

**Wallingford Planning & Zoning Commission**

**Monday, March 14, 2022**

**7:00pm**

**Robert F. Parisi Council Chambers – Town Hall**

**45 South Main Street**

**MINUTES**

Chairman Seichter called the meeting to order at approximately 7:00 p.m.

**Pledge of Allegiance** was recited by all.

**Roll Call:** Present: James Seichter, Chairman; JP Venoit, Vice-Chair; James Fitzsimmons, Regular Member; Steven Allinson, Regular Member; Jeff Kohan, Regular Member; David Parent, Alternate; Kevin Pagini, Town Planner.

Absent: Armand Menard, Alternate; Jaime Hine, Alternate

**Consideration of Minutes – February 14, 2022**

**Commissioner Venoit: Motion to approve the minutes of the February 14, 2022 meeting of the Wallingford Planning and Zoning Commission as presented.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous to approve with one abstention.**

**PUBLIC HEARING**

**1. Zoning Text Amendment/T. Lee, Esq./Sec. 4.26 (Town Center) #502-22**

Commissioner Allinson read the legal notice and noted the correspondence. #501-22 – Zoning Text Amendment/T. Lee, Esq./Sections 4.26.B.15A; 4.26.15b; 4.26.E.1; 4.26.E.2.1 (Town Center). Inter-Departmental Referral received February 15, 2022, from the Town Engineer; Inter-Departmental Referral received February 16, 2022, from the Fire Marshal; Interoffice Memorandum dated March 3, 2022, from Erik Krueger, P.E, Senior Engineer, Water and Sewer Divisions to Kevin Pagini, Town Planner; Inter-Departmental Referral received February 14, 2022, from the Environmental Planner.

Atty. Timothy Lee presented on behalf of the applicant, Vigliotti Construction, who has a contract to purchase the property known as 28 North Colony Road for development. He noted that the purpose of the Town Center zoning district is to “encourage the development and redevelopment of the entire Town Center area as a vibrant pedestrian-friendly commercial destination with strong supportive institutional and residential components while building off of and promoting a town center character”. He stated that his client is interested in building a mixed-use development and to be economically feasible, they proposed 4 zoning text amendments. 1) to Section 4.26.B.15-A to increase the residential density from 30 units per acre to 50 units on lots equal to or greater than 25,000 sq. ft. 2) to section 4.26.B.15B to allow residential units on the ground floor if the property is located on a corner lot and if one of the two streets is considered a secondary street. 3) to 4.26.E.1 to increase the maximum height from 45 ft. to 47.5 ft to allow commercial development on the first floor and three residential floors. 4)

to section 4.26.E.2.i to allow for only the portion of a parapet that exceeds 42" in height would be included in the building height. Parapets would hide the rooftop mechanicals and make rooftop gardens possible. Mr. Lee stated that this is just a text change. If it were approved they would come back with an application. He distributed a schematic of a 4-story development option for the property. He noted that they don't have the corner property under contract.

Mr. Pagini noted that how it fits with the character of the district and how it fits density-wise should be considered.

Commissioner Kohan asked why such a large increase in density is required and if the development could be feasible without it. He asked if the schematic was just an example. Atty. Lee replied that the schematic is a representation of what could be built there. Regarding the density, he stated that the developer needs a certain number of units to be economically feasible. He noted that the property is about 38,000 sq. ft. and with their proposal, there would likely be only 5 or 6 more units than under the current regulations. He stated that the purpose of the regulation is to get people living downtown, so this would benefit the town. Commissioner Kohan asked if the current parking regulations would work for this building with one space per unit. He also noted that he didn't think the schematic fit Wallingford. Atty. Lee replied that the interior portion of the lot would be used for parking, so there will be plenty. Atty. Lee explained that the actual building appearance could be different. Commissioner Kohan noted a concern with ingress and egress from Center Street and Route 5. Atty. Lee replied that that would be reviewed if the text changes are approved tonight and the development continues.

Chairman Seichter reminded the Commission that the regulations are for the entire Town Center, so any change would impact all of it.

Commissioner Fitzsimmons stated that it is good to be talking about downtown. He stated that he can support the proposed changes to 4.26.E.2.1 and 4.26.E.2 and likely 4.26.B.15b, but he is concerned with the density and isn't sure 4 stories is right for the Town Center. He noted that the density for the Incentive Housing District is slightly lower. He asked if there was a compromise between the existing 30 units and the proposed 50 units. Atty. Lee replied that the property is less than an acre so it would end up being 44 units under the proposed regulations. He reported that his client indicated they could lose only one or two units due to the cost of construction. Commissioner Fitzsimmons asked what the density is at Parker Place. Mr. Pagini replied approximately 35 units per acre in the Downtown Apartment District. Atty. Lee stated that the applicant is the same developer that did Parker Place. Commissioner Fitzsimmons noted that this change will affect all of downtown.

Chairman Seichter commented on the density issue. He noted that the Town is looking to encourage development in the downtown area and affordable housing. The incentive housing zone is 26 units per acre. He suggested the Commission first look at the Incentive Housing Zone because that is apparently not economically feasible if 50 units are needed at market price. He stated that he supports the other amendments but the Commission needs to focus on what we need to do as far as raising the density of the Incentive Housing Zone.

Commissioner Venoit agreed. He asked if other towns do something similar with affordable housing options. Mr. Pagini replied that he found three towns that allow for 50 units per acre but with an affordability component, he believes that it's 20 to 30 in their Transit-oriented development districts.

Commissioner Allinson agreed on the Incentive Housing density question and stated that he also has trouble with the density in this proposal. He calculated using 38,000 sq. ft. that it would allow 45.6 units. He noted that they looked at designs based on density at the workshop. He recalled that they were not happy with designs similar to the schematic distributed today and that regulation E2 was put in because of that. He stated that this application is asking for almost a 50% increase in density. Atty. Lee replied that the design aspect could be worked on.

Commissioner Parent stated that his concern would be the traffic. Right now traffic is tough in that area and a large residential building will make it worse. He stated that he doesn't think a big building pictured in the proposal would be good for Wallingford.

#### PUBLIC COMMENT

none

Atty. Lee stated that he heard the feedback from the Commission and stated that we have to find the density that works for both the Town and the developers. He requested that the application be kept open so the applicant can come back with a different density.

Chairman Seichter thanked him for the offer but stated that the Commission needs to look first at the appropriate density for the Incentive Housing Zone, which provides for affordable housing. That will allow them to develop a density number for market development.

Commissioner Kohan agreed with figuring out Incentive Housing first, but getting a definitive density number too may be worth the time.

Commissioner Fitzsimmons stated that since it will take more than a month to determine the Incentive Housing density, he recommended the applicant withdraw and reapply. He stated that the application is workable can he didn't want to deny it. He agreed that the Commission needs to look at the Incentive Housing density.

Chairman Seichter agreed and asked the applicant what they wanted to do. Atty. Lee stated that they are okay with a denial. His client has a contract with contingencies so they need the Commission to take action. He asked for a vote so the applicant can get out of the contract.

Chairman Seichter explained the options are to 1) continue this to another meeting or 2) close the public hearing and act on the application. He asked Commission members how they would like to proceed.

Commissioner Parent stated that he agrees with voting on a motion to approve as the question won't be resolved in a month.

Commissioner Allinson agreed as he didn't expect the applicant to come up with an acceptable density number.

Chairman Seichter stated that he can't support the application.

Hearing no public comment and hearing consensus from Commission to proceed with a motion, Chairman Seichter called for a motion to close the public hearing.

**Commissioner Venoit: Motion to close the Public Hearing #501-22 for Zoning Text Amendment/T. Lee, Esq./Sec. 4.26 (Town Center).**

**Commissioner Fitzsimmons: Second**

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

**Commissioner Venoit: Motion to deny application #501-22, Zoning Text Amendment, T. Lee, Esq. to amend Sections 4.26.B.15A; 4.26.15b; 4.26.E.1; 4.26.E.2.1 of the Wallingford Zoning Regulations on language entitled "Proposed text change re: Vigliotti & 28 North Colony Road" dated 2/9/2022 because the density calculation needs to be evaluated.**

**Commissioner Fitzsimmons: Second**

**Vote: Kohan – yes; Fitzsimmons – yes; Allinson – yes; Venoit – yes; Chairman Seichter – yes.**  
The application is denied.

Chairman Seichter encouraged the applicant to attend the workshop on density when it is scheduled and provide input. He stated that the Commission wants development downtown.

**2. Zoning Text Amendment/PZC/Sec. 4.10 (Watershed Interchange District) and modifications to Sections 2.2, 4.9, 4.13, 5.1C, 6.11, and 6.12 #902-22.**

Commissioner Allinson read the legal notice and noted the correspondence. #902-22 – Zoning Text Amendment/PZC/Proposed Text and Map Amendments to remove current Section 4.10 (I-5 Interchange District) and replace it with Section 4.10 entitled "Watershed Interchange District (WI)". The new §4.10 "Watershed Interchange District" will cover portions of the existing Interchange District (I-5) and Industrial Expansion District (IX). Text amendments will also modify sections 2.2, 4.9, 4.13, 5.1C, 6.11, and 6.12. Inter-Departmental Referral received February 15, 2022, from the Town Engineer; correspondence received February 15, 2022, from Naugatuck Valley Council of Governments; Interoffice Memorandum received February 9, 2022, from Erik Krueger, P.E., Senior Engineer, Water & Sewer Divisions to Kevin Pagini, Town Planner and Alison Kapushinski, P.E., Town Engineer; Inter-Departmental Referral received February 16, 2022, from the Fire Marshal; correspondence received March 2, 2022, from Lower Connecticut River Valley Council of Governments to Jim Seichter, Chairman; correspondence

received March 11, 2022, from South Central Connecticut Regional Planning Commission to Kevin Pagini, Town Planner; document with a table entitled "Parcel Changing from I-5 to WI" with the proposed regulation changes received September 3, 2021; and an email from Adelheid Koepfer entitled "Proposed Change of Zoning Regulations Section 4.10 new IW application #902-22" with the PZC meeting date of 3/14/2022.

Kevin Pagini, Town Planner, and Alison Kapushinski, Town Engineer presented the proposed changes based on the workshop.

Chairman Seichter suggested each section be presented and discussed separately with the public comment in each section.

## 2.2 Definitions/Specific Terms

Mr. Pagini explained the changes to the definitions that also affect sections 4.10 and 4.9. The definition of warehousing was eliminated. In the Watershed Interchange District, it is changed to Warehouse and Distribution excluding freight terminals and drop yards and updated the IX to read Warehouse and Distribution including freight terminals and drop yards. He reported that they consolidated manufacturing general and manufacturing light and simplified the definition. Manufacturing general changed to the manufacturing of products from extracted or raw materials or recycled or secondary materials including bulk storage and handling of such products and materials. Manufacturing light is the assembly of products predominantly from previously prepared materials including bulk storage and handling of such products and materials.

## PUBLIC COMMENT

None

## 4.9 Industrial Expansion District

Mr. Pagini continued with the 100 ft. setback to waterways only. After consultation with the Environmental Planner, it was decided not to include wetlands in that definition due to the focus on runoff affecting surface water and the intent to avoid being overly restrictive. This is in the Watershed Protection District, not the WI District.

Mr. Pagini continued with the IX, section 4.9 where the only change was the definition of warehousing and distribution to include freight terminals and drop yards. Ms. Kapushinski added that helipads were removed as a special permit use. She added that they changed the landscaping requirements and included parcels within the IX and WPD as a special permit to allow the Commission more questions during the application.

Chairman Seichter referred to E4, Research, and Development, and asked if the 'at least 25000 sq. ft. 'for a building was eliminated Ms. Kapushinski replied yes, it was eliminated in 2020. Chairman Seichter stated that residential uses exist in the zone, but it doesn't indicate they are permitted uses in the Watershed Interchange District. He suggested that it be added to the IX. Regarding E10 where it

mentions dish-type antennas, he asked about any other antennas. Mr. Pagini replied that they didn't change that definition. Mr. Kapushinski noted that that was added by the previous Interim Town Planner.

Commissioner Fitzsimmons asked about 4.9.F3C, page 4 on landscaping which states that at least 75% of the minimum open space shall consist of undisturbed natural and native land and other land areas which will be transferred to a native and natural state that promotes pre-development. He asked if this should have been 'up to 75%' instead, as it's softer. Mr. Pagini replied that it was requested by the Economic Development Commission at the workshop to make the landscaping the same in both districts. Ms. Kapushinski added that it refers to the minimum required open space.

#### PUBLIC COMMENT

Mary Mushinsky, Executive Director of River Advocates of South Central Connecticut, explained that they conducted sampling in watersheds last year. The results showed clean water on a dry day, but bacteria impaired water after a rain event due to runoff from pavements and lawns. She likes the idea of increasing native cover and reducing lawns to get natural filtration of stormwater and increase wildlife habitat. Lawns and pavement don't protect water quality. She congratulated the Commission, Water & Sewer Division, Town Planner, and Town Engineer for improving the landscape to improve water quality.

Jim Wolf, Economic Development Commission, stated that he was the one to recommend at least 75% of open space be natural woods. The recommendation was made by the Water department for both zones.

#### 4.10 Watershed Interchange District

Mr. Pagini reminded the Commission that this replaces parts of IX and I-5 currently in the watershed protection district, though not all the parcels that are partially in the WPD. The intention of the district is to protect water quality and enhance more low-density uses. He noted there were no major changes. Ms. Kapushinski stated that they added warehousing distribution to exclude freight terminals and drop yards. She also noted they removed accidentally ground-mounted solar panels as an accessory use but added solar covers or canopies within impervious areas. Mr. Pagini added that building coverage for this district is proposed to be increased from 15% to 30%. This is not in the packets. Ms. Kapushinski stated that they are looking at building coverage in general with Water and Sewer and Economic Development to limit the amount of impervious parking areas in the proposed WI zone. Stormwater coming off buildings is considered clean as it is easy to treat. The changes made in the IX are reflected in the WI as well with a little less intense uses and additional required open space.

#### PUBLIC COMMENT

Adelheid Koepfer, 35 Whiffle Tree Road stated that she supports this change but is concerned about drinking water. The main tributary for the Mackenzie Reservoir runs through this district. The State is monitoring water for aquatic life and recreation. They recommend that anything over 12% impervious cover will have a negative effect. This area is already above the recommended level. She urged the

Commission to approve limiting parking as much as you can. She stated that she likes the increase in open space. She added that she supports this proposed change and asked the Commission to approve it.

Erik Krueger, Senior Engineer, Water & Sewer Division, stated that this is good for the water supply. The regulations limit parking to 120% of the required minimum. He stated that the '75% of required open space as native and natural' came from them. These changes separate the IX from Watershed. The WI zone will cover most of the watershed. Regarding the canopy of solar panels, he didn't want it in the WI zone if it eliminates native areas but is okay with it in already paved areas. He is not necessarily in favor of the increased building coverage. In the IX open space was reduced and building coverage increased. He was hoping to keep it status quo in the WI zone. Larger buildings do mean increased traffic and activity.

Chairman Seichter asked what percentage of building coverage the Water department would recommend. Mr. Krueger replied that the IX zone is now separate from the Watershed. He recommended keeping the WI at 15%.

Tim Ryan, Economic Development Commission, stated that 30% of building coverage is consistent with the objectives of the zone. Roof water can be contained and treated. Traffic would be dealt with per application. He is proud of this collaborative effort involving the Town Planner, Town Engineer, Law Department, Mayor's Office, and the Water & Sewer Division. He stated that the EDC is about responsible development. This proposal is responsible. He supports the change to 30%.

Ms. Kapushinski stated that they are looking at cutting down required parking by about half. Their goal is to limit the required parking in the WI.

Commissioner Kohan stated that he is okay with increasing building coverage to 20% instead of 30%. He respects Mr. Krueger's opinion and supports a minimal change.

Chairman Seichter agreed. He stated that he respects both the Water Division and EDC comments. He acknowledged that it took a lot of cooperation to put these recommendations together. He could see a small increase but can't support 30%. He stated that putting the solar panels in parking areas is appropriate.

Commissioner Allinson agreed with 20% building coverage in conjunction with shrinking the parking and agreed with the solar canopies.

Commissioner Fitzsimmons noted that he agreed with the 20% coverage.

#### PUBLIC COMMENT

None

#### 4.13 Watershed Overlay District

Mr. Pagini referred to 4.13.B.1.D and stated that the only change from the workshop is that a minimum 100 ft buffer must be maintained between any surface waters. He noted that they got rid of the Wetlands area due to push back from landowners and approval by the Environmental Planner. Ms. Kapushinski added that the 120% parking maximums apply here.

Commissioner Kohan referred to 4.13.B.4, operation and maintenance plans, and stated he was glad to see it still here. He asked if the Water & Sewer Division has the time to do this and how often it might be done. Mr. Krueger replied that they recently inventoried all the existing stormwater treatment systems in the Watershed Protection District. They have done some inspections, but it is not really their jurisdiction for any enforcement. He understands that the Aquifer Protection Commission has the authority. The Water Division is willing to assist with inspections and make recommendations. Commissioner Kohan noted that the regulation seems to allow reasonable access. He asked for the Water Division's recommendation. Mr. Krueger replied that there are two separate things, the Aquifer Protection Commission and Watershed protection regulation. These are Planning and Zoning regulations so Planning and Zoning has the authority to enforce the regulations. The Water Division can't order corrections but can do inspections and make recommendations for solutions. Mr. Krueger stated that he is in support of the proposed language to do a maintenance plan.

Chairman Seichter clarified that the Water Department would help identify the problem and the solution and the Commission would direct the action to the property owner. Mr. Pagini noted that the Planning and Zoning Commission is charged by the Law Dept. Commissioner Kohan asked for the list of stormwater treatment plants and how often they are tested to be provided to the Aquifer Protection Commission at the next meeting. Chairman Seichter noted that the Commission hasn't done that in the past and needs to discuss how to implement it.

#### PUBLIC COMMENT

Ed Bradley, 2 Hampton Trail asked if section 4.12 was already approved. Mr. Pagini replied yes, at the public hearing in December of 2021. Mr. Bradley stated that none of the regulations deal with flood control. He stated that Hampton Trail borders the I-5 and ever since Research Parkway was built they have had flooding problems. The State DOT took out the dam at Rt. 68 and Williams Road resulting in silt and sediment across Hampton Trail. The capacity of Spring Lake has diminished. He stated that the culvert under Hampton Trail was increased which helped some. He stated that when Grieb Trail was developed in the 1990s the banks of the Muddy River were damaged causing more flooding. He stated there is extensive damage to his property and many wells in the area are threatened. He itemized what needs to be done. He recommended that the Town acquire the land north of Hampton Trail as open space. He emphasized that something needs to be done about flood control before more buildings go up in that area.

Chairman Seichter asked what the Town is doing about these concerns. Ms. Kapushinski stated that there have been alterations to the dam at Spring Lake. She stated that Erin O'Hare is working on who is doing the modifications and who owns the land. It appears to be a wetlands violation. The Law Department may need to get involved.

Commissioner Fitzsimmons referred to current zoning section 4.13.B.7 says 'the Water Division shall have the right of access without notice for the purpose of ensuring that the owner property maintains and operates the facility. The Water Division shall have the right to take water samples, order repairs, or changes to the equipment facility'. He asked if the proposed change updates that. Mr. Pagini concurred. Commissioner Fitzsimmons continued with #8, 'The owner shall post a performance bond with the Water Division to cover the construction and startup of the stormwater treatment system in an amount and in a form to be determined by the Water Division. This work may also be incorporated within the normal water-sewer utility insulation performance bond required for the site.' He asked if we are still collecting those bonds. Mr. Pagini stated that it was added into 4.12, stormwater management. Mr. Krueger replied that under the current regs, yes they are collecting the bonds. This is the reason for the change from the Law Department because the Water Division has no authority under the Zoning Regulations. He reported that when there is a development they collect a bond for water and sewer utility installation and then add an amount for the stormwater treatment system. But under the new regulations, he's not clear if they will continue to do so. Commissioner Fitzsimmons stated that he is in favor of these regulations, but he believes a lot in the bond. Ms. Kapushinski stated that the issue is that the Zoning Regulation itself couldn't give Water and Sewer the power to collect bonds, that's the decision of the Law Department. She believes it's supposed to be handled as a condition of approval to collect a bond. It won't be written into the regulations, but the Water & Sewer Division can recommend a bond. Mr. Krueger stated that stormwater treatment systems in the watershed are built on our technical standards. They usually ask for a bond for the water and sewer utilities and stormwater treatment system as a condition of approval. Commissioner Fitzsimmons asked who releases Water & Sewer Bonds. Mr. Krueger replied it is the Water and Sewer Division. Commission Fitzsimmons stated that we need to make sure that we are collecting bonds and ensure the work is done before release. Ms. Kapushinski stated that it would be similar to other bonds today where the Commission receives the request to release from Water & Sewer.

#### PUBLIC COMMENT

none

#### 5.1.C – Schedule for Lot Building Requirements

Mr. Pagini explained the changes are to reduce open space to 35% in the IX and increase the maximum building coverage to 40% in the IX district only.

Chairman Seichter noted that the WI will change to 20% building coverage.

#### PUBLIC COMMENT

None

#### 6.11 Off-Street Parking and Loading Facilities

Mr. Pagini explained that they analyzed underutilized existing parking areas in the IX and looked at the ITE parking manual. He summarized the changes to parking requirements for different uses. Hotels and

motels were simplified to one space for each unit and one space for each 75 sq. ft. The change for manufacturing uses, including food and beverage production is one space for each 1000 sq. ft. instead of 500 sq. ft. He explained that they struck out similar uses and some of the employees for specialty chemical additives production process. Research and Development went from 1 space for each 400 sq. ft. of gross floor area, down to 1000 sq ft. They added new uses based on recent applications including for parcel sorting and retail distribution, 1 space for each 1500 sq. ft. of gross floor area, and 1.5 spaces for each retail delivery vehicle stored on site. They also added 1 space per each 750 sq. ft. of gross floor area for indoor recreation facility.

PUBLIC COMMENT

none

6.12 Outside Storage

Mr. Pagini explained that they included a recent change in paragraph A. They added, "shall not be allowed in any front yard." The rest was adding in the new districts and cleaning it up a bit.

PUBLIC COMMENT

none

Chairman Seichter verified that there were no further comments on section 2.2, Specific Terms.

Chairman Seichter asked if the Commission would be able to act now or would the property owners need to be notified. Mr. Pagini stated that the public notice is appropriate, as it included the property owners. The Law Department did not instruct him to notify them individually. Chairman Seichter reviewed what was discussed and agreed to.

- 2.2 no corrections or additions
  - 4.9 IX District, to include existing residential uses in 4.9.B
- 4.10 WI district, no changes by the Commission. Ms. Kapushinski noted the solar canopy is under accessory uses in 4.10.D.8. "building-mounted and ground-mounted solar panels within parking areas". Mr. Krueger stated that we should specify "canopy solar panels limited solely to impervious required parking areas."
- 4.13 Overlay district – no changes
- 6.12 Outside storage – no changes
- 6.11 Off-Street Parking – no changes
- 5.1C Schedule of Building Requirements. The only change is in the WI district 15% to 20% max building coverage.

Mr. Pagini noted that the moratorium repeal should be added to the April agenda with an effective date of the day after.

Hearing no further comment, Chairman Seichter asked for a Motion to close the Public Hearing.

**Commissioner Venoit: Motion to close the Public Hearing #902-22 for Zoning Text Amendment/PZC/ Sec. 4.10 (Watershed Interchange District) and modifications to Sections 2.2, 4.9, 4.13, 5.1C, 6.11, and 6.12.**

**Commissioner Fitzsimmons: Second**

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

**Commissioner Venoit: Motion to approve Zoning Amendment, Planning & Zoning Commission, application 902-22, Zoning Text Amendment and Map Amendment to remove current §4.10 (I-5 Interchange District) and replace with §4.10 entitled “Watershed Interchange District (WI)”. The new §4.10 “Watershed Interchange District” will cover portions of the existing Interchange District (I-5) and Industrial Expansion District (IX). Text amendments will also modify Sections 2.2, 4.9, 4.13, 5.1C, 6.11, and 6.12 of the Wallingford Zoning Regulations on language dated 2/8/22, With the modification of 4.9.B including existing residential uses, 4.10.D.9 canopy solar panels limited solely to impervious required parking areas, 4.1.C WI district coverage from 15% maximum building coverage to 20% maximum building coverage. These changes will be effective April 12, 2022, because this clarifies the zoning regulations.**

**Commissioner Fitzsimmons: Second**

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

The text amendments and modifications are approved.

Chairman Seichter thanked the Water Division, the Economic Development Commission, the Town Engineer, and the Town Planner for all the work and cooperation.

### **OLD BUSINESS**

**3. Site Plan (outside storage)/B. Febbriello-Iron Horse Equip./71 South Turnpike Road #201-22.** Chairman Seichter recused himself and Vice-Chair Venoit chaired this discussion and Mr. Parent voted.

Commissioner Allinson noted the correspondence. Inter-Departmental Referral received January 13, 2022, from the Fire Marshal; Notice of Violation dated June 22, 2021, to Iron Horse Equipment; correspondence dated January 25, 2022, from Kevin Pagini, Town Planner to Benjamin Febbriello, Iron Horse Equipment, LLC; Interoffice Memorandum dated January 27, 2022, from Alison Kapushinski, Town Engineer, to Kevin Pagini, Town Planner; email dated March 7, 2022, from Christopher Juliano to Kevin Pagini; correspondence dated March 8, 2022, from Kevin Pagini Town Planner to Benjamin Febriello, Iron Horse Equipment, LLC; Notice of Violation dated June 22, 2021, to Iron Horse Equipment; a packet of 4 photos; Limited Property/Boundary Survey Improvement Location Survey Existing Conditions Land

of 14-16 Broad Street LLC, #71 South Turnpike Road, Wallingford, CT, received February 28, 2022; and correspondence dated March 9, 2022, from Juliano Associates to Kevin Pagini, Town Planner.

Christopher Juliano, licensed land surveyor and professional engineer, Juliano Associates, 405 Main Street, Yalesville, stated that he has worked with the planning department and provided additional mapping that identified the various violations on the property. The applicant has applied for site plan approval for outside storage to address the violations but the planning department doesn't see it as a viable solution. The applicant is moving forward to remodel his property in Durham and anticipates being able to remove the display area inside the building and remove the racks and crates within 45 days. That property is not large enough to resolve all the issues. The requested outside storage will take care of the other half of the site problems. The applicant is making an effort but doesn't have the economic feasibility to do it the way the planning department wants. The owner agreed with no outside display or sales. He stated that the outside storage would be accessed by employees only and used for items to be sold, assembled for sale, and service items as well as trailers. He stated that the applicant is making a good faith effort to remediate but it will take time. All the violations can't be removed at once. After moving the materials to Durham, it will take 60 days to construct the outside storage for the remaining items. He asked for approval of the site plan for outside storage.

Commissioner Kohan stated that even if this is approved, it doesn't address all the concerns with the violations. If it is denied, the violations will continue. He noted that the notice of violation was made on June 22, 2021, with 30 days to correct the violations. Mr. Pagini added that no cease and desist order was issued and no fines currently levied. Commissioner Kohan stated that the business should correct all the violations even if it means modifying the business or finding a different location. He can't approve the site plan with violations still to be addressed.

Commissioner Fitzsimmons thanked Mr. Juliano and the applicant for the plan. He noted that he hadn't realized that they were also doing repairs and asked if the items displayed were for sale or repair. Mr. Juliano replied that the applicant has unassembled merchandise in the racks along Cook Hill Road, customer equipment to be serviced or repaired is in the fenced-in areas along South Turnpike Road, and equipment to be sold is on the North side. Commissioner Fitzsimmons stated that he is not comfortable with the site plan application. The applicant has not done anything since the notice of violation. Part of the challenge is that a similar business nearby doesn't have the same problem.

Commissioner Allinson thanked Mr. Juliano and stated that he understood the proposal but the violation notice was in June of 2021. He assumes that new items for sale or repair have been brought to the property since, even though they were told that the space is an issue. He is not comfortable with the representations and concerned with what may or may not occur if this is approved.

Commissioner Parent stated that the business is just in the wrong location. They can't make more space or change the rules. There is nothing that can be approved.

Commissioner Venoit agreed and asked about the timeline. Mr. Pagini replied that the application was submitted on December 9<sup>th</sup>. Mr. Juliano replied that he completed the survey on August 16<sup>th</sup>. He agreed that it would be different if actions were taken sooner. He understands that it's too little, too late. He stated that he would like to withdraw the application.

Commissioner Fitzsimmons stated that he was prepared to make a motion to deny the application and start imposing fines because we need to see some action. He added that even if the application is withdrawn, the Commission still needs to discuss how to continue the pressure to ensure something is done.

Vice-Chair Venoit agreed that the zoning violation needs to be handled whether he withdraws or not.

Mr. Pagini noted that if denied he can reapply after 6 months. If he withdraws he can reapply immediately.

Mr. Juliano stated that they will withdraw and if they figure out a solution they will come back with a new application. He understands that the notice of violation still has to be dealt with. Mr. Juliano formally withdrew the application.

The application was withdrawn.

#### **NEW BUSINESS**

##### **4. Site Plan (445 sq. ft. acc. apt.)/K. McDade/11 Kazersky Drive #204-22**

Mr. Pagini noted that the applicant was not present. Chairman Seichter stated that the item will be continued to the April meeting with no action taken.

Commissioner Venoit asked if there had been another no-show recently and how was it handled. Mr. Pagini replied that he would check on the process and identify the prior no-show. He will follow up with the current applicant and remind him he's required to present to the Commission.

#### **8-24**

##### **4a. Possible purchase of Land/Town of Wallingford/3 East Dayton Hill Road**

Commissioner Allinson noted the correspondence. Correspondence dated March 8, 2022, from William Dickinson, Jr., Mayor to Wallingford Planning & Zoning Commission, with an enclosed aerial map.

Mr. Pagini explained that the 1.8-acre parcel is adjacent to the Tyler Mill Preserve and 72% of it is wetlands. The Town is interested in acquiring it as an access point for Tyler Mill.

**Commissioner Venoit: Motion for the Wallingford Planning and Zoning Commission recommend the purchase of the land by the Town of Wallingford at 3 East Dayton Hill Road address to the Town Council.**

**Commissioner Fitzsimmons: Second**

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

The application is approved.

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

**5. Site Plan/Tractor Supply/801 North Colony Road #203-18**

Mr. Pagini stated that he does not recommend release at this time.

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

**6. Administrative Approvals – noted as approved**

- a. Site Plan Revision/T.O.W. Engineering Dept./Wallace Avenue #203-22**
- b. Change of Use/G. Sharon/1268 Old Colony Road #323-21**
- c. Survey Waiver/J. Peterson/111 Montowese Trail #801-22**

**7. New PZC Fee Schedule**

Mr. Pagini explained that the fee schedule was voted on in December. It was determined that it does not have to go be adopted by the Ordinance Committee; it just needs final approval by Planning and Zoning. He noted some minor corrections such as an asterisk was added on the bottom “any application submitted for the purpose of remedy violation will be charged double the regular base fee for all violations.”

**Commissioner Venoit: Motion to approve the proposed fee schedule for Wallingford Planning and Zoning Commission effective March 15, 2022.**

**Commissioner Fitzsimmons: Second**

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

The motion passes.

**8. ZBA Decisions for February 22, 2022 – no comment**

**9. ZBA Notice for March 21, 2022**

Chairman Seichter commented on application #22-012 and the orientation of the building. Mr. Pagini explained that they want to put in an urgent care facility. He stated that they are going for a parking variance as well as the building orientation variance. Chairman Seichter stated that buildings have to be oriented to the road, so this doesn't meet zoning regulations.

Commissioner Fitzsimmons agreed and asked if the statement that the rear of the building will face RT. 5 is correct. He stated that they had approved the building lot for Tractor Supply with the driveway off Beaumont. Mr. Pagini replied yes, the front will face Tractor Supply. Commissioner Fitzsimmons asked

that a letter be sent from the Commission to the Zoning Board of Appeals strongly expressing our opposition. There was a consensus on the Commission to proceed. Chairman Seichter charged Mr. Pagini with making that happen.

#### **10. Zoning Enforcement Report**

Mr. Pagini reported that this is still a work in progress and that Ms. Torre asked for more time.

Commissioner Fitzsimmons noted difficulty finding the Iron Horse Equipment violation. He asked what it will take for the Town to start fining Iron Horse Equipment. Mr. Pagini replied that he has discussed it with the Law Department and they recommended going through the Planning & Zoning process one more time, then issuing a Cease and Desist order followed by fines. Commissioner Fitzsimmons asked if the Zoning Enforcement Officer can issue a Cease and Desist order tomorrow. Mr. Pagini replied yes.

Chairman Seichter asked how many Cease and Desist letters have been issued, the timeline, and what's happening. He wants to be sure all violators are treated equally.

#### **OTHER BUSINESS**

Commissioner Kohan announced that the Regional Planning Commission will be starting a required training program for Planning and Zoning Commissioners next March. He will send out the details.

**Commissioner Venoit: Motion to Adjourn the Wallingford Planning and Zoning Monday, March 14, 2022 meeting at 9:55 pm.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous**

Respectfully Submitted  
Cheryl-Ann Tubby  
Recording Secretary