an existing bump out. This is an expansion of that bump out. There are no changes to parking or lighting. The expansion is on an already impervious area. It will look the same as the rest of the building. There will be no impact on drainage or change to utilities.

Mr. Pagini asked what additional lighting would be on the addition. Mr. Durban replied just to light the area immediately surrounding the building. Mr. Pagini asked what the hours of construction would be. Mr. Durban replied that they would follow the noise regulations, Monday through Friday, 7 am to 3 pm.

Commissioner Fitzsimmons asked if there were any comments from the Town Engineer. Mr. Pagini replied that he had a verbal response of 'no comments.'

Commissioner Parent stated that he supports the expansion to afford students the ability to sit and relax while they eat.

#### PUBLIC COMMENT

Philip Youker, 29 Curtis Avenue, asked about the lighting. He stated that six features along the parapet are not labeled on the elevation drawings. He noted that the lights currently shine into his 2<sup>nd</sup> story windows. He believes the lighting does not meet the design standards in Section 6.11 for 14 ft. of height. Atty. Ceneviva stated that they are compliant with whatever the regulations are. Mr. Youker noted that the elevations show 25 feet above the parking lot.

Lorraine Hilgen Santa, 238 North Elm Street, stated that she is a day student at Choate. She is in favor of the expansion. This would benefit all students, faculty, and staff. It will improve the student experience and health. Choate has a diverse community with dietary and cultural requirements.

Commissioner Hine asked if the application is approved with the lights on the plan at 25 ft., will they have to change them to the required 14 ft. Chairman Seichter suggested adding a condition to comply with the lighting regulations in 6.11.G.3. Atty. Ceneviva accepted that condition.

Commissioner Fitzsimmons asked for the timeline of the project. Mr. Durban replied that it would be 6-9 months. The goal is to get the site utilities and footings this summer and complete the construction next summer. So it will be a year before it opens.

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

**Commissioner Venoit: Motion to approve application #213-23 Choate Rosemary Hall, Served Addition for a Site Plan approval for Choate Rosemary Hall to construct a 3,590 sq. ft. addition to an existing dining hall on plans entitled "Main Dining Hall Served Renovation" dated 5/5/2023 subject to:**

- 1. An Erosion and Sedimentation Control bond in the amount of \$2,500.00;**
- 2. Six (6) copies of the approved, final plans forwarded to the Planning and Zoning Office; and**
- 3. Lighting needs to comply with the local regulations on lighting in 6.11.G.3**

**Commissioner Fitzsimmons: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Parent – yes; Chairman Seichter – yes.**

The application is approved.

#### **BOND RELEASES AND REDUCTIONS**

**7. Site Plan/O'Reilly Auto Parts/320 South Colony Road**

Mr. Pagini reported that this bond is okay to release.

**Commissioner Venoit: Motion to release the bond for application 202-22, Site Plan, O'Reilly Auto Parts, 320 South Colony Street, as recommended by the Town Planner.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous**

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

**8. Administrative approvals - noted as approved**

- a. Site Plan Revision/Pawloski Auto Body/1145 Old Colony Road #214-23**
- b. Site Plan Revision/Elite Construction Resources/50 Barnes Industrial Park Road North #215-23**
- c. Survey Waiver/Barbara Gregory/26 Stella Drive #805-23**
- d. Site Plan Revision/SLAM Construction Svcs./10 Technology Drive #216-23**

- 9. **ZBA June 19, 2023 Decisions** – no questions
- 10. **Notice of July 17, 2023, ZBA Meeting** – no questions
- 11. **Zoning Enforcement Quarterly Report**

Mr. Pagini summarized the report.

Commissioner Fitzsimmons asked if the next quarterly report could include the current zoning violations or enforcement actions referred to the Law Department.

Commissioner Kohan asked about the traffic issues at the Walmart back entrance to Rte. 5. There have been a lot of attempts to enforce the one-way out. It is a dangerous turn. Mr. Pagini replied that he referred it to OSTA, who is supposed to enforce it, but they gave it back to him. He gave it to the traffic authority, and they gave it back to Zoning. There is an open traffic violation of the site plan. The Town Engineer is still following up with the State. There is no cooperation yet from Walmart.

Commissioner Fitzsimmons noted that the southernmost driveway was approved as an entrance only. Walmart repainted the lot and didn't mark it correctly. Mr. Pagini stated that there had been multiple letters from the Police, the Town Engineer, and this department to Walmart. Chairman Seichter suggested meeting with the store's general manager. He offered to participate.

#### **OTHER BUSINESS**

Chairman Seichter asked if there were additional topics for workshops. He suggested a workshop in August on warehouses. He asked Mr. Pagini to survey for a good meeting date. Mr. Pagini suggested discussing accessory apartments and properties with two front yards in residential zones. He stated that he would include suggestions when he sent the survey.

Mr. Pagini noted that he had received the Northrop Road Study and will email it to the Commissioners.

#### **ADJOURNMENT**

**Commissioner Venoit: Motion to Adjourn the Wallingford Planning and Zoning Commission for Monday, July 11, 2023, at 8:10 pm.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous**

Respectfully Submitted,  
Cheryl-Ann Tubby  
Recording Secretary