

**Wallingford Planning & Zoning Commission**

**Regular Meeting**

**Monday, December 9, 2024**

**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, Jeffrey Kohan, Regular Member; Joseph Sanders, Alternate; Bryan Rivard, Alternate; David Parent, Alternate; and Kevin Pagini, Town Planner.

Consideration of Minutes – November 13, 2024, Regular Meeting

**Commissioner Allinson: Motion to approve the Minutes of Wednesday, November 13, 2024, Meeting of the Wallingford Planning and Zoning Commission as submitted.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous to approve with Commissioner Venoit abstaining**

**PUBLIC HEARINGS**

**1. Special Permit/Residential apartment building/166 Quinnipiac Street #409-24 - Continuation**

Commissioner Allinson noted the new correspondence for the record. Document from Juliano Associates titled Stormwater Drainage Report revised November 1, 2024; Stormwater Operations and Maintenance, from Juliano Associates dated November 1, 2024; letter from Romeo Valentin, Juliano Associates to Kevin Pagini, Town Planner dated November 6, 2024; memo from Alison Kapushinski, Town Engineer, to Planning & Zoning Commission dated November 22, 2024; email from Kevin Pagini, Town Planner to the Planning & Zoning Commission with an email from Juliano Associates dated November 27, 2024; letter from Romeo Valentin, Juliano Associates to Kevin Pagini, Town Planner, dated November 27, 2024; memo from Department of Engineering to Planning & Zoning Commission dated December 2, 2024; letter from Romeo Valentin, Juliano Associates to Kevin Pagini, Town Planner, dated November 4, 2024; email from Scott Shipman, Senior Engineer, Water & Sewer to Romeo Valentin, Juliano Associates and Kevin Pagini, Town Planner dated December 4, 2024; email from Alison Kapushinski, Town Engineer, to Christopher Juliano, Juliano Associates dated December 4, 2024; email from Christopher Juliano, Juliano Associates to Alison Kapushinski, Town Engineer dated December 6, 2024; Site Development Plan, Land of Roz Gallagher, dated September 4, 2024; email from Alison Kapushinski, Town Engineer to Christopher Juliano, Juliano Associates, dated December 6, 2024; 166 Quinnipiac Revised Map, Property and Topographical Survey, Existing Conditions, revised December 4, 2024; and correspondence from Robert Mitchell and Ryan Kreger dated December 9, 2024.

Christopher Juliano, PE, Licensed Land Surveyor, Juliano Associates, 405 Main Street, Yalesville continued his presentation. He stated that all the staff matters have been taken care of. He reviewed the plan for the 6837 sq. ft. undeveloped property. There is commercial and retail on both sides. They propose to construct four residential market-rate units. The units will be accessed from the east side. He asked to reduce the parking requirement to four spaces and offered to put a bike rack in place of one of the two other spaces. He stated that on-street parking will be available and they are close to a municipal lot. He explained that the stormwater detention basin will be under the parking lot and they will use catch basin inserts for filtration. This method is allowed by the 2024 stormwater manual. He showed the unit design for two-story apartments with two bedrooms and a full basement. He showed the design for the exterior including a false front door to meet the regulations.

Commissioner Kohan asked if the building could be moved back to accommodate more parking. Mr. Juliano replied that they were right at the setback. He has provided as much parking as he can. He added that he understands a fee in lieu of parking spaces is an option.

Commissioner Rivard asked if any consideration could be given to providing any non-market rate units as this is an ideal area. Mr. Juliano replied that it was not his purview. Commissioner Rivard asked how long the construction will take and what can be done to reduce the impact on neighbors. Mr. Juliano replied that they would build from the back and come forward. They will store materials in the back as much as possible. The builder will have to be aware that everyone can't be on the site at one time.

Commissioner Fitzsimmons asked about the false door. Mr. Juliano replied that it will also have a bay window upstairs so it looks like a front door facing the street. Commissioner Fitzsimmons asked if that meets the requirements. Mr. Pagini replied yes, technically. It is up to the Commission to decide if they accept it. He added that he understood that it would be a working door. Mr. Juliano stated that he understood that the false door was acceptable. He mentioned other buildings that have false doors and windows on the street-facing side. Commissioner Fitzsimmons asked if the front door could be functioning. Mr. Juliano stated that it would be possible to move it down and add windows. He will relay that request to the architect. Commissioner Fitzsimmons stated that he supports the request for reduced parking and is in favor of a \$2,000 fee per space. He asked about snow removal. Mr. Juliano indicated an area on the west side of the parking lot.

