

Corrected Agenda
Wallingford Planning and Zoning Commission
Monday March 9, 2026
6:30 p.m.
Robert F. Parisi Council Chambers
Town Hall - 45 South Main Street

Call to Order

Pledge of Allegiance

Roll Call

Consideration of Minutes- February 9, 2026

EXECUTIVE SESSION- starting at 6:30 pm

1. Executive session pursuant to CGS Sections 1-225(f) and 1-200(6)(B) to discuss the pending litigation: Midwood Management Corp. v. Planning & Zoning Commission
2. Executive session pursuant to CGS Sections 1-225(f) and 1-200(6)(B) to discuss the pending litigation: Lost & Found Ventures C v. Planning & Zoning Commission

PUBLIC HEARINGS-starting at 7:00 pm

3. Text Amendment request for Quinnipiac Valley Growth Partners to add cannabis retailer as an allowed use in the RF-40 (Route 5) Zoning District. #502-26
Text amendment will alter Sections §1.4; §6.34 and §4.16. B.
(NO ACTION: Continued to 04/13/2026)
4. Special Permit-Adaptive Re-use to Multi-Family/Malchiodi/386 Williams Rd #401-26
5. Special Permit- Multi-Family Housing/McInvale/1183 & 1185 Old Colony Rd. #402-26
(NO ACTION: Continued to 04/13/2026)

CGS 8-24

6. Community Lake Park- National Fitness Campaign Fitness Court

BOND RELEASE

7. Community Health Network/3 Fairfield Boulevard

REPORTS OF OFFICERS AND STAFF

8. Discussion on updates/remarks
9. Administrative Approvals-
8 Crestview Terrace/Limosani
4 East Scard Road/Germe
184 North Airline Road/Cerrone/Pagano
135 North Plains Industrial Rd/Gilbride
388 North Colony St/Sprouse

10. ZBA February Decisions
11. ZBA March Notice

Individuals in need of auxiliary aids for effective communication in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five (5) days prior to meeting date.

Staff Notes
Wallingford Planning & Zoning Commission Meeting
Monday, March 9, 2026

1. #401-26 – Adaptive Re-use – 386 Williams Road

- Applicant is requesting a Special Permit and site plan approval to convert two existing buildings on site to 9 dwelling units (8 one-bedroom and 1 two-bedroom)
- There is a history of the violations on the property in your packets, please review this information and read the subsequent memo from the Law Department that was provided. The Commission must make a determination as to if the application meets the criteria under Section 6.16 Adaptive Re-use to Multi-Family
- In my opinion, the accessory building, to the best of our knowledge, has been vacant and is not currently being used as a dwelling unit. This would leave the main house as the principal dwelling unit and the barn structure as the accessory building; both buildings total over 5,000 sq. ft. of GFA.
- There will be no action on this application as there are still reviews waiting for more information, the public hearing will be opened to discuss the application and will allow the applicant to answer any questions from the Commission.

2. #502-26 – Cannabis Retailers – Section 1.4; 4.16.B. and 6.34

- Applicant is requesting to add Cannabis Retailer as an allowed use in the RF-40 (Route 5 District)
- All cannabis establishments are currently prohibited in all zones within the Town
- The applicant would like to open a retail establishment on Route 5 and thus needs to change the zoning to accommodate this proposal.
- The applicant will be speaking to the Commission and providing further details of his proposal.
- The Commission should be aware that the State no longer limits how many retail establishments are allowed by population size so the Town must restrict how many are allowed throughout the Town within the Zoning Regulations.
- There will be no action on this application but the public hearing will be opened for discussion.

3. CGS §8-24 – Health Department

- Health Department is requesting action under CT Statute §8-24 to install an outdoor fitness court at Community Lake Park.
- The Health Director will give the presentation and will answer any questions the Commission may have on the project.

NEW Town Planner Updates/remarks memo

Per the request of the Chairman, I included an update of monthly activities, some of these are tentative discussions but it gives an overview of what is being worked on by Town staff.

RECOMMENDED MOTIONS
Wallingford Planning & Zoning Commission Meeting
Monday, March 9, 2026

1. **CGS §8-24** application from the Wallingford Health Department to allow construction of an outdoor fitness court at Community Lake Park because:



Town of Wallingford, Connecticut

JAMES SEICHTER
CHAIRMAN-PLANNING & ZONING COMMISSION

KEVIN J. PAGINI
TOWN PLANNER

WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2090
FAX (203) 294-2095

Legal Notice

The following Public Hearings will be heard at the Wallingford Planning and Zoning Commission's meeting on **Monday, March 9, 2026**, at 7:00 p.m. in the Robert F. Parisi Council Chambers of Town Hall located at 45 South Main Street.

1. **#502-26** – Text Amendment request for Quinnipiac Valley Growth Partners to add cannabis retailer as an allowed use in the RF-40 (Route 5) Zoning District. Text amendment will alter Sections §1.4; §6.34 and §4.16.H.
2. **#401-26** - Special Permit request for Mark Malchiodi for an adaptive re-use to multi-family application to construct 9 dwelling units at 386 Williams Rd. - RU-40 (Residential) District
3. **#402-26** – Special Permit request for Houston McInvale to remove existing buildings on site and construct 8 new townhouses with associated parking at 1183 and 1185 Old Colony Rd. – T-30 (Tracy) Zoning District

WALLINGFORD PLANNING AND ZONING COMMISSION

DAVID LEONARDO, SECRETARY

DATED AT WALLINGFORD
02/18/2026

PUBLICATION DATES
02/24/2026
03/03/2026

Individuals in need of auxiliary aids for effective communication in programs and services of the Town Of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five (5) days prior to meeting date.

**Wallingford Planning & Zoning Commission
Regular Meeting
Monday, February 9, 2026
7:00 p.m.
Robert F. Parisi Council Chambers – Town Hall
Town Hall – 45 South Main Street
MINUTES**

Vice Chair Venoit called the meeting to order at approximately 7:00 p.m.

The Pledge of Allegiance was recited by all.

Roll Call: Present: J.P. Venoit, Vice Chair; James Fitzsimmons, Regular Member; Jeffrey Kohan, Regular Member; David Leonardo, Regular Member; Joseph Sanders, Alternate; Casey Camire, Alternate; Cheryl DeGenova, Alternate; and Kevin Pagini, Town Planner.

Consideration of Minutes –January 12, 2026, Regular Meeting

Commissioner Fitzsimmons: Motion to approve the Minutes of Monday, January 12, 2026, Meeting of the Wallingford Planning and Zoning Commission as submitted.

Commissioner Kohan: Second

Vote: Unanimous to approve. Commissioner Venoit abstained.

ELECTION OF OFFICERS

Vice Chair Venoit called for nominations for the position of Chair.

Commissioner Kohan: Motion to nominate Jim Fitzsimmons as Chair. He has served as chair in the past, and his experience is invaluable.

Commissioner Leonardo: Second

Vote: Unanimous to approve.

Chairman Fitzsimmons asked for nominations for Vice Chair.

Commissioner Leonardo: Motion to nominate Jeff Kohan as Vice Chair.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve

Chairman Fitzsimmons asked for nominations for Secretary.

Commissioner Kohan: Motion to nominate Dave Leonardo as Secretary. He has served on this Commission in the past.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve.

PUBLIC HEARINGS

1. Text Amendment to amend the definition of yard, front in Section 2.2, amending diagram 2.3.B and the removal of section 4.6.E. – CB Commercial District (Continued from 1/12/26) #904-25

Chairman Fitzsimmons noted that Commissioner Leonardo has reviewed the minutes of the prior meeting and will be participating in this application discussion, and that Commissioner Sanders will vote in place of Commissioner Allinson tonight.

Commissioner Leonardo read the legal notice and noted the correspondence. Application 501-26 – Text Amendment request to amend the definition of yard, front in Section 2.2, and the removal of Section 4.6.E. – CB Commercial District, and amending diagram 2.3.B. Correspondence included Amended Diagrams received January 13, 2026, and Memorandum from Kevin Pagini, Town Planner to the Planning and Zoning Commission, dated January 13, 2026.

Mr. Pagini explained that he and the Land Use Specialist reviewed public comments from last month's meeting and drafted a memorandum to clarify that the side yard will decrease the setback, sometimes substantially. He thinks it's a good idea, and the Law Department concurs. The diagram shows that the front yard will now be a side yard in those instances. Accessory structure regulations were included for information. The photos of the corner lot with a 30 ft setback on both front yards will change to 12 ft. The building pictured is non-conforming as it is too close to the property line. That yard would change substantially. Any structure would still need to be in the allowed building envelope without a variance.

Commissioner Sanders thanked Mr. Pagini for addressing the questions he brought up.

Commissioner Kohan confirmed the comments and research done by staff. He supports this. It does clarify the issues that were brought up. He hopes there are no other unintended consequences.

Chairman Fitzsimmons stated that he is in favor because, over the years, applicants were burdened with two front yards. The intent is to clarify and clean up the regulation. He thanked the staff for the additional work.

PUBLIC COMMENT

Rob Blanchard, 39 Curtis Avenue, asked if this would also change the number of front yards for a through lot. The wording that was struck says any property that has two street lines would have front yards on both streets. A through lot would also have two front yards. Mr. Pagini replied that it would replace one of the yards. Mr. Blanchard noted that there was no example in the diagrams. This matters due to the setbacks. There is nothing in the regulations to say what that former front yard is. Mr. Pagini noted that they included a reference to unique circumstances. Mr. Blanchard noted that ancillary regulations need to reference the new regulation on Front Yard. He suggested a discussion on where setbacks are measured from for side yards. Mr. Pagini stated that no other measurements are changing.

This is just to change the front yard definition. Mr. Blanchard stated that there are inconsistencies. Mr. Pagini replied that there are no inconsistencies.

Chairman Fitzsimmons clarified that this changes the definition for a corner lot to avoid the need for a variance due to two front yard setbacks. The exhibits are a tool to help with measurement. In the event of unique circumstances, the Town Planner and/or the Land Use Specialist shall determine which yard is the front yard.

Mr. Blanchard asked how other towns do it. Mr. Pagini replied that some have two front yards, some don't, and some have an average. It was established that this was an overburdensome regulation by the Law Department, applicants, and the public. Mr. Blanchard stated that there are inconsistencies. He had submitted photos of what a shed in that location might look like. The R6 zone has a 6 ft setback for the side yard. That means that a primary building can be put 6 ft from the property line. A primary building can be placed on the corner of the lot. You've eliminated the rear yard setback because there's no rear yard. The problem now is the primary building. He noted that Choate wanted to build the Administration building closer to the road, but was denied. There are ways to build in exceptions. For example, you can eliminate 2nd story with exceptions. Accessory or primary buildings will almost always be in someone's front yard. He doesn't think this is the best way to handle this regulation. We need to make sure development is appropriate for the neighborhood.

Mr. Pagini clarified that the Land Use Specialist has always interpreted corner lots as side yard, not rear yard. There has never been a rear yard on a corner lot.

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

Commissioner Kohan: Motion to close the public hearing for application #904-25 – Section 2.2 Amendments and deletion of Section 4.6.E.

Commissioner Leonardo: second

Vote: Kohan – yes; Leonardo – yes; Sanders – yes; Venoit – yes; Chairman Fitzsimmons – yes.

Commissioner Kohan: Motion to approve application #904-25 Section 2.2 Amendments and deletion of Section 4.6.E. for a Zoning Text Amendment to Section 2.2 definition of *Yard, Front* to eliminate corner lots being required to have two front yards and deletion of Section 4.6.E. on language dated January 6, 2026, because of the overall improvement to understanding of front yards in certain districts.

Commissioner Leonardo: second

Vote: Kohan – yes; Leonardo – yes; Sanders – yes; Venoit – yes; Chairman Fitzsimmons – yes.

The amendment is effective.

2. Text Amendment/Cerrito – Section 4.9.B 19-Museums and Art Galleries #501-26

Commissioner Leonardo read the legal notice and noted the correspondence. Application 904-26 – Text Amendment request for Cerrito’s Auto to add Museums and Art Galleries as an allowed use to Section 4.9.B.19 – Industrial Expansion (IX) District. Correspondence included an inspection report from the Wallingford Fire Marshal dated January 27, 2026, and a letter from the Lower Connecticut River Valley Council of Governments to Wallingford Planning and Zoning Commission received February 2, 2026.

Chairman Fitzsimmons noted that since Commissioner Venoit had to leave, Commissioner Camire will vote in his place.

Chris Cerrito, 180 Pond Hill Road, explained that this would be a low-impact museum use, which will remain fully taxable. The purpose is to celebrate the history of Wallingford and display classic cars.

Commissioner Kohan stated that this will be a fantastic addition for Wallingford, and he supports it. He asked what the operating hours would be. Mr. Cerrito replied that it needs to be determined. He won’t be open at night but expects weekends to be the busiest times. This will have less impact than other permitted uses in this area. Commissioner Kohan noted an inconsistency in the memo from the Lower CT River Valley Council of Governments and asked why there is nothing from SCROG. Mr. Pagini replied that he believes that is a typo and is willing to ask for a corrected version. He added that this is the only organization he received a response from.

Commissioner Leonardo asked if there would be any auto body work or car sales at the site. Mr. Cerrito replied no. He stated that he supports this.

Commissioner Camire stated that this is a good use of the industrial space.

Mr. Pagini stated that he fully supports this.

Chairman Fitzsimmons agreed that this is an appropriate application.

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

Commissioner Kohan: Motion to close the public hearing for application #501-26 – Section 4.9.B.19 – Museums and Art Galleries

**Commissioner Leonardo: second
Vote: Unanimous**

Commissioner Kohan: Motion to approve application #501-26 Section 4.9.B.19 – Museums and Art Galleries for a Zoning Text Amendment to Section 4.9.B.19 to add Museums and Art

Galleries as an allowed use in the IX (Industrial Expansion District) on language dated January 12, 2026 because this is a very appropriate use for the zone and would add tremendously to the vitality of Wallingford.

Commissioner Leonard: Second

Vote: Kohan – yes; Camire – yes; Leonard – yes; Sanders – yes; Chairman Fitzsimmons – yes.

The application is approved.

REPORTS OF OFFICERS AND STAFF

3. Administrative Approvals – noted as approved

Mr. Pagini explained the Administrative Approval process. Commission members can ask questions or request that one of these applications be added to a meeting. He noted that the notice goes to the applicable Departments as well. They are listed here to clarify that they are approved.

- a. **9 South Branford Rd/Farrell #RA-26-01**
- b. **524 South Cherry St/BYK USA #227-25**
- c. **850 South Colony Rd/Dominguez #301-26**

4. Discussion on the newly signed Housing Bill

Chairman Fitzsimmons noted that the bill was signed into law last month. He suggested a Workshop to discuss it and gather input from the Regional Planning Board, CT Association of Town Planners, and the Town Attorney. He proposed the last Monday in March (March 30th), possibly in room 315. He also suggested a joint meeting of the Zoning Board of Appeals and the Planning and Zoning Commission with the Town Attorney.

5. Annual Report and Zoning Enforcement Report

Chairman Fitzsimmons stated that the report was shared two months ago and needs a vote to approve it.

Commissioner Kohan stated that overall, it is very good. He asked if the Aquifer Protection Agency met last year and if the Agency should be mentioned. He also asked about the mention of long-standing zoning violations and asked if more information on them could be added to the report. He can include these requests in the motion.

Commissioner Sanders asked if listing the addresses of the properties in violation would shame people into resolving the issues and suggested asking for legal guidance. The report is not incomplete, but we could make the locations part of the record.

Commissioner Leonardo asked at what point the Commission should be notified of legal action. Mr. Pagini replied that it is up to the Commission for tracking and notification.

Chairman Fitzsimmons agreed with all the comments. He suggested a quarterly update and a look at the legal issue. The Commission should be notified when there is legal action. He asked Commission members if they were ready to approve the report or send it back for revision.

Commissioner Kohan stated that he is okay with approving leaving it up to the Town Planner to amend the report. Consensus was to amend the report.

Commissioner Kohan: Motion to approve the Annual Report and Zoning Enforcement Report with revisions based on the comments of the Commission pertaining to the Aquifer Protection Agency, as well as zoning violations and legal referrals, with the amendment at the discretion of the Town Planner.

Commissioner Leonardo: second
Vote: Unanimous

6. POCD Update

Mr. Pagini gave an update from the recent Steering Committee meeting, which included public feedback and comments from Department heads. The Consultant is outlining a plan per land use district. The survey flyer was sent out in Electric bills, school email lists, and Park and Rec's email list. They expect to close out the survey in mid-March. They met with department heads and the mayor on infrastructure and priorities. The existing conditions analysis is close to done. The draft plan is aligning well with State grant opportunities, as well as what Wallingford wants to see.

Chairman Fitzsimmons welcomed Commission member participation and encouraged them to complete the survey.

Commissioner Sanders noted that there is a recording of the meeting held at the Senior Center.

Chairman Fitzsimmons stated that the Implementation Committee met and that the meeting was also videotaped and transcribed. The Consultant will present to this Commission, and we will present to Council. He asked Mr. Pagini to keep this item on the agenda. He noted that the results so far indicate that housing is a big issue. He noted that there are currently over two dozen approved projects that have not yet started, including housing and warehousing.

Commissioner Kohan asked about the role of the Consultant. The Consultant is compiling the report, but will he contribute input as to things Wallingford could be doing or should be doing? Mr. Pagini replied that he has been sharing what other towns are doing and making suggestions. They will give example recommendations and identify funding opportunities. He has recommended that we put our

zoning regulations on ECode360. Commissioner Kohan stated that he reviewed the State's expectations and it's quite extensive. Section 8-23 gets into numerous items that the State is looking for. Mr. Pagini replied that the Consultant mentioned that Section as well as the State Plan of Conservation and Development, so there is an effort to align with them. Mr. Pagini stated that they will include SCROG's regional studies as well.

Commissioner Camire stated that HB8002 is a big change, and we need to take full advantage of it. He wants to be involved.

7. **ZBA January Decisions** – no comment
8. **ZBA Notice of February Meeting** – no comment

Chairman Fitzsimmons reminded Commission members of the upcoming CT Federation of Planning and Zoning Agencies conference, which will focus on HB8002.

Chairman Fitzsimmons reported that Commissioner Allinson resigned today due to his acceptance of a position with the Town. He served on the Commission for six years. Chairman Fitzsimmons thanked him for his service.

ADJOURNMENT

Commissioner Kohan: Motion to Adjourn the Wallingford Planning and Zoning Commission for Monday, February 9, 2026, at 8:05 pm.

**Commissioner Leonardo: Second
Vote: Unanimous**

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary

 Outlook

Agenda Items

From Janis Small <jsmall@wallingfordct.gov>
Date Wed 3/4/2026 12:48 PM
To Kevin Pagini <kevin.pagini@wallingfordct.gov>

RECEIVED

MAR 04 2026

WALLINGFORD
PLANNING & ZONING

Executive session pursuant to CGS Sections 1-225(f) and 1-200(6)(B) to discuss the pending litigation: Midwood Management Corp. v. Planning & Zoning Commission and Lost & Found Ventures C v. Planning & Zoning Commission

Include a note on the agenda: Please note the starting time of 6:30 pm. The first item is an executive session to be followed by the public session.

Janis M. Small
Corporation Counsel
Town of Wallingford
Law Department
45 South Main Street
Wallingford CT 06492
(203)294-2140
jsmall@wallingfordct.gov

Text Amendment

#502-26

Quinnipiac Valley Growth Partners

Cannabis



RECEIVED
FEB 05 2026
WALLINGFORD
PLANNING & ZONING

APPLICATION NO.: 502-26

FEE: \$550.00

APPLICATION FOR ZONING REGULATION CHANGE

NAME OF APPLICANT: Quinnipiac Valley Growth Partners DATE: 2/5/26

MAILING ADDRESS: 54 North Elm St. PHONE: (475)-284-4544
Wallingford, CT. 06492

E-MAIL ADDRESS: jweaver @ qvgpartners.com

Section to be removed: n/a

Proposed new section:

Amendment of Section 1.4

Amendment of Section 6.34

Add new Section 4.16 H

(Attach additional sheet if necessary)

Michael Rinsant
Applicant's Signature

Quinnipiac Valley Growth Partners
Company Name (If applicable)

For Official Use Only:

Date Application Submitted: _____

Filing Fee Paid: _____

§1.4 INTERPRETATION OF REGULATIONS

These regulations are not intended to interfere with, abrogate or annul any other ordinance, regulation or other provision of law, or any easements, covenant or other public agreement or legal relationship. When these regulations impose restrictions on use or development standards different from those imposed by any other law, statute, ordinance, covenant or private agreement or legal relationship, whichever provisions are more restrictive or impose higher standards shall control. Should there be any discrepancy or incongruity between these regulations and any other law, statute, ordinance, or regulations, the more restrictive standard shall control; these regulations do not allow any use, structure, development or activity which is illegal under local, State, or Federal law (other than a cannabis retailer acting pursuant to a valid state license). It is not intended by these regulations to repeal any permit previously issued pursuant to law.

§6.34 CANNABIS ESTABLISHMENTS

A. Definitions:

1. Cannabis Establishment - means a producer, dispensary facility, cultivator, microcultivator, retailer, hybrid retailer, food and beverage manufacturer, product

manufacturer, product packager, delivery service, or transporter as defined in

Public Act 21-1, entitled "Concerning Responsible and Equitable Regulations of Adult-use Cannabis".

2. Cannabis - means marijuana, as defined in §21-1 of the Connecticut General Statutes.

B. Cannabis establishments, other than a cannabis retailer pursuant to Section C, are prohibited in all zones within the Town of Wallingford.

C. A cannabis retailer is a business with a valid cannabis retailer license or hybrid cannabis retailer license issued by the State of Connecticut, Department of Consumer Protection. A cannabis retailer is a location where retail sales of legal cannabis products, individually licensed and registered with the State of Connecticut, Department of Consumer Protection, can occur. No onsite consumption of cannabis products is permitted within a cannabis retailer, or on the exterior site thereof.

§ 4.16 H (RF-40) CANNABIS RETAILER [new]

2. A cannabis retailer, subject to the following:

a. Can only be located within an area bounded by Route 68 at the north, Route 5 (east side only) at the west, Ives Road (north side only) at the south, and North Main Street Extension (west side only).

b. No such cannabis retailer shall be allowed within one-thousand (1,000) feet of another existing cannabis retailer. The one-thousand (1,000) feet shall be the straight horizontal distance from any part of a building housing a cannabis retailer, to any part of the other building housing a cannabis retailer, as measured by the Wallingford Town Engineer.

c. No such cannabis retailer shall be located within one-thousand (1,000) feet of a Zoning District which is zoned for Residential Use. The one-thousand (1,000) feet shall be the straight horizontal distance from any part of a building housing a cannabis retailer to any boundary of a Zoning District which is zoned for Residential Use, as measured by the Wallingford Town Engineer.

d. No such cannabis retailer shall be located within one-thousand (1,000) feet of a pre-existing school or place of worship. The one-thousand (1,000) feet shall be the straight horizontal distance, as measured by the Wallingford Town Engineer, from any part of a building housing a cannabis retailer to any part of a building housing a school or place of worship. A school is a public elementary or secondary institution under the jurisdiction of the Wallingford Board of Education.

e. Must erect exterior lighting and security cameras on the exterior of the building and in the parking lot of the cannabis retailer.

f. No cannabis products or paraphernalia shall be visible through the store windows.

g. Not erect signage or other exterior coverage that contains any representation of a cannabis plant or paraphernalia.

h. Not be open to the public for business before 9am, or after 10pm.

RECEIVED
FEB 10 2026
WALLINGFORD
PLANNING & ZONING

Quinnipiac Valley Growth Partners LLC
54 North Elm Street
Wallingford, CT 06492

February 5, 2026

Chairman

Wallingford Planning and Zoning Commission

45 South Main Street

Wallingford, CT 06492

Dear Mr. Chairman:

Quinnipiac Valley Growth Partners is a Wallingford-based company which has been awarded a cannabis cultivation license and a cannabis dispensary license by the State of Connecticut. We have received zoning approval for a cultivation facility in eastern Connecticut. We would like to locate a cannabis dispensary on North Colony Road in Wallingford.

We feel Wallingford is a good location, due to its significantly large "senior citizen" population. Many senior citizens, as acknowledged by the White House in the recent Executive Order, use cannabis. Presently, they – or their caregivers - are forced to go to New Haven or Meriden to go to a cannabis dispensary.

In order for Wallingford and its residents to have a cannabis dispensary, we are submitting, attached to this letter, proposed changes for your consideration to the zoning regulations.

We specifically propose to change Section 6.34. Our proposed language retains almost all of the existing prohibitions regarding cannabis, but carves out the ability to have a cannabis retailer (dispensary) in a distinct geographic area. We will soon supply the Commission with a map showing that this distinct area is one of the few areas in Wallingford where a dispensary is possible. After eliminating 1) the downtown area, 2) areas zoned residential, 3) areas zoned IX, 4) areas immediately abutting residential zones, and 5) areas adjacent to schools and churches, there is not much area in Wallingford left where a dispensary is possible. We have proposed the area bounded by North Colony Road, Route 68, North Main Street Extension, and Ives Road as the area a cannabis retailer could be located. Conversely, we have drafted distance prohibitions, so as to not attract a proliferation of such retailers.

It is noted that Section 1.4 needs to be slightly edited. Federal law is evolving on the topic of cannabis, as evidenced by Department of Justice memorandum and White House executive orders.

We look forward to working with the Commission in reviewing the proposed text amendment.

Sincerely,



Michael Pierpont

TOWN OF WALLINGFORD

Town Hall, 45 South Main Street, Wallingford, CT 06492

TO: Brendon Duckett - South Central Regional Council of Governments
 Vicki Harris - Lower Connecticut River Valley Council of Governments
 Patricia Bruder - Naugatuck Valley Council of Governments

FROM: Kevin J. Pagini, Town Planner

Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed application is referred to the Regional Agency to review and report on:

Please see attached

[]

The change was originally requested:

by municipal agency (PZC)
 by petition

Public hearing has been scheduled for: March 9, 2026

Legal Notice
 Map of proposed subdivision
 Site map
 Text of proposed amendment

Other: See current Zoning Regulations and Zoning Map on Town Web Site under Planning and Zoning Department.

www.wallingford.ct.us



Kevin J. Pagini, Town Planner

(Authorizing Signature)

2/11/2026
Date

Wallingford Town Hall
45 South Main Street
Wallingford, CT
Phone: (203) 294-2090 Fax: (203) 294-2095



Town of Wallingford, Connecticut

JAMES SEICHTER
CHAIRMAN PLANNING & ZONING COMMISSION

KEVIN J. PAGINI
TOWN PLANNER

WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2090
FAX (203) 294-2095

February 10, 2026

Town Clerk - Town of Cheshire
Town Clerk - Town of Durham
Town Clerk - Town of Hamden
City Clerk - City of Meriden
Town Clerk - Town of Middlefield
Town Clerk - Town of North Branford
Town Clerk - Town of North Haven

Re: Proposed Amendment to the Town of Wallingford Zoning Regulations

Dear Town/City Clerk,

In accordance with the Connecticut General State Statutes, enclosed please find a copy of the proposed amendments to the Town of Wallingford Zoning Regulations.

A public hearing for this application is scheduled for March 9, 2026.

Regards,

Kevin J. Pagini
Town Planner



Lower Connecticut River Valley Council of Governments

145 Dennison Road Essex, CT 06426 | +1 860 581 8554 | www.rivercog.org

Regional Planning Committee

502-26-01

January 17, 2026

Mr. Jim Seichter, Chairman
Wallingford Planning & Zoning Commission
45 South Main St.
Wallingford, CT 06492

SUBJECT: Petition to Amend the Wallingford Zoning Regulations

Dear Mr. Seichter:

The Wallingford Planning & Zoning Commission has submitted a petition for review by the Regional Planning Committee pursuant to Section 8-3b of the Connecticut General Statutes. The petition proposes revisions to regulations of cannabis retailers. These comments are provided for the public hearing, which is scheduled to commence on March 9, 2026.

Review indicates that no substantial intermunicipal impacts to the adjacent Towns of Durham and Middlefield will result if this proposed amendment is approved. Additionally, as the RiverCOG region is contiguous with the Long Island Sound, we review for ecological impacts on that water body. Staff finds none.

Thank you for your consideration of these findings. If the Commission has any questions about this advisory report, please feel free to contact staff at (860) 581-8554.

For the Regional Planning Committee,

Eliza LoPresti
Community Planner

RiverRPC



#502-26-02
Town of Wallingford, Connecticut

JAMES SEICHTER
CHAIRMAN PLANNING & ZONING COMMISSION

KEVIN J. PAGINI
TOWN PLANNER

WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2090
FAX (203) 294-2095

February 27, 2026

Quinnipiac Valley Growth Partners
54 North Elm St.
Wallingford, CT 06492

RE: Text Amendment Application #502-26
Cannabis Establishments

Dear Applicant:

This office has the following comments and questions regarding your application and associated plans:

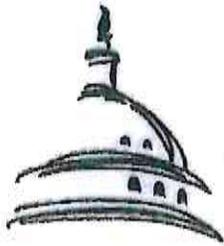
1. The Section "H" under 4.16 is for uses requiring only a Zoning Permit. This is not the Section that this use should be under as a Zoning permit does not require any approval process. It should be reassigned as either a Site Plan approval use under 4.16.B or a Special Permit use under 4.16.C.
2. The paragraph under 2.a. regarding the geographic area seems to limit the allowed uses to only this facility. It would be up to you to prove that there is another location within the defined boundaries where another retail location could potentially be placed. There does not seem to be anywhere within 1,000 feet from the proposed location where another store could potentially go. In my opinion, this limits the use to only one facility and is specific for only this application. It should be expanded to allow for more than only one location within the RF-40 district.

Should you wish to discuss these comments or application further, please call the Planning Office at 203-294-2090.

Regards,

Kevin J. Pagini
Town Planner

Please note: Any responses/correspondence, additional documents and/or revised plans must be received by the Planning & Zoning Department by the close of business on **Wednesday, March 4, 2026 in order to be provided to the Planning & Zoning Commission prior to the **Monday, March 9, 2026** meeting.**



**Congressional
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Informing the legislative debate since 1914

502-26-03

RECEIVED

FEB 27 2026

WALLINGFORD
PLANNING & ZONING

Legal Sidebar

Legal Consequences of Rescheduling Marijuana

Updated December 22, 2025

On December 18, 2025, President Trump issued an executive order directing the Attorney General to take all necessary steps to expeditiously move marijuana from Schedule I to Schedule III under the Controlled Substances Act (CSA). The executive order followed a May 2024 notice of proposed rulemaking from the U.S. Department of Justice (DOJ) and the U.S. Drug Enforcement Administration (DEA) proposing to reschedule marijuana from Schedule I to Schedule III. At the time the executive order was issued, the agencies had not taken final action on the proposed rescheduling, and it remains to be seen whether and when they will do so.

A CRS Insight outlines policy considerations related to rescheduling marijuana. This Legal Sidebar provides information on the legal consequences of the possible move of marijuana from Schedule I to Schedule III. It then discusses considerations for Congress related to the executive order and the potential rescheduling of marijuana.

Current Legal Status of Cannabis Under the CSA

Cannabis and its derivatives generally fall within one of two categories under federal law: *marijuana* or *hemp*. Unless an exception applies, the CSA classifies the cannabis plant and its derivatives as *marijuana* (some provisions of the statute use an alternative spelling, “marihuana”). The CSA definition of *marijuana* excludes (1) products that meet the legal definition of *hemp* and (2) the mature stalks of the cannabis plant; the sterilized seeds of the plant; and fibers, oils, and other products made from the stalks and seeds. Marijuana is a Schedule I controlled substance under the CSA.

Currently applicable federal law defines *hemp* as the cannabis plant or any part of that plant with a delta-9 tetrahydrocannabinol (THC) concentration of no more than 0.3%. In November 2025, Congress enacted legislation changing the definition of *hemp* so that, among other things, it is defined based on *total THC concentration* rather than just the concentration of *delta-9 THC*. The new definition is scheduled to take effect in November 2026. Other CRS products discuss the legal and policy implications of that change. The non-psychoactive compound cannabidiol (CBD) falls within the legal definition of *hemp*. Hemp is not a controlled substance under the CSA.

Congressional Research Service

<https://crsreports.congress.gov>

LSB11105

Substances become subject to the CSA through placement in one of five lists, known as Schedules I through V. Congress placed marijuana in Schedule I in 1970 when it enacted the CSA. A lower schedule number carries greater restrictions under the CSA, with controlled substances in Schedule I subject to the most stringent controls. Schedule I controlled substances have no currently accepted medical use under federal law. It is illegal to produce, dispense, or possess such substances except in the context of federally approved scientific studies, subject to CSA regulatory requirements designed to prevent abuse and diversion. Unauthorized activities involving Schedule I controlled substances are federal crimes that may give rise to large fines and significant jail time. DEA is required to set annual production quotas for Schedule I controlled substances manufactured for use in approved research.

In addition to the general regulatory framework that applies due to marijuana's Schedule I status, some provisions of the CSA apply specifically to marijuana. For instance, 21 U.S.C. § 841 imposes mandatory minimum prison sentences for persons convicted of criminal CSA violations involving set quantities of specific controlled substances, including marijuana. In addition, 21 U.S.C. § 823 creates special registration requirements for those who manufacture marijuana for research purposes.

In sharp contrast to the stringent federal control of marijuana, in recent decades nearly all the states have changed their laws to permit the use of marijuana (or other cannabis products) for medical purposes. In addition, twenty-four states and the District of Columbia have passed laws removing certain state criminal prohibitions on recreational marijuana use by adults. As the Supreme Court has recognized, states cannot actually legalize marijuana because the states cannot change federal law, and the Constitution's Supremacy Clause dictates that federal law takes precedence over conflicting state laws. So long as marijuana is a Schedule I controlled substance under the CSA, all unauthorized activities involving marijuana are federal crimes anywhere in the United States, including in states that have purported to legalize medical or recreational marijuana. CRS uses the phrase "state-legal activities" to refer to activities that are permitted under state law but may violate federal law.

Congress has granted the states some leeway to allow the distribution and use of medical marijuana. In each budget cycle since FY2015, Congress has passed an appropriations rider barring DOJ from using taxpayer funds to prevent states from "implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana." Courts have interpreted the appropriations rider to prohibit federal prosecution of state-legal activities involving *medical marijuana*. However, it poses no bar to federal prosecution of activities involving *recreational marijuana*. Moreover, the rider does not remove criminal liability; it merely limits enforcement of the CSA in certain circumstances while the rider remains in effect. While official DOJ policy has varied somewhat across Administrations, recent presidential Administrations have not prioritized prosecution of state-legal activities involving marijuana.

Even absent criminal prosecution or conviction, individuals and organizations engaged in marijuana-related activities in violation of the CSA—including participants in the state-legal marijuana industry—may face collateral consequences arising from the federal prohibition of marijuana. Other federal laws impose legal consequences based on criminal activity, including violations of the CSA. For example, a financial institution handling income from a marijuana business may violate federal anti-money laundering laws. Likewise, Section 280E of the Internal Revenue Code renders marijuana businesses ineligible for certain federal tax deductions. The presence of income from a marijuana-related business may also prevent a bankruptcy court from confirming a bankruptcy plan (though courts have split on the issue). For individuals, participation in the state-legal marijuana industry may have adverse immigration consequences. Violations of the CSA may also affect individuals' ability to receive certain federal government benefits. In addition, federal law prohibits gun ownership and possession by any person who is an "unlawful user of or addicted to any controlled substance," with no exception for users of state-legal medical marijuana.

Legal Consequences If Marijuana Is Moved to Schedule III

President Trump's December 2025 executive order directing the Attorney General to move marijuana to Schedule III includes a fact sheet explaining that "[r]escheduling marijuana corrects the Federal government's long delay in recognizing the medical use of marijuana and will vastly improve research on safety and efficacy." As discussed in another CRS Legal Sidebar, the President cannot directly change the status of marijuana under federal controlled substances law but can direct executive agencies to consider rescheduling marijuana, as President Trump did in the December 2025 executive order. It remains to be seen whether DOJ will take final action to reschedule marijuana and, if so, when and how the agency will act. DOJ could potentially finalize the May 2024 proposed rule or issue a new proposed rule.

Moving marijuana from Schedule I to Schedule III, without other legal changes, would not bring the state-legal medical or recreational marijuana industry into compliance with federal controlled substances law. With respect to medical marijuana, a key difference between placement in Schedule I and Schedule III is that substances in Schedule III have an accepted medical use and may lawfully be dispensed by prescription, while substances in Schedule I cannot. However, prescription drugs must be approved by the Food and Drug Administration (FDA). Although FDA has approved some drugs derived from or related to cannabis, marijuana itself is not an FDA-approved drug. Moreover, if one or more marijuana products obtained FDA approval, manufacturers and distributors would need to register with DEA and comply with regulatory requirements that apply to Schedule III substances in order to handle those products. Users of medical marijuana would need to obtain valid prescriptions for the substance from medical providers, subject to federal legal requirements that differ from existing state regulatory requirements for medical marijuana.

With respect to research, CSA registration requirements for Schedule III controlled substances are generally less stringent than the requirements for Schedule I controlled substances. The Medical Marijuana and Cannabidiol Research Expansion Act, enacted in 2022, created specialized procedures for DEA approval of marijuana research and manufacture of marijuana for research purposes. Substance-specific registration requirements would continue to apply if marijuana were rescheduled, which might limit the impact of rescheduling on marijuana research.

Rescheduling marijuana would not affect the medical marijuana appropriations rider. Thus, so long as the rider remains in effect, participants in the state-legal medical marijuana industry who comply with state medical marijuana law would be shielded from federal prosecution. If the rider were to lapse or be repealed, these persons would again be subject to prosecution at the discretion of DOJ.

With respect to the manufacture, distribution, and possession of recreational marijuana, if marijuana were moved to Schedule III, such activities would remain illegal under federal law and potentially subject to federal prosecution regardless of their status under state law.

Some criminal penalties for CSA violations depend on the schedule in which a substance is classified. If marijuana were moved to Schedule III, applicable penalties for some offenses would be reduced. However, CSA penalties that apply to activities involving marijuana specifically, such as the quantity-based mandatory minimum sentences discussed above, would not change as a result of rescheduling. DEA is not required to set annual production quotas for Schedule III controlled substances.

The prohibition on business deductions in Section 280E of the Internal Revenue Code applies to any trade or business that "consists of trafficking in controlled substances (within the meaning of schedule I and II of the Controlled Substances Act) which is prohibited by Federal law or the law of any State in which such trade or business is conducted." Because the provision applies only to activities involving substances in Schedule I or II, moving marijuana from Schedule I to Schedule III would allow marijuana businesses to deduct business expenses on federal tax filings. Other collateral legal consequences would continue to attach to unauthorized marijuana-related activities.

Considerations for Congress

Either Congress or the executive branch has the authority to change the status of marijuana under the CSA. Congress can change the status of a controlled substance through legislation, while the CSA empowers the Attorney General to make scheduling decisions through the notice-and-comment rulemaking process. (The Attorney General has delegated that authority to DEA but also retains the authority to make scheduling decisions in the first instance.) When considering whether to schedule or reschedule a controlled substance, DOJ or DEA is bound by recommendations from the Department of Health and Human Services on scientific and medical matters. However, DEA has stated that when it conducts scheduling proceedings it has “final authority to schedule, reschedule, or deschedule a drug under the [CSA].” A proposal from the 118th Congress would have provided for congressional review of administrative rescheduling decisions related to marijuana.

If Congress seeks to change the legal status of marijuana, it has broad authority to do so before or after DEA makes any final scheduling decision. Several proposals from the 118th and 119th Congresses would remove marijuana from control under the CSA or move the substance to a less restrictive schedule. If Congress moved marijuana to Schedule III by legislation, it could simultaneously consider whether to change some of the legal consequences of Schedule III status described above. Congress could also legislate to move marijuana to another CSA schedule, which would subject it to controls more or less stringent than those that apply to Schedule III controlled substances.

Rescheduling or descheduling marijuana under the CSA could raise additional legal questions. For instance, FDA regulates certain cannabis products under the Federal Food, Drug, and Cosmetic Act, so Congress might also consider whether to alter that regulatory regime or create some alternative regulatory framework. In addition, relaxing the CSA’s restrictions on marijuana could implicate the United States’ international treaty obligations.

While most recent proposals would relax federal regulation of marijuana, Congress could also seek to impose more stringent controls. One proposal from the 119th Congress would amend Section 280E of the Internal Revenue Code to specifically deny tax deductions for any trade or business that “consists of trafficking in ... marijuana.” A proposal from the 118th Congress would have withheld certain federal funds from states in which the purchase or public possession of marijuana for recreational purposes is lawful. A proposal from the 117th Congress would have prohibited the use of benefits under the Temporary Assistance for Needy Families block grant at any store that offers marijuana for sale. Other proposals from the 117th Congress sought to address the issues of workplace impairment or driving under the influence of marijuana and other substances.

In addition to directing DOJ to reschedule marijuana, the December 2025 executive order also advocates for changes in the regulation of certain cannabis-derived products affected by the November 2025 legislation narrowing the legal definition of *hemp*. Another CRS Legal Sidebar discusses that aspect of the executive order.

Author Information

Joanna R. Lampe
Legislative Attorney

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#502-26-04

Quinnipiac Valley Growth Partners

54 North Elm Street

Wallingford, CT 06492

RECEIVED

MAR 02 2026

WALLINGFORD
PLANNING & ZONING

March 2, 2026

Mr. Kevin Pagini

Town Planner

45 South Main Street

Wallingford, CT 06492

RE: Text Amendment, #502-26 Quinnipiac Valley Growth Partners

Dear Mr. Pagini:

Thank you for your letter of February 27, 2026 and comments.

As to your Comment #1, please see attachment, wherein we change in our proposed text amendment the zoning section our request would fall under - from Section 4.16 H to Section 4.16 B. We would certainly be comfortable with 4.16 B, which would require site plan approval.

As to your Comment #2, also in the same attachment, we have changed the language in our proposed text amendment to now include BOTH sides of Ives Road. By including both sides of Ives Road, this would add other potential properties (specifically those in the Shop Rite Plaza area) as potential locations for a dispensary outside our 1,000 foot radius.

We do note that, even under the original configuration, there are properties – Bank of America, Taco Bell, and parts of the Stop and Shop Plaza that would be in the area and be outside our 1,000 foot radius. We have attached a map showing the area, as enlarged by adding both sides of Ives Road.

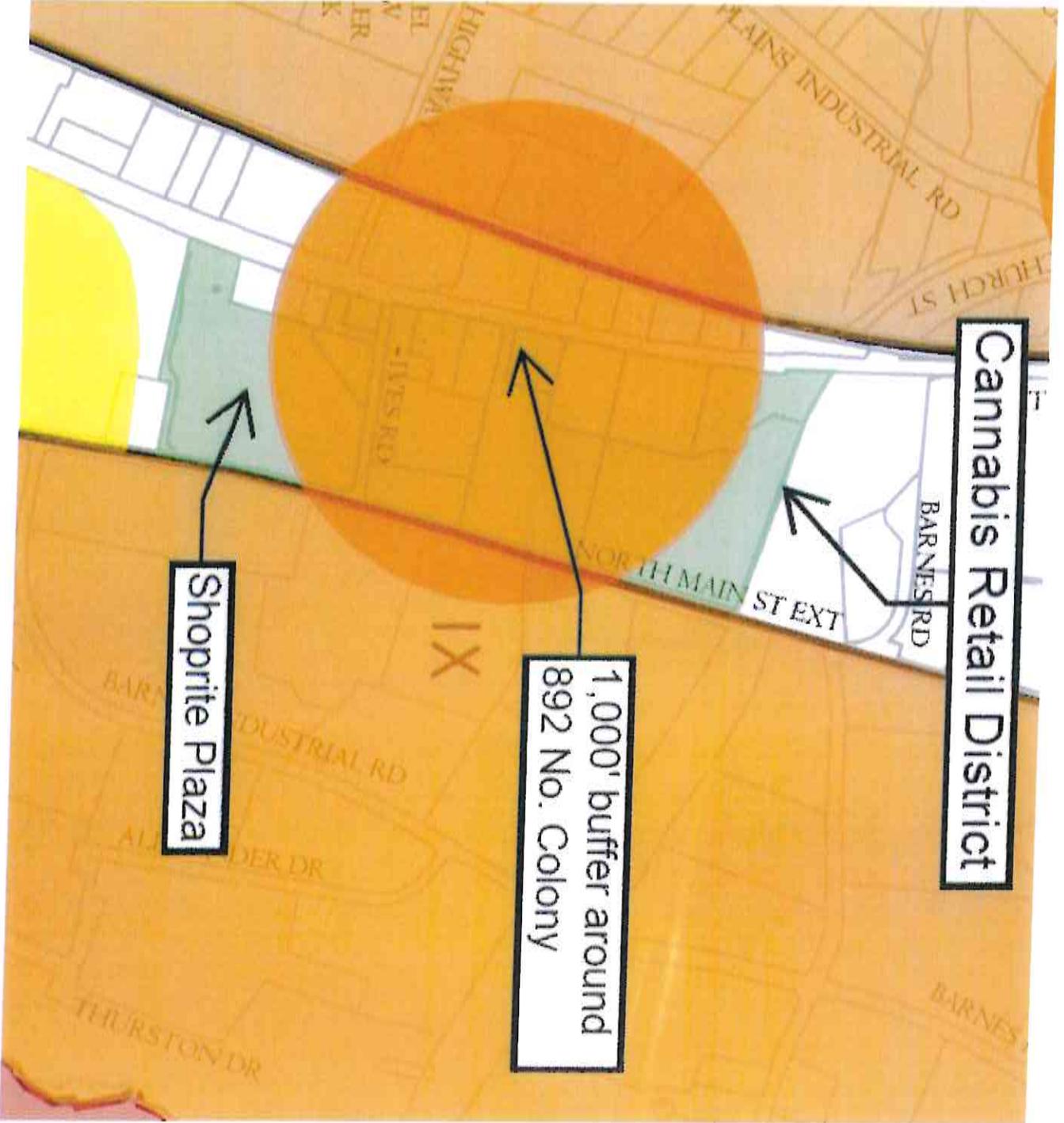
Keep in mind that the Commission can always come back and enlarge the area at a later date, if it so wished. Our own discussions with community stakeholders were that Wallingford wanted to move slowly; hence we responded with a proposal involving a limited area.

We look forward to working with the Commission.

Sincerely,

Michael Pierpont

Michael Pierpont



Cannabis Retail District

1,000' buffer around
892 No. Colony

Shoprite Plaza

1.4 INTERPRETATION OF REGULATIONS

These regulations are not intended to interfere with, abrogate or annul any other ordinance, regulation or other provision of law, or any easements, covenant or other public agreement or legal relationship. When these regulations impose restrictions on use or development standards different from those imposed by any other law, statute, ordinance, covenant or private agreement or legal relationship, whichever provisions are more restrictive or impose higher standards shall control. Should there be any discrepancy or incongruity between these regulations and any other law, statute, ordinance, or regulations, the more restrictive standard shall control; these regulations do not allow any use, structure, development or activity which is illegal under local, State, or Federal law (other than a cannabis retailer acting pursuant to a valid state license). It is not intended by these regulations to repeal any permit previously issued pursuant to law.

6.34 CANNABIS ESTABLISHMENTS

A. Definitions:

1. Cannabis Establishment - means a producer, dispensary facility, cultivator, micro cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service, or transporter as defined in Public Act 21-1, entitled "Concerning Responsible and Equitable Regulations of Adult-use Cannabis".

2. Cannabis - means marijuana, as defined in 521-1 of the Connecticut General Statutes.

B. Cannabis establishments, other than a cannabis retailer pursuant to Section C, are prohibited in all zones within the Town of Wallingford.

C. A cannabis retailer is a business with a valid cannabis retailer license or hybrid cannabis retailer license issued by the State of Connecticut, Department of Consumer Protection. A cannabis retailer is a location where retail sales of legal cannabis products, individually licensed and registered with the State of Connecticut, Department of Consumer Protection, can occur. No onsite consumption of cannabis products is permitted within a cannabis retailer, or on the exterior site thereof.

4.16 B (RF-40) CANNABIS RETAILER [new]

2. A cannabis retailer, subject to the following:

a. Can only be located within an area bounded by Route 68 at the north, Route 5 (east side only) at the west, Ives Road (both sides) at the south, and North Main Street Extension (west side only).

b. No such cannabis retailer shall be allowed within one thousand (1,000) feet of another existing cannabis retailer. The one thousand (1,000) feet shall be the straight horizontal distance from any part of a building housing a cannabis retailer, to any part of the other building housing a cannabis retailer, as measured by the Wallingford Town Engineer.

c. No such cannabis retailer shall be located within one thousand (1,000) feet of a Zoning District which is zoned for Residential Use. The one thousand (1,000) feet shall be the straight horizontal distance from any part of a building housing a cannabis retailer to any boundary of a Zoning District which is zoned for Residential Use, as measured by the Wallingford Town Engineer.

d. No such cannabis retailer shall be located within one thousand (1,000) feet of a pre-existing school or place of worship. The one thousand (1,000) feet shall be the straight horizontal distance, as measured by the Wallingford Town Engineer, from any part of a building housing a cannabis retailer to any part of a building housing a school or place of worship. A school is a public elementary or secondary institution under the jurisdiction of the Wallingford Board of Education.

e. Must erect exterior lighting and security cameras on the exterior of the building and in the parking lot of the cannabis retailer.

f. No cannabis products or paraphernalia shall be visible through the store windows.

g. Not erect signage or other exterior coverage that contains any representation of a cannabis plant or paraphernalia.

h. Not be open to the public for business before 9am, or after 10pm.



Town of Wallingford
Department of Engineering
45 South Main Street
Wallingford, Connecticut 06492
Tel: (203) 294-2035; Fax: (203) 284-4012

502-26-05

Alison Kapushinski, P.E.
Town Engineer

MEMO

TO: Planning & Zoning Commission
FROM: Department of Engineering *Amk*
RE: **PZC Application #502-26**
Proposed Text Amendment / §1.4, §6.34, §4.16H
DATE: March 5, 2026

RECEIVED

MAR 05 2026

WALLINGFORD
PLANNING & ZONING

Dear Commissioners:

I've reviewed the proposed amendments to §1.4, §6.34, and §4.16H of the Zoning Regulations received February 5, 2026. I'd like to provide the following comments:

In general, the Engineering Department's role in the land use application process is to review information submitted by the Applicant. Throughout the proposed regulations, it is stated that the Wallingford Town Engineer will be determining distance from: another cannabis retailer, residential zoning districts, schools, and places of worship. I believe it is appropriate for the Applicant to provide the requested distances. Engineering has the tools to confirm the information provided by the Applicant.

Thank you.

Cherie Murchison

From: Kevin Pagini
Sent: Thursday, March 5, 2026 2:44 PM
To: Cherie Murchison
Subject: Fw: Cannabis regulation

RECEIVED

MAR 05 2026

WALLINGFORD
PLANNING & ZONING

From: Janis Small <jsmall@wallingfordct.gov>
Sent: Thursday, March 5, 2026 11:51 AM
To: Kevin Pagini <kevin.pagini@wallingfordct.gov>
Subject: Cannabis regulation

As I stated, the language added in Section 1.4 is not acceptable. They can possibly resolve this by putting a preface in the section creating the use to recognize that it is being done solely under state law.
Janis

Janis M. Small
Corporation Counsel
Town of Wallingford
Law Department
45 South Main Street
Wallingford CT 06492
(203)294-2140

jsmall@wallingfordct.gov

502-26-06

Special Permit

#401-26

386 Williams Road

Mark Malchiodi

RECEIVED

JAN 16 2026



WALLINGFORD
PLANNING & ZONING

Town of Wallingford, Connecticut

APPLICATION FOR SPECIAL PERMIT

Base fee:	\$550.00
Additional Fee:	
Show Calculation for Additional fee:	
Total Fee Submitted:	

APPLICATION NO.: 401-26

NAME OF APPLICANT: Mark Malchiodi
(Please Print)

DATE: Jan 8, 2026

MAILING ADDRESS: 12 Malchiodi Drive Wallingford Ct. 06492
(Street Address) (City) (State) (Zip)

E-MAIL ADDRESS: markmal@comcast.net PHONE: (203) 265-9871

ZONING DISTRICT: R4-40

INTEREST IN PROPERTY: OWN RENT LEASE OPTION TO BUY

OTHER (Please specify):

OWNER OF PROPERTY: Estate of Malcolm Malchiodi

LEGAL DESCRIPTION OF PROPERTY: 386 Williams Rd.
STREET ADDRESS:

Describe the existing and proposed use(s) of the property:

Existing Use: Please see attached

Proposed Use: Please see attached

- NOTE:
1. A site plan must be submitted with this application (16 copies, folded).
 2. A list of the names of the abutting property owners, including those across the street must be submitted.
 3. Pursuant to 8-3d of the Connecticut General Statutes, A Special Permit is not effective until a copy thereof is filed on the land records. If this application is approved, in addition to the application fee, a \$60.00 fee will be required to cover this filing. Checks should be made payable to "Town Clerk, Wallingford".

70.00
Mark Malchiodi
Applicant's Signature

Company Name if Applicable

FOR OFFICIAL USE:

Date Application Submitted: Application Fee Paid: Filing Fee Paid:

NOTE:

Applicants before the Planning and Zoning Commission should be aware that said Commission cannot, and does not, regulate the traffic control signals, signs, markings and other safety devices which may be required by the Legal Traffic Authority (LTA) for the Town (Ref. C.G.S. 14-297, 14-298) as a result of the applicant's proposal. Improvements and/or conditions required by the LTA are an independent submission and approval process. The Town subscribes to the best practices of the Manual on Uniform Traffic Control Devices with consultation and guidance being provided by the Town Engineer. Any applicant obligations concerning the supply and installation of traffic control devices, or improvements and/or conditions that may be required by the LTA must be satisfied at the applicant's expense. Work performed pursuant to such requirements shall be fully completed, inspected and approved by the LTA or his designee, before applicant request Road Acceptance.

ATSO: Does the proposed activity take place within a public water supply aquifer protection area or a watershed area? Please check maps posted in the Planning Office to make that determination. If so, you must notify the State Dept. of Public Health and the affected Water Authority. Ask staff for the necessary forms and address information. This notice requirement is effective October 1, 2006 and is required by Public Act 06-53.

THE APPLICANT, OR THEIR REPRESENTATIVE, MUST BE PRESENT AT EACH PZC MEETING AT WHICH THEIR APPLICATION WILL BE HEARD

This checklist must be completed and signed by the "plan preparer" appropriately licensed and certified professional as required by State Statutes.

1. Title block with project name and the names and addresses of the developer, owner and applicant.
2. Scale of not less than 1"=40', north arrow, date of plan and any revisions, key (location) map showing the project location and closest streets.
3. Zoning Table including zoning designation; required and provided lot area in acreage and square footage; frontage; front, side and rear yards; height; percent coverage; parking; landscaping; types of uses; and all bulk and special requirements relative to the site plan.
4. Layout of all off-street parking, including details and dimensions of aisles, driveways, parking and loading spaces, pavement markings, location of directional signs, curbing and limits and type of paving surface.
5. Survey done to an A-2 standard with existing and proposed contours at not more than two-foot intervals.
6. Property lines, adjacent landowners and adjacent zoning designation.
7. Square footage, use, location, floor elevation, dimension, height, and number of stores of all buildings/structures, existing and proposed.
8. Easements, streets, driveways, building/setback lines and sidewalks with construction details.
9. Wetlands, watercourses, stream encroachment lines, flood plain/hazard areas, aquifer and watershed district boundaries and slopes over 25%.
10. Tree line, existing and proposed, trees to be saved, rock outcrops and other natural features.
11. UTILITIES: gas, water, electric, telephone, storm drainage and sanitary sewer systems and refuse collection areas.
12. Fire suppression, including utility lines and hydrant locations. NOTE: When installing fire sprinkler and/or standpipe systems, a remote fire department connection detail is required on site drawings. This detail shall meet Wallingford Fire Department specifications.
13. Landscaping plan with log, including existing and proposed plant type by common and botanical names with size at planting (caliper and height, time until maturity) and height, and spread at maturity. Indicate areas to be maintained as natural buffer area, proposed buffer areas, mulch beds, etc.
14. Erosion and sedimentation control plan and narrative, name and phone number of contact person with supporting details of methods and materials.
15. Signs, fencing, accessory structures/uses, pools, decks, patios, utility pads, external HVAC, lighting standards, locations, and other important items with appropriate details provided.
16. Outdoor storage areas and screening with appropriate detail.
17. Lighting plan, traffic plan, storm drainage calculations and soil testing (where required).
18. Plans must bear the seal of the plan preparer, appropriately licensed and certified professional as required by State Statute.

See Section 7.4 of the Wallingford Zoning Regulations for additional requirements.

Signature of Plan Preparer

Professional Certification(s)

Date

Street Address of Plan Preparer

City, State, Zip

Phone

NOTE: Does the proposed activity take place within a public water supply aquifer protection area or a watershed area? Please check the maps posted in the Planning Office to make the determination. If so, you must notify the State Dept. of Public Health and the affected Water Authority. Ask staff for the necessary forms and address information. This notice requirement is effective October 1, 2006 and is required by Public Act 06-53.

386 Williams Road, Wallingford

1/9/2026

Current Uses.

The property has a residential structure, used as a single-family home with an attached 1 car garage. It has a 2nd floor apartment which is currently vacant.

A barn structure also exists which was previously used as a dairy barn and is now used as contractor storage with an apartment on the upper level which has never been occupied.

A 3rd structure, a machinery shed, is located in the northeast corner of the property.

Proposed use.

Under the Zoning Regulations, Section 6.16, Adaptive Reuse to Multi-Family, we are proposing to create a total of 9 apartments, 3 within the house and 6 within the barn. The machinery shed will be removed.

The house will contain 2 one-bedroom apartments and 1 two-bedroom apartment. The barn will contain 6 one-bedroom apartments.

ABUTTERS – 386 Williams Road, Wallingford

David W. Galica
382 Williams Road
Wallingford, CT 06492

Robert E. & Diane M. Restivo
390 Williams Road
Wallingford, CT 06492

Aaron Joseph Stone & Gail Williams
1 Malchiodi Drive
Wallingford, CT 06492

Maria Williams
3 Malchiodi Drive
Wallingford, CT 06492

James R & Palma Jo Buongiorno
389 Williams Road
Wallingford, Ct 06492

Malcolm Malchiodi (Estate)
C/O Michael & Mark A. Malchiodi
385 Williams Road
Wallingford, Ct 06492



Town of Wallingford, Connecticut

JAMES SEICHTER
CHAIRMAN PLANNING & ZONING COMMISSION

KEVIN J. PAGINI
TOWN PLANNER

WALLINGFORD TOWN HALL
46 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2090
FAX (203) 294-2095

February 18, 2026

Mark Malchiodi
386 Williams Road
Wallingford, CT 06492

RE: Notification of Public Hearing – Special Permit Application #401-26
386 Williams Road

Dear Mr. Malchiodi:

Enclosed is your copy of the Legal Notice for the Planning and Zoning Commission's meeting of **Monday, March 9, 2026**.

Because you have applied for a Special Permit, Wallingford Zoning Regulations require that:

You send a copy of the enclosed notice using U.S.P.S. Certificates of Mailing* to all property owners whose property abuts yours, including those across the street, 10 to 15 days prior to the meeting. In your case this is between Monday, February 23, 2026, and Friday, February 27, 2026.**

Per Section 7.5.D of the Wallingford Zoning Regulations, you are also required to erect a sign(s) on the property abutting the street(s) notifying the public in general about your application.

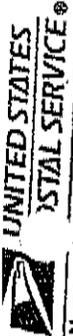
The precise details concerning the sign and neighbor notification are contained on the enclosed sheet.

If you have any questions regarding this matter, please contact this office at 203-294-2090.

Sincerely,

Kevin J. Pagini
Town Planner

*** PLEASE NOTE: Certificates of Mailing are not the same as Certified Mail and they are less costly.



Certificate of Mailing — Fi. (Domestic)

401-26

Name and Address of Sender	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office	Postmaster, per (name of receiving employee)	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Affirm
Sunwood Development Corp. 273 N. Colony St. #2 Wallingford, Ct 06492	6			1 DAVID W. GALICA 382 Williams Rd Wallingford, Ct 06492 2 Robert E. + Diane M. Restivo 390 Williams Rd Wallingford, Ct 06492 3 Aaron Joseph Stone + Gail Williams 1 Malchiodi Drive Wallingford, Ct 06492 4 Maria Williams 3 Malchiodi Drive Wallingford, Ct 06492 5 James R + Palma Jo Bunnigino 389 Williams Road Wallingford, Ct 06492 6 Malcolm Malchiodi (Estate) C/O Michael + Mark A. Malchiodi 385 Williams Road Wallingford, Ct 06492				



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CTOM - Firm - Domestic	6		\$4.20

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 Credit Card Remit \$8.88

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 Account #: XXXXXXXXXXXX1012
 Approval #: 063900
 Transaction #: 206
 AID: A0000000041010 Contactless
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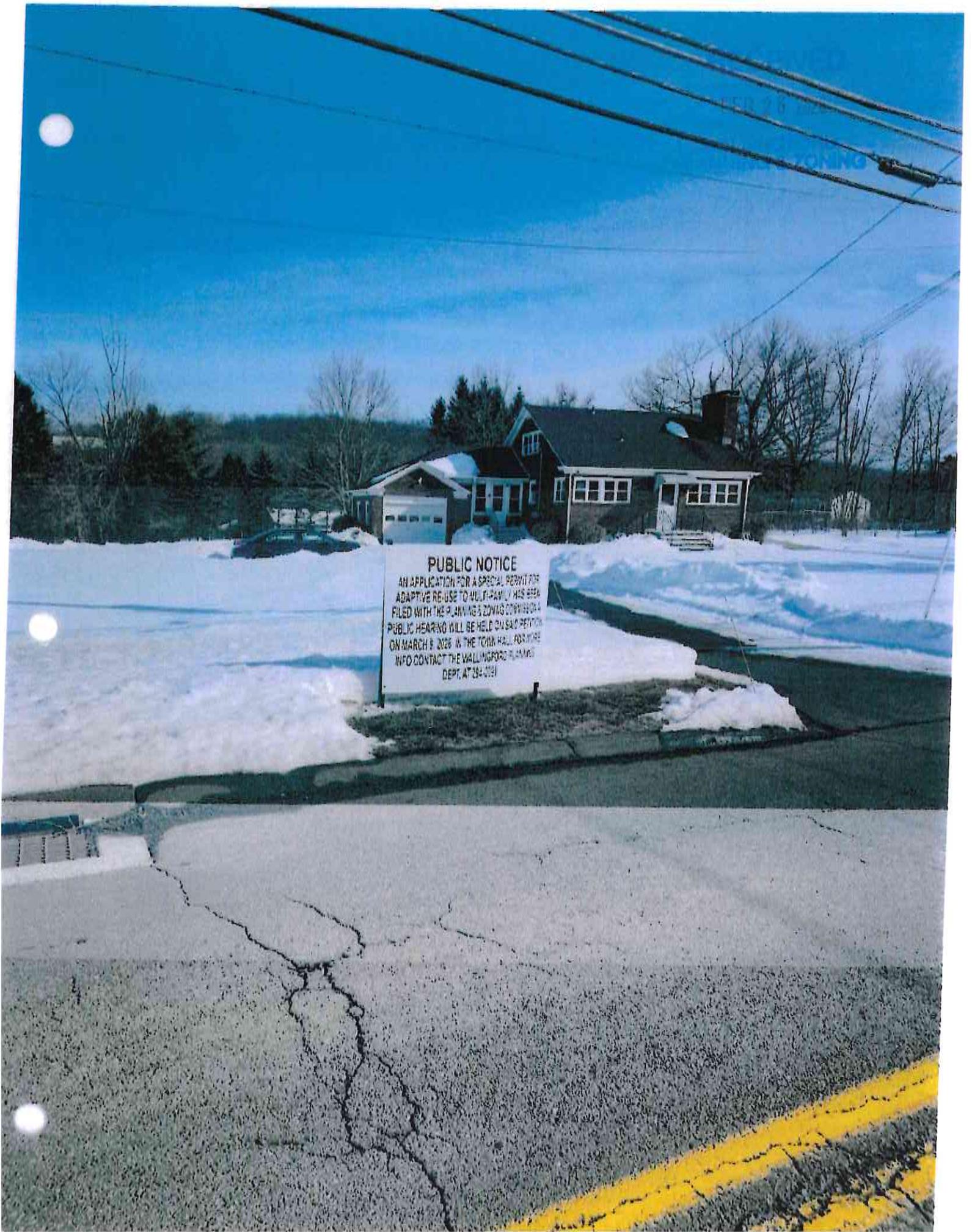
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 or scan this code with your mobile device.



or call 1-800-410-7420.

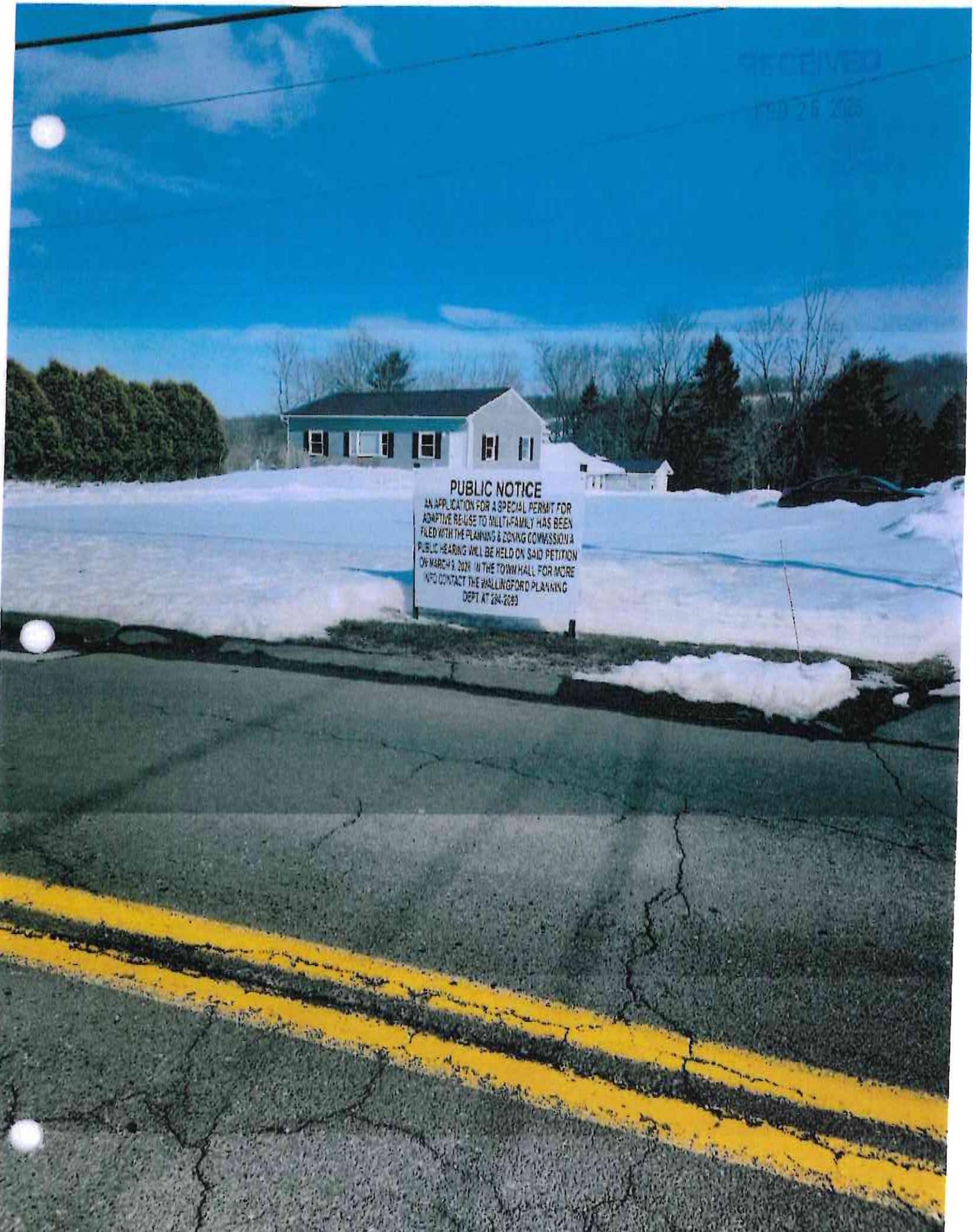
DEPT. OF
PLANNING & ZONING

PUBLIC NOTICE
AN APPLICATION FOR A SPECIAL PERMIT FOR
ADAPTIVE RE-USE TO MULTIFAMILY HAS BEEN
FILED WITH THE PLANNING & ZONING COMMISSION
PUBLIC HEARING WILL BE HELD ON SAID PETITION
ON MARCH 8, 2026 IN THE TOWN HALL FOR MORE
INFO CONTACT THE WALLINGFORD PLANNING
DEPT. AT 264-3191



RECEIVED
FEB 26 2025

PUBLIC NOTICE
AN APPLICATION FOR A SPECIAL PERMIT FOR
ADAPTIVE RE-USE TO MULTI-FAMILY HAS BEEN
FILED WITH THE PLANNING & ZONING COMMISSION. A
PUBLIC HEARING WILL BE HELD ON SAID PETITION
ON MARCH 9, 2025 IN THE TOWN HALL FOR MORE
INFO CONTACT THE HALLINGFORD PLANNING
DEPT AT 294-2080





#401-26-01
Town of Wallingford, Connecticut

JAMES SEICHTER
COMMISSIONER, PLANNING & ZONING COMMISSION

KEVIN J. PAGINI
TOWN PLANNER

WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2090
FAX (203) 294-2095

February 19, 2026

Mark Malchiodi
12 Malchiodi Dr.
Wallingford, CT 06492

RE: Special Permit Application #401-26
Adaptive Re-use to Multi-Family

Dear Applicant:

This office has the following comments and questions regarding your application and associated plans:

1. Please provide us with floor plan layouts for the apartments proposed within the main house of the property. Also, if any architectural changes are to be made to the main house, please submit those drawings as well.
2. I believe you are over the allowed number of units for the remaining GFA on site. Please submit a detailed breakdown using the remaining GFA on the lot and number of units proposed. According to my calculations, there will be 5,081 sq. ft. (which does not include 1,180 sq. ft. of garage to be removed) of remaining GFA area on site, thus only allowing a maximum of 8 one-bedroom units. There are 8 one-bedroom units proposed plus a 2-bedroom unit which would be over the maximum allowable under Section 4.16.C.
3. Please provide some kind of screening or landscaped buffer between the barn building and the adjacent residential property.

Should you wish to discuss these comments or application further, please call the Planning Office at 203-294-2090.

Regards,

Kevin J. Pagini
Town Planner

Please note: Any responses/correspondence, additional documents and/or revised plans must be received by the Planning & Zoning Department by the close of business on **Wednesday, March 4, 2026 in order to be provided to the Planning & Zoning Commission prior to the **Monday, March 9, 2026** meeting.**

Cherie Murchison

From: Bob Wiedenmann <bob@sunwoodct.com>
Sent: Friday, February 20, 2026 1:27 PM
To: Kevin Pagini
Cc: Cherie Murchison
Subject: 386 Williams Road
Attachments: #401-26- Town Planner Memo.pdf; doc16705920260220132105.pdf

RECEIVED

FEB 20 2026

WALLINGFOHLE
PLANNING & ZONING

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Hi Kevin,

To address your memo dated 2/19/2026, I offer the following responses-

1. We will do our best to prepare floor plans for the proposed units within the existing house prior to the 3/9/2026 meeting. The 1st and 2nd floor units will remain as they are currently laid out. The existing garage is to be converted to a 3rd unit within the existing footprint. If any changes are proposed to the building footprint, we will submit the proposed changes to you and/or the commission for review and approval prior to undertaking any proposed changes.
2. The calculations for determining gross floor area (GFA) are very confusing. I have attached the assessor's field card and highlighted the areas for inclusion, which total 6,143 sq. ft. of the GFA. Our own calculations bring the GFA in at 6,261 sq. ft. In both instances we have included the area of the machinery shed as it is an existing building. It appears you have eliminated the machinery shed from your calculations. If this is because the machinery building is proposed to be removed, we are willing to modify our application and keep this building in place. This building is close to the property line, and we feel its removal improves the overall design of the project. If you prefer that the building is to remain, a minor adjustment to the location of the septic system will be required. We are willing to remove or retain the machinery shed. The GFA calculations for the proposed 8 one-bedroom units at 600 sq. ft. each and 1 two-bedroom unit at 900 sq. ft. requires that the existing buildings contain no less than 5,700 sq. ft. We believe that the existing GFA supports the 9 units as proposed.

3. We have directed the project engineer to add additional plantings along the left side of the property to provide visual screening from the adjacent property as you have requested. I hope to provide you with updated plans prior to the meeting for your review. I hope my responses address your comments and look forward to discussing our application in more detail at the commission meeting on 3/9/2026. In the meantime, don't hesitate to reach out to me if you'd like additional info prior to the meeting.
Regards, Bob

Robert G. Wiedenmann, Jr.
Sunwood Development Corp.
273 North Colony Street, Suite 2
Wallingford, CT 06492
Office 203-269-0325 Cell 203-410-3332
Website www.sunwooddevelopment.com
E-mail Bob@SunwoodCT.com

Graduate Master Builder, Graduate Master Remodeler,
Aging-in-Place Specialist, Certified Green Professional
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186 WILLIAMS RD

Location 386 WILLIAMS RD

Mblu 123/172/1

Acct# M0060600

Owner MALCHIODI MALCOLM A
(ESTATE)

Assessment \$466,800

Appraisal \$666,700

PID 13808

Building Count 2

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$481,000	\$185,700	\$666,700
Assessment			
Valuation Year	Improvements	Land	Total
J24	\$336,800	\$130,000	\$466,800

Owner of Record

Owner MALCHIODI MALCOLM A (ESTATE)
 Co-Owner C/O MALCHIODI MICHAEL & MARK A
 Address 385 WILLIAMS RD
 WALLINGFORD, CT 06492

Sale Price \$0
 Book & Page 1740/812
 Sale Date 05/30/2025
 Instrument 33

Ownership History

Ownership History				
Owner	Sale Price	Book & Page	Instrument	Sale Date
MALCHIODI MALCOLM A (ESTATE)	\$0	1740/812	33	05/30/2025
MALCHIODI MALCOLM A	\$0	1702/354	33	02/01/2023
MALCHIODI MALCOLM	\$0	0387/0170		06/02/1972

Building Information

Building 1 : Section 1

Year Built: 1955
 Living Area: 1,692

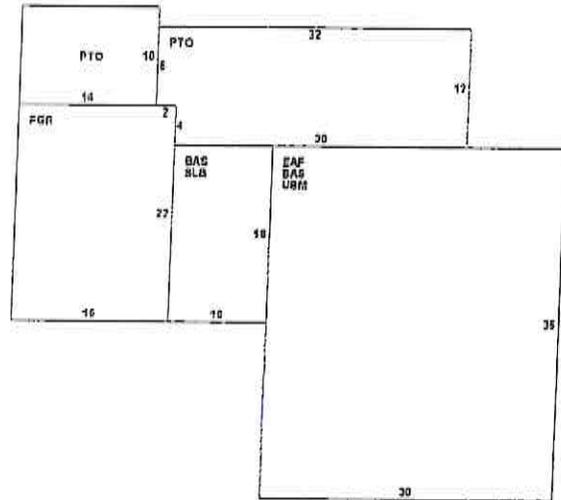
Building Attributes	
Field	Description
Style:	Multi Family
Model	Residential
Grade:	C
Stories:	1 1/4 Stories
Occupancy	2
Exterior Wall 1	Brick Veneer
Exterior Wall 2	
Roof Structure:	Gable
Roof Cover	Asphalt
Interior Wall 1	Drywall
Interior Wall 2	Cust Wd Panel
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Num Kitchens	
Cndtn	
Number of Fireplaces	
Num Park	
Fireplaces	
FndIn Cndtn	
Basement	

Building Photo



https://images.vgsi.com/photos/wallingford/photos/0046/13808_46189_

Building Layout



(ParcelSketch.eskx?pid=13808&bid=13821)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	1,260	1,260	
EAF	Attic, Expansion, Finished	1,080	432	
FGR	Garage	352	0	
PTO	Patio	516	0	
SLB	Slab	180	0	
UBM	Basement, Unfinished	1,080	0	
		4,468	1,692	

Building 2 : Section 1

Year Built: 1960
 Living Area: 1,120

Building Attributes : Bldg 2 of 2	
Field	Description

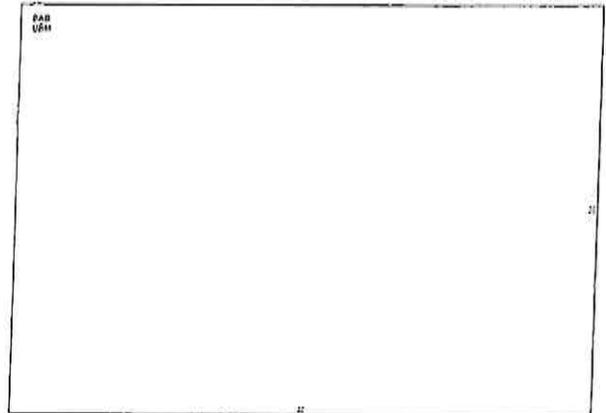
Style:	Ranch
Model	Residential
Grade:	C
Stories:	1 Story
Occupancy	1
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable
Roof Cover	Asphalt
Interior Wall 1	Drywall
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Forced Air-Duc
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Num Kitchens	
Cndtn	
Number of Fireplaces	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

Building Photo



(<https://images.vesi.com/photos/wallingford/Photos/A020028158.jpg>)

Building Layout



([ParcelSketch.aspx?pid=13808&id=17410](#))

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,120	1,120
UBM	Basement, Unfinished	1,120	0
		2,240	1,120

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Land Line Valuation

Use Code 1090
 Description Multi Hses
 Zone RU40

Size (Acres) 1.39
 Assessed Value \$130,000
 Appraised Value \$185,700

lblndfront

Outbuildings

Outbuildings				Legend
Code	Description	Size	Value	Bldg #
SHP2	Work Shop Good	2176.00 S.F.	\$102,800	2
IMP	Implement Shed	1155.00 S.F.	\$10,100	2
SHD2	Shed w/Elec	156.00 S.F.	\$3,300	2

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2025	\$481,000	\$185,700	\$666,700
2024	\$481,000	\$185,700	\$666,700
2023	\$253,800	\$154,700	\$408,500

Assessment			
Valuation Year	Improvements	Land	Total
2025	\$336,800	\$130,000	\$466,800
2024	\$336,800	\$130,000	\$466,800
2023	\$177,700	\$108,300	\$286,000

Cherie Murchison

From: Michael Hughes
Sent: Tuesday, March 3, 2026 10:36 AM
To: Kevin Pagini
Cc: Cherie Murchison
Subject: 386 Williams Rd. Septic plan review

RECEIVED

MAR 03 2026

WALLINGFORD
PLANNING & ZONING

Good Morning-

As discussed, I reviewed the septic proposal and have no major issue with it. The engineer has already addressed some minor concerns and provided me a revision. That being said, given that both dwelling units (386 and 388) are proposed to be serviced by the same septic system, I was required to apply for a central sewage system exception from CT DPH. I have submitted the application, a signed pdf of the revision, soil data, and the interior floor plans provided. I do not expect any issues, but I cannot extend an approval until I receive comment or approval from the state engineer. Let me know if there is anything else you need. I've set a reminder to follow up with the State by the end of the week. Thanks, and have a good one!

Best,

Mike Hughes

Chief Environmental Health Specialist
Wallingford Health Department
45 South Main Street
Wallingford, CT 06492
(203) 294- 2065 ext. 1251
www.wallingfordct.gov

401-26-03

#401-26-04

Exhibit A

Violation History

44 pages 1 map

MEMORANDUM

Date: 10/17/24

TO: Members of the Zoning Board of Appeals

From: Amy Torre, Land Use Specialist/Zoning Enforcement Officer

Re: Staff Comments-Appeal to the Order of the ZEO- #24-031

Dear Board Members:

Application #24-031 is an Appeal of a Determination by the ZEO to deny a building permit for Zoning non-compliance (illegal dwelling unit(s)). The Building Department received complaint from a neighbor that activity was in process to demolish and renovate a studio dwelling unit on the upper partial story of a cape-cod home located at 386 Williams Road without benefit of any permits. Complainant also advised of occupancy in a 6 room ranch home attached to an accessory barn structure on the same parcel. (Attachment A)

7/26/24: A Stop Work Order and Notice of Violation was issued by Asst. Building Official and Zoning Office was advised to assess legality of dwelling unit(s) other than primary Single Family Residence prior to issuing building permits to reconstruct upper story dwelling.(Attachment B)

8/12/24: Property owner claims both residential dwelling units pre-dated Zoning and allowed to continue. This office researched property history and determined dwelling unit(s) did not exist prior to 1980 per Assessor, Tax Records and Housing Records, building permits and P & Z records to date. The studio apartment in the primary residence could be "legalized" by PZC Approval for an Accessory Dwelling Unit. Property owner represented he/they would not be living on the premises but rather would be renting as two family, therefore could not meet the condition for an Accessory Apartment Approval. Advised property owner if apartment was reconstructed it would be in violation of Sections 4.2 and 6.15 of the Wallingford Zoning Regulations. (Attachments C, C-1, C-2, D, E).

Further research into use of barn/6 room ranch house indicates construction post-1958 (inception of Zoning) with no evidence of building permit. Property identified as both 385 and 386 Williams Road as 386 Williams Road was not created as 1.36 acre lot as identified currently until subdivision approved February 1976. Subdivision Map does not disclose existence of barn or 6 room attached ranch home. Subdivision regulations require all buildings be identified/disclosed on all proposed and final subdivision maps. Subdivision would not have been approved with identified 2 dwelling structures on one lot as per Section 3.19 of the 1971 Zoning Regulations and Section 6.13 of the Zoning Regulations, also existing in 1971 as it would have increased the non-conformity of the 1.39 acre lot known as 386 Williams Road. (Attachments F, G, H)

Property cannot have 2 residential buildings. Barns do not permit habitancy by humans. 6 room, 3 bedroom ranch house with kitchen, living room, bathroom and other room is not considered a barn or a storage accessory structure. Property is in violation for dwelling unit/occupancy of barn. History of same violation since 1990s. Property owner sought variance for residential use of 6 room ranch building in January 2002 and was denied. Re-application for same in October-November 2004 was withdrawn. (Attachments I, J)

8/29/24: Request from Owner's Counsel for letter of Zoning Compliance in order to obtain building permit reconstruct studio apartment in primary dwelling.(Attachment K)

9/5/24: Determination of non-compliance and no zoning approval to obtain building permit forwarded to owner via Counsel. Owner appealing this letter and determination of non-compliance for illegal dwelling units. (Attachment L)

10/16/24: Owner applies for Rental Housing Code Inspection of 2 family home for first floor occupancy. (Attachment M)

I may be presenting additional documentation and comment for the record at the meeting on April 16, 2018.

Regards,

Amy B. Torre

PLANNING AND ZONING DEPARTMENT

MEMORANDUM

TO: Zoning Board of Appeals
Amy Torre, Zoning Enforcement Officer

FROM: Kevin J. Pagini, Town Planner, on behalf of the Wallingford Planning and Zoning
Commission *KJP*

RE: 386 Williams Rd - #24-031 – Appeal of the Decision of the ZEO

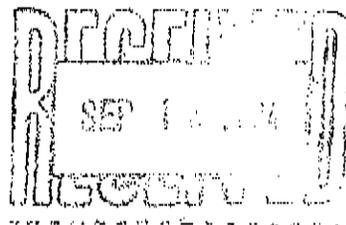
DATE: October 17, 2024

At its meeting of Wednesday, October 16, 2024 the Wallingford Planning and Zoning Commission opted to issue a report to the Zoning Board of Appeals regarding the subject application, as follows:

The Planning and Zoning Commission agrees with the determination of the Zoning Enforcement Officer to refuse issuance of a building permit to a property in zoning violation at 386 Williams Road. It is the Commission's position that the Zoning Enforcement Officer thoroughly researched Town records and databases to arrive at her decision. Therefore, the Commission strongly recommends a denial of the appeal by the applicant.

Please contact the Planning and Zoning office with any questions that you may have.

ATTORNEY JIM LOUGHLIN
WALLINGFORD, CONNECTICUT



August 29, 2024

Ms. Amy Torre, ZEO
TOWN OF WALLINGFORD
45 South Main Street
Wallingford, Connecticut 06492

re: 386 Williams Road
n/f Malcolm Malchiodi

Dear Amy:

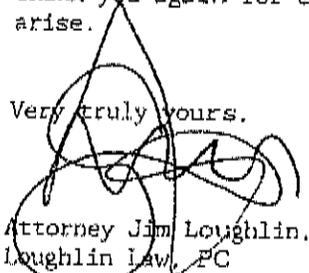
Please recall this office represents The Malchiodi Family with regard to the brick, two-family house located on the property above. Thank you again for the time in reviewing your file concerning this building.

The Malchiodi's can show that the two-family brick structure has existed since before zoning, and show that the upstairs apartment has been maintained as a separate dwelling continuously. Issues concerning this second apartment only arose recently, after Mike & Mark Malchiodi pulled building and electrical permits, to update this second apartment. These updates have been stalled since.

The Malchiodi Family would like to move forward with the renovations. With this in mind, we ask that your office issue a Zoning Compliance Letter. If you are not able to issue a Zoning Compliance Letter, in light of our recent conversations, I understand your position. If that is the case, we ask that you deny this request so we may approach the ZBA.

Thank you again for enduring assistance. Feel free to call if comments or questions arise.

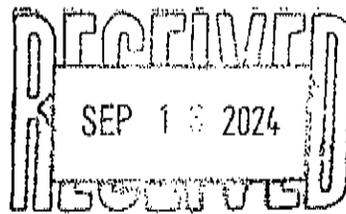
Very truly yours,



Attorney Jim Loughlin, for the firm
Loughlin Law, PC
JL/cgt

cc: Mark & Mike Malchiodi

WITHDRAWN



Please type or print ink.
FEE: \$250.00

ZONING BOARD OF APPEALS

APPLICATION FOR:

- A. Special Exception
- B. Appeal of Decision of ZEO
- C. Location of Use

APPLICATION # 24-031

Date: September 9, 2024

Name of Applicant: Mark Malchiodi and Michael Malchiodi

Mailing Address: c.o 12 Malchiodi Drive, Wallingford, Connecticut 06492

Street City State Zip Code

Phone: (203) 265-9871 E-mail Address: markmal@sbcglobal.net

Interest in Property: Own Rent Lease Option to Buy Other

Name of Property Owner: Malcolm A. Malchiodi (late of Wallingford), Mark Malchiodi and Michael Malchiodi

Mailing Address: c.o 12 Malchiodi Drive, Wallingford, Connecticut 06492

Street City State Zip Code

Legal Description of Property (check one box and complete information for that line only):

Street Address: 386 Williams Road

Lot # and Street Name

Volume & Page of Deed in Land Records

Zoning District: RU-40

Directions to Property (from well recognized Town road): Durham Road passed Rock Hill School, over I-91. Take a left onto North Airline Road, and then a left onto Williams Road. This property is on the right, across from McNabola Lane.

A. TYPES OF SPECIAL EXCEPTION REQUESTED & MINIMUM ITEMS TO BE INCLUDED WITH APPLICATION

1. CUSTOMARY HOME OCCUPATION

- a. Type of Occupation: _____
- b. Sq. Footage of 1st floor of building: _____ c. Sq. Footage of home occupation: _____
- d. Map, drawn to scale, showing property, location of dwelling on property and location & dimensions of all parking spaces.

2. BOARDING HOUSE/ROOMING HOUSE

- a. Map, drawn to scale, showing property boundaries, location & dimensions of building, number of boarders and location & dimensions of all parking spaces.

3. BED & BREAKFAST

- a. Year house constructed: _____ b. Number of guest rooms: _____ c. Map, drawn to scale, showing property boundaries, location & dimensions of building, location & dimensions of all existing and proposed parking spaces, proposed landscaping. d. Floor plan of proposed B&B, with room use listed. e. Architectural drawings for any proposed additions, including emergency exits.

4. WINDMILL

- a. Map, drawn to scale, showing property, location of any buildings on lot, proposed location of windmill and distances to buildings and property lines.

5. [] SOLAR PANELS & SATELLITE DISHES

- a. Map, drawn to scale, showing property, location of any buildings on lot, proposed locations of panes or dishes and screening.
b. Height of device
c. Technical literature about device (please attach)

6. [] NURSERY SCHOOL, CHILD DAY CARE CENTER, GROUP DAY CARE HOME

- a. Map, drawn to scale, showing property, location of building(s) on lot, parking spaces, play area.
b. Square footage of lot:
c. Building Coverage:
d. Enrollment capacity per session:

7. [] CEMETERIES

- a. Location map showing adjacent streets.

8. [] GARAGES

- a. Map, drawn to scale, showing property, location of building(s) on lot, garage location.
b. Sq. footage of principal residence: (living area only) Sq. footage of existing garage space
c. Sq. footage of proposed garage space
total sq. footage of proposed garage space

9. [] STABLES

- a. Map, drawn to scale, showing property, location of building(s) on lot, proposed stable.

B. APPEAL OF DECISION OF THE ZEO: Please describe the decision of the ZEO below and why you feel it is not accurate: The ZEO decided the brick house on this property is a single family dwelling, and not a two-family house. Malchiodi Family Records show the structure was built prior to zoning, and that it has been maintained as two-dwellings continuously since. Please refer to our letter to Amy Torre ZEO dated 08/29/2024 (copy attached).

ATTACH ADDITIONAL SHEET IF NECESSARY

C. LOCATION OF USE

- [] AUTO DEALERSHIP [] NEW [] USED - A site plan must be included with the application.
[] REPAIRER'S LICENSE - A site plan must be included with the application
[] GASOLINE STATION - A site plan must be included with the application

Applicant must notify abutters by certified mail 10-15 days prior to the public hearing by sending them a copy of the legal notice. Certificates of Mailing must be returned to the Planning Department at least five (5) days prior to the meeting.

Names and Mailing addresses of all abutting property owners (to the right, left and rear of your property)

Table with 3 columns: NAME, MAILING ADDRESS, and MBL. Contains 4 rows of property owner information.

(ATTACH ADDITIONAL SHEET IF NECESSARY)

Name of Applicant or Agent: Mark Malchiodi and Michael Malchiodi Title: (Please print) (If agent or company representative)

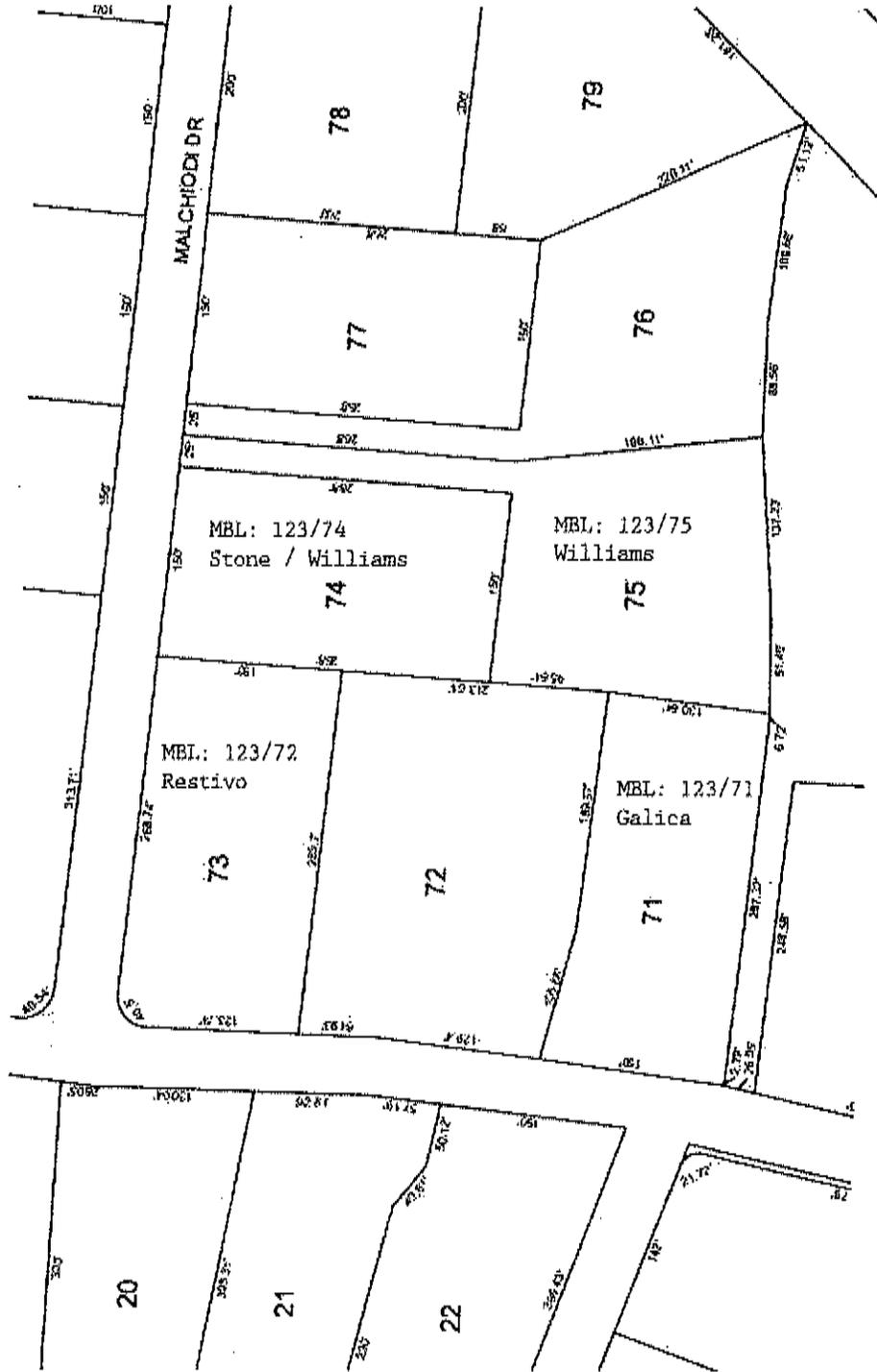
Signature of Applicant or Agent: [Handwritten signatures of Mark Malchiodi and Michael Malchiodi]

Name of Property Owner: Malcolm A. Malchiodi (late of Wallingford), Mark Malchiodi and Michael Malchiodi

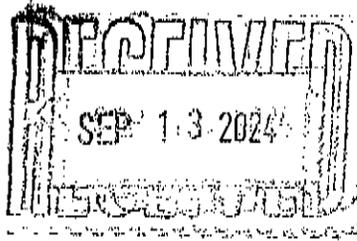
Signature of Property Owner: [Handwritten signature of Mark Malchiodi] Mark Malchiodi, Individually, and as Co-conservator & Co-executor

DocuSigned by: Michael Malchiodi Michael Malchiodi, Individually, and as Co-conservator & Co-executor 9/12/2024

Assessor Map 123



ATTORNEY JIM LOUGHLIN
WALLINGFORD, CONNECTICUT



September 12, 2024

Ms. Amy Torre, ZEO
TOWN OF WALLINGFORD
45 South Main Street
Wallingford, Connecticut 06492

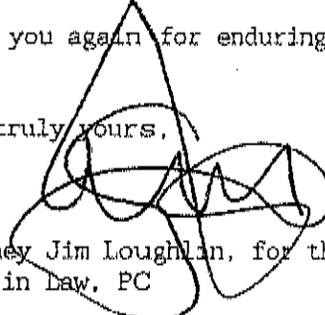
re: 386 Williams Road
r/f Malcolm Maichiodi

Dear Amy:

Enclosed please find our application to the Zoning Board Of Appeals, concerning the brick structure at 386 Williams Road. While this application is pending, please also forward correspondence to my attention, either by mail or email, whichever suits you best.

Thank you again for enduring assistance.

Very truly yours,



Attorney Jim Loughlin, for the firm
Loughlin Law, PC
JL/cgt

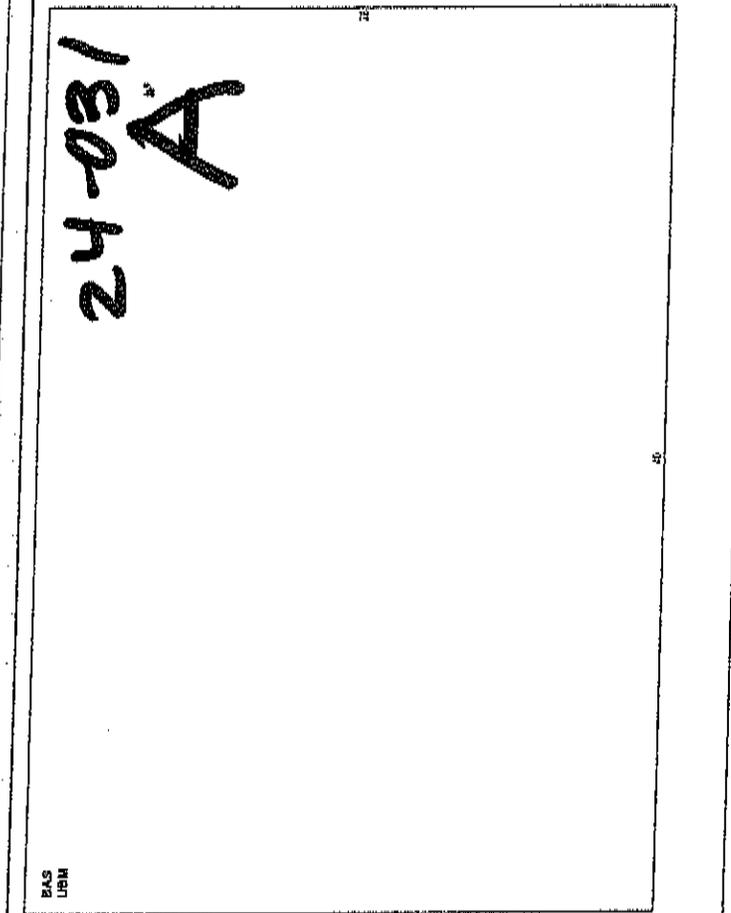
CONSTRUCTION DETAIL (CONTINUED)

Element Cd	Description	Element Cd	Description
01	Ranch Residential		
02	1 Story		
03	Clapboard		
04	Gable		
05	Asphalt Drywall		
12	Hardwood		
02	Oil		
04	Forced Air-Duc		
01	None		
03	3 Bedrooms		
01	6 Rooms		
02	Average		
02	Average		

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)			
Description	Units	Unit Price	Yr Bilt
Work Shop	1	24,000	1955
Implement Sh	1	10,000	1955
Shed w/Elec	1	16,000	1955

BUILDING SUB-AREA SUMMARY SECTION			
Description	Floor Area	Eff Area	Unit Cost
First Floor	1,120	1,120	83.58
Basement, Unfinished	0	1,120	16.72
Ttl Gross Liv / Lease Area	1,120	2,240	1,344
			112,326

CONSTRUCTION DETAIL (CONTINUED)			
Element Cd	Description	Element Cd	Description
	Building Value New		116,326
	Year Built		1960
	Effective Year Built		A
	Depreciation Code		33
	Remodel Rating		D
	Year Remodeled		5
	Depreciation %		1
	Functional Obsol		62
	External Obsol		72,100
	Trend Factor		
	Condition		
	Condition %		
	Percent Good		
	RCNLD		
	Dep % Ovr		
	Dep Ovr Comment		
	Misc Imp Ovr		
	Misc Imp Ovr Comment		
	Cost to Cure Ovr		
	Cost to Cure Ovr Comment		



24-031
A

BAS
URM

CURRENT OWNER
 MALCHIODI MALCOLM A
 C/O MALCHIODI MISHAELA MARKA
 386 WILLIAMS RD
 WALLINGFORD CT 06492

TOPO
 1 Level
UTILITIES
 2 Public Water
STRT / ROAD
 1 Paved
LOCATION
 2 Suburban

SUPPLEMENTAL DATA
 Alt Pict ID 213001004A
 Census: 1760
 Old MBLU
 TC MAP #
 Record Lot
 GIS ID 13808

ASSOC PLOT #
 0-429

RES LAND
 RES EXCES
 DWELLING

ENG MAP #
 0-429
 Easement
 Town Line
 LIND PARK

VISION

RECORD OF OWNERSHIP

BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
1702	0387	0170	U	0	33	2023	1-1	105,400	2022	1-1	105,400	2021	1-1	105,400
			U				1-2	2,900		1-2	2,900		1-2	2,900
			V				1-3	177,700		1-3	177,700		1-3	177,700
Total														

EXEMPTIONS

Year	Code	Description	Amount	Code	Description	Number	Amount	Gain Int
			0.00					
OTHER ASSESSMENTS								
ASSESSING NEIGHBORHOOD								
Nbhd	125	Nbhd Name	B	Tracing				Batch
NOTES								
2007 = RE-ROOF DEFERRED MAINTENANCE								
7/21/15 IF								
ECO = RESALE								
SHP2 = OLD DAIRY BRN								
SHD2 = OLD MILK HSE								
1ST = 3 BED, 1 BTH, K, LR, OTHER - 1								

BUILDING PERMIT RECORD

Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	CO/GA Date	Comments

LAND LINE VALUATION SECTION

Use Code	Description	Zone	Land Typ	Land Units	Unit Price	Size Adj	Site Index	Cond	Nbhd	Nbhd Adj	Notes	Location Adjustment	Adj Unit P	Land Val
2	10950	Multi Hses	RJ440	0.000	AC	8,000	1,00000	0	0.00	125	1,300		0.0000	0
Total Card Land Units 0.000 AC														
Parcel Total Land Area 1.39														

APPRaised VALUE SUMMARY

Appraised Bldg Value (Card)	Appraised Xt (B) Value (Bldg)	Appraised Ob (B) Value (Bldg)	Appraised Land Value (Bldg)	Special Land Value	Total Appraised Parcel Value
195,800	58,000	154,700	408,500		408,500

PREVIOUS ASSESSMENTS (HISTORY)

Year	Code	Assessed	Year	Code	Assessed	V	Year	Code	Assessed
2023	1-1	105,400	2022	1-1	105,400		2021	1-1	105,400
	1-2	2,900		1-2	2,900			1-2	2,900
	1-3	177,700		1-3	177,700			1-3	177,700
Total 286,000									

WSIT / CHANGE HISTORY

Date	Id	Type	Is	Cd	Purpose/Result
06-06-2020		MIG			66 Phone Appt
04-02-2020		FS	03		01 Measured

TOWN OF WALLINGFORD
45 SOUTH MAIN STREET
TEL (203) 294-2005
FAX (203) 294-2095

AM
10 - 12

PM
1 - 3

24-031
B

Specific Time:

16

REQUESTED DATE: 7-26-2024 - FRI

PROPERTY ADDRESS: 386 Williams Road - 2nd Floor

OWNER'S NAME / PHONE: Malchiodi - Mike & Mark

CONTRACTOR'S NAME / PHONE: (475.434.1194)

INSPECTION ORDER TAKEN BY: D.P. DATE: 7/26

RE-INSPECTION: YES NO FROM DATE: _____

(circle) SITE HOUSING BUILDING ELECTRICAL MECHANICAL PLUMBING

PERMIT NUMBER: B# _____ E# _____ MH# _____ PH# _____

TYPE OF INSPECTION: Site Review - work no permits

INSPECTION REPORT RESULTS:

(circle) APPROVED DISAPPROVED

Rear entrance to 2nd floor.

- Each room on sides of staircase
being demo'd. Framing exposed.

* Send "Stop Work Order" to H/O.

see attach

* RE-Inspection is Required *

Inspector Name: LuCoppola ABo

Dated: 7/26/2024 - FRI

24-031
B



Town of Wallingford Building Department
45 South Main Street, G40, Wallingford, CT 06492
203.294.2005-office 203.294.2095-fax

Justin Rossetti, CBO
Chief Building Official

Michael & Mark Malchiodi
385 Williams Road
Wallingford, CT 06492
475.434.1194

RE: 386 Williams Road – 2nd floor (brick house)

July 26, 2024

This office received an anonymous phone call for work being performed at the above referenced address. As you know I made a site visit and the interior of the 2nd floor unit was currently being demo'd and the rough wall framing was exposed.

This letter will act as a **"Stop Work Order"** until you have obtained the proper approval and permit(s) are issued for said work. Please contact me ASAP to discuss the next steps. Our office is open 8-5:00 p.m. Monday – Friday.

Your prompt attention to this matter is required!

Regards,

Lou Coppola, Sr. ABO
Asst. Building Official
203.294.2005 – office
203.819.9761 – mobile
L.Coppola@WallingfordCT.gov

24-031
B



Town of Wallingford Building Department
45 South Main Street, G40, Wallingford, CT 06492
203.294.2005-office 203.294.2095-fax

Justin Rossetti, CBO
Chief Building Official

Certified Mail – Return Receipt Request

July 26, 2024

NOTICE OF VIOLATION

Mr. Malcolm Malchiodi
C/O Mr. Mark and Michael Malchiodi
385 Williams Road
Wallingford, CT 06492

**Re: 386 Williams Road/ Multi Family House
Notice of Violation / Rental Housing Code -**

Dear Property Owner:

Please be advised that you are currently in violation of §167-3.A (1), "Responsibility of Owners and Occupants", which reads, in part, (1) No dwelling or dwelling unit may be let until the dwelling or dwelling unit has been inspected by the Code Enforcement Officer and either a Certificate of Compliance has been issued or an extension of time has been granted under §167-11 B (3) for correction of any violations. **As of this date, this office does not have rental approvals on file for the apartments located at the above mentioned multifamily home. I would strongly suggest that you contact this office immediately upon receipt of this notice to arrange for rental inspections.** Please note that a rental inspection must be performed prior to the occupancy of a new tenant.

In accordance with the terms of §167.15, "Violations and Penalties", of the Rental Housing Code Ordinance, please note that in the event we do not hear from you within **ten** days from your receipt of this notice, the Town of Wallingford will consider commencing an action imposing a civil penalty of \$100.00 per day for each day you remain in violation. Any person aggrieved by a notice of the Code Enforcement Officer issued in connection with any violation shall be granted a hearing on the matter before the Housing Code Board of Appeals, provided that such person shall file in the office of the Housing Code Board of Appeals a written petition requesting such a hearing and setting forth the grounds therefor within 20 days after the Notice of the Code Enforcement Officer was served upon such person.

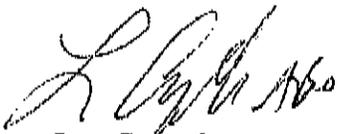
24-031
B

Page Two
July 26, 2024
386 Williams Road

I am enclosing our Request for a Rental Housing Code Inspection. I would appreciate it if you would complete one form requesting an inspection. This form must be completed and received by our office prior to the inspection(s), together with your check for \$10.00 for each rental unit to be inspected.

We look forward to hearing from you.

Very truly yours,



Lou Coppola
Assistant Building Official

LC/dd
Enclosure

24-031

1/13/86



§4.2 RURAL DISTRICT (RU-160, RU-120, RU-80, RU-40)

- A. Purpose - To allow single-family residences at low density while recognizing and encouraging the continuance of agricultural operations.
- B. The following uses are permitted subject to approval of a Zoning Permit in accordance with §8.3:
1. Any use permitted in §4.1.B. 10/2/94
 2. Farms, farming and agricultural operations.
 3. Cold storage plants when situated on a farm containing not less than ten (10) acres if used for storage of local produce or supplies used on local farms only.
 4. The maintenance, repair, manufacture and storage of equipment, implements, machinery and vehicles used in connection with an agricultural operation on the same premises or on premises under the same ownership. 9/19/89;
6/16/23
- C. The following permitted uses require approval of a Special Permit in accordance with §7.5:
1. Same as in §4.1.C. 10/2/89
 2. Farm Store, subject to the following conditions: 5/15/10
 - a. The store shall comply with the building setbacks of the zoning district in which it is located.
 - b. The store shall be located on land that is part of the farm store owner's farm.
 - c. A majority of products for sale shall be agricultural and horticultural products produced on land farmed by the farm store's owner.
 - d. At least ninety percent (90%) of items for sale shall be Connecticut grown agricultural and horticultural products.
 - e. On-site parking shall be provided at one (1) parking space/150 sq.ft.
 3. A private hospital, convalescent home, sanatorium or clinic, provided that the lot shall contain not less than six-thousand (6,000) square feet for each patient sleeping accommodation, but excluding hospitals for the insane, provided further that any building so used shall not be less than one-hundred (100) feet from any property or street line.
 4. the sawing and storage of timber, subject to the following conditions: 10/2/94
 - a. No such operation shall be located on a lot containing less than five (5) acres.
 - b. No sawmill shall be located within five-hundred (500) feet of any residence except a residence on the same premises.
 5. A geriatric healthcare center provided that....
 - a. The lot contains not less than ten (10) acres. 1/19/08
 - b. The lot shall contain not less than twenty-five hundred (2,500) square feet for each sleeping accommodation. 4/19/97
 - c. Any building so used shall not be less than one-hundred (100) feet from any property or street line. 4/19/97
 - d. Minimum lot coverage by gross first floor area shall not exceed twenty percent (20%) of the total lot area. 1/19/08
 - e. Parking in accordance with §6.11 except that independent living units shall require only one (1) space for each unit. 1/19/08
 6. An assisted living center provided that 11/29/97
 - a. The lot contains not less than ten (10) acres and a minimum of two-hundred (200) feet of road frontage;
 - b. the lot shall contain not less than three-thousand (3,000) square feet for each assisted living residence unit;
 - c. any building developed for such purpose shall be located not less than fifty

C

(50) feet from any property or street line: If deemed necessary by the Commission, minimum setbacks may be increased to one-hundred (100) feet from any property or street line;

- d. Minimum lot coverage by gross first-floor area shall not exceed fifteen percent (15%) of the total lot area;
- e. a landscaping buffer shall be required alongside and rear property boundaries. The purpose of the buffer shall be:
 - i. To protect property values by preserving existing vegetation and the planting of new materials;
 - ii. to provide privacy from visual intrusion, light, dirt and noise;
 - iii. to improve the appearance of development within the Town.

In cases where topography, natural features, existing vegetation or compatible land uses do not make a larger buffer necessary, the minimum shall be:

<u>District</u>	<u>Setback From Street Line</u>	<u>Setback From Other Property</u>	<u>Minimum Buffer</u>
RU-120	50	50	20
RU-80	50	50	20
RU-40	50	50	15

The setback shall be observed along street lines which shall be landscaped per §6.14.C. However, the buffering required under §6.14.d is not required. Signs are permitted within the front setback area

Additional buffering may be required by the Commission to meet the purposes of this section. Existing development on abutting property shall not be deemed as automatically requiring additional buffering.

- f. The minimum open space area required in an assisted living center use in a residential zone shall be:

<u>District</u>	<u>Minimum % of Open Space</u>
RU-120	85
RU-80	80
RU-40	70

- g. **Architectural Design:**
The architectural design, scale and mass of buildings and other structures, including, among other elements: The exterior building material, color, roof-line and building elevations shall be residential in character so as to harmonize and be compatible with the neighborhood, to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.
 - i. Pitched roof building shall be encouraged.
 - ii. Roof-top mechanical equipment, other than solar energy panels shall be concealed from all sides.
 - iii. Dwelling unit facades should be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit's façade materials should be considered. Staggered or off-set unit fronts shall not be less than five (5) feet in depth.



- iv. Buildings should be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
 - v. Each structure shall consist of no more than fifteen (15) units.
 - h. All utilities within the site shall be underground.
 - i. The site shall be served by sanitary sewer and municipal water.
 - j. Parking shall be provided at .5/unit.
 - k. Facilities for both active and passive recreations shall be provided.
7. Private Elementary School
8. **DELETED** 3/14/09

D. The following uses require a Special Exception from the Zoning Board of Appeals:

1. Same as in §4.1.D. 10/2/94

E. The following uses require Site Plan Approval in accordance with Article VII:

- 1. Accessory Apartments (See §6.15).
- 2. Livery and boarding stables, riding schools and veterinary hospitals, provided that they are on lots not less than five (5) acres and that no dogs therein are kept in any building or enclosure within one-hundred and fifty (150) feet of any property line. 11/13/04
- 3. Farm Wineries, subject to:
 - a. Shall be on lots of not less than ten (10) acres.
 - b. Shall provide parking as §6.11. Impervious cover materials shall not be permitted for parking areas or driveways on property located within the watershed. Parking landscaping as required by §6.14.E may be modified by the Commission to preserve scenic views. 9/1/06; 7/3/16
 - c. All compost piles shall be a minimum of two-hundred (200) feet from any body of water, watercourse or wetland.
 - d. Shall provide a plan acceptable to the Water and Sewer Divisions and/or Health Department, for waste disposal, including pretreatment of wash down and processing wastewater.
 - e. If applicable, shall comply with the requirements of the Watershed Protection District.
 - f. No parking or loading areas shall be within one-hundred (100) feet of a property boundary.
 - g. No sale of wine either by retail or by the glass may occur before 11:00 a.m. or after 6:00 p.m. on Sunday, or in accordance with applicable State and Federal law, whichever is more restrictive. Grappa and brandy shall only be permitted to be sold for off-premise consumption; however, tastings of grappa and brandy are permitted on premises. 7/3/16
 - h. Signage must conform to §6.9 of the Wallingford Zoning Regulations. 7/3/16
 - i. The following accessory activities are permitted as part of a farm winery use. 7/13/16
 - I. Bulk sales and distribution of products produced at the farm winery as permitted under Connecticut General Statutes, as amended.
 - II. Retail sales by glass or bottle;
 - III. a tasting room;
 - IV. product tastings and winery tours;
 - V. incidental service and sale or other pre-packaged non-alcoholic beverages and cold pre-packaged food for consumption on the premises limited to that permitted by a Class 1 Food Service License under the health Code except for §.2.3.i.IX; 6/18/21
 - VI: incidental sale of souvenirs and winery-related items provided that

C

any area designated for such sales shall not exceed the letter of ten percent (10%) of the Gross Floor Area of the Farm Winery building or one-hundred and fifty (150) square feet.

VII. Events and promotions as provided herein, and,
VIII. any person or group of persons may bring food for consumption on the premises.

IX. Mobile Food Vendor subject to the approval of a Zoning Permit, limited to a single vehicle at any one time and with the following additional conditions: 6/18/21

- a. Limited to Thursday through Sunday operation/location on the site.
- b. Must be located on private property, and provide written permission from the owner of said property.
- c. Must be located within permitted parking area, not within any required landscaped areas.
- d. If vendor occupies parking spaces, those spaces must be in excess of the other current uses on the site. Should such use(s) on the site change so as to require said spaces the mobile food vendor shall no longer be permitted to occupy said spaces.
- e. Must also have available two (2) parking spaces in addition to those required for the other current uses on the site. Should such use(s) on the site change so as to require said spaces to comply with parking requirements, the mobile food vendor shall no longer be permitted to utilize said spaces.
- f. Must be mounted on wheels or other method of moveable design, and must be readily moveable. If the operation is not immediately mobile, it shall be considered a "building" and be required to comply with applicable regulations for buildings.
- g. Must be self-contained; connections to external utilities shall not be permitted.
- h. Shall not have any signage beyond that which is affixed to the food service unit; temporary signage per §6.9.C shall not be permitted for a mobile food vendor.
- i. No storage or location of any materials, seating, or other items associated with the mobile food vendor shall be permitted to be kept or located outside of the food service unit.
- j. Shall obtain any necessary approvals under Health Code.
- k. Events and Promotions: A farm winery may conduct events as follows: 7/3/16
 - I. Up to four (4) public special promotional events during a calendar year, and
 - II. once-a-month private reserved events with an attendance limited to the permitted seating capacity of the tasting room.
 - III. All events allowed under subdivisions (I) and (II) shall end at or before 8:00 p.m. from Monday through Saturday and 6:00 p.m. on Sunday. Live music is permitted at each such event and may be amplified when performed indoors and shall not be amplified when performed outdoors. Catered food may be offered indoors at the reserved once-a-month events. The winery may not charge a facility rental fee for any such event.



IV. Regardless of the events or activities otherwise permitted hereunder, a winery shall conduct no activity that generates more than one-hundred (100) peak hour vehicle trips as contemplated in §4.2.C.1 and §4.1.C.7 hereof without a Special Permit for such event.

V. The farm winery shall notify the Planning and Zoning Department of the date and nature of the event at least thirty (30) days prior to the event.

i. Music: a farm winery may provide live and recorded music as follows: 7/3/16

I. Commercially available licensed background music during all business hours up to 8:00 p.m. from Monday through Saturday and 6:00 p.m. on Sunday in the testing room. Live music no more than twice a week between 11:00 a.m. and 8:00 p.m. Live music may be amplified or unamplified when inside and shall not be amplified when performed outside.

II. The farm winery shall not charge for admission in connection with any musical performance.

III. The winery shall at all times comply with the restrictions of the Wallingford Noise Ordinance for the zone in which it is located. It is not the intent of this regulation to consider the above events, promotions, and music to be exempt farm activities under the Noise Ordinance. 7/13/16

4. Farm Stand, subject to the following conditions: 5/15/10

- a. The stand shall sell only agricultural and horticultural products produced on the owner's farm.
- b. The stand shall be located on land zoned to permit a farm and farmed by the owner of the farm stand.
- c. The stand shall be set at least twenty (20) feet back from the street line to provide off-street parking.
- d. The stand shall be open no more than six (6) months in any calendar year.
- e. At least three (3) parking spaces shall be provided.

F. The following accessory uses are permitted:

- 1. Same as in a Residence District, except a private stable for up to two (2) horses or ponies shall be permitted on a lot with a minimum of eighty-thousand (80,000) square feet.
- 2. Vegetable stand subject to the following conditions: 5/15/10
 - a. The stand shall only sell agricultural products grown on the premises.
 - b. The table shall not exceed fifteen (15) square feet.
 - c. One (1) parking space shall be provided off the traveled way.

G. All areas zoned RU-18, a zone to be discontinued, shall be governed by the requirements contained in §4.1 as if those properties were zoned R-18.

H. The following uses are permitted and do not require any zoning approval:

- 1. Mobile Food Vendor provided all of the following conditions are met:
 - a. Will not be located/parked on a property for more than ten (10) consecutive days; AND
 - b. Will not be located/parked on a property for more than twenty (20) days in any 365-day period. 6/14/14

§4.3 OPEN SPACE PLANED RESIDENTIAL DISTRICT (OSPRD)

9/18/90



A. Purposed: The OSPRD is intended:

1. To expand the choice of housing in the Town from individual lots and structures to the planning and development of larger areas with groups of structures erected as a coordinated entity and;
2. to preserve and make available open space for conservation, preservation of natural resources, farmland, recreation, wildlife habitat, and maintaining the rural New England flavor of Wallingford.

B. Permitted Uses:

1. One-family, two-family, and multi-family dwellings in principal buildings subject to the following conditions:
2. Related accessory buildings, structures, and uses, limited to the following:
 - a. Private garages.
 - b. Maintenance and utility shops for the upkeep and repair of buildings, structures and equipment on the site.
 - c. Recreation facilities limited to the use of individuals living on the premises.
 - d. Manager's office.
 - e. Utility buildings and structures.

C. Objectives:

In addition to the Special Permit objectives contained in §7.5.B, the following criteria must be met before a Special Permit shall be approved:

- a. The development shall provide a creative approach to the development of residential land.
- b. The development shall provide a more desirable environment than would be possible through the strict application of the minimum requirements of the Zoning and Subdivision Regulations.
- c. The development will be an efficient use of land resulting in smaller networks of utilities and streets.
- d. The development shall be capable of existing in harmony with surrounding residential areas.

D. Development Standards: The following standards and requirements shall apply to any development in OSPRD.

1. The minimum parcel size shall be:

<u>District</u>	<u>Acres</u>
RU-120	25
RU-80	25
RU-40	15
R-18	15
R-15	5
R-11	5
R-6	5

2. The total number of proposed dwelling units shall be determined by dividing the total acreage of the tract minus,
 - a. fifty percent (50%) of all wetlands and watercourse areas
 - b. land with slopes in excess of twenty-five percent (25%).

STR. 386 WILLIAMS ROAD
 OWNER FRED & MARY MALCHIODI, FREDERICK MALCHIODI, MALCOLM A.
 1970's
 24-031 RESIDENTIAL PROPERTY
 PARCEL 4-A
 CARD NO. 51
 RECORD OF TRANSFER
 DATE 6-2-72
 VOL. 387/170
 PG. 216/286
 STAMPS 10-10-72
 REMARKS S-2707 - Lot 4
 M006060-0
 2081 RD
 707 CLYP

LAND TYPE	# OF ACRES	PRICE	TOTAL	DEPR.	VALUE	EQ. FACT.	ASSESSMENT	HILLY	ROUGH	HIGH	LOW	SWAMPY	LEVEL	PAVED	ASSESSMENT
USE LOT	95	5000	47500	25000	12500	65	12500								
ONT ACRES	91.55	750	68660	45	37760	65	24050								
AR ACRES	42AC	750	315			65	200								
ASTE	964 AC	62	807				606								
1.37AC															
97.50 AC															
24	213														
20	187														
4	141														
2.5	100														
3	100														

INTERIOR INSPECTED: *Time Property Builders*
 DATE: *10-1-72*
 BUILDING PERMITS: *SPLIT 5 Lots off 10-1-76 S. 213 AC*
 LAND FACTORS: *NO CITY SEWERS, NO CITY WATER, GRAVEL RD., DIRT RD., NO RD., PAVED*
 SUMMARY AMOUNT: 23750
 DWIG. 15000
 OUTBLDG. 4
 LOTS 3500
 COMM. 5250
 INDUSTR. 15000
 ACRES 96
 TOTAL 28600
 DWIG. 15000
 OUTBLDG. 4
 LOTS 3500
 COMM. 5250
 INDUSTR. 15000
 ACRES 96
 TOTAL 28600

24-031

1740'S ASSESSOR'S OFFICE

RECORD OF OWNERSHIP AND DESCRIPTION

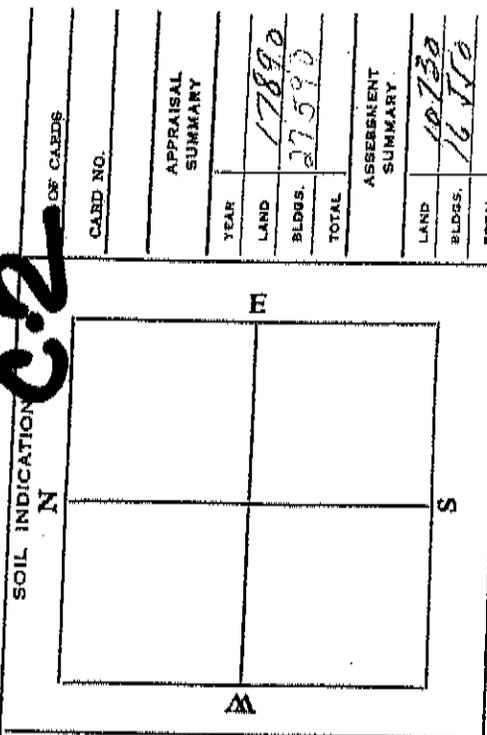
286 Williams Road

Malchodi, Fred & Mary

213 MAP 4-7 5615 - 4 - 6 5614A

2 LOT

T. 4.5.6 6901 A.



CARD NO.

APPRAISAL SUMMARY

YEAR	
LAND	17890
BLDGS.	27590
TOTAL	

ASSESSMENT SUMMARY

LAND	10730
BLDGS.	16110
TOTAL	

CLASSIFICATION		LAND RECORD		DISTANCE TO		DIRECTION	
CODE	NO. OF ACRES	CODE	NO. OF ACRES	ROAD NAME	ROAD NAME	ROAD NAME	ROAD NAME
BLDGE	1			DISTANCE TO SCHOOL			
BLDGE	1			DRAINAGE DISTRICT			
ESTURE EMPLOYED	1.7			PAVED	✓	PRIMARY	ROAD
ESTURE	73			ALL WEATHER	✓	DIRT	SECONDARY
ACRES	3			ELECTRIC	✓	UTILITIES	NO ROAD
ACRES	1.2			LEVEL	✓	TOPOGRAPHY	WATER
ACRES	5			ROLLING	✓	HIGH	FOCUSIN
ACRES	5			ROUGH	✓	LOW	
ACRES	1.01			TOBACCO	✓	SWAMP	
ACRES	1.01			COTTON	✓	AVERAGE CROP YIELDS PER ACRE	
ACRES	1.01			PEANUTS	✓	CORN	
ACRES	1.01			GOOD	✓	SOYBEANS	
ACRES	1.01			KIND	✓	HAY	
ACRES	1.01			HOME WATER SUPPLY	✓	WATER SUPPLY	
ACRES	1.01			DATE	✓	SALES DATA	
ACRES	1.01			CONSIDERATION	✓	VOL.	
ACRES	1.01			OWNER	✓	CITY	
ACRES	1.01			OTHER	✓	PAGE	
ACRES	1.01			APPRAISED BY	✓	SOURCE OF INFORMATION	
ACRES	1.01			ESTIMATE	✓	TENANT	
ACRES	1.01			COMPUTED BY	✓	ESTIMATE	

17890
 175 AC.
 SURVEY BAND June 10-1-59

24-031
D

§6.15 ACCESSORY APARTMENTS

In order to foster affordable housing alternatives in the Town of Wallingford, a single-family dwelling may be converted to allow the incorporation of one (1) accessory apartment in any residential district.

Approval of accessory apartments shall be subject to administrative approval in accordance with Section 7.1.C and the following requirements: 11/17/2023

- A. One (1) of the occupants of the dwelling shall, at all times, be an owner of record. An owner shall be defined as someone who has at least one-half ($\frac{1}{2}$) ownership interest in the property.
- B. The size of an accessory apartment shall be calculated to include its total gross floor area, measured from the exterior walls, and shall be determined as follows: 7/18/09
 - 1. An accessory apartment shall have a minimum floor area of four-hundred (400) sq. ft.
 - 2. Shall not exceed 1,000 sq. ft. in primary dwellings where the living area is less than or equal to 2,500 sq. ft.; in primary dwellings with a living area greater than 2,500 sq. ft., 40% of the living area may be allowed, up to a maximum of 1,500 sq. ft. 11/17/2023
- C. An accessory apartment shall be self-contained, with separate cooking, sanitary and sleeping facilities for the exclusive use of the occupant(s).
- D. Exterior alterations shall be integrated with the original structure so that the appearance of a single-family dwelling is maintained. Building material and color shall match existing architecture, including windows, roofing and siding.
- E. No accessory building shall be used or created for the purpose of accommodating an accessory apartment.
- F. No accessory apartment shall be located in a basement unless one (1) wall opens to grade.
- G. Single family dwelling unit parking in accordance with §6.11 must be provided. 11/17/2023
- H. No additional curb cuts shall be permitted.
- I. The following submittals are required as part of the application:
 - 1. A site plan to scale detailing the location of the building and any proposed addition and parking in relation to the property lines.
 - 2. A floor plan, to scale, indicating the layout of the accessory apartment in relation to the primary dwelling. Rooms from both primary and accessory units must be labeled with their intended use.
 - 3. The principal dwelling shall be served by public sewer and public water supply. In cases where this is not available, a report from the Wallingford Health Department shall be provided indicating that the existing and/or proposed water supply and on-site sewage disposal system will adequately serve the proposed use. 11/17/2023
- J. The principal dwelling and accessory apartment shall conform to all requirements of the applicable building, health, fire, sanitary and zoning codes.
- K. A copy of the Zoning Permit containing the condition that the owner is one of the occupants shall be filed on the Land Records by the Commission.



§6.16 ADAPTIVE RE-USE TO MULTI-FAMILY

Any existing building in any zoning district may be converted to a multi-family dwelling subject to a Special Permit in accordance with §7.5 and the following conditions:

- A. A determination by the Commission that the existing building and its environs will be suitable for multi-family conversion and shall not adversely impact the existing neighborhood character.
- B. The GFA of the existing building shall be a minimum of five-thousand (5,000) sq.ft.
- C. The maximum permitted number and type of dwelling units on the lot shall be determined by dividing the GFA of the existing building by one (1) or more of the following factors:

600 for one (1)-bedroom units
 900 for two (2)-bedroom units
 1,200 for three (3)-bedroom units

- D. If the maximum permitted number of dwelling units shall not be achieved within the existing building, an addition may be permitted provided that:
 - 1. The maximum permitted number of type of dwelling units do not exceed C above.
 - 2. The addition does not exceed fifty percent (50%) of the GFA of the existing building.
 - 3. The addition conforms to all other zoning requirements of the district in which located.
 - 4. The addition conforms architecturally and in scale to the existing building.
- E. The existing building and addition, if any, shall be served by public sewer and public water supply, except that the Commission may waive this requirement when it is demonstrated that this requirement would be unreasonable and that sufficient on-site water/sewer will be provided and can be supported by the property. 6/19/10
- F. Parking as required by §6.11.C.

§6.17

Deleted

5/14/94

24-031

Driveway Width – The surface measurement from the edges of the designated drivable surface 1/1/13

Angle of Approach – The maximum angle of an incline onto which a vehicle can move from a horizontal plan without interference.

1/1/13

E

Dumping – The dumping of garbage, refuse or debris.

Dwelling – Any permanent building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. Dwelling shall not be deemed to include motel, hotel, recreational vehicle, mobile home, boat or tent.

Dwelling, Multi-Family – A building designed for more than two families living independently of one another.

Dwelling, Single-Family – A dwelling containing one (1) dwelling unit only.

1/15/95

Dwelling, Two-Family – A detached building designed for or occupied by two families living independently of one another.

Dwelling Unit – A dwelling or portion thereof, providing a single housekeeping unit with living, sleeping, cooking and bathroom facilities.

Dwelling, Townhome – A residential building consisting of three (3) or more attached units in which each unit shares with the adjacent unit(s) a wall which extends from foundation to roof and has exterior walls on at least two (2) sides.

8/23/14

Electric Vehicle Charging Facility - An electric vehicle facility as a primary use, which delivers electricity or transfers electric energy to a battery or other energy storage source device in an electric vehicle. Must be located on not more than three(3) acres of contiguous land; must be located within one(1) mile from an Interstate Right of Way; vehicle size shall not exceed a gross vehicle weight of 26,000 pounds. Retail operations which are secondary to and integrated with the main use shall not exceed 3,000 sq. ft. Parking spaces associated with any EVS must meet all standards of Sections 2.3E, 6.11 and 4.10.D.3.c and a minimum parking requirement of 1.5 parking spaces for every charging station. If a charging station has more than one point of connection, 1.5 parking spaces are required for each port or point of connection.

1/17/24

Electric Vehicle Charging Station - An electric vehicle supply station in a public or private parking area which delivers electricity or transfers electric energy to a battery or other energy storage source device in an electric hybrid vehicle.

4/12/22

Eligible Household – A household whose annual income is a or below eighty percent (80%) of the area median income for Wallingford, as determined and reported by the United States Department of Housing and Urban Development (HUD).

8/23/14

Existing Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 8, 1978, the effective date of the floodplain management regulations adopted by the community

12/17/10

Expansion to an Existing Manufactured Home Park or Subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be

24-031

F 1971 Zoning Regulations

if the Planning and Zoning Commission is assured that adequate utilities and services can be provided to such units.

5. The Planning and Zoning Commission may waive the application of this regulation and authorize the issuance of a building permit for a building or buildings on a lot or lots which do not abut an accepted highway or street if the granting of said building permits will (a) be in harmony with the proper development of the neighborhood; (b) due consideration is given to the preservation of the public health, safety, convenience, welfare and property values; (c) the parcel is an approved subdivision recorded in the office of the Town Clerk prior to adoption of Subdivision Regulations; and (d) the Commission finds it is not desirable or feasible to develop or provide a public street abutting the property on which said buildings are proposed to be located.
6. Any building erected in violation of this section shall be deemed an unlawful structure, and the Building Inspector may bring an action to enjoin erection of such structure or cause it to be vacated or removed. Any person, firm or corporation erecting a building or structure in violation of this section may be fined not more than Two Hundred Dollars (\$200) for each building or structure so erected in addition to such action authorized to the Building Inspector.
7. A map for each lot or lots for which a building permit is authorized by the Planning and Zoning Commission under this section of the regulation shall be recorded in the Land Records with a notation that the street upon which said lot is located does not abut a town street, and if appropriate, that such driveway or street has not been built in accordance with construction standards for town streets as delineated in the Planning and Zoning Commission's Subdivision Regulations."

F) TO ADD NEW SECTION 3.19 WHICH WOULD READ:

"3.19 Prohibition Against Transfer of Property. No transfers of a piece or portion of property by sale, lease, easement, gift or otherwise shall be permitted when such transfer shall leave the remaining piece or parcel of land of such size, area or dimension so as to be in non-compliance with any of the provisions of these Zoning Regulations or so as to increase or make more non-conforming any existing

24-031
G

§6.13 NON-CONFORMING USES, BUILDINGS AND LOTS

Purpose - A non-conforming use, structure or lot is one which existed lawfully, where by variance or otherwise, on the date these zoning regulations or any amendment thereto became effective and which fails to conform to one or more of the applicable zoning regulations of these regulations or any amendment thereto.

A. Non-conforming Uses

1. A non-conforming use of a building or land legally existing at the time of the adoption of these regulations or of any pertinent amendment thereto may be continued.
2. A non-conforming use of land or buildings shall not be enlarged, extended or altered except where the result of such change is to reduce or eliminate the non-conformity.
3. No non-conforming use may be changed except to a conforming use or, with a Special Permit, to another non-conforming use no more objectionable in character.
4. No non-conforming use which has been abandoned shall thereafter be resumed.

6/16/23

B. Non-conforming Buildings and Structures

1. No building or structure which does not conform to the requirements of these regulations regarding building height, limit, percentage of lot coverage and required yards and parking facilities shall be enlarged unless such enlarged portion and its use conforms to the provisions of these regulations regarding building height limit, percentage of lot coverage, required yards, use and parking facilities applying to the district in which it is located.
2. Structures failing to meet any requirement of this regulations, including lack of required parking or loading, shall not be enlarged, extended, constructed or reconstructed or altered, if the result would be an increase in non-conformity.

6/16/23

C. Non-conforming Lots

1. In any district, notwithstanding limitations imposed by other provisions of these regulations, buildings may be erected on any non-conforming lot provided no contiguous lots are in the same ownership as evidenced by deeds recorded in the Town Land Records prior to the effective date of these regulations, or any amendments where to which created such non-conforming lots, provided that construction on and use of each lot shall comply with all other provisions of these regulations.
2. If two (2) or more contiguous lots or combinations of lots or portions of lots in single ownership are of record at the effective date of these regulations, or any amendment thereto, and if all or part of such lots do not meet the requirements for lot frontage, width or area as established by these regulations, or any amendment thereto, the land involved shall be considered to be an undivided lot for the purpose of these regulations, except as provided in Paragraph 3 below and no portion of said undivided lot shall be used or sold as a building lot which does not meet lot frontage, width and area requirements established within these regulations, nor shall any division of a lot be made which leaves any remaining lot with frontage, width or area below the requirements stated within these regulations.
3. Where two (2) or more lots or combinations of lots or portions of lots with continuous frontage are in single ownership as described in Paragraph 2 above and a lawfully erected building containing a primary use is located on such lot or lots, such lots shall be combined in such a way that each primary use is located on a conforming lot and in

no case shall any lot be so created or maintained which is non-conforming in area, width, or frontage.



D. Maintenance

1. Nothing in this section shall be deemed to prevent normal maintenance and repair of any building, or the carrying out, upon issuance of a Building Permit, of major structural alterations or demolitions necessary in the interest of public safety. In granting such a permit, the Zoning Enforcement Office shall state the precise reason(s) why such alterations were deemed necessary.

E. Approved Permits

1. Nothing in this section shall require any change in the plans, construction or designated use of a building for which an application has been made and is legally pending before the Commission, ZBA or Building Inspector prior to the adoption of these regulations or of any amendments thereto and which shall be completed within one (1) year of the adoption of the same. 11/2/87
 - a. This section shall apply only to those parcels which contain a minimum of twenty thousand (20,000) sq.ft. of building prior to removal of any building(s) on the parcel.

F. Zoning Permit

1. No non-conforming use, building, or structure shall be constructed, reconstructed, enlarged, extended, altered, moved, changed, maintained, restored, or replaced unless a Zoning Permit has been issued by the Zoning Enforcement Officer, stating that such use, building or structure is an existing, legal, non-conforming use, building or structure and that such construction reconstruction, enlargement, extension, alteration, movement, change, maintenance, restoration or replacement is in compliance with the applicable provisions of this and all other provisions of the Wallingford Zoning Regulations. For all non-residential uses of land or buildings, and for all residential uses requiring more than six (6) off-street parking spaces, a Site Plan review and approval shall be required before a Zoning Permit may be issued.

6/16/23

24-031
I

Zoning Board of Appeals
Contact: C. A. Purvis, phone 265-3177

January 28, 2002

Original to Record-Journal via FAX

CORRECTION
TOWN OF WALLINGFORD
ZONING BOARD OF APPEALS
LEGAL NOTICE

Pursuant to the regulations of the statutes of the State of Connecticut and the Wallingford Zoning Board of Appeals, notice is hereby given that the following appeals, heard on Tuesday, January 22nd, 2002, were voted on as follows and have been filed in the Town Clerk's Office. The appeal period for such decisions expires on Wednesday, February 6th, 2002.

DENIED:

2002-06 **Malcolm Malchiodi**—a use variance to permit two (2) dwellings on a lot where only one (1) single family dwelling per lot is permitted at 386 Williams Road. Zoned RU-40.

Cheryl A. Purvis, Recording Secretary
Wallingford Zoning Board of Appeals, 1/28/02

24-031
I

Cheryl Purvis

**Town of Wallingford
Zoning Board of Appeals
January 22, 2002
Regular Meeting Minutes**

A regular meeting of the Wallingford Zoning Board of Appeals was held on Tuesday, January 22nd, 2002 at 6:58 pm in Room 315, at Town Hall. Approximately 22 members of the public were in attendance.

24-031
I

No one spoke in favor or in opposition to this application.

Motion: Mr. Birney, to approve.

Reason: To meet a public need and avoid constraint of trade.

Second: Mr. Lane

Vote: All four members voted "yes" by a roll call vote and the variance was approved.

2002-005 Greene-D.H. Woronick Builders LLC--a variance to permit a front yard of 36.7 feet where 40 feet are required for an existing front porch at 87 Hintz Drive. Zoned R-18. Section 5.1A

There was no correspondence received on this application.

Present for the applicant was Attorney Robert Regan, 152 North Main Street, Wallingford, CT.

Attorney Regan reviewed the site plan (Attachment #02-005A) showing the lot perimeter and outlined the odd shaped lot footprint. The builder lost sight of the fact that the porch wasn't exactly where it needed to be based on regulations. The lot is 10 acres. The foundation of the house is okay, just the porch is off.

No one spoke in favor or in opposition to this application.

Motion: Mr. Birney, to approve.

Reason: To compensate for the irregularity of the land without altering the character of the neighborhood.

Second: Mr. Lane

Vote: All four members voted "yes" by a roll call vote and the variance was approved.

2002-006 Malcolm Malchiodi--a use variance to permit two (2) dwellings on a lot where only one (1) single family dwelling per lot is permitted at 386 Williams Road. Zoned RU-40.

Mr. Patrick Birney, Acting Secretary, read a read a letter to Mr. Brian Leslie, Chairman, Wallingford Zoning Board of Appeals, from Ellen Deutsch (Attachment #02-006A) and a letter to Mr. Brian Leslie, Chairman, Wallingford Zoning Board of Appeals, from Mr. Christopher Beauchemin, Assistant Town Planner dated January 16, 2002. (Attachment #02-006B).

Present for the applicants were Mr. Malcom Malchiodi and Attorney Joan Molloy, 150 South Main Street, Wallingford, CT.

Attorney Molloy explained that the family has owned the property since the 1945 (copy of deed, Attachment #02-006C). He has been farmed by the family for years. It was deeded to Junior in 1972 copy of deed, Attachment #02-006D). The building was used to house workers and their families of the farm. This was a rural area and was considered standard procedure back then. The use of the building as a housing unit has not been reflected in the assessor's records. In 1971 separate services were put into the building. (Copy of letter from Walter Chernink, Meriden CT stating that he put the electrical service into the barn – Attachment #02-006E). Also provided were pictures of the 3 meters, (Attachment #02-006F) and photos of the apartment itself (Attachment #02-006G).

Since that time the barn has been occupied various times through the years. Horses have been stabled there. It has not been occupied as an apartment since 1993.

Mr. Leslie asked why they didn't go back further to get assessor's records. The apartment was there in 1953, yet the records provided only are from the 1970's? Attorney Molloy explained that the records were difficult to get.

Mr. Malchiodi explained that in the past the barn had been used as a residence for people when his folks had it.

Mr. Tremblay asked if it was for people working on the farm and Mr. Malchiodi responded that was correct. Mr. Tremblay then asked if anyone needed to live there now since no one is farming the land now. Mr. Malchiodi said that it was not required.

Mr. Leslie asked when the building was last occupied. Mr. Malchiodi responded that it was rented in the 1970's.

Mr. Leslie then asked what it has been used for since then. Mr. Malchiodi said that it was used for crafts, tag sales, occasional family stays there during family gatherings.

Mr. Leslie wanted to know if the apartment had been abandoned? Attorney Molloy said that it was a pre-existing apartment but there was no intent to abandon.

Mr. Leslie asked what had been done to protect it as a separate use? Attorney Molloy indicated that nothing had been done to abandon it.

Mr. Beauchemin, Assistant Town Planner, argued that by the fact that the kitchen in the apartment had the sink removed on 12/9/1993, that the intent was to abandon as of that date. He presented copies of the ZEO report #2-36-93 (Attachment #02-006H) to Mr. Leslie who gave them to the commissioners to review.

Mr. Birney asked what happened in 1993. Why was the sink taken out?

Mr. Malchiodi responded that he didn't recall.

Mr. Lane asked who told you to take it out.

Attorney Molloy explained that the family has owned the property since the 1945 (copy of deed, Attachment #02-006C). He has been farmed by the family for years. It was deeded to Junior in 1972 copy of deed, Attachment #02-006D). The building was used to house workers and their families of the farm. This was a rural area and was considered standard procedure back then. The use of the building as a housing unit has not been reflected in the assessor's records. In 1971 separate services were put into the building. (Copy of letter from Walter Chernink, Meriden CT stating that he put the electrical service into the barn -- Attachment #02-006E). Also provided were pictures of the 3 meters, (Attachment #02-006F) and photos of the apartment itself (Attachment #02-006G).

Since that time the barn has been occupied various times through the years. Horses have been stabled there. It has not been occupied as an apartment since 1993.

Mr. Leslie asked why they didn't go back further to get assessor's records. The apartment was there in 1953, yet the records provided only are from the 1970's? Attorney Molloy explained that the records were difficult to get.

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Mr. Leslie then asked what it has been used for since then. Mr. Malchiodi said that it was used for crafts, tag sales, occasional family stays there during family gatherings.

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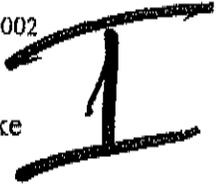
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Mr. Birney asked what happened in 1993. Why was the sink taken out?

Mr. Malchiodi responded that he didn't recall.

Mr. Lane asked who told you to take it out.



Mr. Malchiodi responded that Tom Talbot told him to but he didn't know why he had to take the sink out.

Mr. Leslie said that he saw no hardship here.

Attorney Molloy stated that this apartment was preexisting, before current zoning regulations had been enacted. Mr. Leslie responded that this was a self created "hardship" vs a ZEO decision. Attorney Molloy said that they couldn't go after the ZEO decision now. Accepted the reason back then, and Mr. Malchiodi did not understand the ramifications of his removal of the sink at that time.

Mr. Birney commented that he felt that the sink was removed by Mr. Malchiodi to avoid a Zoning violation. Mr. Malchiodi repeated that he didn't know why he was told to remove the sink.

No one spoke in favor of this application.

Mrs. Ellen Deutsch spoke against the application. She submitted pictures of the site (Attachments #02-006I). She has lived there since 1979 and it hasn't had any apartment use since then. She didn't think that it should be allowed.

Mr. Leslie expressed his concerns based on the 1993 letter from Tom Talbot regarding the 2nd dwelling. Mr. Malchiodi was instructed to remove the plumbing. That says to him that it was a clear abandonment of the apartment. The coverage issues, double density are a big issue with him. He felt that there was a great deal at stake here and he was opposed to this request.

Mr. Birney shared the same thoughts especially following the 1993 inspection. He was having difficulty with the creditability of the statements made and saw no hardship here.

Motion: Mr. Birney, to deny.

Reason: No hardship demonstrated.

Second: Mr. Tremblay

Vote: All four members voted "yes" by a roll call vote and the use variance was denied.

2002-007 **Therese & Timothy Clarke**--variances to permit 33,231 square feet of non-wetlands where a minimum of 50,000 square feet are required , and a variance to permit an average lot width of 246 feet where 250 feet are required at 200 Grieb Road. Zoned RU-40. Sections 5.2 H.3, 6.6 G.2

There was no correspondence received on this application.

Present for the applicants were Theresa Clarke and Attorney Joan Molloy, 150 South Main Street, Wallingford, CT.

24-031
J

Chairman Leslie announced that the following items were either continued to the December meeting or withdrawn:

#04-143 R. & M. Dorau – variances to permit an access way of 15 ft. where 25 ft. are required, lot area of 31,649 sq.ft. where 40,000 sq.ft. are required, end of the access way width of 123 ft. where 150 ft. are required, minimum lot width of 115 ft. where 200 ft. are required and lot frontage of 61 ft. where 75 ft. are required to permit 35-37 Chapel Street to be divided into two building lots. Zoned YLB

Application #04-143 would be continued to the December 20, 1004 meeting at 7:00 p.m.

#04-145 M. Malchiodi – use variance to permit a residential dwelling unit to be located in an existing barn at 386 Williams Road.. Zoned RU-40

Application #04-145 was withdrawn.

Chairman Leslie moved on to the applications that were to be heard at this meeting.

#04-152 J.P. & C. Ibar – Special Exception to permit a 2,760 sq.ft. barn to be used as a garage/studio/pool house at 58 North Branford Road. Zoned RU-120

#04-153 J.P. & C. Ibar – variance to permit a garage height of 20 ft. where a maximum of 15 ft. is permitted to convert a barn to a garage/studio/pool house at 58 North Branford Road. Zoned RU-120

Mr. Birney, Secretary, read comments from the Health Department dated October 1, 2004. (Attachment 04-152A)

Presenting the applications was Christine Ibar.

Mrs. Ibar explained that there is an old barn on her property that is in bad shape. They would like to save the barn and renovate it to be used as a pool house/art studio. The studio would be for personal use only. There would be plumbing installed in the barn.

No one from the public spoke in favor of or opposed to the application.

MOTION: MR. KNICKERBOCKER, TO APPROVE SPECIAL EXCEPTION #04-152.

REASON: BETTER USE OF THE PROPERTY WITHOUT ALTERING THE CHARACTER OF THE NEIGHBORHOOD.

SECOND: MS. MANDES

VOTE: ALL VOTING MEMBERS VOTED "YES" BY A ROLL CALL VOTE AND THE SPECIAL EXCEPTION WAS APPROVED.

ATTORNEY JIM LOUGHLIN
WALLINGFORD, CONNECTICUT

24-031

K

August 29, 2024

Ms. Amy Torre, ZEO
TOWN OF WALLINGFORD
45 South Main Street
Wallingford, Connecticut 06492

re: 386 Williams Road
n/f Malcolm Malchiodi

Dear Amy:

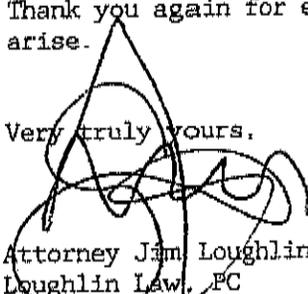
Please recall this office represents The Malchiodi Family with regard to the brick, two-family house located on the property above. Thank you again for the time in reviewing your file concerning this building.

The Malchiodi's can show that the two-family brick structure has existed since before zoning, and show that the upstairs apartment has been maintained as a separate dwelling continuously. Issues concerning this second apartment only arose recently, after Mike & Mark Malchiodi pulled building and electrical permits, to update this second apartment. These updates have been stalled since.

The Malchiodi Family would like to move forward with the renovations. With this in mind, we ask that your office issue a Zoning Compliance Letter. If you are not able to issue a Zoning Compliance Letter, in light of our recent conversations, I understand your position. If that is the case, we ask that you deny this request so we may approach the ZBA.

Thank you again for enduring assistance. Feel free to call if comments or questions arise.

Very truly yours,


Attorney Jim Loughlin, for the firm
Loughlin Law, PC
JL/cgt
cc: Mark & Mike Malchiodi

24-031
L

Re: Malchiodi 386 Williams Road - Compliance Letter

From <amy.torre@wallingfordct.gov>
To Jim Loughlin <jim@loughlin-law.com>
Cc MARK MALCHIODI <markmal@comcast.net>, <janamal07@comcast.net>, J Rossetti <j.rossetti@wallingfordct.gov>, L Coppola <L.coppola@wallingfordct.gov>
Date 2024-09-05 11:43

 386 Williams Road-Compliance Denial.pdf (~411 KB)

Jim,

Attached please find response to compliance inquiry regarding 386 Williams Road. Original forwarded via USPS.

Regards,
Amy Torre
Land Use Specialist/ZEO
Town of Wallingford\
(203)-294-2090

On 2024-08-29 09:47, Jim Loughlin wrote:

Hi Amy

Original of the attached will follow regular mail and fax 294-2090

Thanks,

Secure email available.

Attorney Jim Loughlin
Loughlin Law, a Professional Corporation
221 North Main Street
Wallingford, Connecticut 06492
203-265-3830 • fax: 203-284-5002
jim@loughlin-law.com
<http://loughlin-law.com>

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Town of Wallingford, Connecticut

JAMES SEICHTER
Town of Wallingford, Connecticut 06492

KEVIN J. PAGINI
Town of Wallingford

WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2090
FAX (203) 294-2095

Loughlin Law
221 North Main Street
Wallingford, CT 06492

9/5/24 vra
email

Re: Malchiodi, 386 Williams Road
Wallingford, CT 06492

Atty. Loughlin,

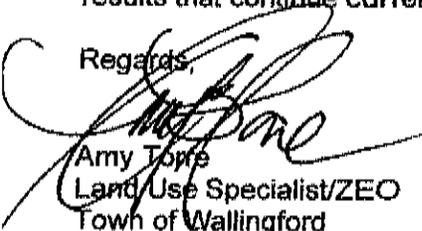
This office cannot provide your requested documentation of Zoning Compliance for 386 Williams Road at this time.. The property is in Zoning Violation for unpermitted dwelling unit(s). The Building Department referred the violation following a complaint and subsequent site visit for unpermitted building activity and occupancy of accessory structure. A Stop Work Order was issued July 26, 2024 by the Building Department for the demolition/reconstruction of an illegal dwelling unit without any required building permits. This office has researched subdivision, assessment, land, and PZC/ZBA records dating from the 1940's to the present. No records regarding the property indicate other than a single family home with an accessory (barn) structure on the lot until at least after 1970. No building permits or zoning approval exist for the construction or use of the studio dwelling unit.

Your representation from the property owners that no owner of record would be living on premise eliminates the option to legalize the studio as an accessory apartment. The owner's intention was to rent 2 spaces in the primary dwelling. A condition of all Approvals for Accessory Apartments is for the owner of record residing on the property. Therefore, application for such will not yield remedy of violation and zoning compliance.

The property is in violation of Wallingford Zoning Regulations Sections 4.1 and 4.2. No building permit may be issued without zoning approval to rebuild or renovate any unpermitted unit. Furthermore, it is this office's understanding that the studio dwelling unit on the upper story had one means of entrance/egress and may not pass building and fire code requirements.

The 3-bedroom, six room ranch house attached to the "barn's" residential use is still under investigation and remains in question as Variance Approval was attempted and denied for residential use of that structure in 2002. Furthermore there are many closed zoning violation files for this same violation since the 1990's. Determination of the Land Use Staff and ZEO of violation thirty years ago yielded the same results that continue currently.

Regards,


Amy Torre
Land Use Specialist/ZEO
Town of Wallingford
(203)-294-2090

Cc: Building Department, Justin Rossetti



24-031

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10/23/24 ✓
1030

**Town of Wallingford
HOUSING DEPARTMENT**
Application for Rental Housing Code Inspection

Date: Oct. 6, 2024

Property Address: 385 Williams Road.

Apartment Number / Unit Number / Floor Number: First Floor
(separate applications per unit)

Property Owner / Company Name: Michael + Mark Matched. Phone: 203-265-9871

Owner Address: 12 Matched. drive Wallingford, Ct.

Owner Email Address: Mark Mal@Comcast.net.

Agent Name: (if applicable) _____ Phone: _____

Property Type: (please circle) 1-Family 2-Family 3+ Family Mixed Use

Applicant Name: Mark Matched.
(print)

Applicant Signature: Mark Matched.

*** Rental Housing Inspection is required every (5) years or change of tenant ***

Do not write below this line - Office Use Only

Check Number: 562 Fee: \$10.00 per unit Cash Receipt Number: _____

Payment Clerk Name: Denise Date Rec'd: 10/16/24 (E)

TOWN OF WALLINGFORD
45 SOUTH MAIN STREET
TEL (203) 294-2005
FAX (203) 294-2095

AM 10 - 12 PM 1 - 3

Any-time
M

Specific Time:
10:30 E

REQUESTED DATE:

10/23/24

PROPERTY ADDRESS:

385 Williams Road 1st Floor

OWNER'S NAME / PHONE:

Mark Malchiodi 203-265-9871

CONTRACTOR'S NAME / PHONE:

INSPECTION ORDER TAKEN BY:

Denise

DATE:

10/16/24

RE-INSPECTION:

YES

NO

FROM DATE:

(circle) SITE

HOUSING

BUILDING

ELECTRICAL

MECHANICAL

PLUMBING

PERMIT NUMBER:

B#

E:

M#

PH

TYPE OF INSPECTION:

Housing Inspection

INSPECTION REPORT RESULTS:

(circle)

APPROVED

DISAPPROVED

* RE-Inspection Is Required *

Inspector Name:

Dated:



#401-26-05

Town of Wallingford, Connecticut

TOWN ATTORNEY
GEOFFREY T. EINHORN
CORPORATION COUNSEL
JANIS M. SMALL
DEPARTMENT OF LAW
WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2140
FAX (203) 294-2112
lawdept@wallingfordct.gov

MEMORANDUM

RECEIVED

MAR 05 2026

WALLINGFORD
PLANNING & ZONING

TO: Kevin J. Pagini, Town Planner
Planning and Zoning Commission

FROM: Janis M. Small, Corporation Counsel

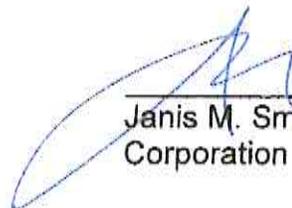
RE: 386 Williams Road – Adaptive Re-Use Application

DATE: March 4, 2026

It is my understanding that the property has a two-family house and a second building. The second building was used as a dwelling unit in violation of the Zoning Regulations. It is my understanding that it is not presently being used as such.

Section 6.16.B requires a minimum of 5,000 square feet of Gross Floor Area (GFA) of the existing building for the adaptive re-use. The definition of GFA of the building includes "accessory uses and buildings". Therefore, if the second building is an accessory use or building, the calculation of the GFA would include its square footage.

The determination of whether the second building is an accessory use or building is to be made by the Commission based upon the facts presented.



Janis M. Small
Corporation Counsel

JMS/bjc

TOWN OF WALLINGFORD
DEPARTMENT OF PUBLIC UTILITIES
WATER AND SEWER DIVISIONS

#401-26-06

ENGINEERING SECTION
PHONE: 203-949-2672
FAX: 203-949-2678

RECEIVED

INTEROFFICE MEMORANDUM

MAR 04 2026

TO: KEVIN PAGINI, TOWN PLANNER – VIA EMAIL
FROM: THOMAS FLANNERY, SENIOR ENGINEER, WATER AND SEWER DIVISIONS
SUBJECT: 386 WILLIAMS ROAD – #401-26 SITE PLAN P & Z COMMENTS
DATE: MARCH 4, 2026
CC:

WALLINGFORD
PLANNING & ZONING

The staff of the Water and Sewer Divisions has reviewed the drawings as submitted for the subject application and this memo consolidates their comments and requirements.

The new buildings will not be serviced by municipal water and sanitary sewer as indicated. Public water and sanitary sewer service are not available at that address. The plan calls for a total of six (6) one-bedroom apartments on one parcel and (1) one two-bedroom and (2) one-bedroom apartments on the second parcel to be served by on-site wells and septic systems.

The property is located within the Watershed Protection District (WPD). The property is approximately 850 feet west of the Muddy River. The river is a direct tributary to MacKenzie Reservoir which is part of the public water supply system. While we have concerns about additional septic systems within the WPD, if the proposed usage meets the guidelines for septic established by the Health Department, then this office has no objections to the site plan for the multi-family residential buildings as currently proposed.



Town of Wallingford
Department of Engineering
45 South Main Street
Wallingford, Connecticut 06492
Tel: (203) 294-2035; Fax: (203) 284-4012

401-26-07

Alison Kapushinski, P.E.
Town Engineer

MEMO

TO: Planning & Zoning Commission
FROM: Department of Engineering *Amk*
RE: **386 Williams Road / Malchiodi**
PZC Application #401-26 / Special Permit Application
DATE: March 5, 2026

RECEIVED

MAR 05 2026

WALLINGFORD
PLANNING & ZONING

Dear Commissioners:

We are in receipt of the following materials for the referenced application:

- Plans titled "Site Plan" and "Impervious Surfaces" by Nafis & Young Engineers, Inc. dated January 8, 2026

I'd like to provide the following comments on the submitted materials:

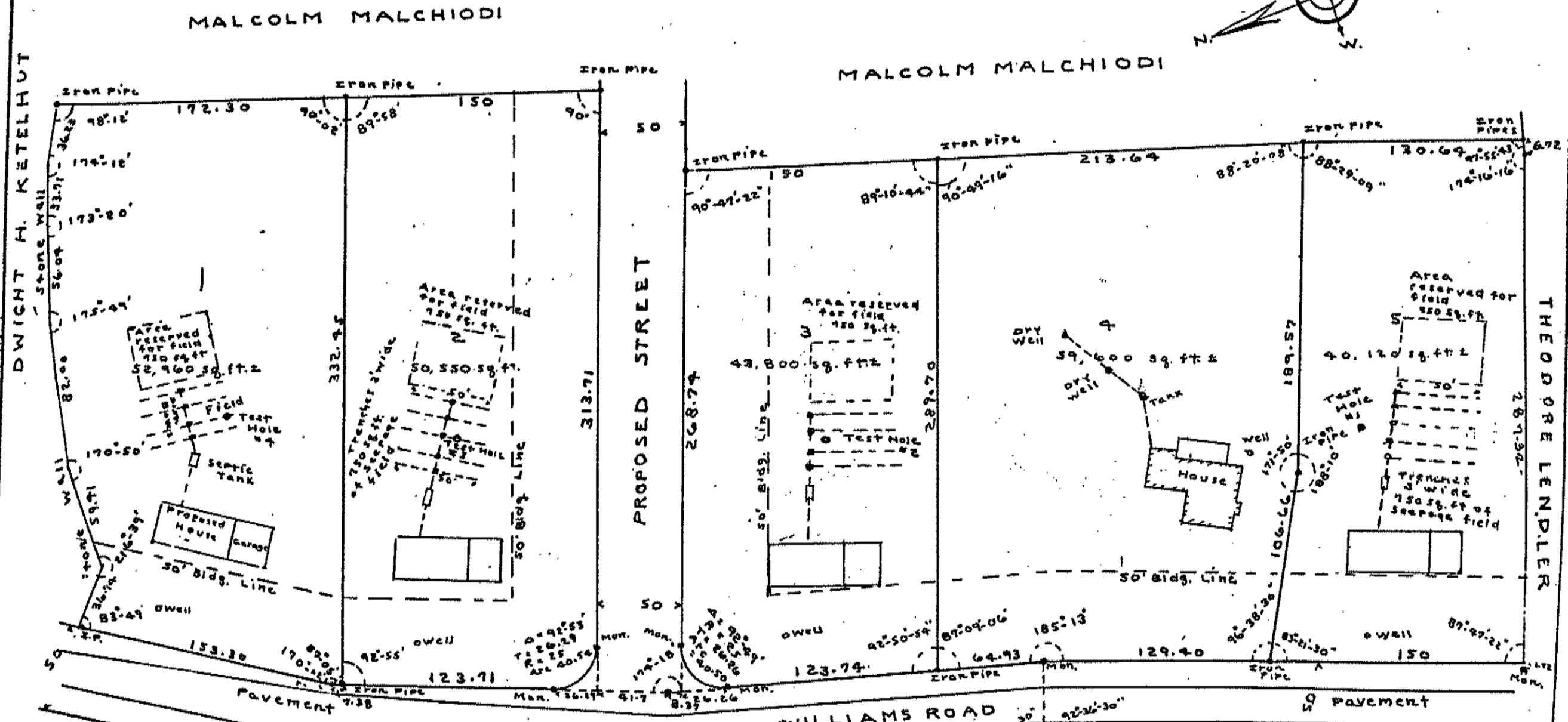
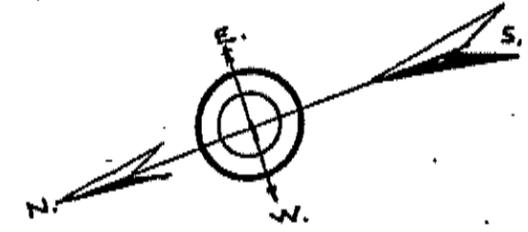
1. There are no walkways provided to the proposed 6-unit building from the parking area.
2. The parking area for the 6-unit building toward the roadway only has 10 feet of drive aisle for maneuvering in and out of the spaces. Everywhere else, 20 feet was provided. This is especially concerning as the proposed wellhead location is directly behind these spaces and could be vulnerable to a car backing out of a parking spot.
3. Applicant to clarify if any units are accessible. If so, ADA-compliant accessible routes to be shown on the Site Plan.

Thank you.

MAP OF SECTION A, SUBDIVISION OF PROPERTY OF MALCOLM A. MALCHIODI,
 EAST SIDE OF WILLIAMS ROAD, WALLINGFORD, CONN., NOV, 1975, SCALE 1"=40'
 H. E. DAGGETT, CIVIL ENGINEER, MERIDEN, CONN.

24-031

H



W. OR F
 THOMAS J
 WALL, JR.

OKLEY B &
 GERALDINE F.
 CROOKSHANKS

LEED. &
 ARLENE D.
 MATTHEWS

RICHARD J. &
 BEVERLY
 DOMBROWSKI

JAMES R. &
 PALMA
 BUONGIRO

MALCOLM A &
 MARY
 MALCHIODI

APPROVED
 BY THE
 WALLINGFORD PLANNING & ZONING COMMISSION

VICE
 CHAIRMAN: *Robert L. Cosgrove*
 DATE: 2-19-76

I hereby certify that this map is substantially correct and
 meets the requirements of an A-2 survey. — H. E. Daggett.

71 12



Town of Wallingford, Connecticut
Health Department

Vanessa Bautista, M.P.H., R.S.
Director of Health

(203) 294-2065

45 South Main Street Room 215
Wallingford, CT 06492

WHD

Protect. Promote. Improve.



March 4, 2026

Wallingford Planning and Zoning Commission
Town of Wallingford
45 South Main Street
Wallingford, CT

Re: Request for 8-24 Review
National Fitness Campaign Fitness Court
Quinnipiac River Linear Trail

Dear Members of the Planning and Zoning Commission,

On behalf of the Wallingford Health Department, I am requesting an 8-24 review for the proposed installation of a National Fitness Campaign Fitness Court along the Quinnipiac River Linear Trail.

The project involves the installation of an outdoor Fitness Court on a concrete slab adjacent to the existing trail to promote community wellness and physical activity. The project is being funded through opioid settlement funds and is intended to provide free access to outdoor fitness equipment for residents.

Attached please find the site plan and supporting materials for the Commission's review.

Thank you for your consideration of this request. Please let me know if any additional information is needed.

Respectfully,

Vanessa Bautista, RS, MPH
Director of Health
Health Department
Town of Wallingford

cc: Mayor Vincent Cervoni
Kevin Pagini, Town Planner

(4) Attachments

March 4, 2026

Project Narrative

National Fitness Campaign Fitness Court

Community Lake Trail - Wallingford, CT

The Town of Wallingford proposes the installation of a National Fitness Campaign Fitness Court along the Community Lake Trail. The Fitness Court is an outdoor fitness facility designed to provide free and accessible exercise opportunities for residents of all ages and abilities.

The project includes the construction of a concrete slab and installation of prefabricated fitness equipment designed by the National Fitness Campaign. The Fitness Court will be located adjacent to the existing trail to allow easy access for walkers, runners, and community members using the park area.

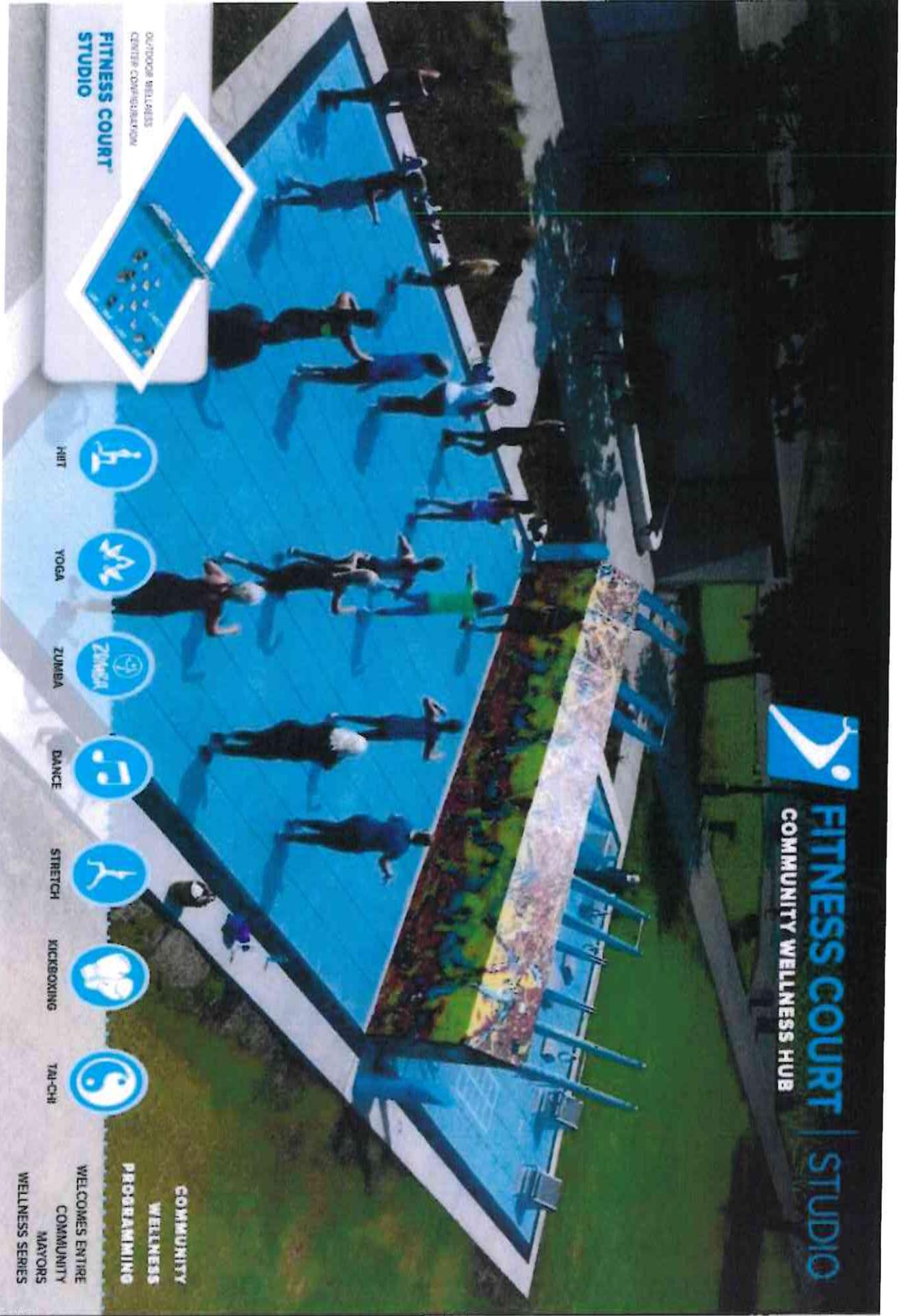
The goal of this project is to promote public health and wellness by providing a permanent outdoor fitness space that encourages physical activity and healthy lifestyles. The project is funded through opioid settlement funds as part of the Town's efforts to support prevention and community health initiatives.

Site work associated with the project includes limited tree removal, installation of the concrete slab, minor site restoration, and connection to the existing trail through a short walkway.



FITNESS COURT | STUDIO

COMMUNITY WELLNESS HUB



OUTDOOR WELLNESS
CENTER COMMUNICATION
**FITNESS COURT
STUDIO**



**COMMUNITY
WELLNESS
PROGRAMMING**

WELCOMES ENTIRE
COMMUNITY
MAYORS
WELLNESS SERIES

FITNESS COURT®

NATIONAL FITNESS CAMPAIGN

HOW IT WORKS

1 Choose an exercise for each station.

2 Move through stations 1 to 7.

3 Work out at each station for 45 seconds.

4 Rest for 15 seconds as you move to the next station.



7 MOVEMENTS, 7 MINUTES.

Download the app for workout guides, challenges, and directions to the Fitness Court® nearest you.

Cherie Murchison

From: Benitez, Abe <abenitez@chnct.org>
Sent: Monday, February 9, 2026 10:53 AM
To: zoning
Cc: Blaney, Dina
Subject: Request to Release Bond unsecure!

RECEIVED

FEB 09 2026

WALLINGFORD
& ZONING

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Good morning,

Please release the bond associated with 3 Fairfield Boulevard, Wallingford, CT 06492. Please let me know when we should expect the return of funds on this bond. If you need to contact me by telephone, please call my cell # 508-577-3161.

Thank you,



Abe Benitez
Sr. VP & CFO

Phone: 203.626-7160
Cell: 508.577.3161
Email: abenitez@chnct.org

Community Health Network of Connecticut, Inc.® | 11 Fairfield Blvd, Wallingford, CT 06492

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Town of Wallingford, Connecticut

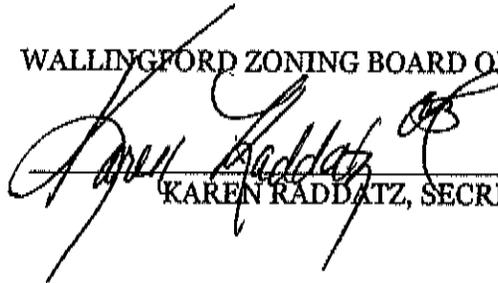
LEGAL NOTICE

The Wallingford Zoning Board of Appeals, at their Meeting of Tuesday, February 17, 2026, voted to take the following actions:

They voted to approve:

1. #26-001 – Variance Request/Bear Industries, LLC/Lot area of 165,046 sq. ft. (217,800 sq. ft. required) to split a 725,577 sq. ft. lot into 2 lots at 3 Fairfield Boulevard in an IX District.
2. #26-005 – Special Exception Request/DiGenova/Customary Home Occupation (hair salon) at 41 Northford Road in an RU-120 District.

WALLINGFORD ZONING BOARD OF APPEALS


KAREN RADDATZ, SECRETARY

DATED AT WALLINGFORD
February 18, 2026

PUBLICATION DATE
February 20, 2026



Town of Wallingford, Connecticut

NOTICE

The Monday, March 16, 2026, Regular Meeting of the Wallingford Zoning Board of Appeals has been cancelled. The next Regular Meeting of the Wallingford Zoning Board of Appeals is scheduled for Monday, April 20, 2026.