

Wallingford Planning & Zoning Commission
Monday, May 8, 2023
7:00 pm
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, 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 29, 2023, Special Workshop Meeting

Commissioner Allinson: Motion to approve the minutes of Wednesday, March 29, 2023, Special Workshop Meeting of the Wallingford Planning and Zoning Commission as submitted.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve

Consideration of Minutes – April 10, 2023, Regular Meeting

Commissioner Allinson: Motion to approve the minutes of Monday, April 10, 2023, Regular 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.

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

SITE PLANS – ACCESSORY APARTMENTS

1. Site Plan (780 sq. ft. accessory apartment) J. Chapa Bautista/422 S. Elm St. (OLD BUSINESS) #207-23

Not present – Continued to next month

2. Site Plan (570 sq. ft. accessory apartment) V. & S. Drake/355 Elm St. (OLD BUSINESS) #208-23

Commissioner Allinson noted the correspondence for the record. This included the Site Plan application; Inter-Departmental Referral from the Environmental Planner dated March 13, 2023; comments from the Acting Fire Marshal dated March 16, 2023; Interoffice memorandum from Scott Shipman, Senior

Engineer, Water & Sewer, dated March 29, 2023, and Inter-Departmental Referral from the Town Engineer, dated March 13, 2023.

Valerie Drake, 355 So. Elm Street and Paul Guarniere, the contractor from The Handyman Workshop, LLC, presented. Ms. Drake explained that the accessory apartment is for her mother.

Commissioner Venoit: Motion to approve application #208-23 for Drake, 355 South Elm Street for a Site Plan request for a 570 sq. ft. accessory apartment located at 355 South Elm Street, subject to:

- 1. Comments in Interoffice Memorandum from Senior Engineer, Scott Shipman to the Planning and Zoning Department dated 3/29/2023, and**
- 2. Final inspection by the Zoning Enforcement Officer.**

Commissioner Fitzsimmons: Second

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

3. Site Plan (780 sq. ft. accessory apartment) P. McManus/45 Liney Hall Lane (NEW BUSINESS) #209-23

Commissioner Allinson noted the correspondence for the record. This included the Site Plan application; Inter-Departmental Referral from Scott Shipman, Senior Engineer dated April 11, 2023; Inter-Departmental Referral from M. Hughes, Chief Sanitarian, dated April 11, 2023; Comments from the Acting Fire Marshal; Correspondence to Patricia McManus from Kevin Pagini, Town Planner dated April 24, 2023.

Kevin Kiani, Ahern Builders explained that the intent is to put in an accessory apartment. The mother will move there and her daughter and family will take the house. They are also looking to add a 16x16 common space, closets, a laundry room, and an open deck. The applicant agreed to eliminate the roof and the railings to make it an open deck to ensure it complies with zoning.

Commissioner Venoit: Motion to approve application #209-23 for McManus, 45 Liney Hall Lane for a Site Plan request for a 780 Sq Ft. accessory apartment located at 45 Liney Hall Lane, subject to:

- 1. Removal of the roof on the covered porch to comply with maximum size requirements for an accessory apartment;**
- 2. Comments from the Health Department dated 4/11/2023; and**
- 3. Final inspection by the Zoning Enforcement Officer.**

Commissioner Fitzsimmons: Second

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

Mr. Kiani noted that the Commission should consider allowing a covered deck for this size apartment.

PUBLIC HEARINGS

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

Councilor Allinson noted any new correspondence for the record. Correspondence included a memo from Janis Small, Corporation Counsel dated May 1, 2023; document titled axonometric view dated April 28, 2023; email from Patrick Durban to Kevin Pagini, Town Planner dated May 3, 2023; email from Robert Blanchard to Kevin Pagini, Town Planner, dated May 3, 2023; document entitled 'Public Response to Small Memorandum' from Philip Youker, dated May 4, 2023; document entitled "Re: Determination of Building Height, More Complexities", from Philip Youker to Kevin Pagini, Town Planner, dated May 4, 2023; and a memorandum from Janis Small, Corporation Counsel, dated May 8, 2023.

Presenting were Atty. Dennis Ceneviva of Ceneviva Law Firm at 721 Broad Street in Meriden, Mr. Patrick Durbin, Chief Financial Officer, Choate Rosemary Hall, and George de Brigard, architect, with Robert A.M. Stern Architects.

Atty. Ceneviva recapped the discussion from the last meeting based on the minutes. He noted that to be discussed tonight including the building height and the removal of the sign announcing the public hearing. He noted that the Town Attorney concluded that there was no violation regarding the removal of the sign. She stated that the sign is an additional notice above and beyond the statutory notice. Regarding building height, he explained that they provided new drawings and spent a significant amount of time making certain that the building doesn't exceed the 30 ft. maximum. The architectural feature between the chimneys has been removed. He noted that there are three sections of the building and the height of each complies. Regarding the underground parking, this minimizes the use of the property and has environmental benefits. He believes all questions about the parking garage were answered.

Mr. de Brigard explained the height calculation diagrams. The conclusion from the feedback from the last meeting was that the surface of the gable end of the building needed to be considered in the overall height calculation. The gable coping has been removed. The parapet that connected the chimneys was also removed. He showed the roof height calculations, the other roof volumes, and the average grade height to the middle of the roof on all three of the volumes. He stated that they also submitted elevations from North Elm Street and Christian Street. He noted a drafting error in the first drawing set submitted. It was a conversion of decimal feet into feet in inches. All the numbers are now in decimal feet. Atty. Ceneviva explained that the original drawing from March 2023 has an average grade of 133.4 ft and the April submission showed 135.6 feet. That was a scrivener's error. The size of the building stays the same and the relationship to the grade stays the same. The average grade of 133.4 ft is correct.

Commissioner Fitzsimmons asked if the only change between the November 14, 2022 package (showing the 134 measurements) and the April 28th package (showing 136.5) is in the label, not the height. Atty. Ceneviva replied yes but noted that there are other changes since November as well. The average grade presented in March is correct.

Chairman Seichter asked if the chimneys are 41'6". Atty. Ceneviva noted that there are no regulations on chimney height. He noted that they would be happy to lower them by 1.5 ft. but no regulation applies. Chairman Seichter noted Regulation 5.6 which says that you can have up to 50 ft based on the setback. Using that restriction, the chimney can be no higher than 40 ft. Atty. Ceneviva replied that they can reduce the chimney height but it is an interpretation of the regulations. The section doesn't say it's the lower of the two calculations.

Mr. Pagini replied that after a lot of discussions, he considers they are compliant based on the height calculation. He noted that the Zoning Enforcement Officer doesn't believe that the regulation applies to chimneys. Mr. Pagini stated that he believes it is open to interpretation.

Commissioner Kohan stated that if the Zoning Enforcement Office doesn't have a problem with the chimney height, he will support it.

Commissioner Fitzsimmons noted that the memo from the Town Planner states that the revised plan complies with the height requirement. He stated that this is a special permit in a residential zone and he still believes that the chimney is too high. It should be no more than 40 ft.

PUBLIC COMMENT

Jennifer Quinn, Curtis Avenue, stated that she is opposed because the use and location are not appropriate. She mentioned the pedestrian traffic and increased traffic backups in the area. She mentioned the school's blue vans using adjacent streets. She doesn't understand why the building has to be in that location. Other options would not impact traffic at that intersection.

Jennifer Hilgan-Santa 238 North Elm Street, stated that she is a close neighbor, is not employed by Choate, and is in support of the project. She feels the aesthetics will fit in the neighborhood. She appreciates Choate's efforts to compromise. She also appreciates the underground parking which will preserve the green space.

John Walworth, Laurelwood Drive, stated that he has been a resident for 50 years. He thinks this building design is what he would expect from Choate. The location is fine. He supports the project.

Philip Youker, Curtis Avenue, thanked the Commissioners for looking through the documents he submitted. He noted that if the basement/ garage is considered part of the building, then it should be considered in the average finished grade. Atty. Ceneviva replied that the parking is underground and below the building. It is not included in the average finished grade. It is an accessory to the main building. The roof of the garage is the lawn which is at the finished grade. Mr. Youker stated that they should be measuring the average finished grade of each wing, not the entire building. He mentioned the structures on the roof that are referred to as chimneys. The question is whether they are actually parapets.

Robert Blanchard, Curtis Avenue noted a problem with Choate vehicles going up and down the street. He asked that if they don't have a business on Curtis Avenue that they be directed away. He noted that there were a lot of versions of the documents and asked if anyone made sure there are no conflicts on what is being voted on tonight. Mr. Pagini noted that any revisions are on the newest documents and those will be voted on tonight. Mr. Blanchard asked if the roof of the parking garage is a roof or a lawn. If it is a roof, it is part of the building and it changes the height of the building. He mentioned the flat roof hiding the mechanicals has parapets. He asked how are the residents protected if they build at the wrong height. Mr. Pagini replied that the architect submits the final plans that are verified by the building department. They do inspections throughout the process. Chairman Seichter stated that the onus is on the architect. Mr. Pagini added that there would be a notice of violation, possibly a cease and desist, and it could go to court. The Town could technically ask that it be removed. Mr. Blanchard commented on the memo from Atty. Small on the sign removal issue. He then noted that there hasn't been much discussion on parking. He cited the regulation for office buildings that set parking by square footage of gross floor area. Mr. Blanchard noted several criteria in 7.5B for evaluating a special permit and noted that appropriateness is first. This will be in a residential zone near a busy intersection. The building location is inappropriate. He stated that it will affect traffic and that the adjacent streets can't handle peak traffic now. He noted that the request for the driver's view as they come out of the garage was not met. He added that the preservation of the character of the neighborhood is a concern. He stated that the neighbors deserve respect.

Atty. Ceneviva noted that the top of the parking facility that will not be under the building will be covered in grass. He stated that they worked with Inland Wetlands. He noted that the Town Engineer stated that the proposed building does not increase traffic to a level that would require mitigation. Choate has tried to be a good neighbor and they will try to minimize construction traffic. The building will be a great addition to Choate campus.

Commissioner Hine stated that he had asked for a depiction of what a driver would see as they exit the garage and did not get it. He stated concern with the non-functional chimneys. They are more of a decorative structure on the roof. He added that he knows that Choate will do a good job, but this sets a precedent. He asked if the average grade is calculated on the building as a whole or if it is actually the same for each wing. Mr. de Brigard replied that the average is calculated on the building as a whole, based on the regulations. Mr. Pagini agreed. The definition refers to the corner points of the building. It doesn't mention wings. Mr. Pagini noted that approval will be conditioned on the mid-point of the roof does not exceed 30 feet.

Commissioner Kohan thanked residents for their comments. He added that he appreciates Choate asking the construction vendors to avoid Curtis Street. The conditions of approval will help with safety. He agreed that the sight line diagram was not provided but it was discussed. He stated that if the chimneys were lower he would be okay with it. The architect does sign off which provides assurance. We can make a condition that if it doesn't conform, they won't be issued a Certificate of Occupancy.

Commissioner Fitzsimmons noted an email from Mr. Blanchard with some suggested conditions of approval. He asked if there were any objections to including them in the motion. He read some of the items. A. No student parking in Curtis Avenue, Academy, High, and North Streets; B. No construction traffic n Curtis Ave, Academy, High, and North Streets; C. No construction parking on Curtis Avenue, Academy, High, and North Streets. Commissioner Fitzsimmons asked where construction vehicles will be parked. Mr. Durban stated that a lot of the vehicles will be able to park on the parcel. He confirmed that they will make sure the vendors know they can't park on Curtis Avenue. Commissioner Fitzsimmons continued with E. Internalize all truck construction traffic to campus. Mr. Durban confirmed that that is the plan. Commissioner Fitzsimmons continued with item F which asks for no weekend construction. Mr. Durban stated that they follow the Town limits and did not plan on any work on Sunday. He was not aware of any issues with Saturday from other construction projects. He added that the project is expected to take a year. Commissioner Fitzsimmons noted that the neighbor's requests about parking are legitimate. He added that the building is not the traffic generator but the entirety of the school is. He asked if there is anything more you can do to help direct pedestrians and event traffic. Commissioner Fitzsimmons asked for clarification on the revision date of the plans. Mr. Pagini replied that the site plan revision is as of last month but the architectural plans are separate. Commissioner Fitzsimmons suggested stating the latest date for the architectural drawings. Chairman Seichter clarified that site plans are separate from the architectural drawings which are dated today. Commissioner Fitzsimmons asked if item A-G from the memo be considered conditions.

Chairman Seichter noted that Choate can make the decision on where to put the building provided it meets the regulations. He added that he does not think the location is inappropriate. Regarding traffic, he noted that most of the traffic is from the Town, not the school and it will not require additional mitigation. The sight lines from the garage were reviewed by Choate and shown to be adequate. The drawings show plenty of distance making it adequate to see pedestrians. Whether it is a spire or a chimney he believes it should be limited to 40 ft.

Atty. Ceneviva noted no concerns with the list of proposed conditions, except for the limitation on Saturday construction. He added that the reference to the facility driveway in item E needs to be clarified to state the 'facility to be built'.

Mr. Pagini stated that he likes the intent of the suggested conditions but noted that we can't have offsite conditions of approval. So we can't legally enforce proposed conditions A-C and in condition D the onus is on the applicant. Internalizing construction traffic is also on them. Mr. Durban stated that they do intend to not allow parking on Curtis Avenue.

Commissioner Venoit: Motion to close 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: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Allinson – yes; Chairman Seichter – yes.

Commissioner Venoit: Motion to approve application #405-23 for a Special Permit and Site Plan Approval request for Choate Rosemary Hall to construct a new Admissions Building and associated underground parking lot located at 59 North Elm Street on plans entitled “Choate Admissions Center Wallingford CT” dated 2/14/2022 and revised to 4/6/2023 subject to:

- 1. Comments from the Fire Marshal’s office dated 2/21/2023;**
- 2. Comments from the Town Planner dated 3/2/2023 and 3/20/2023;**
- 3. Comments in Interoffice Memorandum from Senior Engineer, Scott Shipman to the Planning and Zoning Department dated 3/8/2023;**
- 4. Interoffice memorandum from Erin O’Hare, Environmental Planner, dated 3/6/2023;**
- 5. Comments from Alison Kapushinski, Town Engineer, dated 3/8/2023 and 4/5/2023;**
- 6. That the Planning and Zoning office is notified prior to the commencement of construction activities;**
- 7. Maintain and protect pedestrian traffic within public sidewalks throughout the course of construction activities;**
- 8. The mid-point of the highest roof peak must not exceed 30 feet from the elevation of the final average grade, as defined by our zoning regulations;**
- 9. An erosion and sedimentation control bond in the amount of \$16,500.00;**
- 10. Six (6) copies of the approved, final plans forwarded to the Planning and Zoning office;**
- 11. The false chimneys to be no more than 40 ft of the final average grade;**
- 12. Construction vehicles will be parked on the construction site;**
- 13. Conformance to the latest revision to the architectural design presented tonight, 5/8/2023.**

Commissioner Fitzsimmons: Second

Commissioner Fitzsimmons suggested a modification to the motion.

Amendment

14. No weekend construction activity

Commissioner Venoit accepted the amendment.

Commissioner Fitzsimmons: Second

Mr. Pagini suggested an amendment adding to number 8

If it does not conform to the building height of our zoning regulations then no certificate of occupancy will be issued.

Commissioner Venoit Accepted the amendment.

Commissioner Fitzsimmons: Second

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

The application is approved.

- 5. Special Permit (100’ monopole communications tower)/Town of Wallingford/100 Barnes Road #406-23**

Commissioner Allinson read the legal notice and noted the correspondence for the record. #406-23 - Special Permit for the Town of Wallingford to construct a 100 ft. monopole communications tower at 100 Barnes Road in an Industrial Expansion Zone. Correspondence included Inter-Departmental Referral from the Environmental Planner dated April 12, 2023; Inter-Departmental Referral from the Senior Engineer, Water & Sewer Departments dated April 27, 2023; a photo of the build; and a special permit application dated April 24, 1986.

William Wright, member of the Police Station Steering Committee, and Deputy Chief Anthony DeMaio presented.

Mr. Wright explained that this is a request for a radio tower at the new police station that is currently under renovation. He stated that the plans submitted on August 8th of 2022 included the location of the monopole, just in case it was needed. He explained that 100 Barnes Road is close to another tower site, so they hoped to be able to mount theirs on the roof of the building. A lot of calculations were done and the conclusion is that it is not possible. The tower will be on the west side of the building and about 5 feet away. It is similar to the one at 135 North Main. They will not be connecting any private gear to this tower. They have clarified with the State Siting Council that that council has no jurisdiction over this tower. He explained how this will fit into the Town Telecommunications plan that is currently in place. The tower at 135 North Main will stay but can be moved elsewhere downtown. The new tower is absolutely necessary for the communication system in the Dispatch Center. A special permit is needed because it is over 50 ft.

Mr. Pagini stated that he had requested photos of what it would look like. He noted that if it fell it would not breach the property line.

Commissioner Kohan noted that when the station was approved the antenna was not discussed. He asked what kind of communication it supports, why it is necessary, and if there are other alternatives. Mr. Wright explained it is a microwave, point-to-point, line-of-sight system. The system connects the police, fire, schools, public utilities, and public works. The heart of the system is on the west side of the town. We need to be able to shoot the microwave link from 100 Barnes Road there. The antenna gear needs to be at least 75 feet high to get a direct line of site. It would not clear the tree line as a roof mount. He explained that they even brought in a 3rd party engineer when they looked at other options and the most reliable is the microwave link. The town communications system that was designed in 2017 will serve us for decades into the future. The system has the ability to ride on other networks to ensure there are no dead spots. Commissioner Kohan asked if it is radio. Mr. Wright replied that it provides two-way radio coverage. He explained that the 100 Barnes Road tower will be the backup for the tower on the west side of town. He also noted that they have a 24/7 maintenance agreement with the vendor, Norcom, to ensure service if one of the towers fails.

Commissioner Allinson stated that communication is essential and seconds count. He asked why the special permit for 136 No. Main was included in the packet. Mr. Wright stated that it was just to show that it exists.

Commissioner Venoit: Motion to close the public hearing for application #406-23 Special Permit (100' monopole communications tower), Town of Wallingford, 100 Barnes Road.

Commissioner Fitzsimmons: second

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

Commissioner Venoit: Motion to approve application #406-23 for a Special Permit request for the Town of Wallingford to construct a 100' monopole communications/radio tower at 100 Barnes Road on plans entitled “Additions and Renovations to 100 Barnes Road” dated 7/8/2022, subject to:

- 1. That any alterations or upgrades to the tower must receive approval from the appropriate entity, Wallingford Planning and Zoning Commission or Connecticut Siting Council;**
- 2. Comments from Environmental Planner, Erin O’Hare dated 4/12/2023; and**
- 3. 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.

8-24

7. Bonding Ordinance for Mark T. Sheehan High School Athletic Track & Field Improvements

Mr. Pagini explained that this is for replacements of existing features. There are no additions. The Bonding Ordinance was approved by Town Council. It requires a vote because it is an 8-24.

Commissioner Venoit: Motion to resolve, pursuant to CT General Statutes Section 8-24, that having reviewed the proposal for the Mark T. Sheehan High School Athletic Track and Field improvements, the Planning and Zoning Commission hereby approves such proposal.

Commissioner Fitzsimmons: Second

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

DISCUSSION

8. Outdoor Dining/Chairman Seichter

Mr. Pagini stated that the only thing under our jurisdiction is to potentially extend the hours in regulations.

Chairman Seichter asked what the State has done. Mr. Pagini replied the regulation is essentially four feet between the building and sidewalk area for outdoor dining and it is allowed as an accessory use. The State allows up to 9 pm but we can extend that. Chairman Seichter clarified that we only need to

discuss the hours. He agreed that 9 pm is a little restrictive. He noted that we didn't have a restriction before. Mr. Pagini agreed that it was just the noise ordinance before.

Commissioner Fitzsimmons suggested 11 pm and added that we can't make them keep their kitchens open. He is okay with 11 pm or midnight and let the restaurants make their own restrictions.

Mr. Pagini stated that a motion is needed and he will add to the text amendment that he is working on.

Chairman Seichter asked for a voice vote for allowing outdoor dining until midnight.

Vote: Unanimous to approve

REPORTS OF OFFICERS AND STAFF

9. Administrative approvals - noted as approved

a. Change of Use/Chagnon/350 Center Street #306-23

b. Survey Waiver/Daddona/44 Chimney Sweep Road #802-23

c. Floodplain Permit/Garden Homes Mgmt. Corp./230 Main Street, Lot 55 #803-23

10. ZBA April 17, 2023 Decisions – no questions

11. ZBA Notice of May 15, 2023

Commissioner Allinson asked about the appeal for a Cease & Desist order. Mr. Pagini explained that this violation has been going on for three years and is in court. Technically by law, we have to hear the appeal.

ADJOURNMENT

Commissioner Venoit: Motion to Adjourn the Wallingford Planning and Zoning Commission for Monday, May 8, 2023, at 9:00 pm.

Commissioner Fitzsimmons: Second

Vote: Unanimous

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary