

Wallingford Planning & Zoning Commission
Monday, September 12, 2022
7:00pm
Robert F. Parisi Council Chambers – Town Hall
MINUTES

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

The Pledge of Allegiance was recited by all.

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

Consideration of Minutes – August 8, 2022, Meeting

Commissioner Venoit: Motion to approve the minutes of August 8, 2022, Meeting of the Wallingford Planning and Zoning Commission as presented.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve with Commissioner Allinson Abstaining.

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

4. NEW BUSINESS, Site Plan (warehouse)/5 Research Parkway Wallingford, LLC/5 Research Parkway #218-22 No action was requested.

5. NEW BUSINESS, Site Plan (Warehouse)/Mark Development, LLC/1107 Northrop Road #219-22
No action was requested.

Public Hearing

1. Special Permit (Decks)/Cheshire Crossing II HOA/1425 Tuttle Avenue #406-22

Commissioner Allinson noted the legal notice and correspondence. Special Permit for Cheshire Crossing II Homeowner's Association (1425 Tuttle Avenue) to increase deck sizes throughout an Open Space Planned Residential Development – OSPRD. Inter-Departmental Referral received August 8, 2022, from the Environmental Planner; Inter-Departmental Referral received August 8, 2022, from the Deputy Fire Marshall; Inter-Departmental Referral received August 8, 2022, from the Senior Engineer, Water & Sewer; Inter-Departmental Referral received August 8, 2022, from the Town Engineer; and correspondence dated September 12, 2022, from Kevin Pagini, Town Planner to Town Manager of Cheshire.

Mr. Pagini explained that the last item of correspondence is due to an oversight in the office, where the Town of Cheshire was not notified until today. The Legal Department agreed that it is not likely the Town of Cheshire will appeal since the application is minor. It is the applicant's decision whether to

proceed. Chairman Seichter asked if any Commission members objected to proceeding. Hearing none, the applicant was invited to begin the presentation.

Joe Robertone, 39 Wadsworth Lane, stated that he is a member of the HOA and interested in improving his deck and volunteered to do the detail work necessary. He introduced John Penwell, President, and Treasurer of the Association, and Dave Lavato, Vice President. Mr. Robertone explained that the Homeowner's Association is asking to allow the 41 owners to reasonably expand their decks. Many of the decks lack functionality and usability. The HOA Board voted to permit a rectangular deck expansion of the existing decks so they would be no larger than 16 x 16 and no wider than the building so it can't be seen from the road. The property was resurveyed by Juliano Associates. If all of the decks were expanded it would reduce the overall open space from 37.8 to 37.7, where the minimum requirement is 35.5. This would result in over 2 acres of additional open space. If granted, those that want to do so will need to follow the rules of the HOA, match the designs and materials presently used, and get a variance request with the Covenant Committee of the Association as well as the management company. That variance request would need to include architectural plans, have neighbors sign off, and the certificate of insurance for the contractor. The Board would need to provide final approval before the owner could apply for a building permit from the Town. He offered photos of sample decks.

Mr. Pagini reminded the applicant that some decks will encroach on wetlands and they would need to get wetlands approval. Mr. Robertone replied that Mr. Juliano has already identified those that need wetlands approval.

Public Comment – none

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

Commissioner Venoit: Motion to close the public hearing for application #406-22 Special Permit (Decks) Cheshire Crossing II HOA/1425 Tuttle Avenue.

Commissioner Fitzsimmons: second

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

Commissioner Venoit: Motion to approve application 406-22, Cheshire Crossing II HOA, Special Permit request for Cheshire Crossing II Homeowner's Association, 1425 Tuttle Avenue, to increase deck sizes throughout an Open Space Planned Residential Development – OSPRD on plans entitled "Limited Property/Boundary Survey Improvement Location Survey Existing Decks Plan Cheshire Crossing, Units 1 through 41, Wadsworth Lane and Zinnia Court, Wallingford, CT" dated 6/23/2022, subject to the following conditions:

- 1. Comments from Scott Shipman, Senior Engineer, Water, and Sewer Division dated 8/29/2022;**
- 2. Interoffice memorandum from Erin O'Hare, Environmental Planner dated 8/10/2022; and**
- 3. Six (6) copies of the approved, final plans forwarded to the Planning and Zoning office.**

Commissioner Fitzsimmons: Second

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

The application is approved.

2. Possible action, including an opt-out from provisions of Public Act No. 21-29 (codified at CT General Statutes Sections 8-2(d)(9) and 8-2(p) pertaining to residential parking requirements.

Commissioner Allinson noted the legal notice and correspondence for the record. A Public Hearing and possible action on, including an opt-out from, provisions of Public Act No. 21-29 (codified at CT General Assembly Statutes Section 8-2(d)(9) and 8-2(p) pertaining to residential parking requirements. Public Act 21-29; correspondence received August 22, 2022, from J.H. Torrance Downes, Lower Connecticut River Valley Council of Governments, to Wallingford Planning & Zoning; correspondence dated August 10, 2022, from Kevin Pagini, Town Planner, to Town Clerks of Cheshire, Durham, Hamden, Meriden, Middlefield, North Branford, and North Haven; email received August 25, 2022, from Lauren Rizzo, Naugatuck Valley Council of Governments; and email received August 25, 2022, from Andy Cirioli, South Central Regional Council of Governments.

Mr. Pagini explained that this act requires that zoning must not require in excess of one space per studio or one-bedroom unit or two spaces per unit for each dwelling unit with two or more bedrooms. Our current regulations do have requirements in excess of those numbers. If we don't opt out, this rule will take effect.

Chairman Seichter asked how our requirements differ and how this would impact them. Mr. Pagini replied that the act requires less parking for multi-family dwelling units. We currently require 2.5 per unit for three or more bedrooms and the state requires two. The state wants less. This can save the developer money. Our town is more suburban, so we may need more parking. He suggested considering opting out now and crafting our own regulations later.

Commissioner Allinson stated that in some regulations there is a provision where an applicant can buy extra spaces. If we don't opt out, would that be overridden? Mr. Pagini replied that he believes that it only takes precedent if you require more. He reported that the Legal Department isn't certain how the Public Act applies throughout the zoning regulations and recommends opting out so we can look at the entirety of what is required. We require different parking in different areas. The Act would override anything in excess, such as the requirement for parking for multifamily dwellings in 6.11. The full impact has not yet been discussed. Opting out gives us time to look at why we require more in some zones and less in others.

Commissioner Fitzsimmons stated that he supports opting out to buy more time. He asked how much time we have to figure out parking. We want more downtown development, but don't want parking to be an obstacle. He stated that he is generally in favor of a reduction in parking requirements but

understands that it's a big deal. He asked how long the opt-out protects us. Mr. Pagini replied that we need to discuss this in the next couple of months since we are working on the incentive housing zone and some of the Town Center zones. He noted that some Town Center requirements already align. Commissioner Fitzsimmons stated that he will support opting out but this needs to be addressed within a year.

Commissioner Parent stated that he is in favor of opting out. He also noted that we can end up in an unfortunate circumstance when we thought we had provided adequate parking. We have to make sure it is adequate. He asked how more people working from home affect this. He believes our current parking requirements are fair and reasonable. He doesn't see a compelling reason for a change.

Chairman Seichter agreed that there is an advantage to the Town to opt-out. We have different types of developments throughout the Town. He stated that he doesn't think 'one size fits all' works for us. He agreed that this is something we should look at soon. We are already looking at the Incentive Housing Zone and the Town Center. He noted that in the past we had talked of doing away with parking in the Town Center. There has been progress with some municipal parking lots. We do need to look at parking requirements.

Commissioner Kohan asked about the rationale behind this act. He stated that he supports opting out.

Public comment - none

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

Commissioner Venoit: Motion to close the Public Hearing for possible action including an opt-out for provisions of the Public Act #21-29 codified at CT General Statutes Section 8-2(d)(9) and 8-2(p) pertaining to residential parking requirements.

Commissioner Fitzsimmons: Second

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

Commissioner Venoit: Motion to formally opt-out from provisions of Public Act No. 21-29 codified at CT General Statutes Sections 8-2(d)(9) and 8-2(p) pertaining to residential parking requirements because it allows the Town more time to thoroughly review the Town Regulations versus the CT General Assembly statutes.

Commissioner Fitzsimmons: Second

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

3. Possible action, including an opt-out from provisions of Public Act No. 21-29 (codified at CT General Statutes Sections 8-2(o) pertaining to accessory apartments or accessory dwelling units.

Commissioner Allinson noted the legal notice and correspondence for the record. A Public Hearing and possible action on, including an opt-out from, provisions of Public Act No. 21-29 codified at CT General Statutes Section 8-2(o) pertaining to accessory apartments or accessory dwelling units. Public Act 21-29; correspondence received August 22, 2022, from J.H. Torrance Downes, Lower Connecticut River Valley Council of Governments, to Wallingford Planning & Zoning; correspondence dated August 10, 2022, from Kevin Pagini, Town Planner, to Town Clerks of Cheshire, Durham, Hamden, Meriden, Middlefield, North Branford, and North Haven; email received August 25, 2022, from Lauren Rizzo, Naugatuck Valley Council of Governments; and email received August 25, 2022, from Andy Cirioli, South Central Regional Council of Governments.

Mr. Pagini provided an overview of the state requirements including that accessory dwelling units (ADUs). The differences include the ADUs are not restricted to homeowners or relatives of the occupant of the primary structure, where we require at least one occupant to be the owner of record. The Act states that the approval process shall not require a public hearing, special permit, or special exception. Ours is the same. Another difference is the permission to construct shall not be conditional on correcting a non-conformity. We only allow accessory apartments in residential zones. This may allow them in a non-conforming house in a commercial zone. Another difference is the regulations shall not require exterior doors or be connected to the primary structure or have more than one parking space. We require that they are connected. This would allow detached. The state regulations would allow a maximum size of at least 1,000 sq. ft. or 30% of the size of the primary structure, whichever is smaller. Our regulations allow for the maximum square footage of 780 sq. ft. He noted that there are some key points of difference. The State essentially makes it easier for ADUs. He suggested opting out and seeing if we want to incorporate any of these requirements.

Commissioner Fitzsimmons stated that he is in favor of opting out, but thinks there are pieces that we can take. He noted that the act is specifically geared to Fairfield County towns that don't allow ADUs. We allow them. He likes the idea of streamlining the process but the set of regulations in the Public Act pushes us too far. He suggested a workshop and looking at how other towns do it. He proposed looking at streamlining the process and revisiting the regulations. The Act isn't geared to towns like Wallingford. He supports opting out.

Chairman Seichter agreed that it is to our benefit to opt-out. We already allow accessory apartments. He noted that he has issues with the detached units and that the homeowner doesn't have to live in the main structure. He suggested discussing increasing the size in our regulations. He does think they should have an exterior door and supports streamlining the process. He stated that he supports opting out and making adjustments to our regulations.

Mr. Pagini noted that accessory apartments are great for aging in place and that we should look at it from that aspect.

Public comment - none

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

Commissioner Venoit: Motion to close the Public Hearing for possible action including an opt-out for provisions of the Public Act #21-29 codified at CT General Statutes Section 8-2(o) pertaining to accessory dwelling units.

Commissioner Fitzsimmons: Second

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

Commissioner Venoit: Motion to formerly opt-out from, provisions of Public Act No. 21-29 codified at CT General Statutes Section 8-2(o), pertaining to accessory apartments or accessory dwelling units because it allows the Town more time to thoroughly review the Town regulations versus the CT General Statutes.

Commissioner Fitzsimmons: Second

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

REPORTS OF OFFICERS AND STAFF

- 6. Administrative Approvals** noted as approved
 - a. Survey Waiver/Soares/40 Calvin Avenue #808-22**
 - b. Survey Waiver/DeBaise/116 Constitution Street #809-22**
 - c. Survey Waiver/LeBarron/105 Wrinn Street #810-22**
 - d. Survey Waiver/McIntyre/2 Sullivan Road #811-22**

7. ZBA Notice for September 19, 2022

Commissioner Fitzsimmons referred to application #22—029 for Choate and asked if any changes had been made to the application since it was first submitted. Mr. Pagini replied that there have been small changes. He noted that a memo should have been sent to Commission members but doesn't think it was formally submitted. Mr. Pagini shared a copy of that memo. Commissioner Fitzsimmons noted that instead of three feet from the road it is now 13 ft. He stated for the record that he feels the same way as before due to the pedestrian traffic at that intersection. He asked that we restate our objections.

Chairman Seichter agreed and noted that the comments the Commission made back in June or July are still appropriate. He acknowledged that it is a Zoning Board of Appeals decision. Mr. Pagini asked for clarification that the same memo is to be sent as was sent earlier. Chairman Seichter replied yes.

Commissioner Fitzsimmons asked for clarification on #22-030, which is also for Choate. He asked if this is the old Victorian Inn and if the application is due to putting the elevator in the front of the building. Mr. Pagini replied yes. Commissioner Fitzsimmons noted that he is not in favor of the reduction to the downtown front yard. He suggested commenting to the ZBA similar to how we did with the other application. He stated that he recalls talking about entrance requirements on that building before.

Chairman Seichter stated that his position is that this application is a little different from the other one and acknowledged that it is the ZBA's decision.

Commissioner Venoit noted that we don't know all the particulars. Choate will need to explain why they are doing this when they present to the ZBA.

Commissioner Allinson stated that there must be a middle ground. He agreed with sending a letter stating that this is the least preferred area for the placement of accessibility to the building.

Commissioner Fitzsimmons asked for clarification of the application for 22-036. Mr. Pagini replied that the statement is a misrepresentation. We allow for existing residential uses in that district. It is not an expansion of a nonconforming use. They are just looking for the setback.

8. Zoning Enforcement Report

Mr. Pagini noted that a file was closed today on a long-standing rooster complaint.

Chairman Seichter asked for clarification of the 991 North Colony Road outside storage violation that is marked as closed. There is a dumpster and some 55-gallon barrels on that property. It is an eyesore.

Mr. Pagini replied that he understands that the food truck is using the dumpster and the barrels.

Chairman Seichter stated that if they are using them, they can move them closer to the truck and they should be screened. Mr. Pagini promised to ask the Zoning Enforcement Officer to follow up.

ADJOURNMENT

Commissioner Venoit: Motion to adjourn the September 12, 2022 meeting of the Wallingford Planning and Zoning Commission at 7:55 pm.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve

Respectfully submitted,

Cheryl-Ann Tubby

Recording Secretary