

**Wallingford Planning & Zoning Commission**  
**Monday, April 10, 2023**  
**7:00 pm**  
**Room 315**  
**Town Hall – 45 South Main Street**  
**MINUTES**

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

The Pledge of Allegiance was recited by all.

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

Consideration of Minutes – March 13, 2023, Meeting

**Commissioner Allinson: Motion to approve the minutes of March 13, 2023, Meeting of the Wallingford Planning and Zoning Commission as submitted.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous to approve**

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

2. **OLD BUSINESS – Site Plan (self-storage units)/850 No. Main Street Wallingford LLC/86 Barnes Road #204-23**

**PUBLIC HEARINGS**

1. **Special Permit (new admissions center and associated underground parking lot)/Choate Rosemary Hall/59 North Elm Street #405-23 - CONTINUATION**

Commissioner Allinson noted the additional correspondence for the record including: correspondence from Elizabeth Landow to Planning & Zoning Commissioners received March 17, 2023; correspondence from Kevin Pagini, Town Planner to Patrick Durbin, CFO, Choate Rosemary Hall, dated March 20, 2023; drawings entitled Choate Admissions – Building Height Diagram, with attachment Average Grade Plan; correspondence from Phillip Youker to Kevin Pagini, Town Planner, regarding Garage Exit Driveway Concerns, dated March 24, 2023; correspondence from Phillip Youker to Kevin Pagini, Town Planner, regarding Alternative to Current Proposal, dated March 24, 2023; Memo from Department of Engineering to Planning and Zoning Commission received April 5, 2023; correspondence from Brian Kaye, PLA, SLR, to Kevin Pagini, Town Planner, received April 5, 2023; correspondence from David Sullivan, PE, SLR, with an attachment with traffic information to Kevin Pagini, Town Planner received April 5, 2023; correspondence from David Sullivan, PE, SLR, to George de Brigard, Robert A.M. Stern Architects, dated November 11, 2022; drawings entitled Choate Admissions – Building Height Diagram marked Revised with attached Average Grade Plan, received April 5, 2023; Signage and pavement markings plan marked Revised, received April 5, 2023; Site Section and View from Christian Street,

marked revised, received April 5, 2023; memo from Department of Engineering to Planning & Zoning Commission, received April 6, 2023; document labeled Building Height Conformance Problem? received April 5, 2023; email from Steven Lazarus, Registered Architect, to Kevin Pagine, Town Planner, received April 10, 2023.

Presenting were Atty. Dennis Ceneviva of Ceneviva Law Firm in Meriden, Mr. Patrick Durbin, CFO, Choate Rosemary Hall; Brian Kaye, Senior Landscape Architect with SLR of Cheshire, Emily Foster, Senior Transportation Engineer, SLR, and George de Brigard, and Kevin Smith with Robert A.M. Stern Architects.

Atty. Ceneviva gave a brief overview of the application and mentioned the issues to be addressed tonight including signage and striping, a calculation of the height of the building, an elevation of the north façade, a copy of the traffic report, the construction sequence, construction entrances and safety during construction and improvements to the intersection to protect pedestrians. He noted memos dated April 5 & 6 from the Engineering Department acknowledging that Choate agreed to undertake several of the improvements, including replacing curb ramps, restriping the crosswalks, adding advance school crossing signs, etc. He stated that pedestrian safety is of utmost importance to Choate.

Brian Kaye explained the construction sequence. He reported that he worked with the Town Engineer and Town Planner to designate one-way access for construction vehicles. They will excavate the parking area first. When the framing of the building begins, there will be less site work and two-way traffic will begin again. Sidewalks will be open most of the time and a flagger will help make it safe during construction and events. The mid-block crossings have already been improved and they will direct students away from this area. They expect construction to take about a year.

Atty. Ceneviva stated that they did their own traffic analysis and introduced Emily Foster from SLR. Emily Foster explained how they did their study. She noted that quite a few Wallingford school buses go through the intersection during the peak periods. She stated that they found minimal congestion during the day. She described the sign and marking plan and how vehicles exiting the garage will have to stop before the sidewalk. Regarding sight line distances, she showed on a diagram how 397 ft. of distance should be visible.