Commissioner Sanders asked if they are trying to put more units in that space than they should. He asked if we could really outsource parking. When you add snow, trash pickup, and delivery trucks, there is not enough parking. Mr. Pagini noted that the Town Center district is designed for centralized parking so parking should not be a problem. Regarding the fee in lieu of parking spaces, the wording in the regulation is vague.

Chairman Seichter agreed that the front should look like the front. He also suggested adding more windows on the front as well. He noted that the renters will be aware of the parking situation and he

recommended assigning spaces. He asked Commission members about the fee. Commissioner Fitzsimmons suggested \$2,000 per space paid before the issuance of the building permit. Chairman Seichter confirmed consensus on this fee proposal.

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 #409-24, Special Permit/Residential apartment building at 166 Quinnipiac Street.**

**Commissioner Fitzsimmons: second**

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

**Commissioner Venoit: Motion to approve application # 409-24, Special Permit/Residential apartment building at 166 Quinnipiac Street, for a Special Permit and site plan approval request for Gallagher to construct a 4-unit multi-family residential development with associated parking at 166 Quinnipiac Street on plans entitled “Site Layout Plan – Land of Roz Gallagher, 166 Quinnipiac Street” dated September 4, 2024 and revised to December 4, 2024, subject to:**

- 1. All comments from Senior Engineer, Scott Shipman, Water & Sewer Division**
- 2. All comments from Town Engineer, Alison Kapushinski**
- 3. All comments from Kevin Pagine, Town Planner**
- 4. All comments from the Fire Marshal’s office**
- 5. Final plans to mark the extent of sidewalk replacement with a note to replace the sidewalk to the nearest panel.**
- 6. An excavation permit is required from the Department of Engineering for any work within the right of way.**
- 7. Payment in lieu of parking space fee to be posted prior to building permit sign-off in the amount of \$2,000 per space.**
- 8. Operation & Maintenance Plan, or Notice of said Plan, to be filed on Wallingford Land Records.**
- 9. Erosion and sediment control bond in the amount of \$6,500.00.**
- 10. Six (6) copies of final plans forwarded to the Planning & Zoning office.**
- 11. Create a working door facing the main road with the addition of windows.**

**Commissioner Fitzsimmons: second**

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

The application is approved.

**2. Zoning Text Amendment/WI Zone – Data Center/Charter Development, LLC #501-24 - Continuation**

Commissioner Allinson noted the additional correspondence. Document titled 'Becoming Competitive: IT Infrastructure' from Fred Carstenson dated July 17, 2024; email from Demetrios Gianoukos to Donald Gershman, Eric Brown, and Andrew Shin, dated September 3, 2024; email from Atty. Dwight Merriam to Donald Gershman, Eric Brown and Charles Coursey dated November 5, 2024; letter from Adelheid Koepfer to Planning and Zoning Commission updated November 13, 2024; set of PowerPoint slides titled 'Revised Zoning Text Amendment to Permit Limited Data Center Use in the WI District with a Special Permit' by Charter Development dated November 13, 2024; testimony of Renee H. Miller from the Quinnipiac Chamber of Commerce, received November 12, 2024; email from WCI Inc. to Kevin Pagini, Town Planner, dated November 13, 2024; memorandum from Kevin Pagini, Town Planner, to the Planning & Zoning Commission dated November 13, 2024; email from Tarn Granucci, to Kevin Pagini, Town Planner dated November 10, 2024; email from Gregory Madar to Kevin Pagini, Town Planner, dated November 11, 2024; email from Frank Maresca, to Kevin Pagini, Town Planner, dated November 11, 2024; email from Joseph Mirra, to Kevin Pagini, Town Planner dated November 11, 2024; letter from Chris Ulbrich to Planning & Zoning Commission dated November 11, 2024; email from Marshall Ruben to Kevin Pagini, Town Planner dated November 12, 2024; email from Lars Edeen to Kevin Pagini, Town Planner, dated November 12, 2024; email from Ryan Kreger, to Kevin Pagini, Town Planner dated November 12, 2024; email from Robert Mitchell to Kevin Pagini, Town Planner, dated November 12, 2024; email from Ron Hansen to Kevin Pagini, Town Planner, dated November 12, 2024; email from Steve Knight to Kevin Pagini, Town Planner, dated November 13, 2024; email from Krista Seay to Kevin Pagini, Town Planner dated November 13, 2024; and letter from Adelheid Koepfer to the Planning & Zoning Commission dated November 12, 2024; letter to the Planning & Zoning Commission, signature illegible, dated November 25, 2024; Revised Text Amendment Draft dated November 25, 2024; Revised Text Amendment Draft dated November 25, 2024 with red line revisions, received November 25, 2024; letter from Jim Wolfe, to Jim Seichter, Chair, Planning & Zoning dated November 24, 2024; Revised Text Amendment dated December 2, 2025; memo from Jack Arrigoni to Kevin Pagini, Town Planner dated December 4, 2024; email from Tony Hayes to the Planning & Zoning Office dated December 5, 2024; letter from Tim Ryan to the Planning and Zoning Commission dated December 6, 2024; and letter from Joan Munger to the Planning & Zoning Commission dated December 9, 2024.

Donald Gershman and Eric Brown, Principals of Charter Development Group LLC, in West Hartford, and Dwight Merriam, Land Use Attorney, 80 Lateral Lane, Simsbury, presented. Also present was Jake Arborio, General Manager, Wallingford Electric.

Mr. Gershman stated that they have substantially revised their draft amendment for limited data center development. Changes include an expanded discussion of architectural requirements to minimize the visual impact and a reduction of the building height to 60 ft. Provided for extensive treatment of potential noise, specifically low frequency, required a design analysis and specifications from a certified acoustical engineer, to minimize sound transmission and added a requirement for monitoring and reporting. They included only testing the backup generators at times approved by the Commission. The wording restricts them from using any cooling system that needs one-time use of water. They added

spill prevention and countermeasure plans. High-quality landscaping and design are to be used to minimize disturbance. They included a pre-application scoping meeting. They provided for the Commission to engage consultants to review the application at the applicant's expense, including independent investigations by those consultants. Mr. Gershman noted that they did not change the overall size of the building or limit individual buildings because the demand is for midsize to large buildings. A single building would have less site disturbance. He noted that in paragraph G they added "The landscape plan shall incorporate revisions and changes provided by the Commission during the Special Permit process".

Commissioner Rivard asked how the low-frequency sound will be measured and if there are suggestions for changes to the noise ordinance. He asked what are the remedies and mitigations to correct or adjust if there are issues. Mr. Gershman replied that they have been told that the low frequencies can be measured like any other sound. They will be designing a system to prevent low-frequency sound. The Commission will be able to review the plan. He is confident that they can provide a plan that works. If there is a sound that they didn't contemplate, they will add more engineering, baffling, etc. to correct it.

Commissioner Kohan stated that he would still like to discuss this in a workshop. He is still waiting for a metric for the low-frequency specifications. How can you mitigate something that you can't measure? He stated concern with power consumption. There are different types of data centers. This needs to be defined. He asked if the size of the building would allow for expansion. Different power alternatives available in the future are not addressed. E-waste is not discussed in the amendment. He expected to see something on a wildlife strategy. Some sort of geographical restriction for sound mitigation should be included. He stated that the amendment needs more work and discussion. He is stuck on why other towns have not built data centers.

Commissioner Fitzsimmons thanked the applicant for the revisions. He asked if the Town can do the condition in section 7.H about holding funds in an interest-bearing account for 45 days. His concern is with the level of detail. Mr. Pagini replied that he doesn't know about the interest, but the Town can hold funds for 45 days. Mr. Gershman offered to remove that wording. Atty. Merriam noted that they copied that wording from another part of the Wallingford regulations. Mr. Pagini stated that he found the wording in the Incentive Housing regulation, so the Town must be able to do this. Atty. Merriam stated that the refinement was because the Commission says peer review is not enough. Mr. Gershman stated that they would submit an application and the Town can hire the consultants that it wants. Commissioner Fitzsimmons stated that he generally supports the peer review process but thinks there is too much specificity. He is generally in support of the amendment. It is in line with the long-term plan for the Town. He stated that there are other uses that are allowed in the zone that would generate more noise. But the issue with data centers is the constant hum. Noise will have to be addressed during the hearing process.

Commissioner Allinson referred to section 7.C omitting one-time water use for cooling. Is this a cooling system that is generally used? Does this shut the door for other applications down the road? Mr. Gershman stated that they included that to preserve the watershed. They have no intention of using

water other than for normal domestic uses. They will use electric cooling. Commissioner Allinson stated that he doesn't want to end up with a regulation that can never be used. He stated that he likes the review process in section 7.H. It gives the Commission a lot of flexibility and oversight and the ability to get a significant amount of data.

Commissioner Parent supports Mr. Kohan's request for a special workshop to see if there are further changes. He referred to a zoning amendment for the county of Fairfax, VA which has some items we should consider. This is an evolving industry.

Commissioner Sanders stated his concern that the Commission will become tangled in picking winners due to the total allowed building square footage. He is uncomfortable with taking one applicant's suggestion. If we are putting restrictions on the maximum permitted in the entire zone, the term building needs to apply universally. He believes this amendment needs more thought.

Chairman Seichter stated that a workshop is not an option as the applicant has submitted an application that needs to be looked at. He is concerned about noise. Section H gives the Commission a great deal of latitude. Section F provides for monitoring with a plan approved by the Commission. He noted that this is the first step of many steps. He stated that this is almost spot zoning. He believes there should be a cap on the size of the data center building for each property. He would be more comfortable with a maximum of 250,000 sq. ft. on any property. Mr. Gershman stated that they approached this project from the standpoint of a prototype. This will ensure a good project for the Town without opening for a deluge of applications. They can remove the 350,000 sq. ft. cap for the zone and do a 300,000 sq. ft. per building maximum. Chairman Seichter stated that he would rather have 350,000 sq. ft. total for the district and 250,000 sq. ft. per data center. He believes the proposal gives the Commission a lot of latitude.

Commissioner Rivard noted that the total energy demand by a data center is 150 to 300 watts per sq. ft. That's a 45 to 90 megawatt power draw. He asked how that compared to Wallingford's usage today. Mr. Arborio replied that it is largely determined by how a customer is served. That level would require the customer to construct a substation. Ninety megawatts is a medium to large substation. The siting process would come into play. An ISO New England permission request will be required. This will not be fed from the existing infrastructure. The new infrastructure will be built by the customer.

Commissioner Kohan asked how this will impact the rates of Wallingford customers. Mr. Arborio replied that it will not. They will be connected to the system via distribution or transmission and rates are set for larger customers by ISO New England. Wallingford would meter a portion of it. It is not practical to feed a customer of that magnitude. Wallingford customer rates will not be affected. Commissioner Kohan asked what the costs would be to the Electric Division to serve this business. Mr. Arborio replied that it depends on who owns the substation, where it's located, and how it is tapped off the transmission lines. Eversource will be a large factor. Commissioner Kohan asked about the redundant power needed. Mr. Arborio replied that Wallingford has a franchise right to serve all customers in Wallingford and Northford. The distribution facilities are an Eversource asset. Eversource owns the bull

of the transmission sources in the Town of Wallingford. We own the substations. Commissioner Kohan asked if Eversource does some service to the Data Center will they get controlling interest in Wallingford's electric division. Mr. Arborio replied absolutely not.

Commissioner Fitzsimmons noted that the applicant stated that the substantial fees they will pay to Wallingford Electric may reduce customer electric costs. Mr. Arborio replied that their rate won't affect anyone else's. Commissioner Fitzsimmons clarified that they would get their power from Wallingford. Mr. Arborio replied that it depends on how it's fed and metered. There are too many variables to answer. Commissioner Fitzsimmons asked how it worked with Bristol Myers. Mr. Arborio replied they had co-generation.

#### **PUBLIC COMMENT**

Sonia Wolfe, 14 Oxford Trail, stated that she appreciates the work put into this. She stated that this is a residential neighborhood, not an urban place, and this impacts the neighbors. Nobody knows how much noise it will make. She noted that once it's there it will never go away. She doesn't know why a building is allowed there. This parcel was removed from consideration for a data center due to environmental impact. There is too much unknown. She is concerned that once the gate is opened, they will be spending more time.

Linda Prinzhorn, 10 Martin Trail pointed out that the Muddy River runs through this property. She noted the damage to Spring Lake by prior development. Water is a health issue. The Commission needs to look at this more.

Ed Bradley, 2 Hampton Trail stated that if this passes, we all know the property it will be built on. He stated that he has nothing against data centers. The humming noise is the drawback. He quoted from his research on how they make noise and the effect of the noise. He stated that he doesn't know how low-frequency noise (LNF) is measured and if the Town is able to measure it. He commented on the setback of 500 feet. He asked where the transmission lines would be and what fees are charged. Mr. Arborio stated that there are several lines in the area, but he doesn't know which will be used. One or two come into Wallingford substations. He added that the Electric Division pays a transmission fee for the infrastructure. We don't pay Eversource for energy. Infrastructure based on a rate by ISO New England, a third party. Eversource is governed by ISO New England. Mr. Bradley asked if a Workshop is an option. Chairman Seichter replied that the Commission has to address the application. He noted that if the applicant withdraws, they can consider a workshop. He believes that a lot of the issues have been addressed.

Linda Besaw, 21 Hampton Trail, stated that there is wildlife in the area that is close to endangered. The low frequencies will affect them. She stated that pollution from the building would wipe out the lake.

Jack Arrigoni, 18 Martin Trail asked if the data centers will help Wallingford Electric customers. Mr. Arborio replied no, it will be just another customer. It won't affect the general population. Mr. Arrigoni talked about how sound travels and how the generator tests will likely be heard downtown. He noted

that the applicant states that not going to reuse water, cooling will be like home cooling by electric. He noted a concern with heat from discarded water and the effect on Spring Lake.

Kristen Demilio, 677 Williams Road, trustee of the property being considered, stated that she spoke with residents, and one concern was Buy Right zoning. She added that anyone wanting to build a warehouse or distribution center on this property doesn't have to ask for a special permit. The special permit allows control, transparency, and limitations. The family wanted to find the least bad option. This proposal will leave 80% of the property undeveloped. The noise of a warehouse would be worse and would take up more of land. If this doesn't pass, the family will have to sell to someone who does not need a special permit. This is the most responsible path forward.

Hank Baum, Economic Development Commission, stated that the EDC appreciates the language put forth by the applicant. The EDC supports this under a special permit. The world will need more computing power. This is probably the best and highest use. He asked, if the data center draws electricity from Wallingford, will the electric division make a profit from the extra electricity? Is it conceivable that some of the profit could be used to offset rate increases in the future? Mr. Aborio agreed.

Austin Mcanneny, 16 Sunrise Circle and member of the EDC stated that we really don't know what the noise will be. There is always newer technology to solve problems. We should welcome new things. We can work with partners that are willing to meet our concerns.

Beverly Morse, 174 High Hill Road, mentioned studies that say there is no noise and wondered where the results came from. She asked if the substation would look like the one on Carpenter Lane that was supposed to be hidden from sight. It even glows at night. Everything is a fight. We get promises and it doesn't happen. Once someone gets in they do whatever they want. How much do we want to build the Town up?

Commissioner Rivard stated that he prefers Wallingford to be on the forefront but also wants to expand open space. The WI district was established with a purpose. There are several approved uses that don't require a special permit. Additional control is offered by the special permit and gives the Commission more control. He stated that he is not a voting member.

Commissioner Kohan referred to section 4.10.B on the setback. He noted that we have used 1,000 ft in the past. He thinks this should be 1,000 ft. instead of 500 ft. He noted that part of the Commission's name is Planning. A workshop would help us understand what we are getting into. The text amendment needs more planning.

Commissioner Fitzsimmons quoted from regulation 4.10: "Watershed Interchange District, the purpose is to utilize land with accessibility to interstate Rt. 91 located in the Wallingford Watershed Protection District in a manner designed to best protect the Town's public drinking water supply resources while allowing low-intensity uses and emerging technological development." He stated that he is generally in



favor of the amendment with some changes. It prioritizes low-density uses, low environmental impact, and minimal traffic compared to other permitted uses in the zone. By approving the amendment, it doesn't allow data centers but allows special permit applications. He asked if this amendment is approved, would the applicant go to Council first or to this commission due to the tax incentives. Mr. Pagini replied that it would be up to the applicant. The Mayor and Council need to approve a host agreement but there is no order in the steps provided by the State.

Commissioner Sanders stated that he is not comfortable with the optics of this proposal but he is not voting.

Chairman Seichter stated that he can see increasing the maximum for the district to 400,000 sq. ft. with 250,000 sq. ft maximum for individual data centers.

Mr. Gershman stated that they are amenable to raising the maximum but noted that they want to build a single building of 300,000 sq. ft. He suggested stating something like a maximum of 250,000 with a possible increase by the Commission. If the Commission wants to limit it to 250,000 sq. ft per building, they will accept that. His concern is that the market wants bigger buildings. They are genuinely trying to address the concerns raised and want to be partners with the Town.

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 #501-24 Zoning Text Amendment/WI Zone/Charter Development, LLC/ Data Center.**

**Commissioner Fitzsimmons: second**

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

Chairman Seichter asked for a discussion of the additional wording in new Section 7.G on landscaping. Mr. Pagini read the new section: "The landscape plan shall incorporate revisions and changes provided by the Commission during the Special Permit process."

Chairman Seichter suggested increasing the cap from 350,000 to 400,000 sq. ft. in total for all projects within the zone and capping each facility at 250,000 sq. ft.

Commissioner Allinson stated that he doesn't have an issue with increasing the cap to as much as 500,000 sq. ft. total because of the Special Permit. If one application takes up 60% of the maximum, they will have to prove that it warrants that. It will allow for an open market. The individual max can be 300,000 sq. ft. and we can cut it down if we want to.

Commissioner Fitzsimmons stated that nowhere else in the regulations do we do a limitation like this. This is a unique situation. He believes that 500,000 sq. ft. is too much. He likes the 400,000 sq. ft. with 250,000 sq. ft. per parcel as a working first number.

Commissioner Allinson asked if another applicant could come in with another text amendment application. Mr. Pagini replied, yes, any restrictions would need to be amended again.

**Commissioner Venoit: Motion to approve application #501-24 Zoning Text Amendment for Charter Development LLC – Data Center, a Zoning Text Amendment to add Data Center as an allowed use by Special Permit under Section 4.10.C.4 – Watershed Interchange District and to add a definition of Data Center to Section 2.2 on revised language dated December 2, 2025, with the following changes:**

1. Section 7.5.A changes 350,000 sq. ft. to 400,000 sq. ft. in total for all of the WI Zones and cap each parcel by 250,000 sq. ft. max.
2. Section 7.5.G, Landscape Plan shall incorporate revisions and changes provided by the Commission during the Special Permit process.

**Commissioner Fitzsimmons: Second**

**Vote: Kohan – no; Fitzsimmons – yes; Allinson – yes; Venoit – yes; Chairman Seichter – yes.**

The application is approved.

Chairman Seichter stated that this is the first step of many.

### **3. Text Amendment/PZC – Section 2.2 Walkway #903-24**

Commissioner Allinson read the legal notice and noted the correspondence. Application #903-24 – Text Amendment to add a definition of “Walkway” to Section 2.2 and amend the current definition of “Building” to exclude “walkway”. Correspondence included notice to Town Clerks in surrounding towns from Kevin Pagini, Town Planner, dated November 7, 2024; proposed additional text and definitions to Section 2.2, dated November 7, 2024; Memo with application and notice to the local regional council of governments from Kevin Pagini, Town Planner; letter to Jim Seichter, Chair, Planning & Zoning from J.H. Torrence Downes, Lower CT River Valley Council of Governments, dated November 18, 2024; memo to Planning & Zoning Commission from Keith Rosenfeld, Naugatuck Valley Council of Governments dated November 19, 2024; email from Sean Doherty, to Planning & Zoning, dated December 4, 2024; letter from Victoria DeVito to Leaders of Wallingford Town Council, dated December 4, 2024; email from David Rodriguez to the Wallingford Planning & Zoning Commission dated December 4, 2024; email from Steve Knight to the Planning & Zoning Commission dated December 4, 2024; email from Jennifer M.F. Hillgen-Santa, Esq. to Planning & Zoning Commission, dated December 4, 2024; letter from Elizabeth Landow to Wallingford Town Councillors dated December 4, 2024; email from Greg Madar to Kevin Pagini, Town Planner, dated December 4, 2024; email from Marshall Ruben to Kevin Pagini, Town Planner, dated

December 4, 2024; letter from Susan Lucier to Town Planner and Planning & Zoning Commission dated December 5, 2024; and letter from Mayor Cervoni to Planning & Zoning dated December 5, 2024.

Mr. Pagini stated that he was approached by the Mayor's office to initiate an amendment since the Town Council allowed the air right easement for the Choate pedestrian bridge. The amendment would not require the abutments over 8 feet to require a variance for being in the setback.

#### **PUBLIC COMMENT**

Philip Youker, 29 Curtis Avenue, stated that he is not opposed to pedestrian bridges but thinks the amendment is poorly composed and too liberal. He asked what the mechanics would be to get a pedestrian bridge passed, now and in the future. Mr. Pagini replied that currently if the abutment is over 8 feet, it requires a variance for the setback and site plan approval for each property. If the abutment is less than 8 feet, there are no restrictions as long as it meets the DOT and Town requirements. Mr. Youker clarified that there is no variance if they adhere to the front yard setbacks. He asked how the amendment would change the process. Mr. Pagini replied that it removes the variance but they would still need a site plan for the changes to the site. There would be no special permit unless the use is intensified. Mr. Youker referred to Section E.2 of the CT General Statutes with rules for upholding text amendments. It allows limits to be placed on the size of structures and location. Does this amendment absolve a pedestrian bridge of any limitations? Mr. Pagini replied essentially yes. Town Council put restrictions on the air easement. Planning & Zoning has not reviewed bridges before. Mr. Youker asked if this regulation can be limited to certain districts. He added that this allows certain classes of structures to be regulated by special permit or special exception. He suggested pedestrian bridges also be done by special exception. He suggested pedestrian bridges also be done by special exception. Does this new regulation conflict with other uses of walkways in the regulations? Mr. Pagini replied that he didn't think so. He added that the Law Department reviewed the amendment. Mr. Youker suggested rephrasing because it restricts walkways to only being in easements and rights of way. He said this does not seem to allow abutments on private property to be not classified as buildings. It says a walkway is a portion of an easement or right of way. Therefore if it is outside of the easement or right of way it is not a walkway. Mr. Pagini stated that the Commission can ask the Corporation Counsel for their interpretation of the definition of walkway.

Chairman Seichter got consensus from the Commissioners to ask for further review by the Corporation Counsel.

Commissioner Rivard noted that there is an approved easement by the Town Council that we don't want to be subject to a variance. He suggested rewording section 2.2 to read something like Walkways that have received special air right easement approval by the Town Council are not subject to be defined as a building in the regulations and be subject to variance approvals. He suggested striking the definition of walkway in 2.2 and under the building and state Walkways that have received special air rights easement approval of the Town Council are not subject to building variance approvals.

Commissioner Allinson agreed with Mr. Rivard's suggestion.

Mr. Pagini agreed that it works for this purpose.

Mr. Youker asked if that change could be done without sending the amendment to neighboring commissions again. Mr. Pagini replied yes. Mr. Youker stated that this seems to be favoritism and he is opposed.

Commissioner Fitzsimmons stated that this only eliminates the need for the variance. No bridge can be built without Planning & Zoning approval. It was meant to skip the need to prove a hardship. There is potential for other pedestrian bridges.

Commissioner Sanders suggested removing the first sentence from walkways and using it as the definition in the building section.

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 #903-24 Zoning Text Amendment/PZC – Section 2.2 – Walkway.**

**Commissioner Fitzsimmons: second**

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

**Commissioner Venoit: Motion to approve application #903-24 Zoning Text Amendment Planning & Zoning Walkway, Zoning Text Amendment to add a definition of Walkway to Section 2.2 and amend the definition of Building to exclude walkways with the following change in 2.2: walkways that receive special air rights easement from the Town Council are not subject to building variance approvals.**

**Mr. Rivard clarified that Walkway would remain in the definition of Building. The sentence would be added at the end of Building.**

**Commissioner Fitzsimmons: Second**

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

The application is approved.

**4. Text and Map Amendment/PZC – Section 4.7–Downtown Apartment (DA) District #904-24**  
Commissioner Allinson read the legal notice and noted the correspondence. Application #904-24 – Text and Map Amendment to extend the Downtown Apartment Overlay District (DA) and to add language to Section 4.7 to allow affordable units subject to site plan approval. Correspondence included proposed Text Amendment to Section 4.7 Downtown Apartment (DA) District dated June 18, 1989, and proposed

overlay map and zoning map; correspondence from the Mayor's office dated December 5, 2024, and correspondence from Bob Wiedenmann, Sunwood Development to the Planning & Zoning Commission dated December 9, 2024.

Mr. Pagini explained that the Affordable Housing group wants to add affordable housing By Right. He suggested starting with the current downtown apartment district. The amendment would extend the overlay district across South Cherry Street to Ward Street. This incorporates Judd Square and eight parcels on the eastern side. The text allows by right affordable residential dwelling units. The State passed legislation that if a town allows By Right, the Town will get credits toward the affordable housing unit counts. This won't change any zoning districts. The amendment allows more units by acre By Right. If they go over 30 % the Commission may approve further density bonuses. For lot sizes, he noted that many wouldn't be able to meet the 25,000 sq. ft. requirement, so he proposed reducing it to 15,000 sq. ft. This will make it easier to find parcels to build affordable units.

Chairman Seichter asked about map P1, with the 25,000 sq. ft. parcel and the units in an acre chart. Mr. Pagini replied this increases the number of allowed affordable units. It's like what was done in the Incentive Housing Zone. The existing Downtown District allows for a certain amount. The amendment is to allow, by site plan approval, more affordable units as defined by 8-30g than for market-rate units. It also reduces the lot size to allow for more parcels to be developed and increases the number of units per acre allowed.

Commissioner Fitzsimmons clarified that the area in red is the new overlay for non-market rate. He clarified that it would be 35 one-bedroom units per acre at market rate and 45 one-bedroom units per acre if non-market.

Commissioner Sanders asked about the calculation. Mr. Pagini replied that it depends on the number of bedrooms. If a building has a mix of apartment sizes, they have to do the math to determine how many units they can have. Commissioner Sanders asked if we can consider going beyond the State 30% set aside and the minimum set aside for 40 years to increase the amount of housing that falls under affordable. We have to do more than meet the minimums. Mr. Pagini confirmed that the Commission can change the percentage and offer density bonuses.

Chairman Seichter suggested continuing the discussion at the next meeting.

#### **PUBLIC COMMENT**

Don Crouch, Economic Development Commission, stated that the EDC supports these changes and it makes sense in this area.

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

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

**Commissioner Fitzsimmons: second**

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

## **SITE PLANS**

### **5. Site Plan - Choate Rosemary Hall – Change to an approved detention basin #222-24**

Commissioner Allinson read the correspondence into the record. Memo from Department of Engineering to Planning & Zoning Commission dated November 22, 2024; document titled “Four Concerns To Be Addressed” from Philip Youker to Wallingford Planning & Zoning Commission dated December 5, 2024; memo from Erin O’Hare, Environmental Planner to Kevin Pagini, Town Planner, dated December 9, 2024; letter from Dennis Ceneviva, Ceneviva Law Firm to Kevin Pagini, Town Planner, dated October 16, 2024; Drainage Memorandum from Darren Overton, Principal Civil Engineer, SLR, to Choate Rosemary Hall, dated October 25, 2024; Stormwater Management Maintenance Plan date or revision June 4, 2024; memo from Erin O’Hare, Environmental Planner to Kevin Pagini, Town Planner dated November 7, 2024; email from Alison Kapushinski, Town Engineer, to Kevin Pagini, Town Planner dated October 31, 2024; Site Plan dated April 5, 2024 and memorandum from Erin O’Hare, Environmental Planner to Kevin Pagini, Town Planner dated December 9, 2024;

Patrick Durban, CFO for Choate Rosemary Hall, 333 Christian Street, and Darren Overton, a professional engineer with SLR, presented. Mr. Durban explained that they are putting the stone detention basin in the same location, same stormwater volume and the same function, just putting it underground.

Mr. Overton explained the technical differences. They did a review of the natural infiltration with the Wetlands Commission. The school asked for it to be moved underground. It will still have the same storage and natural infiltration. The Town Engineer also reviewed the proposal.

Chairman Seichter referred to today’s memo from the Environmental Planner. Mr. Pagini stated that the memo indicated that the Environmental Planner had no issue with the proposed change.

## **PUBLIC COMMENT**

Philip Youker, 29 Curtis Avenue stated that he had submitted concerns that have not been addressed this evening.

Mr. Pagini noted that he shared the concerns and the Environmental Planner’s only response is what was distributed today. He gave a copy of Mr. Youker’s questions to the applicant.

Mr. Durban stated that they had an email from the Environmental Planner on September 10<sup>th</sup> that affirmed that the IWWC did not need to look at the application because it's not a regulated activity. He added that regarding the bleachers, the intent has always been to put them back when the football field is done. Mr. Pagini noted if they are being put back it is not an issue. The Environmental Planner indicated that it was included.

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

**Commissioner Venoit: Motion to approve application #222-24 Choate Rosemary Hall – 59 North Elm Street – change to an approved detention basin, Site Plan Revision request to change an approved above-ground detention basin to a below-ground detention basin on plans entitled “Carr Hall Admissions Building” revised to May 7, 2024, subject to the following conditions:**

- 1. Comments from Town Engineer, Alison Kapushinski, dated October 31, 2024 and November 22, 2024**
- 2. Comments from Erin O’Hare, Environmental Planner, dated November 7, 2024.**

**Commissioner Fitzsimmons: Second**

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

The application is approved.

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

- 7. Administrative Approvals – noted as approved**
  - a. 288 North Main Street – Sunwood Home Solutions, LLC #RA-24-5**
  - b. 1184 South Curtis Street – Kogut #810-24**
  - c. 95 Barnes Road – Guilford Savings Bank \$223-24**
  - d. 1098 North Colony Road – Chick-fil-A, Inc. #224-24**

Commissioner Kohan asked about the cemetery's request to use artificial grass. Mr. Pagini replied that it had not been approved yet. Commissioner Kohan stated that the cemetery should be able to grow grass. Do we need to define what is grass?

Chairman Seichter noted that there are other natural solutions if they can't grow grass. He suggested responding that they cannot use artificial grass and to come back with other options.

- 8. ZBA January Decisions – no comment**

**ADJOURNMENT**

**Commissioner Venoit: Motion to Adjourn the Wallingford Planning and Zoning Commission for Monday, December 9, 2024, at 10:50 pm.**

**Commissioner Fitzsimmons: Second  
Vote: Unanimous**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary