

**Wallingford Planning & Zoning Commission**  
**Regular Meeting**  
**Wednesday, October 11, 2023**  
**7:00 p.m.**  
**Robert F. Parisi Council Chambers – Town Hall**  
**Town Hall – 45 South Main Street**  
**MINUTES**

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

The Pledge of Allegiance was recited by all.

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

Consideration of Minutes – September 13, 2023, Regular Meeting

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

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous to approve.**

**Commissioner Venoit: Abstain**

Consideration of Minutes – September 20, 2023, Special Meeting

**Commissioner Fitzsimmons: Motion to approve the Minutes of Monday, September 20, 2023, Special Meeting Workshop of the Wallingford Planning and Zoning Commission as submitted.**

**Commissioner Seichter: Second**

**Vote: Unanimous to approve.**

**Commissioners Venoit, Kohan, and Allinson: Abstain**

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

1. **PUBLIC HEARING –Special Permit (8 vacuum booms, 8 ft. in height)/Naresh Komal/954 South Colony Road #410-23 – Continued to 11/13/23**
3. **PUBLIC HEARING – Special Permit (nursing home to multi-family residential)/Fifty-five, LLC/55 Kondracki Lane #412-23 – Continued to 11/13/23**
4. **OLD BUSINESS – Site Plan (restaurant, bar, food trucks)/Joe Flamini/10 Mansion Road #217-23 – Withdrawn**

**NEW BUSINESS**

2. **Zoning Text Amendment/PZC/Warehousing in I-40, I-20, IX and WI Zones #904-23**

Commissioner Allinson read the legal notice and noted the correspondence for the record. Application #904-23 – Zoning text amendments in relation to warehousing to a number of different sections which include: Section 4.8 (I-40, I-20), 4.9 (IX), and 4.10 (WI) Districts; new definitions added to Section 2.2, changes to parking requirements for the new proposed warehousing definitions, changes to the bulk requirements table (5.1.C) for height in industrial and commercial zones, and the addition of new PCE (Passenger Car Equivalent) tables in Section 6.11. A full copy of the proposed changes can be found in the Planning and Zoning Office. Correspondence included the revised draft amendments dated September 18, 2023, September 29, 2023; email correspondence dated October 10, 2023, with the final revised amendment; an Inspection Report from the Fire Department signed September 15, 2023, and correspondence from David V. Carson, OCC Design Consortium, LLC, Land Development Consultants to the Planning & Zoning Commission, received October 10, 2023.

Chairman Seichter noted that this draft amendment is the result of several workshops and meetings.

Mr. Pagini provided an overview of the zoning text amendment including the addition of definitions with Land Use Codes for General Warehousing and Distribution; Heavy Warehousing and Distribution; High Cube Warehouse, General; and High Cube Warehouse, E-Commerce. He noted that the last is strictly prohibited in all zones within the Town. High Cube, E-Commerce is a last-mile delivery facility that has high traffic and a lot of parking. He noted that the changes have been reviewed by the Law Department and the Town Engineer. The amendment specifies the ITE 11<sup>th</sup> addition, so a revision will be needed if the manual is updated. General Warehousing and Distribution will be allowed as a Site Plan approval use in the I-40 and I-20 districts. In the I-40 and I-20, special permits will be required for High Cube Warehouse, General, and Heavy Warehousing and Distribution. Based on the recommendation from the Law Department and the Economic Development Commission, Freight Terminals and Drop Yards have been dropped from the definition. Any Special Permit use requires a full traffic study using the Passenger Car Equivalent table in Section 6.11. Noise study and mitigation may be required. A Viewshed analysis can be required by the Commission. Location can be no less than 500 ft from the residential district, though the Commission can reduce that due to topographic or other physical site characteristics. There is a maximum height of 80 feet. The Commission can require a peer review of any of the required studies. These are all relatively the same for each district except for the IX.

Mr. Pagini explained how the ITE codes are based on building size and estimated trips. The charts in the amendment apply a multiplier for passenger cars, 2 to 4-axle trucks, and 5+ axle trucks. This will add to the number of trips generated. Chairman Seichter clarified that if the ITE manual showed 100 trips, these charts would show that a tractor-trailer counts more than a car, so increases the number of trips. This is much more conservative.

Commissioner Kohan stated that the definitions are critical to the regulations and asked if they are identical to the ITE edition 11 manual. He stated that we will need to change our definitions if the manual changes. He asked if we need to state that in the regulation. Mr. Pagini replied that he didn't use the exact definitions from the manual. The High Cube Warehouse, General is a newer addition as is the E-Commerce uses. If the ITE adds something, we would need to add it as well. Commissioner Kohan

asked who is responsible for monitoring changes. Mr. Pagini replied that when a new manual comes out, we will need to review the regulations. Commissioner Kohan stated that the proposed wording referring to the ITE edition should suffice.

Commissioner Parent asked about the definitions referring to the distribution of goods and who they are distributing to. Can someone come pick up appliances there? Mr. Pagini stated that the wording is not too specific. The Law Department consulted on how to describe goods and materials. The wording allows for pick-up and distribution.

Mr. Pagini stated that the wording for the IX District has essentially the same requirements except for the restrictions on Northrop Road, North Farms Road, and Tankwood Road. All warehousing in the IX will be under the special permit. For the WI District, General Warehousing and Distribution would be under a Site Plan approval. The WI would allow High Cube Warehouse, General and Heavy Warehousing and Distribution, and no outside storage is allowed. The Law Department had no issues with this as Freight Terminals and Drop Yards are excluded across the board. The WI also requires a traffic study, noise study, and viewshed analysis, a 500 ft. buffer, a maximum height of 80 ft., and the option of a peer review.

Mr. Pagini explained Section 6.11 on parking. The new land use code tables replace the deleted trip generation table. Any traffic study will have to use these codes. He noted the proposed height maximums. The I-40 district increases the base to 40 ft and the I-20 to 35 ft. The regulations include the potential for increasing to a maximum of 80 ft. provided the setback requirements are increased by 1 ft for each additional foot of building height. The IX stays at a base of 30 feet and the WI district will remain at 40 ft. with the potential for increasing to a maximum of 80 ft. provided setback requirements are increased by 1 foot for every two feet of building height.

Commissioner Hine noted that the wording for the two asterisks in Table 5.1.C should be consistent. Mr. Pagini agreed. Commissioner Hine asked if the maximum heights for the I-40, I-20, and IX should be 40 ft. Mr. Pagini replied that in general, the IX has lower buildings, but there is enough space so they could go higher. He is okay with using 40 ft. as the base height in the IX. The I-20 is not a big district and he doesn't recommend going higher. Commissioner Hine asked how many properties in the IX and WI could handle the 80 ft. maximum with the setback. Mr. Pagini replied that it would be harder in the WI because of the front setback of 100 ft, so there would probably only be a couple of properties. In the IX, the front setback is 60 ft. and properties are larger, so there is more capability.

#### PUBLIC COMMENT

David Carson, Managing Principal, OCC Group, noted that he sent correspondence on building height and that in general, he is in agreement with the proposed amendments. The only exception is the building height in the IX. The 30 ft. height was established in 2002. In those days the standard warehouse was 24 ft. Now it is 36 ft. We need to encourage the building of modern warehouses. A single-family colonial house is 35 ft high. So a base of 40 ft. would be appropriate and would discourage larger footprints. It is better to have more efficient buildings.

Jim Wolfe, Economic Development Commission, referred to the prohibition on High Cube Warehouse, E-Commerce. He noted that this is driven by traffic concerns. Currently, retail distribution uses a lot of vehicles. But looking to the future, deliveries will be done by drones, which eliminates the traffic. We need to look to the future. This could be written so it doesn't totally eliminate these warehouses.

Kevin Cornell, 59 Green Hill Road, Orange, represented Landowner Midwood Management and John Usdan, which owns 46 acres in the northwest quadrant between Rt. 68 and Northrop Road near North Farms Reservoir. He distributed a drawing of the property. He thanked the Commission for considering warehousing in the former I-5 zone. He noted that the IX regulations include a 500 ft. buffer from residential zones. This prohibits the use of half of their property. He agreed that it is appropriate to buffer residents from the noise and visual impacts but it seems like there might be a different way to achieve that. He suggested that for sound, provide the ability to review the 500 ft. buffer area and not prohibit it. For visual impact maybe screening can be used so this can be waived by special permit. He suggested that Dave Carson work with the Town on the wording.

Bob DeMaio, Marie Lane, stated that this is a great outcome to deal with a nationwide issue. This proposal could become a best practice. He noted the PCE table in section 6.11 with the percentage of vehicles derived by the Town Engineer. A mechanism is needed to update it when needed. The E-Commerce section is good. The Passenger Car Equivalent implementation is fantastic. We will want to use this tool in all districts. He thanked the Town Planner and the Commission for taking public input.

David Carson, OCC Group, commented on the buffer area. A simple way to address this is to measure from the existing residential development instead of from the zone line. The regulation protects existing residents, not future property owners.

Bob DeMaio, Marie Lane, stated that the WI district allows General Warehousing as a right but not in the IX district. He suggested keeping it consistent and not allowing it as a right, but requiring a special permit for both the IX and WI.

Mr. Pagini replied that the Town Engineer felt that the roads are more conducive for traffic in the WI. The Senior Engineer of Water and Sewer agreed that there wouldn't be much impact. Regarding the buffer, the Commission can get rid of the requirement if there are physical site characteristics such as a reservoir. He suggested wording it as a residentially zoned property boundary, so it's not too restrictive. If we want to protect the residential zoned areas we can look at it again. He is willing to work on the language.

Chairman Seichter clarified that the commission could reduce the 500 ft. buffer if there was justification. Mr. Pagini replied, yes in the IX under a special permit. If it is a Site Plan in the WI, they can't reduce it.

Commissioner Allinson asked if a developer needed a reduction, can if they apply for a special permit. Mr. Pagini replied yes. Chairman Seichter noted that the question is resolved.

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

**Commissioner Venoit: Motion to close the public hearing for application #904-23, Zoning Text Amendments/PZC/ Warehousing in I-40, I-20, IX & WI Zones.**

**Commissioner Fitzsimmons: second**

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

**Commissioner Venoit: Motion to approve application #904-23 Zoning Text Amendment/PZC/Warehousing in I-40, I-20, IX & WI Zones. Text amendments to modify Sections 2.2, 4.8, 4.9, 4.10, 5.2.C, and 6.11 of the Town of Wallingford Zoning Regulations as outlined in language dated 9/7/2023 and revised to 10/10/2023, because the Zoning Regulations more clearly define the different types of warehousing and what is allowable in the zones.**

**Commissioner Fitzsimmons: Second**

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

The application is approved.

Chairman Seichter thanked Mr. Pagini and the Town Engineer for all their work.

#### **NEW BUSINESS**

##### **5. Site Plan (multi-family conversion)/D. & M. McNally/98 Simpson Avenue #226-23**

Commissioner Allinson noted the correspondence for the record. Correspondence included the Site Plan application and set of Site Plans, Interoffice Memorandum from Scott Shipman, Senior Engineer, Water & Sewer, to Kevin Pagini, Town Planner, received September 27, 2023; and an Inspection Report from the Wallingford Fire Marshal dated September 19, 2023.

Michelle and Donald McNally, 4 Kazersky Drive, presented the application. They propose turning their three-story two-family home into a three-family home by adding a studio apartment on the 3<sup>rd</sup> floor. They will also add three parking spaces with a turnaround behind the home. They do not need to add a curb cut and will do additional landscaping. They met with the Fire Marshal and incorporated his recommendations.

Mr. Pagini added that they are compliant with Section 6.22.

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

**Commissioner Venoit: Motion to approve application #226-23 for McNally at 98 Simpson Avenue for a Site Plan approval request for McNally to convert an existing 2-family dwelling to**

a 3-family dwelling at 98 Simpson Avenue on plans entitled "Proposed Site Plan – 98 Simpson Avenue" dated 8/23/2023; subject to:

1. Comments from the Fire Marshal dated 9/19/2023;
2. Comments from Senior Engineer, Scott Shipman, Water and Sewer Division, dated 9/27/2023; and
3. Six (6) copies of the final approved plans forwarded to the Planning and Zoning Department.

**Commissioner Fitzsimmons: Second**

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

The application is approved.

#### **B-24**

##### **6. Town Purchase of 138 Williams Road (40.7 acre parcel) #228-07**

Mr. Pagini explained that the Town is interested in purchasing a 40.7-acre parcel in the watershed area to preserve open space and protect public drinking water.

**Commissioner Venoit: Motion to approve the purchase of the 40.7 acre parcel at 138 Williams Road according to the Connecticut General Statutes 8-24, because this preserves open space and the watershed area.**

**Commissioner Fitzsimmons: Second**

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

The application is approved.

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

##### **7. Site Plan / United Concrete / 494 Main Street, Yalesville #228.07**

Mr. Pagini reported that this is ready to be released.

**Commissioner Venoit: Motion to release the bond for application #228-07, Site Plan, United Concrete at 494 Main Street, Yalesville, as recommended by the Town Planner.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous**

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

##### **8. Administrative approvals - noted as approved**

- a. Reasonable Accommodations/A. Ballough/66 Silliman Road #RA23-2
- b. Change o Use/J. Glidden/88 Center Street #309-23

c. **Change of Use/Tiscia Corp. (Michael's Trattoria)/3 North Main Street #310-23**

d. **Change of Use/C. Hogan/356 Main Street, Yalesville #311-23**

9. **ZBA Decisions of September 18, 2023**– no questions

10. **Notice of October 16, 2023, ZBA Meeting** – no questions

11. **Zoning Enforcement Report**

Mr. Pagini gave an overview of the report for the third quarter. The sign regulations are still being updated. He noted that 75% of residential zoning violations stem from unpermitted building activity resulting in variances requested after the fact. Several ZBA denials have become legal referrals.

Chairman Seichter asked Mr. Pagini to relay to Ms. Torre that the Commission appreciates her efforts in the Wal-Mart issue as it has been going on for quite some time.

#### **ADJOURNMENT**

**Commissioner Venoit: Motion to Adjourn the Wallingford Planning and Zoning Commission for Wednesday, October 11, 2023, at 8:15 p.m.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous**

Respectfully Submitted,  
Cheryl-Ann Tubby  
Recording Secretary