Commissioner Hine asked about the distance someone could see while pulling out. Ms. Foster explained the minimum distance required for a vehicle to pull out safely and that they will provide more than is required. She explained that their calculation is based on the Federal calculation which is used by the CT DOT. Atty. Ceneviva noted that the design is based on the 85<sup>th</sup> percentile speed, not the posted speed. Commissioner Hine asked if the entrance is far enough from the intersection. Ms. Foster replied yes and that there are no other obstructions like trees and fences. Commissioner Hine asked about the fence that shows up in photos. Ms. Foster replied that the fence will be modified for the driveway and walkway.

Regarding the building height issue, Atty. Ceneviva reported that the architect sent an email to the Town Planner this afternoon. He provided a copy so it could be added to the record. The email represents that the design complies with zoning regulations. George de Brigard explained how they calculated the height using the zoning regulations.

Commissioner Hine asked if Mr. Pagini agrees with that calculation. Mr. Pagini stated that they still need to explain the west elevation because part of the chimney sticks above the roof line. Mr. de Brigard replied that the chimney is not addressed in the regulations, so it is not counted. Mr. Pagini stated that it is more of a wall than a chimney. Mr. de Brigard stated that the architectural style of this building involves a sloped roof that is captured by the chimneys which are raised above. Mr. Pagini asked if the roof is flat or gabled. Mr. de Brigard replied that that statement referred to the Wallingford zoning code which only refers to flat and sloped roofs.

Chairman Seichter asked for Mr. Pagini's opinion on whether this complies with regulations. Mr. Pagini noted that they applied for a compliant building so they are bound to be compliant. The burden of proof is on them. The issue is the interpretation of chimney structures. Kevin Smith stated that most towns do specify chimneys in their regulations. By common practice chimneys and end, walls are excluded from height regulations. Atty. Ceneviva noted that regulation 2.3C identifies measuring roof heights but ignores the chimney in the diagram. He quoted from supplementary regulation 6.1 which talks about height limitations of 50 ft.

Commissioner Hine referred to the email, noted as item 405-23-BB, and the corresponding diagram which is item 405-23-AA submitted by Steven Lazarus, a registered architect. This seems to show that the building height is beyond the regulation, not just the chimney. Atty. Ceneviva noted that the memo states that 'it seems'. The applicant has invested in making sure the design is compliant with the code. He stated that the risk is ours. Choate understands and wants to be compliant. Their architects have confirmed the height. He added that he spoke with the Town Attorney and the result was the email from the architect of record stating that it does comply.

Commissioner Fitzsimmons stated that Wallingford has 'permissive' zoning, which means that it has to state that something is permitted. He doesn't see that the building complies when he compares the diagram in Section 2.3C of the regulations and the Choate building height drawing. He asked if the chimneys will be working. Mr. Smith replied that the chimneys are architectural elements.

Commissioner Parent observed that Mr. Lazarus has been in business for a long time. He stated that he would like to hear Mr. Lazarus's explanation of his calculations before we proceed.

Chairman Seichter referred to exhibit 405-23-W and asked how the measurement is done. Mr. Pagini read the regulation. Chairman Seichter asked for clarification of the dotted line on the exhibit. Mr. Smith replied that the dotted line is 30 ft. above the grade and the line above that is an architectural convention, a dimension string. Chairman Seichter asked if the chimneys are part of the roof or if they are chimneys. Mr. Pagini noted that they are more of a parapet wall. So to be compliant, the chimney

wall needs to be eliminated. They are pushing the 30 ft. limit and the chimneys are above that. There is also the question of what the style of the roof is from the west elevation. Mr. Pagini stated that with this much confusion, he doesn't know how they can approve this application tonight.

Atty. Ceneviva stated that the building height is determined at the time of the certificate of occupancy. The vertical distance is determined by the mean finished grade, which we don't have yet. If the foundation is put in the wrong spot it is a zoning violation. If it is the wrong height it is a zoning violation. The applicant is comfortable with a condition that the building height does not exceed 30 ft.

Mr. Pagini stated that it is a matter of interpretation of whether the chimney is a parapet wall.

Commissioner Kohan noted his confusion. Mr. Lazarus references points not on Choate's diagram. The Commission needs to follow our regulations. It is difficult to move forward without an understanding of what we are approving. He agreed that the height is based on what the grade will be.

Commissioner Hine stated that he does not doubt that Choate will build it exactly as shown. The issue is the interpretation of the regulations, which is a problem for the Commission. We need to determine how to resolve this and make sure we are all on the same page about what is and is not included in the calculation.

Commissioner Parent suggested ending the discussion until we have more information.

Commissioner Fitzsimmons asked if the Town Engineer has seen the drawing number 405-23-AA that was received today. Mr. Pagini replied no. Commissioner Fitzsimmons noted that he relies on the Town staff and would like to have the Engineer's comments.

Commissioner Allinson noted that there are two different images of the North elevation. The horizontal line between the two chimneys seems higher on one of the diagrams. He is confused about what would be the top. The EQ line seems to intersect with the lower piece of the wall. Mr. de Brigard noted that the smaller diagram in the packet is correct and it is accurate. He agreed that the piece of the wall that attaches to the chimney is about a foot above. Commissioner Allinson asked for clarification that the faux chimneys are about 7 feet above the roof peak. Mr. de Brigard stated that is correct.

#### **PUBLIC COMMENT**

Rich Krombel, 528 North Main Street, asked about the assumed speed of cars. Ms. Foster replied that the 85<sup>th</sup> percentile is 36 mph. Mr. Krombel shared suggestions for directing construction traffic to provide for the safety of pedestrians. He asked where all the cars for events will park and how people will be incentivized to park at greater distances. Patrick Durban stated that they worked with the construction contractors to keep trucks out of the intersection. He noted that they will use a flagger instead of a crossing guard when there is heavy truck traffic, as they can move traffic. Lastly, he explained that 120 parking spaces were added at Colony Hall and there are additional fields nearby. In

response to a question, he confirmed that there are internal sidewalks. He stated that they use signage and security officers to direct traffic.

Alaric Slepeki, 57 Jobs Road, suggested a crosswalk light or a light at the intersection. He indicated concerns with pedestrian traffic at that entrance.

Robert Blanchard, Curtis Avenue asked for clarification on the height of the building and the shape. Mr. de Brigard replied that a portion of the roof is an area of screened mechanical equipment which sits inside a well. In that area the roof is flat. Mr. Blanchard stated that since it is a flat roof, the building is too tall according to the regulations. Mr. Smith stated that the flat roof is well below the 30-foot elevation height limitation. Mr. Blanchard clarified that there is a valley in the middle. He stated that the application can't be approved based on this information. Mr. Blanchard continued that the premise for needing this building, that enrollment is down, is false. If they don't get this building in this location, the school will not suffer. Regarding the location, he stated that there are better places for it. Referring to the diagram in the traffic memo, he noted that there are routinely 20+ cars in a queue for that intersection, including buses. Adding a driveway close to the intersection will be a problem. He also noted the wall and the fence obstructing sight lines. He stated that a traffic study would be appropriate for this intersection because we need to understand how the intersection works. He noted that students regularly park on the neighboring streets. He asked for more information on day students. He also asked why the town has not pursued a planned development district for Choate. They continue to develop piecemeal in a residential zone. Chairman Seichter noted that it has been suggested. Mr. Pagini replied that it will take time and conformance to a master plan. Mr. Blanchard suggested a moratorium to review the zone so the town gets a say but it doesn't jeopardize their educational mission. He also pointed out that the sign announcing the public hearing has been taken down early, so they are in violation. Finally, he suggested conditions such as no parking on side streets, no construction traffic or parking on neighboring streets, and alternative traffic flow for construction.

Chairman Seichter asked for the number of day students. Mr. Durban replied 39. He added that they usually stay past 6 pm so they would not be leaving during peak traffic hours. He added that Gunpowder Creek Road is student parking. They are not supposed to park on the street. Students will be able to park in the garage.

Kristin Liu, 59 Curtis Avenue stated concern with the loss of open space and the effect the building will have on the intersection. Choate has built 3 or 4 major buildings in recent years. She also noted concerns with traffic and safety. There is no way having another driveway will not affect traffic and pedestrian safety. She is also concerned with events and construction traffic. The current Admissions building is beautiful. They are not losing applicants due to that building. She encouraged the commission to vote no.

Jared Liu, 59 Curtis Avenue stated that Choate is good for Wallingford. He stated that the process doesn't have to be so contentious. The neighbors have shown that they can be supportive but were not allowed to be involved. Despite the fact that they did not receive the variance, Choate moved forward

with the project. He stated whether it is the right location is the Town's decision. He noted that often Curtis Avenue can't be plowed due to Choate parking there. He objected to the editorial Choate put in the paper. He encouraged Choate to pause and involve the neighborhood.

Mike Votto, 377 North Elm Street stated a concern with traffic and safety issues. His biggest concern is aesthetics. This is a beautiful area. He doesn't understand why they want to put a building there.

Thaddeus Pajor, 617 North Elm Street stated a concern with pedestrian safety. He suggested a pedestrian tunnel under Christian Street since they are already excavating.

Commissioner Kohan thanked everyone for their comments. Choate made a business decision to place this building here. That is their decision as long as it meets the regulations. Traffic is not Choate's problem, it is Wallingford's problem. The traffic reports provided detail on what was going on with traffic. Yes, this will affect traffic flow and parking but Choate is not a major contributor. He encouraged the public to review Chief Ventura's traffic assessment. The traffic improvements that were recommended will be conditions of approval and will make the intersection as safe as it can be. Commissioner Kohan commented on the flat roof. He stated that he believes that the commission needs a definitive opinion on the height of the roof. He agreed that Choate could be more helpful with the resident's concerns. He respectfully requested that Choate ask the construction vendors to avoid Curtis Avenue.

Commissioner Hine noted that the requested diagram showing the line of sight coming out of the garage is still missing. He referred to photos provided by Mr. Youker. He asked what a driver would see when they looked right and left when exiting the garage. He asked what effect this will have on the traffic in the intersection and safety. He asked if the Commission can request a traffic study. Mr. Pagini replied yes. Commissioner Hine stated that he'd like to see a traffic study first before voting on the application. Mr. Kaye stated that SLR can add to the traffic memo. Ms. Foster stated that the purpose of a traffic study is to analyze the effect of the proposed development and how to mitigate it back to the existing conditions. She noted that the applicant is simply moving a use, so there is no added traffic. Commissioner Hine stated that if the study shows it has no effect, then we can say we have done our due diligence. Atty. Ceneviva added that the Town Engineer stated that this will not increase traffic to a level that requires mitigation. More studies won't say anything different.

Chairman Seichter stated that due to the questions raised tonight, the Commission won't be acting tonight. He stated that the Town can't tell Choate where to place a building. He stated that after the applicant's report and the Town Engineer's report, he doesn't see the benefit of an additional traffic study. The recommended mitigations will improve the traffic situation. Regarding the building height issue, this needs additional discussion and clarification. Then the Commission can decide if it meets the regulations. Regarding the removal of the required signage, he asked Mr. Pagini to consult with the Corporation Counsel. He added that he believes the sight lines coming out of the garage area are adequate.

Commissioner Allinson stated that if there is a continuation, he would like to see more drawings of the roof line and height issue. He stated that he is satisfied with the sight line images. The height issue needs clarification.

Mr. Pagini noted that taking the sign down gives the Commission the right to deny the application. He noted that to continue, the applicant has to agree to an extension of up to 65 days. Atty. Ceneviva stated that they agree to the extension.

**Commissioner Venoit: Motion to continue the public hearing for application #405-23 Special Permit (new admissions center and associated underground parking lot)/Choate Rosemary Hall/59 North Elm Street.**

**Commissioner Fitzsimmons: second  
Vote: Unanimous**

### **NEW BUSINESS**

**3. Site Plan (6825 sq. ft. addition to existing mfg. facility)/Advanced Turbine/856 No. Main St. Ext. #206-23**

Commissioner Allinson noted the correspondence for the record including Inter-Departmental Referral from the Environmental Planner, received February 15, 2023; Inspection Report from the Fire Marshal, received March 16, 2023; Inter-Departmental Referral from Scott Shipman, Senior Engineer, Water & Sewer Divisions, received February 15, 2023; Stormwater Management and Maintenance Plan prepared by Godfrey Hoffman Hodge, LLC, marked Revised, received April 5, 2023; and a topographical survey marked revised, received April 5, 2023.

Marcus Potter, Professional Engineer, and Land Surveyor, with Godfrey Hoffman Hodge, 26 Broadway, North Haven. He explained that this is an existing industrial site. They had proposed a building expansion in 1980 that never met zoning regulations. The regulations have changed. The new proposed expansion is 6,900 sq. ft and will be 50 ft wide at the rear of the parcel. They will take out a grass island between the loading bays and add a concrete pad. They will add a driveway for access for a drive up to the building, not the loading dock. They received wetlands approval for the building and driveway location close to the wetlands. They meet the parking, height, and setback requirements.

Mr. Pagini stated that this is a straightforward application. They worked with the Environmental Planner to update and maintain the existing stormwater management features. Maintenance will be a condition of approval.

**Commissioner Venoit: Motion to approve application #206-23, for Advanced Turbine Services, 856 No. Main St. Ext. for a Site Plan approval request to construct a 6,825 sq. ft. building addition and access driveway to an existing manufacturing facility located at 856 South Main St. Ext. on plans**

entitled "Property and Topographic Survey prepared for Advanced Turbine Services", dated 11/21/2022 and revised to 3/29/2023, subject to:

1. Comments from the Fire Marshal's office dated 3/15/2023;
2. Comments in Interoffice Memorandum from Senior Engineer, Scott Shipman to the Planning and Zoning Department dated 3/29/2023;
3. That the Operations and Maintenance Plan is filed on the land records to ensure that all stormwater practices on site are properly maintained;
4. An Erosion and Sediment Control Bond in the amount of \$5,500.00; and
5. Six (6) copies of the approved, final plans forwarded to the Planning and Zoning Office.

**Commissioner Fitzsimmons: Second**

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

**4. Site Plan (780 sq. ft. accessory apartment)/J. Chapa/422 South Elm Street #207-23**  
Not present – Continued to next month

**5. Site Plan (570 sq. ft. accessory apartment)/V. & S. Drake/355 South Elm Street #208-23**  
Not present – Continued to next month

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

6. Site Plan/5 Northfield LLC (Hartford Materials LLC)/940 South Colony Road #210-16
7. Site Plan/Wallingford Funeral Home/809 North Main Street Ext. #210-20

Mr. Pagini reported that both are ready to be released.

**Commissioner Venoit: Motion to release the bond for:**

**Site Plan/5 Northfield LLC (Hartford Materials LLC)/940 South Colony Road #210-16;**  
**and**

**Site Plan/Wallingford Funeral Home/809 North Main Street Ext. #210-20**

**Commissioner Fitzsimmons: Second**

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

The motion passes

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

8. **Administrative Approvals** – noted as approved
  - a. Site Plan/Connecticut Foodshare, Inc. 2 Research Parkway #205-23
  - b. Change of Use/Preet R. Patel/190 Ward Street #305-23
9. **ZBA March 20, 2023 Decisions** – no questions
10. **ZBA Notice for April 17, 2023** – no questions

**11. Quarterly Zoning Enforcement Report**

Mr. Pagini gave an overview. He reported that they are getting calls about signage and he is working on the sign regulation changes. There are a lot of court referrals and smaller violations. Mr. Pagini noted that he expects to see new legislation from the State on outdoor dining effective May 1st.

Commissioner Fitzsimmons asked if this replaces the emergency order. Mr. Pagini replied yes and that he needs to discuss it with the Law Department. This would require an accessory use to an allowed existing use so some can be an administrative site plan approval.

Chairman Seichter stated that sidewalk dining and closing Simpson Court for dining again would have to go to Town Council for approval. Mr. Pagini replied that it will be an 8-24 issue. He noted that we can be less restrictive than what the State is proposing. Chairman Seichter asked for more information for the next meeting. Outdoor dining benefits the Town but we need to establish a process.

**ADJOURNMENT**

**Commissioner Venoit: Motion to adjourn the Wallingford Planning & Zoning Commission meeting at 9:30 pm.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary