

**Wallingford Planning & Zoning Commission**  
**Monday, June 12, 2023**  
**7:00 pm**  
**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, Chairman; Stephen Allinson, Secretary; James Fitzsimmons, Regular Member; Jeffrey Kohan, Regular Member; David Parent, Alternate; Kevin Pagini, Town Planner.

Consideration of Minutes – May 8, 2023, Regular Meeting

**Commissioner Kohan: Motion to approve the minutes of Monday, May 8, 2023, Regular Meeting of the Wallingford Planning and Zoning Commission as submitted.**

**Commissioner Fitzsimmons: Second**  
**Vote: Unanimous to approve**

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

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

**PUBLIC HEARINGS**

**1. Special Permit (Used car dealership to a financial institution)/Manufacturers & Traders Trust/809 North Colony Road #407-23**

Commissioner Allinson read the legal notice and noted the correspondence for the record. #407-23 – Special Permit request for Manufacturers and Traders Trust Company to reduce existing non-conformities and construct a financial institution and associated parking at 809 North Colony Road – RF-40 (Route 5) Zone. Correspondence included the Special Permit application and plans; Inspection Report by the Wallingford Fire Department dated May 11, 2023; Memo from the Department of Engineering to the Planning and Zoning Commission, dated May 31, 2023; Interoffice Memorandum from Scott Shipman, Senior Engineer, Water and Sewer Divisions, to Kevin Pagini, Town Planner, dated May 31, 2023; letter from Robert Esposito dated June 6, 2023; correspondence from Christopher Juliano to Alison Kapushinski, Town Engineer, dated June 8, 2023; Memo from Department of Engineering to the Planning and Zoning Commission dated June 9, 2023; the special permit application and plans; and a property boundary survey marked revised dated June 8, 2023.

Presenting were Atty. Dennis Ceneviva of Ceneviva Law Firm at 721 Broad Street in Meriden; Doug Scheid, with Scheid Architects; Christopher Juliano, Licensed Land Surveyor and Professional Engineer

with Juliano Associates, 405 Main Street, Yalesville and Mike Hyman, M&T Bank. Atty. Ceneviva explained that the proposal is to raze the existing building and construct a new 3,600 sq. ft. bank building with 23 parking spaces and a double drive-through on the south side. He reviewed the plan which includes removing one curb cut and maintaining the one that lines up with the traffic light. The proposed changes will reduce the non-conformities.

Mr. Juliano reviewed the existing site. He noted that most of the site is paved, with only 6% landscaping. He noted that the property is only 125 ft. deep and to accommodate the zone, they pushed the building as far back to the west as possible. The building will only be 52 ft. wide. This will allow for 31 ft. of landscaping and will increase the open space to 40%. He noted one change requested by the Fire Marshal. This resulted in the removal of some trees, light poles, and signage, to allow fire trucks to turn around. They will also increase the southern bypass drive-through to 12 ft. He reviewed stormwater management. They will have a small stormwater system on the north side. The Town Engineer has asked for an infiltration test. He noted that they made changes in their erosion control based on comments by the Town Engineer. Mr. Juliano explained that they have included lighted bollards to illuminate the sidewalk. Chairman Seichter asked if the Fire Marshal's changes are incorporated in the materials the Commission received. Mr. Juliano replied yes.

Commissioner Kohan asked about landscaping and noted that it looks like there could be more. Mr. Juliano replied that the regulations require street trees and they will be adding arborvitae to buffer the parking on the south. He noted that they can add more shrubs but the regulations don't require more.

Commissioner Fitzsimmons supported more ground cover, particularly since the Fire Marshal made them remove some trees. This will be an improvement over the car dealership. He asked if there is a sidewalk along the front. Mr. Juliano replied, yes all across the front. Commissioner Fitzsimmons noted the requirement for an easement for interconnection to a possible future neighboring business. Mr. Juliano agreed.

Mr. Scheid explained that the submitted drawings show a one-story brick building with a shingled roofline. They will have solar panels on the roof.

Mr. Pagini noted that he worked with them to try to meet the building orientation requirement. Atty. Ceneviva added that the side of the building will face Rt. 5. They were able to reduce the majority of the non-conformities but there will be a faux door on that side. Parking is on the north with access to the north.

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

**Commissioner Kohan: Motion to close the public hearing for application #407-23, Special Permit – 809 North Colony Road.**

**Commissioner Fitzsimmons: second**

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

**Commissioner Kohan: Motion to approve application #407-23, Special Permit – 808 North Colony Road, a Special Permit and site plan approval request to reduce existing non-conformities on site and construct a financial institution with associated parking at 809 North Colony on plans entitled “M&T Bank Proposed Branch” dated 5/3/2023 and revised to 6/12/2023 subject to the following conditions of approval:**

- 1. Comments from the Fire Marshal’s office dated 5/19/2023;**
- 2. Comments in Interoffice Memorandum from Senior Engineer, Scott Shipman to the Planning and Zoning Department dated 5/31/2023;**
- 3. Comments from Alison Kapushinski, Town Engineer, dated 5/31/2023 & 6/9/2023;**
- 4. An erosion and sedimentation control bond in the amount of \$5,500.00;**
- 5. Internal connection to the adjacent property to be added to the final plans as well as providing additional landscaping to the frontage area; 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; Allinson – yes; Parent – yes; Chairman Seichter – yes.**

The application is approved.

**2. Special Permit (nursing home to multi-family residential)/Fifty-Five LLC/55 Kondracki Lane #408-23**

Commissioner Allinson read the legal notice and noted the correspondence for the record. #408-23 – Special Permit request for Fifty-Five, LLC for adaptive reuse to convert a former 180-bed nursing home to a 71-unit multi-family residential building at 55 Kondracki Lane – R-18 (Residential) Zone. Correspondence included the special permit application and site plans; Inspection Report from the Wallingford Fire Department, dated May 10, 2023; correspondence from Kevin Pagini, Town Planner to Fifty-Five, LLC, dated May 22, 2023; Memo from Department of Engineering to Planning & Zoning Commission dated May 31, 2023; Interoffice Memorandum from Scott Shipman, Senior Engineer, Water and Sewer Divisions to Kevin Pagini, Town Planner dated May 31, 2023; email with attached drawings from Dennis Ceneviva, Esq. to Kevin Pagini, Town Planner dated June 5, 2023; Inter-Departmental Referral from the Environmental Planner dated June 7, 2023; and correspondence from James Cassidy, Hallisey, Pearson & Cassidy to Kevin Pagini, Town Planner, dated June 7, 2023; and revised set of plans dated June 7, 2023.

Presenting were Atty. Dennis Ceneviva of Ceneviva Law Firm at 721 Broad Street in Meriden, James Cassidy, P.E., project engineer, with Hallisey, Pearson & Cassidy, 630 Main Street, Cromwell, Matt Baldino, Traffic Engineer, Soli Engineering, 501 Main Street, Monroe, and Amy Alessi, Owner Representative, 324 East Main Street. Atty. Ceneviva outlined the proposal for the 11.58-acre property with a 69,000 sq. ft. building. The building was a 180-bed nursing home. He referred to Section 6.16 of the regulations for adaptive reuse to multi-family. They will develop the existing building and add an

extension on the 2<sup>nd</sup> floor wings making them symmetrical with the first floor. They will have 71 units market-rate units. There will be 38 one-bedroom units, 15 studios, and 18 two-bedroom units. He noted that the regulations would have allowed over 100 units. In compliance with regulations, they will provide 134 parking spaces.

Mr. Cassidy reviewed the existing site and noted that it is surrounded by residential. The footprint is 30,000 sq. ft. The existing site access will remain. He noted that a watercourse runs through the site and a majority of the site is wooded and will remain so. The additions to the north end of the second floor will match the first-floor footprint. The extension is allowed in Section 16.6.D. This will only be a 14.5% increase. He explained how they will provide 134 parking spaces. This includes one landscaped area turned to parking and re-grading in the west to allow more. They are adding trees and end islands. They will also add junipers to supplement the screening from the neighbors. He stated that there will be a 3,300 sq. ft. increase in impervious coverage. He noted the comments from Engineering and stated that they are willing to incorporate them. This includes mitigation for the increase in impervious coverage. They are proposing some stormwater quality measures. He explained the second-floor addition and showed a rendering of the brick exterior.

Mr. Baldino explained the trip generation assessment. He used the Institute of Traffic Engineers (ITE) Trip Generation Handbook. The estimate for the previous use during weekday peak hours was 25 trips. The proposed use is expected to generate 28 trips in the morning peak hour and 36 in the evening peak hour. This does not meet the threshold for a traffic impact study. He reported that he spoke with the Town Engineer who suggested conditions including a stop bar and ensuring adequate sight lines.

Atty. Ceneviva noted recent discussions about a temporary remediation effort by the previous owner for the culvert under the driveway. In 2018 emergency repairs were done without the Town Engineer or the Environmental Planner reviewing the plan. It is uncertain if the repair in 2018 created the current problems. There has been a discussion to place some obligation on the new owners to provide a permanent remedy. The remedy for the culvert issue is to replace the damaged culverts, which the applicant is prepared to do.

Mr. Pagini explained the condition of approval gives two options. One is to confirm the culverts are adequately sized. The other is to permanently replace them. They must submit an existing conditions study within six weeks after approval.

Commissioner Kohan asked if there is an existing problem with the culvert. Mr. Pagini replied that there are concerns that it may be affecting upstream and downstream. There are erosion and other potential issues since the 60-inch culvert was replaced with a 36-inch culvert. The existing conditions study will show whether the culvert is structurally sound.

Commissioner Fitzsimmons noted that the proposed condition gives them six weeks to produce the study. Mr. Cassidy noted that he talked to the Town Engineer and the request is to inspect within six weeks to see if there are any current issues and if the repairs were done appropriately. The culverts are

corrugated metal that partially collapsed in 2018 affecting the driveway. Commissioner Fitzsimmons asked if water was backing up on other properties. Mr. Cassidy replied that the hydrology study will tell. Commissioner Fitzsimmons stated that he is uncomfortable with the condition of giving 6 weeks to do the study on the impact on other properties. Mr. Cassidy clarified that it is six weeks to do the inspection, not the study.

Atty. Ceneviva commented on the proposed condition wording. He stated that it may be more prudent to repair to meet the requirements from when the plan was originally approved. This is fair and reasonable. Commissioner Fitzsimmons asked if there is a designated area for snow removal and appropriate dumpster and recycling containers. He asked if there is a sidewalk out to the road. Mr. Cassidy replied that a sidewalk exists on the east side of the driveway, as well as along the frontage. Commissioner Fitzsimmons read the Fire Marshal's comments on the fire alarm system and sprinkler system. Mr. Cassidy replied that the building currently has a sprinkler system, which will be upgraded to meet the new codes. Commissioner Fitzsimmons noted the comments on the existing fire line. Mr. Cassidy replied that they need the final building plans first. Currently, there is a 10-inch main which will have a fire service and a domestic service off of it into the building. Commissioner Fitzsimmons asked if there will be any income or age restrictions. Atty. Ceneviva replied no. The apartments will be at market rate.

Commissioner Allinson clarified that the original plan in 1972 was for two 60-inch culverts and in 2018 they were changed to 36-inch. Mr. Cassidy replied that for the repair they inserted sleeves. One was a 50-inch sleeve and the other was collapsed so they could only put in a 36-inch sleeve. Commissioner Allinson asked how we know that going back to the 60 inches for both culverts is adequate. Mr. Cassidy replied that that was the original approved condition. Commissioner Allinson asked if there will be assigned parking. Ms. Alessi replied that they will number parking for the tenants and provide some guest parking. Commissioner Allinson asked about removing the turnaround for emergency vehicles. Mr. Cassidy replied that he thought it was too small for emergency vehicles and the Fire Marshal did not comment on it. Commissioner Allinson asked about the grading of the parking area. Mr. Cassidy replied that they will be following the existing grading.

Chairman Seichter asked if the different-sized units will be dispersed throughout the building. Mr. Cassidy replied yes.

Mr. Pagini asked if there will be security-controlled access. Ms. Alessi replied yes there will be buzzers for tenants to get in.

#### **PUBLIC COMMENT**

Jeff Ropp stated that he is not a resident but he does have a financial interest in the project. He noted that the application is for a change of use, it is not about the building plans or the culvert. The agreement says that nothing can happen with occupancy until the Town is satisfied. The project is already six months into development and it will be another six months before a shovel is put in the ground. All the conditions will be met.

Gary Copas, 394 East Main Street, noted that young people can't find apartments in this area. This company makes their properties look nice.

Dennis & Karen Wolcott, 15 Kondracki Lane, asked the Commission to address the potentially negative impact on property values and the character of the neighborhood. The number of units is excessively high for the neighborhood. It will increase traffic and noise, impacting the peace, tranquility, and safety in the area.

June Parker, 77 Kondracki Lane, stated that she has seen the street become a high-traffic street. The number of apartments will increase traffic. It is already busy due to the schools. She is concerned about the safety of school children, property values, and the wetlands. The increase in traffic will affect the response time for the Fire Department. She asked what kind of rating the contractor has. Ms. Alessi noted that since they don't have the use approval yet, they haven't chosen a contractor. She described the apartments as market rate, with single-floor living starting at 700 sq. ft.

Greg Whitehouse, 64 Kondracki Lane, noted that fire trucks could not get into the parking lot when it was a nursing home. He asked how we know that the study done in 1972 for the culvert was adequate. He asked about the runoff and if there will be another study.

Jaymie Frederick, 60 Saw Mill Drive, stated that the erosion control plan was not there when she reviewed the plans. She noted that the lighting plan wasn't there either. The site is already pretty bright. She lives uphill from this property. She asked if there will be blasting to get the additional parking. She asked about drainage improvements since the impervious area is increasing. She stated that the culverts have been a concern.

Chairman Seichter asked if erosion control was addressed. Mr. Cassidy stated that the newly submitted plans show that it all drains back to the parking lot, not the watercourse. The Cut slope down to the parking lot will have a sediment barrier and catch basin impoundments. He added that they can replace the lighting fixtures with dark sky-compliant full cut-off lighting. Regarding blasting, there is no indication that it will be needed.

Dawn Lindauer, 3 Sylvan Way, agreed with the other's concerns. She asked if these units will be rentals. Ms. Alessi replied yes. Ms. Lindauer asked if delivery trucks were included in the trip count for traffic. There will be more than just personal vehicles. She noted a concern for the increase in enrollment at the schools and the children walking to school.

Denise Zukowski, 91 Kondracki Lane, asked if the 134 parking spaces were enough for the 71 units. There may be multiple drivers in an apartment. She stated that if they did a traffic study they would see the school traffic. Mr. Cassidy replied that they calculated parking using the zoning regulations. He noted that Wallingford requires more spaces than many other towns. He added that a buffer is built into the calculation. Mr. Baldino added that traffic patterns will shift from the previous development.

The industry standard he used is based on data collected at multiple locations and is an accepted methodology. He explained peak hours.

Pam Cambrelli, 7 Sylvan Way, stated concern with traffic. Sylvan Way is a small, narrow road with kids and others walking. It will be a cut-through to get to the center of town. She asked for speed bumps.

Scott Jenkins 13 Sylvan Way, asked if the 50 or 60 yards of grass in the front will stay as grass. Mr. Cassidy replied yes. Mr. Jenkins asked if there will be trees along the sidewalk. Mr. Cassidy replied not in front of the property.

Liz Jenkins, 13 Sylvan Way, mentioned the traffic on Sylvan Way as well as littering. The street is not equipped to handle more traffic. She would like through traffic prohibited.

Kathleen Johnson, representing the owner of 421 Long Hill Road, pointed out the heavy traffic between 7 am and 9 am. She stated that parents park in the street in front of the school to drop off kids. The averages don't take this into account.

Norma Savarino, 26 Mellor Road, asked who the complex will be marketed to. She asked what the square footage of the units will be and the cost per month. She asked if there will be stoves with high-voltage lines to the apartments. She added that she sees bears, foxes, and bobcats in the area. She had a concern that the wildlife along the river would be disturbed. She is concerned about kids walking to school. What happens if Sheehan is merged into Lyman Hall? There will be more kids and traffic. Ms. Alessi explained that the apartments will be market rate and appropriate for singles, families, or seniors. They do not discriminate. All units will have kitchens. The sizes will vary from 600 sq. ft. to 1000 sq. ft.

Julie Good, 37 Kondracki Lane, stated concern about the increase in vehicle traffic with 134 parking spaces.

Mike Nishti, 8 Sylvan Way, asked if they will have Section 8 residents. Mr. Ceneviva replied that the question is not appropriate, but noted that this will not be classified as affordable housing.

Laurene Goode, 45 Mellor Road, asked if they will limit how many will be getting assistance from the state. She would prefer they sold individual units as you lose control with rentals. She suggested housing veterans.

Will Lennon, 65 Kondracki Lane stated that he lives upstream of the culvert. He noted that at night the lights are bright. He noted two dumpsters across from where he lives. He noted that in the winter the water rises up the tree trunks and takes days to drain. The original design for the culvert may not be enough. The owners need to remediate the flooding when there is a heavy downpour. He noted that as apartments there will be less ambulance traffic but more fire trucks. He asked if the fire lines are adequate to fight fires for a building that size. He asked if they are going to cut and fill, and will there be swales to direct the runoff. He noted that the runoff goes into the stream. Mr. Cassidy replied that the

cut and fill will only be in the southeast corner of the property. There will be no swales to direct the water. It will go into the drainage system and catch basin. As for lighting, the owner said it was security lighting. It will be upgraded to meet the current standards. Regarding the flooding, it is due to the culvert being too small. They will be looking upstream and downstream to see what the impacts are and to find the best solution. Regarding the fire lines, they can't design the suppression system until they have the building plans. They will be updating the whole fire system.

Rep. Mary Mushinski, 188 South Cherry Street, stated that she thought that more housing was a good idea. Wallingford needs affordable housing, which means that you spend no more than 30% of your income on housing. She noted that the number one economic problem in the state is the shortage of workers and this is partly due to lack of housing. She also knows of older residents who have been on Housing Authority waiting lists for four years. She suggested that at least some units be affordable. She noted that more pavement area means that stormwater controls need to be serviced regularly. She recommended requiring that.

Samuel Rose, 324 East Main Street, stated that he is representing Zach and Amy Raup. They have a concern with traffic and noise. He noted that these are assumptions, not facts. He noted that more people work from home. He also noted that the owners are also Wallingford residents.

Kathleen Johnson, representing 421 Long Hill Road, noted that the property owners don't live in this neighborhood so they don't have the same vested interest.

Atty. Ceneviva stated that the planner talked with the Town Engineer about traffic. As for lighting, whatever has to be done to avoid light spilling off to neighboring properties will be done. The purpose of Adaptive Reuse is to address old buildings that need new uses to avoid degrading.

Mr. Pagini noted that the Town Engineer had no issues with traffic and agreed that the traffic memorandum was done to standards.

Commissioner Kohan appreciated the comments of residents. He noted that they are asking for a change of use, but it is more than that, including traffic, lighting, and erosion implications. To move forward they need to resolve the issues with the culvert. He asked if they applied to Inland Wetlands. Mr. Pagini replied no, but the Environmental Planner was consulted and went to the site to inspect. Commissioner Kohan stated that due to the impact on the stream, it should have gone to Inland Wetlands Commission, not just the Environmental Planner. He asked if we can get them to review this. If not, this commission needs to look at the culvert and wetlands. Mr. Pagini replied that the culvert will have to have a wetlands application. The environmental planner did not want it wrapped up in this proposal. The Environmental Planner did discuss wetlands issues with the applicant and determined that this project did not need to go to the Wetlands Commission. Commissioner Kohan disagreed with that. He stated that before we can move forward, he wants a better understanding of the plan for the culvert and how it impacts the wetlands as well as how stormwater management will be handled. Traffic is also a concern.

Commissioner Fitzsimmons agreed and stated that the culvert is not a new issue. This site has a history. He noted that they usually receive a very detailed report from the Environmental Planner, but did not this time. He would like more detail. He stated that he is not prepared to vote without more information. He asked if there have been violations. He would like something in writing from the Town Engineer on traffic.

Commissioner Allinson asked why there is no comment from the Fire Marshal about relocating that hydrant and emergency vehicle access. He would like emergency personnel to weigh in.

Commissioner Parent noted that this is a change of use application. It is not fair to hold up a change of use application because Inland Wetlands didn't raise the issue. The alternative is a deteriorating building. He believes that we can vote on this application.

Chairman Seichter stated that the Commission is looking for more information from both the applicant and staff on the following:

- Something more definitive from the Fire Marshal on the hydrant and emergency vehicle access,
- More from the Town Engineer on traffic, and
- More information on the culvert and related issues.

Commissioner Seichter noted that he agreed with Rep. Mushinsky that more housing is needed in town. He stated that he believes that Adaptive Reuse is appropriate for this property.

Atty. Ceneviva noted that the issue with the culvert just came up on Friday. He stated that the Town staff has been very helpful. This is an old issue. He reviewed the history of the issue. The proposed condition was an effort to come up with a way to resolve this. The original culvert had no issues, so it was suggested we go back to the originally approved 5 ft. culverts. Once the determination is made, then the appropriate fix will be determined. The condition in the motion is a suggestion for a process. Atty. Ceneviva stated that they will respond to the questions and issues raised tonight.

Commissioner Kohan asked what the total impervious surface will be. Mr. Cassidy replied that there is 93,069 sq. ft. now and there the proposal has 96,462 sq. ft. He noted that they reviewed all the regulation thresholds with the Environmental Planner and they do not meet the thresholds to require a permit.

**Commissioner Kohan: Motion to continue the public hearing for Special Permit #408-23 Fifty-Five, LLC/55 Kondracki Lane to the July meeting.**

**Commissioner Fitzsimmons: second**

**Vote: unanimous**

### 3. Zoning Text Amendments #902-23

Commissioner Allinson read the legal notice and noted the correspondence for the record. #902-23 - Zoning Text Amendments to several different Sections which include: replacing the word “mentally retarded” with “intellectually disabled” throughout and changing “D.E.P.” to “D.E.E.P.” throughout; deletion of certain terms in Sections 2.2; 5.2.F; 4.2.B.4; 4.6.B.10; 4.9.B.9; 4.1.C.1; 4.1.C.9; 4.4(A).C.2; 4.4(B).C.2; 4.5.C.1; 4.11.B.14; 4.16.B.1.a; 4.22.C.1; 6.9.D.1.A; Deleting Sections 4.17 & 6.11 “Trip Generation Table”. Deleting certain sections of Non-Conforming Uses Buildings and Lots which includes Sections 6.13.A.4; 6.13.A.5; 6.13.B.3; 6.13.F; 6.13.H; 6.13.I; Revisions to Town Center and IHZ Overlay Zone minimum parking requirements Sections 4.26.15.b; 4.23.D.2; 4.26.F; and revisions to Special Permit notification requirements Sections 7.5.D.1.a; 7.5.D.1.b; 7.5.D.1.c. Proposed new Sections 6.36 (Accessibility Improvements) and 6.37 (Outdoor Dining Hours). Addition of proposed new Article X – Reasonable Accommodations (current Articles X and XI to be re-numbered). A memorandum outlining these changes is available in the Planning Department office or per request. Correspondence included a memorandum from Kevin Pagini, Town Planner to the Planning and Zoning dated May 9, 2023; email from Stephanie Camp, Regional Planner, South Central Regional Council of Governments to Kevin Pagini, Town Planner, dated May 24, 2023; correspondence from J. H. Torrence Downes, Deputy Director, Lower Connecticut River Valley Council of Governments, to James Seichter, Chairman, Wallingford Planning & Zoning, dated May 30, 2023; and email from Lauren Rizzo, Administrative Services Coordinator, Naugatuck Valley Council of Governments, to Kevin Pagini, Town Planner, dated June 1, 2023 and the draft of article 10, Reasonable Accommodations, dated March 24, 2023.

Chairman Seichter suggested working from the May 9<sup>th</sup> memo, discussing each item, and voting on them individually. Chairman Seichter noted that due to there being no public present for this discussion, no public comment was heard.

- a. Change outdated terminology in §4.1.B.2 and other pertinent sections from “mentally retarded” to “intellectually disabled” because the language is outdated and has been updated in section 8-3f of the CT state statutes.

**Commissioner Fitzsimmons: Motion to approve a change to the outdated terminology in §4.1.B.2 and other pertinent sections from “mentally retarded” to “intellectually disabled” because the language is outdated and has been updated in Section 8-3f of the CT State Statutes.**

**Commissioner Kohan: Second**

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

- b. Deletion of Section 4.17 – Neighborhood Business District because there are currently no areas on the Zoning Map where this district exists.

**Commissioner Fitzsimmons: Motion to approve the deletion of Section 4.17 – Neighborhood Business District because there are currently no areas on the Wallingford Zoning Map where this district exists.**

**Commissioner Kohan: Second**

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

c. Deletion of Railroad Avenue in Section 5.2.F. Industrial Roads because there is no such road in the Town as “Railroad Avenue”.

Mr. Pagini confirmed that he was told by several departments that this street doesn’t exist. This was brought to his attention by Engineering.

**Commissioner Fitzsimmons: Motion to approve the deletion of Railroad Avenue in Section 5.2.F. Industrial Roads because there is no such road in the Town of Wallingford as “Railroad Avenue”.**

**Commissioner Kohan: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Chairman Seichter – yes**

d. Change any reference from DEP (Department of Environmental Protection) to DEEP (Dept. of Energy & Environmental Protection) throughout because the agency name has changed.

**Commissioner Fitzsimmons: Motion to approve changing any reference from DEP (Dept. of Environmental Protection) to DEEP (Dept. of Energy and Environmental Protection) throughout the entirety of the Zoning Regulations because the agency name has been changed.**

**Commissioner Kohan: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Chairman Seichter – yes**

e. Removal of all terms related to the regulation of “Forestry” which specifically include removal of Forestry, in the “Farm” definition under Section 2.2 and removal of forestry in 4.2.B.4; 4.6.B.10 & 4.9.B.9 because the Town is not in compliance with the CT Forest Practices Act (Chapter 451a, Sec. 23-56k).

Mr. Pagini noted that the State contacted us to let us know we are not in compliance with this Act. There was an opportunity to apply to regulate forestry back in the 1990s but we did not apply.

**Commissioner Fitzsimmons: Motion to approve the removal of all terms related to the regulation of “Forestry” which specifically include removal of Forestry, in the “Farm” definition under Section 2.2 and removal of forestry in 4.2.B.4; 4.6.B.10 & 4.9.B.9 because the Town is not in compliance with the CT Forest Practices Act (Chapter 451a, Sec. 23-65k).**

**Commissioner Kohan: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Chairman Seichter – yes**

f. Delete the outdated “Trip Generation Table” in §6.11 because it is no longer current. Mr. Pagini noted that this was recommended by the Town Engineer.

**Commissioner Fitzsimmons: Motion to approve the deletion of the outdated “Trip Generation Table” in §6.11 in the Wallingford Zoning Regulations because it is no longer current.**

**Commissioner Kohan: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Chairman Seichter – yes**

g. Removal of “philanthropic” from all sections where it is described as a use. Mr. Pagini explained that this was requested by the Law Department because it is not a land use.

**Commissioner Fitzsimmons: Motion to approve the removal of “philanthropic” from all sections of the Wallingford Zoning Regulations where it is described as a use. Including Sections 4.1.C.1; 4.1.C.9; 4.4(A).C.2; 4.4(B).C.2; 4.5.C.1; 4.11.B.14; 4.16.B.1.a; 4.22.C.1; 6.9.D.1.A because philanthropic is not a land use.**

**Commissioner Kohan: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Chairman Seichter – yes**

h. Deletion of parts of Section 6.13 – Non-Conforming Uses, Buildings and Lots §6.13.A.4 & 5; B.3, F, H & I because these sections do not currently comply with State Statute, specifically 8-2d(4)(a). Mr. Pagini explained that this was recommended by the Law Department and has to do with abandonment and is repetitive. There is a newer State Statute for abandonment and time limits. Number 5 is also repetitive with 2.

**Commissioner Fitzsimmons: Motion to approve the deletion of parts of Section 6.13 – Non-Conforming Uses, Buildings and Lots §6.13.A.4 & 5; B.3, F, H, & I because these sections do not currently comply with CT State Statute, specifically 8-2d(4)(a).**

**Commissioner Kohan: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Chairman Seichter – yes**

i. Change parking requirements for residential developments in the Downtown Development Corridor sub-district to no minimum requirement. Mr. Pagini explained that this is for the Town Center District and was agreed upon at the March 29, 2023 workshop.

**Commissioner Fitzsimmons: Motion to approve changing parking requirements for residential developments in DDC (Downtown Development Corridor) sub-district to no minimum requirement in §4.26.15.b because it clarifies the intent of the Zoning Regulations.**

**Commissioner Kohan: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Chairman Seichter – yes**

- j. Change parking requirements for residential developments in the Downtown Development Corridor sub-district in Incentive Housing Overlay Zone to no minimum requirement.

Mr. Pagini explained that this was agreed upon at the March 29, 2023 workshop.

**Commissioner Fitzsimmons: Motion to approve changing parking requirements for residential developments in the DDC (Downtown Development Corridor) sub-district in Incentive Housing Overlay Zone to no minimum requirement in §4.23.D.2 because it clarifies the intent of the Zoning Regulation.**

**Commissioner Kohan: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Chairman Seichter – yes**

- k. Change the overall Town Center District residential minimum parking requirement to 1.5 spaces for any units of two bedrooms or greater in table §4.26.F

Mr. Pagini explained that this was agreed upon at the March 29, 2023 workshop.

**Commissioner Fitzsimmons: Motion to approve changing the overall Town Center District residential minimum parking requirement to 1.5 spaces for any unit of 2 bedrooms or greater in table §4.26.F because it clarifies the intent for the minimum parking requirement.**

**Commissioner Kohan: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Chairman Seichter – yes**

- l. Adoption of Section 6.36 Accessibility Improvements and adoption of Reasonable Accommodations (Article X) regulations, “Amendments” becomes Article XI, and “Validity” becomes Article XII.

Commissioner Kohan noted that the Regional Planning Commission approved this text amendment. He noted that this is one of the land uses mentioned in the appeals section that according to the State Statute has to go to the Zoning Board of Appeals. Mr. Pagini noted that this amendment was written by the Law Department. Commissioner Kohan stated that we could leave this but, this it is not what the Statute says.

Chairman Seichter suggested asking the Law Department to look at it again and hold off on voting for both parts of this item.

**Commissioner Fitzsimmons: Motion to Continue to a future meeting the Adoption of Section 6.36 so we can have a further review.**

**Commissioner Kohan: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – yes; Chairman Seichter – yes**

m. Changes to Special Permit notification language in Sections 7.5.D.1.a, b & c. as referenced in a memorandum to the Planning & Zoning Commission dated May 9, 2023.

Mr. Pagini explained that this came out of previous application discussions.

**Commissioner Fitzsimmons: Motion to approve changes to the Special Permit notification language in Sections 7.5.D.1.a, b & c. as referenced in a memorandum to the Planning and Zoning Commission dated May 9, 2023, because it clarifies and cleans up the intent of the notification language.**

**Commissioner Kohan: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – absent; Chairman Seichter – yes**

n. Adoption of Section 6.37 – Outdoor dining shall be allowed until midnight.

Chairman Seichter relayed the recommendation from the Law Department that we change it to 11:00 pm.

**Commissioner Fitzsimmons: Motion to approve the adoption of Section 6.37 – Outdoor Dining shall be allowed until 11:00 p.m. because it clarifies Wallingford Zoning Regulations.**

**Commissioner Kohan: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Parent – absent; Chairman Seichter – yes**

#### **OLD BUSINESS**

##### **4. Site Plan (self-storage units)/950 No. Main Street Wallingford LLC/86 Barnes Road #204-23**

Councilor Allinson noted any new correspondence for the record. Correspondence from Zachary Georgina dated May 5, 2023; Inspection Report from the Fire Marshal dated February 17, 2023; Inter-Departmental Referral from the Environmental Planner dated February 10, 2023; Inspection Report from the Fire Marshal dated March 3, 2023; Memorandum from Alison Kapushinski, Town Engineer, to Erin O’Hare, Environmental Planner and Kevin Pagini, Town Planner, dated April 3, 2023; correspondence from Juliano Associates to Inland Wetlands and Watercourses Commission, dated April 28, 2023; Stormwater drainage report, revised date April 28, 2023; Stormwater Maintenance Plan on Juliano Associates letterhead dated March 29, 2023; a Property and Topography Survey dated February 10, 2023; Memo from Department of Engineering to Planning & Zoning Commission dated June 9, 2023; and Site Utility plan dated February 10, 2023.

Zach Georgina, Project Engineer, Juliano Associates, 405 Main Street, Yalesville, presented the application. The property is a 3-acre vacant lot and they propose to build five self-storage buildings. They will add a curb cut on Barnes Road. Per the request of the Fire Department, the first buildings will have a grassy area in front so the trucks can turn around. The buildings will be no more than 14 ft high. The largest building is 8,000 sq. ft., the next two are 5,100 sq. ft and the next is 5,400 sq. ft. The last is 7,000 sq. ft. The entire facility will be fenced in. The regulations require 25 spaces for parking, while the ITE indicates 7 looking per unit. They will provide 8 with one being ADA-compliant. Snow storage will be along the front of the building where the grass is. The only utility will be electricity for lighting. There is a hydrant on site. They are proposing a giant facility for infiltration with catch basins in the parking lot. The system is 38% over the design requirements. There is also an overflow to the catch basis as an outlet for the system if needed. They propose a Vort Center Unit for water treatment. Mr. Georgina

reported that they received a variance for a reduction to the landscaping in the front yard setback. There are two fairly large trees on the property that they want to keep. They will add five trees along the perimeter. The wooded brush area along Main Street Extension will be maintained. There are sidewalks around the perimeter.

Commissioner Kohan thanked them for planning to save the trees. He asked about the fencing. Mr. Georgina replied that there will be a chain link fence like the property to the north.

Chairman Seichter noted that he's happy the tree will stay. Hearing no public comment, Chairman Seichter called for a motion.

**Commissioner Kohan: Motion to approve application #204-23, Site Plan/Self-Storage – 86 Barnes Road, a Site Plan approval request for a self-storage facility located at 86 Barnes Road on plans entitled “Layout Plan – Proposed Self-Storage Facility” dated 2/10/2023 and revised to 6/8/2023, subject to the following conditions of approval:**

- 1. Comments from the Fire Marshal's office dated 2/28/2023 & 3/3/2023;**
- 2. Interoffice memorandum from Erin O'Hare, Environmental Planner, dated 3/3/2023 & 6/9/2023;**
- 3. Comments from Alison Kapushinski, Town Engineer, dated 4/3/2023 & 6/9/2023;**
- 4. An erosion and sedimentation control bond in the amount of \$10,500.00; and**
- 5. Six (6) copies of the approved, final plans forwarded to the Planning and Zoning Office.**

**Commissioner Fitzsimmons: Second**

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

The application is approved.

**5. Site Plan (780 sq. ft. accessory apartment)/J. Chapa/422 South Elm Street #207-23**

Commissioner Allinson noted the correspondence for the record. Application for Site Plan Accessory Apartment with photos and construction diagram; Inter-Departmental Referral from the Environmental Planner, dated March 14, 2023; Comments from the Fire Marshal, dated March 16, 2023; Inter-Departmental Referral from Scott Shipman, Senior Engineer, Water & Sewer Divisions dated March 29, 2023; Inter-Departmental Referral from Alison Kapushinski, Town Engineer, dated March 27, 2023.

Jose Chapa Batista, 422 South Elm Street, explained that he is adding an accessory apartment.

Mr. Pagni thanked Mr. Chapa for his cooperation and noted that the application was reviewed by Water and Sewer to correct any issues. The approval will be contingent on those comments.

**Commissioner Kohan: Motion to approve application #207-23, Site Plan/Chapa – 422 South Elm Street, a Site Plan request for a 780 sq. ft. accessory apartment located at 455 South Elm Street, subject to the following conditions:**

- 1. Comments in Interoffice Memorandum from Senior Engineer, Scott Shipman to the Planning and Zoning Department dated 3/29/2023; and**

**2. Final inspection by the Zoning Enforcement Officer.**

**Commissioner Fitzsimmons Second**

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

The application is approved.

**BOND RELEASES AND REDUCTIONS**

**7. Francis McNulty/60 South Elm Street**

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

**Commissioner Fitzsimmons: Motion to release the erosion control bond for Francis McNulty/60 South Elm Street as recommended by the Town Planner.**

**Commissioner Kohan: Second**

**Vote: Unanimous (Parent absent)**

**REPORTS OF OFFICERS AND STAFF**

**8. Review of Six-Year Capital and Non-Recurring Budget**

Mr. Pagini noted that he received one comment that has been responded to.

**Commissioner Fitzsimmons: Motion to, after review and consideration, approve the Six-Year Capital and Non-Recurring Budget for FY23-29 as submitted by the office of the Mayor.**

**Commissioner Kohan: Second**

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

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

- |  |                |
|--|----------------|
| <b>a. Site Plan Revision/Peter Ford/24 Wallace Avenue</b>                          | <b>#210-23</b> |
| <b>b. Site Plan Revision/Nicholas Angeletti-Topline Rental/160 So. Turnpike Rd</b> | <b>#211-23</b> |
| <b>c. Site Plan Revision/Matt Brown/654 North Colony Road</b>                      | <b>#212-23</b> |
| <b>d. Change of Use/Line Wen/314 North Colony Street</b>                           | <b>#308-23</b> |
| <b>e. Survey Waiver/Poulin/57 Grove Street</b>                                     | <b>#804-23</b> |

Commissioner Kohan asked about item c for 654 North Colony Road (application #212-23 - Car Wash). The State changed the entrance from Rt. 5 and he would like an explanation. Mr. Pagini replied that he thought an explanation was sent but will find it and resend it. He stated that he did check with the Town Engineer on it.

**10. ZBA May 15, 2023 Decisions – no questions**

**11. Notice of June 19, 2023, ZBA Meeting – no questions**

**ADJOURNMENT**

**Commissioner Kohan: Motion to Adjourn the Wallingford Planning and Zoning Commission  
for Monday, June 12, 2023, at 10:30 pm.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous**

Respectfully Submitted,  
Cheryl-Ann Tubby  
Recording Secretary