

Wallingford Planning & Zoning Commission

Monday, August 14, 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; J.P. Venoit, Vice Chair; Steven Allinson, Secretary; James Fitzsimmons, Regular Member; Jeffrey Kohan, Regular Member; Jamie Hine, Alternate; David Parent, Alternate; Kevin Pagini, Town Planner, and Amy Torre, Zoning Enforcement Officer.

Consideration of Minutes – July 10, 2023, Regular Meeting

Commissioner Venoit: Motion to amend the minutes of Monday, July 10, 2023, Regular Meeting of the Wallingford Planning and Zoning Commission to include Commissioner Venoit in the roll call.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve the amendment.

Commissioner Venoit: Motion to approve the minutes of Monday, July 10, 2023, Regular Meeting of the Wallingford Planning and Zoning Commission as amended.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve the amended minutes.

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

OLD 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 Article X #902-23

Commissioner Fitzsimmons noted the correspondence for the record. Correspondence included a letter from the South Central Regional Council of Governments to Kevin Pagini, Town Planner, dated July 19, 2023, and a memorandum from Janis Small, Corporation Counsel to Kevin Pagini, Town Planner received July 28, 2023.

Chairman Seichter pointed out that the item from the last meeting needing research was the appeals process and who is responsible, Planning and Zoning (P&Z) or Zoning Board of Appeals (ZBA). He noted the correspondence from the Corporation Counsel which indicated that it was up to us. He asked Commission members for comment.

Commissioner Kohan stated that he would be okay with either P&Z or ZBA to hear appeals from the Town Planner. He would prefer the ZBA because P&Z doesn't have appeal in its name. He stated that he will go along with what the Commission decides.

Commissioner Allinson agreed that the ZBA is the proper place. They apply standards of appeals currently, so it makes sense.

Commissioner Parent stated that he believes the ZBA is the most appropriate.

Commissioner Fitzsimmons stated that he supports using this Commission. The ZBA takes appeals based on the zoning book and zoning rules. The intent of this is to apply federal law to our regulations, which we are responsible for. This is appealing the decisions of the Town Planner's office.

Commissioner Venoit stated that he could go either way but would like to see the appeals come to this Commission.

Chairman Seichter agreed that the appeals should come to this Commission as the Corporation Counsel suggested originally. He supports having appeals come to P&Z.

Mr. Pagini noted that the Corporation Counsel stated a preference for the Planning and Zoning Commission.

Commissioner Kohan stated that he doesn't understand the last line of the Corporation Counsel's memo because there is no context. He read the line: "I assume that is why the Town of Woodbridge agreed with the US Department of Justice to have the appeal heard by a hearing office." He stated that his original comment was that a SCROG member, an Attorney from the Town of Branford stated that by State Statute, an appeal has to be heard by the Zoning Board of Appeals. He stated that he will support the majority. This is a small point. He stated that he tried to do the right thing but wants this to be voted on tonight.

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 #902-23, Zoning Text Amendments/PCZ/Sec. 6.36 Reasonable Accommodation – Article X.

Commissioner Fitzsimmons: second

Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Allinson – yes; Chairman Seichter – yes.

Commissioner Venoit: Motion to approve Text Amendments – P&Z #903-23 for the Adoption of Section 6.36 Accessibility Improvements and adoption of Reasonable Accommodations (Article X) regulations, “Amendments” becomes Article IX and “Validity” becomes Article XII because it more clearly defines the process stated herein.

Commissioner Fitzsimmons: second

Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Allinson – yes; Chairman Seichter – yes.

REPORTS OF OFFICERS AND STAFF

3. Administrative approvals - noted as approved

- a. **Site Plan Revision/N. Giardano (Cigarro Mobile)/180 Cheshire Road #218-23**
- b. **Site Plan Revision/Eduardo Construction/1088 North Colony Road #219-23**
- c. **Survey Waiver/Richard Bush/39 Jones Road #807-23**
- d. **Survey Waiver/John Ferraro/30 Oakdale Circle #808023**

4. Sign Regulations

Ms. Torre stated that the document in the packet is an outline. She explained that they propose a total revamp of the sign regulations. The proposed regulations will be content-neutral. This approach, which is based on counts and locations, is based on best practices from Norfolk, VA, and Wausau, WI. She asked what the Commission thought was important to be included. The document presented is an overview of best practices that have been tested by the legal system. The purpose and applicability of the regulations are detailed. The regulations are heavy on definitions such as the shape and size of the sign. The result is a chart format that shows for each zone, what’s allowed and how many for both permanent and temporary. This eliminates permitting for re-facing because that is content. She asked for the Commission’s reaction and input to this different approach. This is heavy on definition and strictly counts by zone, by land use within a zone.

Chairman Seichter asked what comes after purpose, applicability, and definition of a sign and signs that are restricted. Ms. Torre replied that the prohibited signage is across the board. The sign examples would be the heavy definitions and classifying things as not signs. The charts would be counts, zones, and land uses and will have examples, sketches, and descriptions. The Purpose and Applicability are to look not for a restrictive direction but to preserve public safety and avoid distractions and public welfare, no obstructions, etc.

Commissioner Parent asked if current restrictions on how close a sign can be to the road will be included. Ms. Torre replied that signs are never allowed in the right of way. But we will include locations such as 10 ft. off the property line. Maybe we can have an appendix or separate regulations. So ground signs are identified on site plans. The location will be part of what is on the chart.

Commissioner Fitzsimmons asked if we are starting with a blank slate or taking the existing sign regulations and incorporating them. Ms. Torre replied that this is the suggested approach. It is very clear to the user, staff, and Commission what is permitted. We can plug what exists into the charts. She noted that the document is an outline without information. We need to know what is important to keep. Lighting would be the criteria to plug into the chart. Commissioner Fitzsimmons noted the recent issue with Tractor Supply and asked if these regulations would avoid that happening again. Ms. Torre replied that that is a good example. They were actually one of the few who identified the ground sign on their site plan. The first tenant took all the sign space, but the sign permit was approved. We cannot prevent a multi-tenant sign issue. We can discuss a way to make it fair. The regulations don't address that. It would have required a variance. She noted that development plans should include signage. Now it's done separately.

Chairman Seichter stated that Ms. Torre is now charged to proceed with this approach. Ms. Torre stated that she will proceed in conjunction with the Law Department.

Commissioner Kohan asked about political signs. Ms. Torre replied that they are not regulated currently, nor is regulation proposed. Chairman Seichter noted that we can't regulate political signs because they are free speech. He noted that it is the regulations but needs to come out. Commissioner Kohan asked if we can state in the regulations that we can't regulate it. Chairman Seichter replied that by eliminating it, the issue is resolved. Any questions on signage they can go to the Town Planner or ZBA. Ms. Torre noted that when the office gets calls on signage it is usually something that is prohibited.

Commissioner Fitzsimmons asked if we need to take the regulation on political signs out of the regulations. Ms. Torre replied that federal law regulates them. With this new content-neutral approach we won't know if they are political signs. Commissioner Fitzsimmons asked if the rule prohibiting signs before Labor Day is enforceable. Ms. Torre replied no, but there is a gentleman's agreement in Town.

Mr. Pagini stated that we can regulate off-site content for commercial advertising.

5. ZBA July 17, 2023 Decisions – no questions

6. No August ZBA Meeting

Chairman Seichter noted that the September meeting will conflict with the September 11th event being held at Town Hall. He suggested moving our meeting to another date. He asked for input from Commission Members. The consensus was to reschedule. He also asked Mr. Pagini to check into the timing of the 55 Kondracki Lane application.

Mr. Pagini agreed and noted that the Workshop on warehouses is tentatively set for the 29th. He's waiting for a response from the State on whether they will accept the Passenger Care Equivalents into the OSTA considerations. He also noted that he had proposed the 13th for a presentation from SCROG

on affordable housing. He may move that so we can have the Planning and Zoning meeting on the 13th. Chairman Seichter stated that we will tentatively plan for the 13th for the next Commission meeting. Mr. Pagni agreed to confirm the timing for the Kondracki application.

Commissioner Kohan announced that the South Central Regional Council of Governments is putting together a Commissioner training for this fall. He believes they will be videotaping it and there will be an affordable housing module.

ADJOURNMENT

Commissioner Venoit: Motion to Adjourn the Wallingford Planning and Zoning Commission for Monday, August 14, 2023, at 7:45 pm.

Commissioner Fitzsimmons: Second

Vote: Unanimous

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary