

Agenda
Wallingford Planning and Zoning Commission
Monday August 10, 2026
7:00 p.m.
Robert F. Parisi Council Chambers
Town Hall- 45 South Main Street

Call to Order

Pledge of Allegiance

Roll Call

Consideration of Minutes- June 8, 2026

PUBLIC HEARINGS

1. Text Amendment request for F & M Bank, LLC to expand the allowable uses within the Town Center district. Amendment is specifically seeking to alter Section 4.26.B.2.6 to allow law offices and General/Business offices, clinics, and outpatient medical treatment facilities that are currently not allowed on the ground level street facing portion of a building.
- TC (Town Center) District #503-26
2. Text Amendment request for Justin Frytz to amend Section §6.34. A.1 to remove "transporter" from the prohibited uses under the definition of "Cannabis Establishments". #506-26
3. Text Amendment request for KSCGH Partners, LLC to add a new section §4.27 entitled "Mixed Use (MU) District" floating zone to the Town of Wallingford Zoning Regulations. #505-26
4. Text Amendment request for Text Amendment request for Quinnipiac Valley Growth Partners to add cannabis retailer as an allowed use by Special Permit in the RF-40 (Route 5) Zoning District. Text amendment will alter Sections §1.4; §6.34 and §4.16. C. #504-26
5. Special Permit request for Atlantis Management Group to demolish an existing building and construct a gas station with a 4,500± sq. ft. drive through retail and convenience store at 124 Church St. located in the I-40 (Industrial) District. #407-26
(NO ACTION: CONTINUED TO 09/14/2026)

OTHER BUSINESS

6. Special Permit- Fieldstone Farms Association, Inc- Fieldstone Farms-minor modification-driveway expansion #406-26

SITE PLAN APPROVALS

7. Site Plan/SCG, LLC/368-372 Church Street #213-26
(WITHDRAWN)

- | | |
|--|---------|
| 8. Site Plan/McInvale/1183 & 1185 Old Colony Rd.
(NO ACTION: CONTINUED TO 09/14/2026) | #218-26 |
| 9. Site Plan/A. Secondino & Son, Inc./1 Dudley Ave.
(NO ACTION: CONTINUED TO 09/14/2026) | #219-26 |

BOND RELEASE

10. Connecticut Proton Therapy Center/932 Northrop Road
11. Iron Horse Equipment/71 South Turnpike Road
12. Choate Rosemary Hall/333 Christian Street/Carr Hall
13. Choate Rosemary Hall/333 Christian Street/Pedestrian Bridge

REPORTS OF OFFICERS AND STAFF

- | | |
|--|---------|
| 14. Discussion on updates/remarks | |
| 15. Administrative Approvals- | |
| 201 Church St/Quinnipiac Valley/Gas Works | #211-26 |
| 5 Northfield Rd. (Extension)/Jeffrey James | #408-08 |
| 600 North Colony Rd/Keystone Novelties | #214-26 |
| 1164 North Colony Rd/Executive Kia | #702-26 |
| 1194 North Colony Rd/Executive Honda | #703-26 |
| 412 Main St Rear/DeAntonio | #215-26 |
| 665 North Colony Rd/Shaiikh | #216-26 |
| 228/230 Clifton St/Pillacela | #217-26 |
| 12 Wooding Rd/Tierney | #220-26 |
| 61 Maple Ave/Allen | #313-26 |
| 230 Main St Lot 69/Garden Homes Management | #805-26 |
| 230 Main St Lot 8/Garden Homes Management | #806-26 |
| 230 Main St Lot 4/Garden Homes Management | #807-26 |
| 1191 North Colony Rd/JACT II, LLC | #704-26 |
| 12. ZBA July Decisions | |
| 13. ZBA August 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, August 10, 2026

1. #503-26 - Text Amendment request for expanded Town Center uses – F & M Bank, LLC

- Applicant is requesting to allow for uses currently not allowed on the ground level street facing portion of any building in the Town Center district, currently these uses are only allowed either in the back of ground floor buildings or on the second floor.
- The Town Center district was enacted with new uses in 2018 and the intention at the time was to only allow for walkable, shopper friendly retail type uses. It was intended for uses that would encourage going from store to store downtown and not for uses that were appointment only. It was specifically mentioned that office uses do not belong on the ground level street area of a building.
- I have included meeting minutes from an October 2017 Special Meeting workshop regarding the Town Center regulations
- The Economic Development Commission has provided feedback regarding this proposal.
- The applicant has been working to come up with a proposal that will be amenable to WCI and Economic Development
- After much discussion, I believe the best course of action moving forward is to allow Professional offices only (not clinics or outpatient medical facilities) as allowed uses on the GLSF area of a building

2. #504-26 – Retail Cannabis

- Application is similar to what was submitted several months ago to the Commission
- A workshop was held on this new proposal
- This proposal requires that any retail cannabis establishment is a Special Permit use only and has certain parameters that it must abide by
- The only change to the regulation that I would recommend is the language regarding “Residential Use”, we now allow residential uses in all commercial and industrial zoning districts, so this language seems to be overly restrictive. I would recommend changing it to Residential District.
- The Commission has the right to vote not to hear this application again within 12 months if they agree that it is substantially similar to the originally denied application
- Corporation Counsel has sent a detailed memo regarding this and the other cannabis transporter application

3. #505-26 – Mixed Use Floating Zone

- Applicant is requesting an amendment to allow a mixed-use district floating zone on contiguous parcels greater than 40 acres in area; the initial amendment would allow the floating zone to be added to the regulations. The floating zone would then have to identify parcels and be in conformance with a master plan that is approved by the Commission through a public hearing process. It is critical for the Commission to identify which zones this floating zone would be allowed in and specify what setbacks, bulk requirements and other standards (i.e. watershed protection district requirements) would be acceptable for a proposed planned development district.
- The applicant did not specify which zones to allow the creation of the proposed floating zone.
- The applicant is owner of the 110 Leigus Rd. property that was recently subdivided; the Commission should request further details of their future plans.
- This amendment could also potentially apply to other properties within the allowed zones, so it is suggested to also understand how it could apply to other areas within the allowable zones as well.
- The commission has been recently discussing, during the POCD process, the creation of light retail and residential in the WI and IX zones which are similar to newer developments around the State. Most recently, a large retail/ mixed use development that went in at the corner of Interstate 691 and Route 10 in Cheshire
- There are quite a number of changes requested by this department as well as the Engineering Department
- This application has a lot of detail and intricacy involved; it is the recommendation of this office to gather public input and more information about specific uses and plans from the applicant before any vote is considered on this application.

4. #506-26 – Cannabis Transporter

- Applicant is requesting to remove the term transporter from the definition of prohibited v=cannabis establishments
- A cannabis transporter is defined in the Public Act that our zoning regulations prohibit. He is requesting to allow transporters to be allowed under the zoning regulations so he can operate a business in Town
- The business is discrete and operates out of a warehouse with no signage to attract attention to the operation
- The State of CT requires a zoning sign off before he would be allowed to operate in Town

5. #407-26- 124 Church St

- Applicant has not yet submitted the requested traffic study and also did not complete the notification requirements and therefore will not be heard.

6. #406-26 – Fieldstone Farms – Minor modification

- Applicant is requesting a minor modification to the original OSPRD approval to allow minor driveway expansions throughout the development.
- In consultation with the Environmental Planner and the Town Engineer it was recommended to only allow the addition of up to 40 additional expansions without the need for a new IWWC application or a full drainage system evaluation.

7. #218-26 – 1183 & 1185 Old Colony

- Applicant is requesting a multi-family development spanning two currently separate parcels
- As part of this proposal, the applicant would have to merge the two lots in order to start development.
- The applicant is proposing 8 separate townhouses with under-structure parking and has provided some extra parking spaces on site.
- The current site has two damaged buildings and will be demolished as part of this application.
- Revisions were received past the deadline and thus Town staff does not have ample time to review the changes. Even though most of the changes were minor in nature, the applicant agreed that another month was acceptable to fully review and accept any changes that were requested.

8. #219-26 – Ulbrich Steel

- Applicant is proposing a 14,000 sq. ft. addition to an existing steel production facility.
- The addition will have additional truck bays for unloading, as well as storage and office space.
- Original application was missing a zoning table and did not provide current and proposed parking counts for the proposed addition. There were also some major missing details regarding the drainage system.
- The requested missing information was not submitted on time for a thorough review of the changes.
- Due to the complexity of some of the requested changes, Town Staff has suggested that this application is not heard, and to hold off until all changes and revisions can be properly reviewed.

RECOMMENDED MOTIONS
Wallingford Planning & Zoning Commission Meeting
Monday, August 10, 2026

1. #503-26- Text Amendment – Town Center Zone

Text Amendment request from F & M Bank, LLC to change the allowable uses in the Town Center zone on language dated 7/9/2026 because:

2. #504-26 – Section §1.4; §6.34 & §4.16.H – Cannabis Retailer

Zoning text amendment to Sections §1.4, 6.34 and 4.16.C.1.e. to add Cannabis Retailer as an allowed use by Special Permit in the RF-40 (Route Five District) on language dated July 10, 2026 and revised to August 5, 2026 because:

3. #506-26 - Cannabis Transporter

Zoning text amendment to Sections §1.4, 6.34 to remove “Transporter” as a prohibited use in Section 6.34 on language dated July 20, 2026 and revised to August 5, 2026 because:

4. #406-26 – Fieldstone Farm Association – Minor Modification

Minor modification to an approved Special Permit request for Fieldstone Farm Association to allow driveway expansions in an OSPRD subject to the following conditions:

1. Any driveway expansions are limited to 40 individual units. Any expansions that exceed the initial 40 expansions, as outlined in application materials dated July 10, 2026, would be subject to a full engineering study of the previously approved drainage system and IWWC review.



Town of Wallingford, Connecticut

JAMES C. FITZSIMMONS
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, August 10, 2026**, at 7:00 p.m. in the Robert F. Parisi Council Chambers of Town Hall located at 45 South Main Street.

1. **#407-26** – Special Permit request for Atlantis Management Group to demolish an existing building and construct a gas station with a 4,500± sq. ft. drive through retail and convenience store at 124 Church St. located in the I-40 (Industrial) District.
2. **#503-26** – Text Amendment request for F & M Bank, LLC to expand the allowable uses within the Town Center district. Amendment is specifically seeking to alter Section 4.26.B.2.6 to allow law offices and General/Business offices, clinics, and outpatient medical treatment facilities that are currently not allowed on the ground level street facing portion of a building. - TC (Town Center) District
3. **#504-26** – Text Amendment request for Quinnipiac Valley Growth Partners to add "Cannabis Retailer" as an allowed use by Special Permit in the RF-40 (Route 5) Zoning District. Text amendment will alter Sections §4.16.C and §6.34.
4. **#505-26** - Text Amendment request for KSCGH Partners, LLC to add a new section §4.27 entitled "Mixed Use (MU) District" floating zone to the Town of Wallingford Zoning Regulations. Full amendment can be viewed in the Planning and Zoning Office.
5. **#506-26** – Text Amendment request for Justin Frytz to amend Section §6.34.A.1 to remove "transporter" from the prohibited uses under the definition of "Cannabis Establishments".

WALLINGFORD PLANNING AND ZONING COMMISSION

DAVID LEONARDO, SECRETARY

DATED AT WALLINGFORD
07/20/2026

PUBLICATION DATES
07/28/2026
08/04/2026

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, June 8, 2026
7:00 p.m.
Robert F. Parisi Council Chambers – Town Hall
Town Hall – 45 South Main Street
MINUTES

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

The Pledge of Allegiance was recited by all.

Roll Call: Present: James Fitzsimmons, Chair; Jeffrey Kohan, Vice Chair; David Leonardo, Secretary; James Seichter, Regular Member; Joseph Sanders, Alternate; Richard Benham, Alternate; Casey Camire, Alternate; and Kevin Pagini, Town Planner.

Chairman Fitzsimmons noted that Commissioner Sanders will be voting in place of Commissioner Venoit.

Consideration of Minutes – May 11, 2026, Regular Meeting

Commissioner Kohan: Motion to approve the Minutes of Monday, May 11, 2026, Meeting of the Wallingford Planning and Zoning Commission as submitted.

Commissioner Leonardo: Second

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

PUBLIC HEARINGS

- 1. Special Permit (excavation and fill) – Quest Diagnostics – 3 Sterling Dr. #404-26
(Continued from 05/11/2026)**

Commissioner Leonardo noted the new correspondence included photos.

Hannah Greisbach, Project Engineer, Langan Engineering, presented. She explained that they fixed the notifications and submitted photos of the signs.

Commissioner Seichter asked about the hours of operation and where the excavated material will go. Ms. Griesbach replied that the hours will be the standard 7 am to 3 pm. Regarding the impacted soil will go to a landfill, as it's just pesticide-impacted. The contractor will find the best option for disposal.

PUBLIC COMMENT

None

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

Commissioner Kohan: Motion to close the public hearing for application #404-26 Special Permit (excavation and fill) – Quest Diagnostics – 3 Sterling Drive.

Commissioner Leonardo: second

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

Commissioner Kohan: Motion to approve application #404-26, Special Permit for fill and excavation at 3 Sterling Drive for a Special Permit request for Fill and Excavation to remediate approximately 500 cubic yards of soil at 3 Sterling Drive on plans entitled “Site Plan – Quest Diagnostics Special Permit for Excavation and Filling of Land – 3 Sterling Drive” dated March 23, 2026, subject to the following conditions of approval:

- 1. Comments from Manny Rigor, Wallingford Electric Division, dated May 7, 2026**
- 2. Comments from Tom Flannery, Senior Engineer, Water and Sewer Division, dated May 7, 2026**
- 3. Erosion and sediment control bond in the amount of \$2,500.00**
- 4. Six (6) copies of final plans forwarded to the Planning and Zoning Office.**

Commissioner Leonardo: second

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

The application is approved.

2. Special Permit Revision – Wal-Mart Inc./844 North Colony Road #405-26

Commissioner Leonardo read the legal notice and noted the correspondence. Application #405-26 – Special Permit request for Walmart Inc. to add an 8,046± sq. ft. addition to an existing retail store and re-configuration of an existing parking area at 844 North Colony Rd – RF-40 (Route 5) District. Correspondence included an Interoffice Memorandum to Kevin Pagini, Town Planner, from Tom Flannery, Senior Engineer, Water and Sewer Division, dated May 15, 2026, and an email from Alison Kapushinski, Town Engineer, to Kevin Pagini, Town Planner, dated June 4, 2026.

Luke DiStefano, Bohler, LLC, West Hartford, CT, explained that due to the growth of online ordering, they intend to convert one portion of the current garden center area on the Northeast corner. Once enclosed, it will be approximately 8,000 sq. ft. This will increase the building’s square footage. In the space, employees will store commonly purchased online products. If this moves forward, they will increase the online ordering parking spaces from 23 to 55. This should cut the wait time for customers in half. The changes are minimal. There will be no driveway change. The modification is to a portion of the building. The total net loss will be one parking space. They will still meet the 4 spaces per 1000 square feet. He added that striping modifications and signage will be upgraded. These are identified in the plans. He noted that there will be sign modifications totaling an additional 35 feet for wayfinding signs on the building. This includes 4 or 5 new signs.

Commissioner Seichter asked about the 8,000 sq. ft. expansion. Mr. DiStefano replied that Walmart doesn't count the greenhouse as floor area. The result will be a small reduction in building coverage.

Commissioner Sanders asked about pedestrian safety and noted that the traffic light on the east is way too short. He suggested a traffic study to look at the timing. Chairman Fitzsimmons noted that since this is a minor modification to an existing traffic generator, this was not sent to the Police Department, though the Town Engineer saw the plans. Mr. Pagini added that the Town Engineer had no concerns, but he can ask for comments.

Commissioner Leonardo asked if they expected customer volume to increase. Mr. DiStefano replied that there has generally been no change in the number of people using the store, but they do see less pedestrian traffic. The vehicular traffic is the same.

Commissioner Camire asked what triggered the special permit. Mr. Pagini replied that this is a revision to an existing special permit. Commissioner Camire asked for clarification of the changes to traffic arrows for the illegal left-hand turn. Mr. DiStefano replied that he will make sure the illegal left turn is corrected. Commissioner Fitzsimmons noted that there was a zoning violation that had been corrected.

Commissioner Kohan asked if this would affect the storage area on the other side of the driveway. Mr. DiStefano replied that there are no other changes planned. Commissioner Kohan asked about pest control due to food storage. Mr. DiStefano replied that he didn't know. That would be an Operation and Maintenance issue, but he can get the information. Commissioner Kohan suggested adding it as a condition of approval. He stated that pesticides impact wildlife, and eagles have been spotted in the area. Mr. DiStefano agreed to the condition.

Mr. Pagini asked that they double-check the handicapped parking spaces when they do the restriping.

PUBLIC COMMENT

None.

Chairman Fitzsimmons noted there are two issues. First, he confirmed that there are no objections to the condition on pesticides. Regarding the traffic light, he asked Mr. Pagini to address it with the Town Engineer. Chairman Fitzsimmons called for a motion to close the public hearing.

Commissioner Kohan: Motion to close the public hearing for application #405-26 Special Permit Revision – Wal-Mart, Inc. – 844 North Colony Road.

**Commissioner Leonardo: second
Vote: Unanimous**

Commissioner Kohan: Motion to approve application #405-26 for 844 North Colony Road for a Special Permit revision and site plan approval request for Wal-Mart Inc. to construct an 8,046 sq. ft. addition to an existing retail store and to re-configure a portion of the existing parking area on plans entitled "Wal-Mart – Overall Site Plan" dated 4/9/26, subject to the following conditions:

1. Comments from Tom Flannery, Senior Engineer, Water and Sewer Division, dated May 15, 2026
2. Comments from the Fire Marshal's office dated June 5, 2026
3. That all currently existing striping and markings in the parking area are checked for compliance with the current zoning regulations, and that written confirmation of this compliance is submitted to the Planning and Zoning Department prior to a building permit being issued.
4. Erosion and sediment control bond in the amount of \$5,500.00.
5. Six (6) copies of final plans forwarded to the Planning and Zoning office.
6. Information on pesticide use and rodent control to be forwarded to the Planning and Zoning Office.

Commissioner Leonardo: Second

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

The application is approved.

3. Text Amendment for Housing Compliance with Public Act 25-01. #902-26

Commissioner Leonardo read the legal notice and the correspondence into the record. Application #902-26 Text Amendment for Housing Compliance with Public Act 25-01. Full text is available in the Planning and Zoning Office. Correspondence included the draft wording, letter to Kevin Pagini, Town Planner from Eliza LoPresti, Lower Connecticut River Valley Council of Governments dated June 1, 2026; email to Kevin Pagini, Town Planner from Alison Kapushinski, Town Engineer, dated June 4, 2026; and Staff Referral Report to Planning & Zoning from Emely Ricci Naugatuck Valley Council of Governments, dated June 5, 2026.

Chairman Fitzsimmons noted that this has already been discussed, so no summary is required. He invited questions on the proposed amendment.

Commissioner Seichter asked about Middle Housing, Section 6.38.B, and the striking of 'as of right' to be replaced by 'summary review'. Mr. Pagini replied that the State replaced 'as of right' with 'summary review'. It means site plan approval, but the public health and safety will not be substantially impacted. It's essentially the same thing. He noted that the other change is that we can't require a special permit or variances. He explained that the text amendment was reviewed by the Corporation Counsel and the Assistant Town Attorney.

Commissioner Camire asked if 'as of right' included language around public health and safety. Mr. Pagini replied no, it was added by the State. Commissioner Camire noted that 'summary review' is slightly more restrictive and/or empowering for the Commission if we determine there are public health and safety considerations. He asked why basement or cellar dwelling units were not permitted. Mr. Pagini explained that it is the fully enclosed basement apartments that are not allowed, and the Fire Marshal supports that. This is for a multi-family conversion. He added that the Commission can modify it to allow for walkouts.

Commissioner Kohan suggested reviewing the definitions to see if they appear in other parts of the regulations and need to be changed. He noted that the South Central Regional Council of Governments Regional Planner is going to take group 7 or 8 town applications for this text amendment as one discussion item. He believed that most towns are making similar changes.

Commissioner Seichter referred to Section 6.38.D, which eliminated the minimum lot size for the applicable zoning district for new construction only. Mr. Pagini explained that Atty. Small agreed to get rid of this limitation for new construction. This was discussed at the workshop.

Chairman Fitzsimmons noted that these amendments are to comply with Public Act 25-01. It eliminates the need for the downtown apartment overlay district, multi-family conversions, and middle housing will now allow for housing conversions in all areas. This also limits the need for a special permit for multi-family housing in all of the commercial and mixed-use zones and adds middle housing to the CLB, YLB, DD40, RF40, and T-30 zoning districts, subject to summary review. The full amendment is available in the Planning and Zoning office.

PUBLIC COMMENT

None

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

Commissioner Kohan: Motion to close the public hearing for application #901-26, Compliance with Special Act 25-01, a Zoning Text Amendment to Sections §2.2; §6.11; and §4.1.B.3.a.

Commissioner Leonardo: Second

Vote: Unanimous

Commissioner Kohan: Motion to approve Compliance with Special Act application #902-26 a Zoning Text Amendment to Sections §2.2; §6.38; §4.4(A); §4.4(B); §4.5; §4.11; §4.16; §4.22 and deletion of §4.7 and §6.22 to be in compliance with CT Public Act 25-01 on language dated May 12, 2026 because of the need to comply with the special act.

Commissioner Leonardo: Second

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

The application is approved.

It was noted that walkout basements will be workshopped.

Commissioner Seichter thanked Mr. Pagini for his work on this amendment.

4. Text Amendment Request for F&M Bank, LLC to expand the allowable uses within the Town Center district. #503-26

Commissioner Leonardo read the legal notice and the correspondence into the record. Application #503-26 Text Amendment to expand the allowable uses within the Town Center district. The Amendment is specifically seeking to alter Section 4.26.A.4 to allow law offices and other related office uses currently not allowed on the ground level in the TC (Town Center) District. Correspondence included an email from Alison Kapushinski, Town Engineer to Kevin Pagini, Town Planner dated June 4, 2026; letter from Don Crouch, Economic Development Office to the Planning and Zoning Commission dated June 5, 2026; letter to the Town of Wallingford Planning and Zoning Commission from Liz Davis, Wallingford Center, Inc. dated June 4, 2026, and minutes of the October 2, 2017 Special Meeting.

Chris McGuire, member of F&M Bank, LLC, 2 North Main Street, and John McGuire, member of F&M Bank, LLC, presented.

Mr. Chris McGuire read their request, including: 'F&M Bank respectfully submits this request for the Commission to amend Wallingford Zoning Regulation §4.26.A.4 to expand the definition of permissible first-floor, street-facing office uses within the Uptown Wallingford Business District. Specifically, we ask that the regulation be updated to allow banks and financial institutions, law offices and legal services, insurance agencies and related insurance operations, accounting firms, medical offices, and other professional office uses that have long been part of Wallingford's commercial landscape. The current regulation was adopted in 2018, before the COVID-19 pandemic dramatically reshaped the commercial office market. ... According to 2024 commercial real-estate data, Wallingford's office vacancy rate is approximately 23.66%, reflecting a significant oversupply of unused space and a clear need for regulatory flexibility to attract new tenants.' He asked why the regulation was changed and what the impact on the town has been.

Mr. John McGuire distributed a letter from realtor H. Pearce that reinforces this request.

Chairman Fitzsimmons referred to the minutes of the Special Meeting on October 2, 2017, and explained that the Commission was looking to help make downtown more walkable. He agreed that the reality after COVID is different. He also noted that two letters were received asking for action on this application to be delayed.

Commissioner Seichter agreed that the intent was to encourage retail and make the area more walkable. He noted that some of what the applicants are asking for is already allowed.

Mr. John McGuire stated that uptown has always been more of a financial district due to the need to access records at Town Hall. He added that retail has gone online.

Commissioner Camire clarified that they are requesting language be stricken from 4, 6B, 6 & 7. He asked if insurance agencies are considered financial institutions. Chairman Fitzsimmons said yes, they are. Commissioner Camire asked what they meant by general business office. Mr. Chris McGuire replied that they would categorize legal offices as professional offices. Commissioner Camire asked what other professional office uses would be. Mr. John McGuire suggested listing what we don't want instead. Chairman Fitzsimmons noted that in Connecticut, zoning is permissive, so we have to say what's allowed. If it's not listed, it's not allowed. Commissioner Camire stated that they have given a compelling argument for why these businesses should be allowed. We need to acknowledge that the retail environment has changed. He noted that the Town has been trying to increase the nightlife in the area and wondered how this might impact that.

Mr. Chris McGuire acknowledged the letters that were received and stated that they are interested in being collaborative in determining who to bring into the space.

Commissioner Leonardo stated that he would like to hear from Wallingford Center, Inc., and the EDC. He agrees that the business world has changed. We also need to entice these properties to be revitalized. There are a lot of different sides to this discussion. He suggested making them special permits so we would have more control.

Commissioner Benham asked about parking capacity, as it is always a problem. Mr. John McGuire explained how they have access to the municipal lot, so there is plenty of parking. Commissioner Benham asked if parking was restricted to the business. Mr. John McGuire replied no.

Commissioner Kohan asked how long their property has been vacant. Mr. Chris McGuire replied 2 years ago. Mr. John McGuire explained what they have done to market the building. Only a law firm was interested, but they are not allowed. Commissioner Kohan stated that Town Center is one of our most valuable assets. He is interested in hearing from Wallingford Center, Inc., and the EDC. He agrees that this is a change that should be allowed. He asked about the size of the building. Mr. Chris McGuire replied approximately 20,000 sq. ft.

Commissioner Seichter stated that he would like to defer and see what the concerns are. He stated that he was not sure he would want some of the proposed uses on the first floor, street-facing. He warned that we need to be aware of unintended consequences. He asked if they had the vacancy rate for the first floor in the Downtown area. Mr. Chris McGuire said that he understands that it is generally 20% statewide, but he does not have the number for Wallingford. Commissioner Seichter stated that he is uncertain whether we need more office space.

Commissioner Sanders stated that the regulation that was crafted in 2017 was well thought out. He agrees that a lot of office space needs to be rethought, and moving to a place where mixed use is possible needs to be considered. He noted that more Town Hall records are going online, so the need for those businesses to be downtown may be changing. This needs to be done thoughtfully.

Mr. Pagini stated that they came in initially for a minor change to 4.26.B. 4, asking to change the wording to banks, financial institutions, and law offices. They then came back with the expanded language affecting 4.26.B 6 and 7. He added that there were 5 or 6 workshops in 2017. It was clear the Commission wanted a walkable retail environment. We need to think this through since we can't dictate what goes into the office spaces.

Chairman Fitzsimmons stated that he'd like to hear back from Wallingford Center, Inc. and the EDC at the July meeting. He suggested that the McGuires reach out to them to discuss any issues. He agreed that downtown has changed. He noted that the regulations were already modified in 2020 to allow a wellness center. That could be done again. He is generally supportive of this request, but will defer acting on the application.

Mr. John McGuire asked the Commission to think about the owners of the buildings and remember that these types of businesses are allowed nearby.

Mr. Chris McGuire thanked the Commission and pledged to work collaboratively.

Commissioner Kohan: Motion to continue the public hearing for application #503-26, Text Amendment request for F&M Bank, LLC, to expand the allowable uses within the Town Center District to the July meeting.

Commissioner Leonardo: Second

Vote: Unanimous

OTHER BUSINESS

5. Request for extension of Special Permit and Site Plan approval for 1117 Northrop Road #402-21

Commissioner Leonardo noted the correspondence for the record. An email from Dennis Ceneviva, Esq., Ceneviva Law Firm to Kevin Pagini, Town Planner, dated May 12, 2026. Commissioner Leonardo noted the written request from the owner/applicant for an extension of its approval for another five (5) year period.

Chairman Fitzsimmons noted that the approval is due to expire in August.

Hearing no further discussion or public comment, Chairman Fitzsimmons called for a motion on the application.

Commissioner Kohan: Motion to approve application #402-2, a request for extension of special permit and site plan approval for 1117 Northrop Road for another 5 years.

**Commissioner Leonardo: Second
Vote: Unanimous**

REPORTS OF OFFICERS AND STAFF

6. Discussion on updates/remarks

Mr. Pagini gave an overview of the report.

- For the POCD, the draft plan is available on the Wallingford2036.com website, as it is too big to send by email. Comments made at the recent joint steering committee and zoning commission have been added to the draft plan.
- A workshop is scheduled for July 6th to discuss sidewalks, Mr. Farrell's letter, Mr. Orsini's letter, and driveways in Fairmont Farms.
- Mr. Pagini reported that he had a meeting with GKN Aerospace, and they are starting their parking lot expansion project.
- There is potential for a multi-family housing development.
- He attended a SCRCOG workshop on potential for shared services. The report is available for comment.
- The recent Rt. 5/Yale Avenue intersection study meeting covered the next steps. The recording is available. Comments are encouraged.

7. Administrative Approvals – noted as approved

- a. **720 North Main St. Ext/Gopalan #309-26**
- b. **950 Yale Ave/Foraker & Belanger #310-26**
- c. **562 South Main St/Paulino #311-26**
- d. **1122 Old North Colony Rd/Backes Realty Assoc. #701-26**
- e. **180 Cheshire Road/The Farms C.C. #210-26**
- f. **220 North Colony Rd, Unit F/Bellemare #312-26**

8. ZBA May Decisions – no comment

9. ZBA Notice of June 15, 2026 – no comment

Commissioner Seichter asked for clarification of continuing education credit for reading the CT Federation of Planning and Zoning Agencies Quarterly newsletter.

ADJOURNMENT

Commissioner Kohan: Motion to Adjourn the Wallingford Planning and Zoning Commission for Monday, June 8, 2026, at 8:50 pm.

Commissioner Leonardo: Second

Vote: Unanimous

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary

TEXT AMENDMENT

#503-26

F & M BANK, LLC

ADD LAW OFFICES TO SECTION 4.26.B.6&7



Town of Wallingford, Connecticut

RECEIVED

MAY 06 2026

WALLINGFORD
PLANNING & ZONING

APPLICATION NO.: 503-26

FEE: \$550.00

APPLICATION FOR ZONING REGULATION CHANGE

NAME OF APPLICANT: F&M BANK, LLC

DATE: 4.22.26

MAILING ADDRESS: 6 N. MAIN ST.

PHONE: 203 605 4859

Wallingford, CT 06492

E-MAIL ADDRESS: _____

Section to be removed: ~~4.26 A.1~~ - Alteration to 4.26 B.6 and 7

Proposed new section: 4.26 B.6+7 Banks, financial institutions,
law offices, Insurance operations, Realty, Accounting,
medical offices, AND other professional OFFICES Typically
found in Wallingfords business district.

(Attach additional sheet if necessary)

Chun B. Wu

Applicant's Signature

F&M BANK, LLC

Company Name (If applicable)

For Official Use Only:

Date Application Submitted: _____

Filing Fee Paid: _____

To the Members of the Wallingford Planning & Zoning Commission:

I respectfully submit this request for the Commission to amend Wallingford Zoning Regulation §4.26.A.4 to expand the definition of permissible first-floor, street-facing office uses within the Uptown Wallingford Business District. Specifically, I ask that the regulation be updated to allow **banks and financial institutions, law offices and legal services, insurance agencies and related insurance operations, accounting firms, medical offices, and other professional office uses** that have long been part of Wallingford's commercial landscape.

The current regulation was adopted in 2018—before the COVID-19 pandemic dramatically reshaped the office market. Since 2020, remote and hybrid work has become standard across many industries, leading to widespread downsizing of office footprints. This shift has had a measurable impact on Wallingford's commercial real-estate market. According to 2024 commercial real-estate data, **Wallingford's office vacancy rate is approximately 23.66%**, reflecting a significant oversupply of unused space and a clear need for regulatory flexibility to attract new tenants.

This local trend mirrors statewide conditions. Connecticut's commercial office sector continues to face elevated vacancies, with major markets such as Greater Hartford reporting vacancy rates above 28% in 2024. These statewide challenges are driven by the same structural forces affecting Wallingford: remote work adoption, corporate consolidation, and the relocation of large office users to lower-cost states.

Given these realities, expanding the permitted first-floor office uses in Uptown Wallingford is both necessary and economically prudent. Doing so will:

- **Increase demand for vacant commercial space**, helping to reverse the high post-pandemic vacancy rate.
- **Strengthen the town's tax base** by attracting stable, service-oriented professional tenants.
- **Boost local economic activity**, as employees of these businesses spend money at nearby restaurants, retailers, and service providers.
- **Enhance access to essential services**—legal, financial, medical, and professionals that residents rely on and expect to find in a thriving business district.
- **Support long-term economic resilience**, ensuring that Uptown Wallingford remains vibrant, occupied, and competitive with neighboring communities.

Professional offices have historically been integral to Wallingford's commercial identity. Restricting them from first-floor occupancy no longer aligns with market conditions or community needs. Instead, it limits the town's ability to adapt to a post-COVID economy in which flexibility is essential for attracting and retaining businesses.

For these reasons, I respectfully request that the Commission revise §4.26.A.4 to expand the definition of allowable first-floor office uses to include the categories listed above. This update will help stabilize the Uptown district, attract high-quality tenants, and support the long-term economic health of Wallingford.

Thank you for your consideration and for your continued commitment to the prosperity of our community.

Signature Blocks

F&M Bank LLC

Name: JACK MCGUIRE Title: member

F&M Bank LLC

Name: John MCGUIRE Title: member

F&M Bank LLC

Name: CHRIS MCGUIRE Title: member

H. Pearce Real Estate

Name: _____ Title: _____

9. The fifty (50) year affordability period shall commence as follows: For an HOD-G development containing rental units, with the initial occupancy date of the first HOD-G unit to be occupied, as stated in the lease, for independently owned HOD-G units, upon the initial execution of purchase of that unit.
In the case of rental housing under this section, any unit in the development shall not be sub-leased under any circumstances. In the case of ownership housing under this section, any unit in the development must be owner-occupied and may not be rented under any circumstance. The HOD-G unit shall be occupied only as the principals residence of, the lease, in the case of apartment units, or the owner, in the case of individually owned units.

F. Age-Restricted Housing as an HOD-G Development

1. "Age-Restricted Development" shall be housing in accordance with this section, in which all occupants shall be limited to persons sixty-two (62) years of age or over, by deed restriction, covenant, rental contract, and/or other legal means as deemed appropriate.
2. The maximum density for an Age-Restricted Development shall be sixteen (16) units per buildable acre.
3. No more than two (2) bedrooms per unit are permitted in an Age-Restricted Development.
4. The minimum number of parking spaces required in an Age-Restricted Development shall be as follows:
 - a. One and one-half (1.5) spaces per dwelling.
 - b. The number of handicap-accessible parking space shall be one (1) for every fifteen (15) spaces or as required under Federal Americans with Disabilities Act, whichever is greater.
5. In an Age-Restricted Development, a school bus shelter shall not be required; however, when an Age-Restricted Development is to be located on roads designated as thoroughfares, either a standard bus shelter and/or a drop-off/pick-up area shall be provided.
6. An Age-Restricted Development shall make provisions for aging in place, to be demonstrated at the time of Site Plan application and approved by the Commission.

§4.26 TOWN CENTER (TC) DISTRICT

8/17/18

- A. Purpose - to encourage the development and redevelopment of the entire Town Center area as a vibrant pedestrian-friendly commercial destination, with strong supportive institutional and residential components, while building off of and promoting a "Town Center" character.

- B. The following uses are permitted subject to either:
- 1) A Zoning Permit, where only a change in use is requested and no changes to the site are required/proposed; or
 - 2) Site Plan approval in accordance with Article VII, where changes to the site are required/proposed:
1. Stores and shops where goods are sold and services are rendered primarily at retail, except that pawn shops and shops devoted primarily to sale of tobacco, "vaping" paraphernalia, or other smoking devices shall be prohibited.
 2. Restaurants and other food service facilities with or without a liquor permit.
 3. Laundromats, clothes cleaning services.
 4. Banks and financial institutions.
 5. Real estate sales agencies and travel agencies.
 6. General/Business offices, clinics, and outpatient medical treatment facilities, ~~provided they are not located on the ground level street facing side of any building~~
 7. Medical/Dental offices, clinics, and outpatient medical treatment facilities, ~~provided they are not located on the ground level street facing side of any building~~
 8. Indoor recreation, including but not limited to, health/sports clubs, yoga studios, billiard and pool parlors, and other indoor places of public recreation operated as a business; instruction of indoor recreational activities, instruction in the arts (music, painting, graphic design, photography, etc.).
 9. Museums, art galleries.
 10. Bars, pubs, cafés, taverns, brewpubs, microbreweries with a tasting room and/or retail area, when the production area does not occupy more than fifty percent (50%) of the GFA of the total use.
 11. Government facilities, buildings, and uses, public utility buildings, facilities and uses.
 12. Veterinary hospitals for small animals, pet grooming, day care, and/or training facilities, provided the animals are not boarded overnight.
 13. Service establishments (repair, rental and/or service of any item that is allowed to be sold in the zone.)
 14. Funeral homes.
 15. Residential uses as follows:
 - a. Maximum densities shall be: Twenty-six (26) units per acre in lots under twenty-five, thousand (25,000) square feet for new construction and no unit restrictions for existing buildings. 05/17/25
Thirty (30) units per acre on lots equal to or over twenty-five, thousand (25,000) square feet.

- b. Forty (40) units per acre in Downtown Development Corridor sub-district as shown on map in Appendix A. This sub-district consists of twenty (20) parcels. There shall be no minimum parking requirements in this sub-district. 6/16/23
 - c. Shall not be located on any first floor, except:
 - i. Residential amenities shall be allowed on first floor such as lobbies, common areas or recreational amenities accessory to the residential building.
 - ii. Residential units shall not be located at street level along the public way and no units shall be located in the ground level street-facing area of the building (they may be on the ground floor facing a courtyard at the back of the building);
 - d. Shall not be permitted in any basement without approval of a Special Permit, as noted below. 11/19/22
 - 16. Town-sponsored outdoor events, farmers'/garden markets, entertainment, etc.
 - 17. Wellness Center - An establishment that offers services for the body and mind and includes at least two (2) of the following: Skin care services, fitness services, personal training, nutritional services, retail sales of wellness products, and state licensed/certified chiropractic or acupuncture services.
Chiropractic services, as part of a wellness center, may be on the ground floor, street-facing side of the building, provided at least one additional wellness service is also available on the ground floor. 11/13/20
- C. The following uses require approval of a Special Permit in accordance with §7.5:
- 1. Bowling alleys.
 - 2. Movie theaters.
 - 3. Clubs, lodges, fraternal organizations, places of worship.
 - 4. Business and/or trade schools.
 - 5. Hotels/motels with not less than six (6) units.
 - 6. Banquet facilities and conference facilities.
 - 7. Schools, colleges, universities.
 - 8. Child day care centers, nursery schools.
 - 9. Residential dwelling units as permitted in §4.26.B.15 above and included in total permitted density calculation, that are located in a walk-out basement.
 - 10. Uses permitted in §8 above and generating more than one-hundred (100) peak hour vehicle trips.
 - 11. Parking garages in accordance with the requirements of this section and that are used for parking of vehicles by patrons/residents of the lots on which they are located or other businesses/residences in the vicinity, private, long-term storage of vehicles that are not in regular use shall not be permitted.

503-26-01

RECEIVED

JUL 04 2026

Re: PZC June Receipts

WALLINGFORD
PLANNING & ZONING

From Alison Kapushinski <a.kapushinski@wallingfordct.gov>

Date Thu 6/4/2026 11:09 AM

To Kevin Pagini <kevin.pagini@wallingfordct.gov>

Cc Cherie Murchison <cmurchison@wallingfordct.gov>

Engineering has no comments on the following applications:

- 503-26 TA Housing Compliance
- 503-26 TA Planning Compliance
- 503-26 TA Law Offices

Thank you,

Alison Kapushinski, P.E.
(203)294-2035

From: Cherie Murchison <cmurchison@wallingfordct.gov>

Sent: Thursday, May 14, 2026 1:57 PM

To: Alison Kapushinski <a.kapushinski@wallingfordct.gov>; Amy Torre <amy.torre@wallingfordct.gov>; bschock@wallingfordfd.com <bschock@wallingfordfd.com>; Don Crouch <don.crouch@wallingfordct.gov>; Jake Arborio <jake.arborio@wallingfordct.gov>; j buck@wallingfordfd.com <j buck@wallingfordfd.com>; Laurie Farrow <l.farrow@wallingfordct.gov>; Lou Coppola <l.coppola@wallingfordct.gov>; Manny Rigor <manny.rigor@wallingfordct.gov>; Michael Hughes <mhughes@wallingfordct.gov>; Thomas Flannery <thomas.flannery@wallingfordct.gov>; Vanessa Bautista <vbautista@wallingfordct.gov>; Brian Luckhardt <BLuckhardt@wallingfordct.gov>

Subject: PZC June Receipts

Good afternoon- Please see attached receipts for June. Kevin is still working on the housing compliance text amendment. I will send that out as soon as he is done.

Thank you
Cherie Murchison
Planning and Zoning



#503-26-02
Town of Wallingford
Economic Development Office



RECEIVED

JUN 05 2026

WALLINGFORD

Wallingford Planning & Zoning Commission
45 South Main Street
Wallingford, CT 06492

Re: Defer Action on Application #503-26 - Proposed Text Amendment to Section 4.26.A.4 (Town Center District)

Dear Chairman Fitzsimmons and Members of the Commission:

On behalf of the Town of Wallingford Economic Development Office, we respectfully request that the Commission defer action on **Application #503-26**, to add **Law Offices** as a permitted use under Section 4.26.A.4.

While we appreciate the intent of the application and recognize the important role professional services can play in a vibrant downtown, additional time is warranted to fully evaluate the potential long-term impacts of this amendment on the Town Center District and the community's broader economic development goals.

This office and the EDC are currently engaged in ongoing discussions regarding the future vision, vitality, and highest-and-best-use opportunities for downtown Wallingford. As part of this effort, we would like the opportunity to collaborate with **Wallingford Center Inc.**, downtown property owners, business stakeholders, and other community partners to better understand how this proposed use aligns with our shared objectives for attracting investment, increasing foot traffic, supporting retail activity, and strengthening the overall economic health of the Town Center.

Given the significance of downtown Wallingford as a focal point for economic activity, placemaking, and community engagement, we believe it is prudent to undertake a more comprehensive review before making regulatory changes that could influence the future mix of uses within the district.

Accordingly, we respectfully request that the Planning & Zoning Commission defer action on Application #503-26 to allow sufficient time to review the proposal, engage stakeholders, and provide thoughtful feedback and recommendations.

We appreciate the Commission's consideration of this request and look forward to working collaboratively to ensure that future zoning decisions continue to support a vibrant, sustainable, and economically resilient downtown Wallingford.

Sincerely,

Don Crouch
Economic Development Specialist

cc: Vincent Cervoni, Mayor
Wallingford Economic Development Commission
Wallingford Center Inc.

Wallingford Town Hall, Room 311
(203) 294-2060 edc@wallingfordct.gov
www.wallingfordct.gov



503-26-03

Town of Wallingford
Planning & Zoning Commission
45 South Main St.
Wallingford, CT 06492

June 4, 2026

Re: Defer Application for #503-26

Dear Chairman Fitzsimmons and Members of the Commission:

Wallingford Center Inc. has been made aware of a proposal by F & M Bank, LLC, regarding a zoning regulation change to Section 4.26.A.4 for the property located at 6 North Main Street.

As an organization dedicated to the vitality and long-term success of Downtown Wallingford, we are concerned that the proposed amendment could have a significant impact on the downtown district. We respectfully request the opportunity to meet and discuss the proposal prior to the Planning and Zoning Commission's consideration of the application submitted by F & M Bank, LLC, and Jack McGuire.

We believe that a collaborative discussion would allow all parties to better understand the potential effects of the proposed regulation change and ensure that any decisions made are in the best interest of the downtown community.

Thank you for your consideration. We look forward to the opportunity to discuss this matter further.

Sincerely,

Liz Davis

Executive Director

Wallingford Center Inc.

Cc: Nikki Trocchio, Board President

Isabelle Demers

503-26-04

From: Nanette Pastore <npastore@hpearce.com>
To: Isabelle Demers
Subject: For Planning and Zoning Meeting Tonight

RECEIVED

JUN 08 2026

WALLINGFORD
PLANNING & ZONING

Met with Jack today and he asked that I send an overview of the commercial market. See below.

Attestation Regarding the Retail Nature of Professional Service Uses in Commercial Space

As a commercial real estate brokerage actively involved in the leasing, marketing, and valuation of commercial properties throughout Greater New Haven, we are providing this statement based upon our professional experience and knowledge of current commercial real estate market conditions.

In our professional opinion, a law office occupying a storefront or customer-facing commercial space should be considered consistent with the intent of retail-oriented commercial use. Modern retail districts are no longer comprised solely of traditional merchandise-based businesses. Today's successful commercial corridors are increasingly occupied by service-oriented businesses that interact directly with the public, including real estate offices, financial service providers, insurance agencies, tax professionals, medical practices, and legal offices.

A law office functions similarly to many other service businesses commonly located within retail commercial areas. Clients regularly visit the premises, conduct business on-site, and engage directly with professionals providing services to the public. Such uses generate customer traffic, support surrounding businesses, contribute to the local economy, and maintain active occupancy within commercial districts.

We understand that a real estate office located adjacent to the subject property has been recognized as a retail use. From a commercial real estate perspective, there is little practical distinction between a real estate office and a law office with respect to their interaction with the public, customer visitation patterns, and contribution to a commercial business district. Both are professional service businesses that occupy and utilize space in a manner consistent with the objectives of retail-oriented commercial areas.

Additionally, commercial real estate markets have evolved considerably over the past several years. Demand for traditional retail space has softened in many markets, while demand from professional service providers has increased. Property owners, developers, and municipalities have increasingly embraced a broader interpretation of retail and commercial uses in order to maintain vibrant business districts and avoid prolonged vacancies.

One significant example is Yale University, one of the largest commercial property owners in New Haven. Yale has increasingly leased commercial storefront and retail-designated spaces to professional and

service-oriented businesses as market conditions have changed and traditional retail demand has diminished. This reflects a broader trend throughout Connecticut and across the country, where active, customer-serving professional businesses are recognized as valuable contributors to commercial districts.

Based upon our experience in commercial leasing and property marketing, restricting retail-designated commercial space solely to traditional retail merchants does not reflect current market realities and may unnecessarily limit occupancy opportunities. Professional offices that serve the public, including law offices, provide an active commercial use that supports the economic vitality and intended purpose of retail business areas.

It is therefore our professional opinion that the occupancy of this space by attorneys is consistent with the practical function and intent of a retail-oriented commercial district and should be considered an appropriate use within such a location.

Respectfully submitted,

Nanette Pastore, President

Pearce Real Estate

Licensed in the State of CT

O 203.281.9311

C 203.214.5114

local • independent • full-service

www.hpearce.com

Branford • Guilford • Milford • New Haven

North Haven • Wallingford

IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

ATTORNEY JIM LOUGHLIN
WALLINGFORD, CONNECTICUT

503-26-05

July 9, 2026

Mr. Kevin Pagini, Town Planner
TOWN OF WALLINGFORD
45 South Main Street
Wallingford, CT 06492

Original will follow, hand-delivery

re: Proposed Text Change for §4.26.B.2.6 of the Town Center District

Dear Kevin:

Attached please find a draft of the proposed text change for §4.26.B.2.6 of the Town Center District, arising out of Jack McGuire's request for the TD Bank building. Here's an outline of what is proposed:

1. Professional offices remain a permitted use in the TC zone, but not in the *Ground Level Street-Facing Area (GLSFA)* of any building along big streets in the zone: Center Street, Hall Avenue, Quinnipiac Street, North Colony Street, South Colony Street, North Main Street or South Main Street.
 2. Also, professional offices in the GLSFA anywhere in the zone must be separated by at least one street, and not less than 200 lineal feet.
 3. There are five exceptions to the rule of no professional offices in the GLSFA of buildings along the big streets in the TC zone, namely:
 - a. if the GLSFA takes up 50% or more of the ground floor,
 - b. or if the professional office takes up less than one-third of the building frontage,
 - c. or if it's a big professional office, specifically more than 4,000sf (see ** below),
 - d. or if the professional office is set back more than 70 feet from the street
 - e. or if, administratively or at a PZC meeting, it is determined a proposed professional office is less nonconforming.
- ** Please note: the rationale behind allowing a big professional office in the GLSFA is that a big professional office would, itself, generate considerable retail/commercial foot traffic.

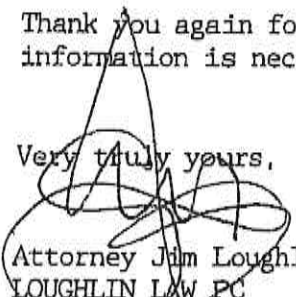
Whether the Commission addresses this proposal Monday or at its August meeting - either way is fine with us. Discussing it now would provide for a better-informed review by Commission members between now and the vote in August, and would give us time to incorporate feedback into a final draft. But if this is

July 9, 2026
Page 2

the only item on Monday's agenda, then of course Commission members may want to postpone until August. Whatever is decided, just let me know.

Thank you again for your time in working on this with us. If additional information is necessary, I will make myself available at your convenience.

Very truly yours,



Attorney Jim Loughlin, for the firm
LOUGHLIN LAW PC
JL/vle
encl.
c. Client

PROPOSED Definition Change:

Ground Level Street-Facing Area of a Building – The floor area of a building on the level where the building's main entrance is located, which floor area shall be bound by a line along the entire building frontage where the main entrance is located, and shall be fifty (50') deep.

CURRENT Definition:

Ground Level Street-Facing Area of a Building – The entire front fifty (50) ft. floor area of the first floor of a building, which shall be measured from every point of building frontage and extended fifty (50) ft. in a perpendicular direction away from the front property line on which the building fronts.

PROPOSED Text Change to §4.26.B.2.6:

B. The following uses are permitted

6. General/Business/Professional offices, clinics and outpatient medical treatment facilities (**Professional Offices**), PROVIDED THAT:

- a. No such Professional Office may be located within the Ground Level Street-Facing Area of any building (GLSFA) whose main entrance opens onto Center Street, Hall Avenue, Quinnipiac Street, North Colony Street, South Colony Street, North Main Street or South Main Street; and
- b. Each such Professional Office within the GLSFA of any building shall be separated from all others by (i) at least one street and (ii) a radius of not less than two hundred (200') lineal feet;

EXCEPT THAT:

- c. *The GLSFA Is Too Big*: If the GLSFA of the building is greater than 50% of the building's ground level, then such a Professional Office may be located on the ground floor of a building, including without limitation in the GLSFA, but only in its rear two-thirds of the building's ground floor;
- d. *One-Third Of The Building Front*: If any such Professional Office takes up one-third ($1/3^{\text{rd}}$) or less of the Building Frontage, it may be located on the ground floor of a building, including without limitation in the GLSFA;
- e. *Big Professional Office*: If the Floor Area of any such Professional Office shall be not less than 4,000 square feet, it may be located on the ground floor of a building, including without limitation in the GLSFA;
- f. *Setback 70'*. If any such Professional Office shall be setback more than seventy (70') feet from each of the seven (7) streets listed in this Subsection 6 above, it may be located on the ground floor of a building, including without limitation in the GLSFA; and
- g. *Lesser Non-conformity*: If, either administratively with the Town Planner or at a Commission meeting, it is determined a proposed Professional Office represents less of a non-conformity than the then existing non-conforming use, that Professional Office may be located on the ground floor of a building, including without limitation in the GLSFA.

CURRENT version of §4.26.B.2.6:

6. General/Business offices, clinics, and outpatient medical treatment facilities, provided they are not located on the ground level street-facing side of any building.

Kevin Pagini

#503-26-06

m: Don Crouch
Sent: Thursday, July 9, 2026 3:18 PM
To: Kevin Pagini; wci@wallingfordcenterinc.com
Subject: Re: TC District text change

RECEIVED

JUL 09 2026

WALLINGFORD
PLANNING & ZONING

Kevin,

Thanks for passing along the updated proposed text change for the Town Center. At first glance, it seems substantially different than what was proposed last month and discussed at some of the recent meetings.

There is not a lot of time to review, and Liz Davis is on vacation. Not sure if your Commission would be open to pushing this to the August meeting to allow time for review.

Best,

Don Crouch, CCMO

Economic Development Specialist

Town of Wallingford

Town Hall, Room 311

Office: (203) 294-2060

Work Cell: (475) 655-4997



 Book time to meet with me

From: Kevin Pagini <kevin.pagini@wallingfordct.gov>

Sent: Thursday, July 9, 2026 3:12 PM

To: Don Crouch <don.crouch@wallingfordct.gov>; wci@wallingfordcenterinc.com <wci@wallingfordcenterinc.com>

Subject: FW: TC District text change

Kevin J. Pagini

Town Planner

Town of Wallingford

P: 203-294-2090

From: Jim Loughlin <jim@loughlin-law.com>

Sent: Thursday, July 9, 2026 1:42 PM

To: Kevin Pagini <kevin.pagini@wallingfordct.gov>



Wallingford Fire Department
Inspection Report

#503-26-07

Planning and Zoning - 45 S Main ST, BLDG Town Hall, Wallingford CT 06492-4201

75 Masonic Ave

RECEIVED

JUL 22 2026

WALLINGFORD
PLANNING & ZONING
17421

INSPECTION DETAILS

Inspection Date	Inspection Type	Shift	Station	Unit
07/21/2026	Document/Record Review			
Lead Inspector				
BRIAN SCHOCK		Office of the Fire Marshal	Station 2	C5
Other Inspectors				
N/A				

SUMMARY OF INSPECTION

✓ 0 ✗ 0
Passed codes Failed codes

GENERAL NOTES

BRIAN SCHOCK - 07/21/2026 @ 21:20

#503-26 - Text Amendment - Professional Offices within the Town Center District

BRIAN SCHOCK - 07/21/2026 @ 21:20

This text amendment does not affect the 2022 CFSC.

SIGNATURES

Contact signature

Inspector signature

No signature
NA

BKS

Kevin Pagnini

Date: _____

BRIAN SCHOCK

07/21/2026



#503-26-08
Town of Wallingford, Connecticut

JAMES C. FITZSIMMONS
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

RECEIVED

JUL 23 2026

July 22, 2026

F & M Bank, LLC
6 North Main Street
Wallingford, CT 06492

RE: Text Amendment Application #503-26
Law Offices

Dear Applicant:

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

After reviewing the proposed text amendment dated July 9, 2026, this office is proposing a condensed version that will allow what you are requesting, bring other offices into conformity with the zone and will not allow office spaces to inundate the Town Center zone. This proposal strikes a balance between fully allowing offices, clinics, and outpatient medical treatment facilities on the ground level street facing portion of a building or only allowing them in a specific geographic location in the zone.

4.26.B.2.6:

b. General/Business offices, clinics, and outpatient medical treatment facilities shall only be located on the ground level street facing portion of a building if the parcel has existing retail space and the area for office space shall not occupy greater than or equal to 40% of the total floor area.

i. This shall also apply to contiguous properties that are in common ownership and whose buildings are connected by an attached walkway; the calculation shall apply to the total area of the building floor area of the two properties.

ii. Each such General/Business office located on the ground level street facing portion of an building shall be separated from all others by not less than two-hundred (200') lineal feet.

Should you wish to discuss these comments or application further, please call the Planning 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.

TEXT AMENDMENT

#506-26

JUSTIN FRYTZ

SECTION 6.34- OMIT TRANSPORT



Town of Wallingford, Connecticut

RECEIVED

JUL 21 2026

WALLINGFORD
PLANNING & ZONING

APPLICATION NO.: 506-26

FEE: \$550.00

APPLICATION FOR ZONING REGULATION CHANGE

NAME OF APPLICANT: Justin Frytz DATE: 7/20/26

MAILING ADDRESS: 212 Half mile Rd PHONE: 203 625 2024
North Haven CT 06473

E-MAIL ADDRESS: Justin@thewhiteoakbridge.com

Section to be removed: 6.34 - omit the word transporter

Proposed new section: See Attached -

(Attach additional sheet if necessary)

Applicant's Signature

Company Name (If applicable)

For Official Use Only:

Date Application Submitted: _____

Filing Fee Paid: _____

TOWN OF WALLINGFORD ZONING REGULATIONS
Proposed Amendment to §6.34 — Cannabis Establishments

Draft Amendment Language for Application

I. EXISTING REGULATION (CURRENT TEXT)

§6.34 CANNABIS ESTABLISHMENTS

9/18/21

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 §21-1 of the Connecticut General Statutes.

- B. Cannabis establishments are prohibited in all zones within the Town of Wallingford.**

II. PROPOSED AMENDMENT — OPTION 1: CANNABIS TRANSPORTER CARVE-OUT

This option removes the license type of cannabis transporter from the general prohibition, while all other cannabis establishment types remain prohibited in all zones within the Town of Wallingford.

§6.34 CANNABIS ESTABLISHMENTS (AMENDED)

A. Definitions:

1. Cannabis Establishment – means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, or 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 listed above are prohibited in all zones within the Town of Wallingford.**
-

III. PROPOSED AMENDMENT — OPTION 2: CANNABIS RETAILER AND TRANSPORTER CARVE-OUT

This option removes both the cannabis retailer and cannabis transporter license types from the general prohibition, while all other cannabis establishment types remain prohibited in all zones within the Town of Wallingford.

§6.34 CANNABIS ESTABLISHMENTS (AMENDED)

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 §21-1 of the Connecticut General Statutes.

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

C. Cannabis Retailer

A cannabis retailer is a business with a valid cannabis retailer or hybrid license issued by the State of Connecticut, Department of Consumer Protection, with 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.

D. Cannabis Transporter:

An entity licensed as a transporter pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA), Public Act 21-1, as amended, to transport cannabis and cannabis products between cannabis establishments, laboratories, and research programs, and to establish, site, and operate a facility for that purpose within the Town of Wallingford, including the receipt, storage, staging, and dispatch of cannabis and cannabis products incidental to licensed transport activity. A Cannabis Transporter use under this section shall not include the retail sale, dispensing, manufacturing or cultivation of products on site.



Wallingford Fire Department
Inspection Report

Planning and Zoning - 45 S Main ST, BLDG Town Hall, Wallingford CT 06492-4201

506-26-01

75 Masonic Ave

INSPECTION DETAILS

RECEIVED

Inspection Date

07/21/2026

Inspection Type

Document/Record Review

Inspection Number

17417

Lead Inspector

BRIAN SCHOCK

Shift

Office of the Fire
Marshal

Station

Station 2

WALLINGFORD

PLANNING & ZONING

Other Inspectors

N/A

SUMMARY OF INSPECTION

✓ 0

Passed codes

✗ 0

Failed codes

GENERAL NOTES

BRIAN SCHOCK - 07/21/2026 @ 19:53

#506-26 - Text Amendment - Cannabis Establishment - Omit the word "Transporter"

BRIAN SCHOCK - 07/21/2026 @ 19:54

This text amendment does not affect the 2022 CFSC.

SIGNATURES

Contact signature

Inspector signature

No signature
NA

BKS

Kevin Pagnini

Date: _____

BRIAN SCHOCK

07/21/2026

#506-26-02

Re: Additional receipt for 08/10/2026

From Thomas Flannery <thomas.flannery@wallingfordct.gov>

Date Mon 7/27/2026 11:05 AM

To Cherie Murchison <cmurchison@wallingfordct.gov>

We have no comment on #506-26 proposed text ammendment.

Thomas Flannery

Senior Engineer

Town of Wallingford Water and Sewer Divisions

377 South Cherry Street, Wallingford, CT 06492

Office: 203-949-2672

Fax: 203-949-2678

Email: thomas.flannery@wallingfordct.gov

From: Cherie Murchison <cmurchison@wallingfordct.gov>

Sent: Tuesday, July 21, 2026 4:08 PM

To: Alison Kapushinski <a.kapushinski@wallingfordct.gov>; Amy Torre <amy.torre@wallingfordct.gov>; bschock@wallingfordfd.com <bschock@wallingfordfd.com>; Don Crouch <don.crouch@wallingfordct.gov>; Jake Arborio <jake.arborio@wallingfordct.gov>; jbuck@wallingfordfd.com <jbuck@wallingfordfd.com>; Laurie Farrow <l.farrow@wallingfordct.gov>; Lou Coppola <l.coppola@wallingfordct.gov>; Manny Rigor <manny.rigor@wallingfordct.gov>; Michael Hughes <mhughes@wallingfordct.gov>; Thomas Flannery <thomas.flannery@wallingfordct.gov>; Vanessa Bautista <vbautista@wallingfordct.gov>; Brian Luckhardt <BLuckhardt@wallingfordct.gov>

Subject: Additional receipt for 08/10/2026

Good afternoon- Please see attached receipt.

Thank you

Cherie Murchison

Planning and Zoning

#506-26-03

APPLICANT STATEMENT

Petition to Amend §6.34 of the Wallingford Zoning Regulations

Cannabis Transporter Carve Out

RECEIVED

JUL 27 2026

WALLINGFORD
PLANNING & ZONING

Justin Frytz

(203) 626-2024

Hearing Date: Aug 10, 2026

Wallingford Planning and Zoning Commission

45 South Main Street

Wallingford, CT 06492

Dear Members of the Commission,

Who We Are

My name is Justin Frytz. I am a licensed cannabis transport operator in the State of Connecticut, and I am the applicant on this petition.

The Simplest Way to Understand Our Business: We Are a Logistics Company

We were the first licensed adult use cannabis transporter in the State of Connecticut, and we have been operating since 2024. The most useful comparison I can offer this Commission is Amazon, or United Parcel Service, or any third party logistics provider you are already familiar with. When a package moves through an Amazon fulfillment center, most of the time, Amazon does not own what is inside that box. Amazon receives it, holds it, sorts it, consolidates it with other shipments going to the same place, and moves it. The product belongs to somebody else the entire time.

That is exactly what we do. We do not own any cannabis product. We are not permitted to. Our license is a service license, not a product license. The cannabis we handle belongs to licensed Connecticut manufacturers and cultivators, and it is destined for licensed Connecticut dispensaries. We are the middle leg of that journey. We receive product from licensed manufacturers, hold it in a secure facility, consolidate multiple manufacturers' shipments into single efficient deliveries, and transport it to licensed retail establishments.

Every party we touch on either end of that transaction is licensed by the State of Connecticut. We are a business to business service provider operating inside a closed, state monitored network. That is the entire business.

What This Facility Is Not

I want to be direct about what a cannabis transporter facility is not, because I understand that the word cannabis in a zoning application tends to bring a specific picture to mind, and that picture does not describe us.

There is no public access to this facility. No member of the public will ever walk through the door. There is no retail counter, no sales floor, no waiting room, no menu, no product display, and no consumer transaction of any kind. We are not permitted to sell cannabis to a consumer, and we would not be permitted to even if we wanted to.

Security, Tracking, and State Oversight

Cannabis transporters operate under some of the strictest operational oversight of any commercial use a municipality can host.

Every unit of product we handle is tracked in BioTrack, Connecticut's mandated seed to sale tracking system. Nothing enters or leaves our possession without a state generated manifest documenting the origin, the destination, the contents, the vehicle, and the personnel involved. Our facility, our vehicles, and every individual who works for us are licensed and background checked through the Department of Consumer Protection. Our vehicles carry real time GPS tracking. Product moves in secured containers. The facility is required to maintain alarm and video surveillance systems, and the Department of Consumer Protection retains inspection authority over the premises at all times.

I would also note that I personally advocated for and testified in support of House Bill 5350, which strengthened operational and security standards for cannabis transport in Connecticut. I have a direct interest in this industry being run correctly, and I have put my own time into the rules that govern it.

Local Jobs, Local Tax Base, and Our Record in the Community

We are a small Connecticut business. Our team members are Connecticut residents. A facility in Wallingford would bring warehouse and transport positions, occupied commercial or industrial space that generates property tax revenue, and ongoing local spend on fuel, vehicle service, and building maintenance.

Our cannabis business also operates under an approved Social Equity Plan with the Connecticut Social Equity Council, focused on food insecurity. Our team has volunteered on site at the Connecticut Foodshare warehouse in Wallingford, contributing 27 hours in our first program year alone, and we have made direct financial contributions to Connecticut Foodshare's work. Wallingford is not an unfamiliar community to us. We have already been working in it.

What We Are Asking For

We are asking the Commission to do one thing: remove cannabis transporter from the townwide prohibition in §6.34. Every other cannabis establishment license type would remain prohibited in all zones.

I also want to be clear that this request is separate from the proposed retail zoning language before the Commission, and it is being submitted separately on purpose. These are two different license types raising two different sets of questions, and a decision on one should not carry the other with it. If the Commission adopts the retail language, we would of course expect to be held to comparable standards. If the Commission declines it, that decision has no bearing on whether a logistics use belongs in this town.

This is a narrow request. It permits a warehouse and logistics use, not a consumer facing one. Distributors of this kind have operated in Wallingford for decades. We are the same category of business, operating under substantially more state oversight than any of them.

Thank you for your time and consideration. I am happy to answer any questions the Commission may have, either this evening or in any format the Commission finds useful.

Respectfully submitted,

Justin Frytz

Licensed Cannabis Transport Operator, State of Connecticut



STAFF REFERRAL REPORT

TO: Wallingford Planning and Zoning Commission, Mayor of Wallingford, Town Planner,
and Zoning Enforcement Officer

FROM: Emely Ricci, Community Planner II, NVCOG, 49 Leavenworth Street, 3rd floor,
Waterbury (203) 757-0535

DATE: July 29, 2026

NVCOG FILE NO.: WALL-04-07272026-Z
MUNICIPALITY: Town of Wallingford
DATE RECEIVED: July 27, 2026
TYPE OF REFERRAL: Text Amendment
DATE OF PUBLIC HEARING: August 10, 2026
APPLICANT: Quinnpillac Valley Growth Partners LLC c/o Attorney Gerald Farrell
Jr.; KSCGH Partners, LLC; and Justin Frytz

DESCRIPTION OF PROPOSAL:

The Town of Wallingford Planning and Zoning Commission received multiple proposed text amendments to the Wallingford Zoning Regulations. These text amendments will be discussed and identified by the application number assigned to them in the original municipal application for zoning regulation change.

Application 504-26

Quinnpillac Valley Growth Partners LLC proposed text amendments to:

- **Article IV, Section 4.16.C Route 5 District (RF-40)** to add a new subsection regarding cannabis retailers. The regulations will apply to cannabis retailers in the RF-40 district, outlining regulations and standards for the operation such as location, lighting and security, visible decoration, signage, and operating hours, among others.
- **Article VI, Section 6.34 Cannabis Establishments** to add new subsection "C. Cannabis Retailer" and its regulations.

Continued, next page

Application 505-26

KSCGH Partners, LLC proposed a text amendment to the Wallingford Zoning Regulations to:

- Add a new subsection "4.27 Mixed Use District (MU)". This would create a new floating zone in the areas it would be applied to. The addition outlines its purpose, applicability, permitted uses, site design, procedural requirements, and regulatory requirements.

Application 506-26

Justin Frytz proposed text amendments to the Wallingford Zoning Regulations. The application proposed two options for the text amendment for **Article VI, Section 6.34 Cannabis Establishments**:

- Option 1- Remove the words "or transporter" from the section.
- Option 2- Remove Cannabis Retailer and Cannabis Transporter from the general prohibition, and create two new subsections detailing the aforementioned cannabis establishments that would be allowed.

STAFF RECOMMENDATION:

NVCOG Staff finds the text amendments outlined in applications 504-26, 505-26, and 506-26 to not be regionally significant and not have intermunicipal impact.

* * * * *

This staff recommendation is transmitted as written above unless we receive comments or objections within five days of the time you receive this proposal. If objections cannot be resolved within the scope of the original recommendations, you may submit a reconsideration request to the Regional Planning Commission for further discussion of the findings.



#506-26-05
Town of Wallingford, Connecticut

TOWN ATTORNEY
GEOFFREY T. KINHORN
ASSISTANT TOWN ATTORNEY
STEVEN M. ALLINSON
CORPORATION COUNSEL
JANIS M. SMALL
DEPARTMENT OF LAW
WALLINGFORD TOWN HALL
48 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 284-2140
FAX (203) 284-2112
lawdept@wallingfordct.gov

MEMORANDUM

TO: James Fitzsimmons, Chairman, Planning and Zoning Commission
Members of the Planning and Zoning Commission

CC: Kevin J. Pagini, Town Planner

FROM: Janis M. Small, Corporation Counsel

RE: **Request for Opinion Re: Cannabis Regulation**

DATE: August 3, 2026

Per your request, below are the responses to questions that may be raised on this application.

1. It is my understanding that the application for a regulation change has been submitted to the Commission after an earlier application was denied. Pursuant to General Statutes § 8-3(c), the Commission is not required to hear an application relating to the same, or substantially the same, changes more than once in a period of twelve months. The Commission is free to do so but is not required. My understanding is that the application changes the approval to a special permit instead of a site plan approval. Certainly, the Commission may view this as a substantial change. This would be particularly the case if the Commission itself expressed a preference for the special permit process. If the Commission determines that it is the same or substantially the same as the previous application, the Commission may choose to hear it or decline. If it is not the same or substantially the same, the Commission must hear it.

2. Approval of an application to amend the regulations is by a simple majority of the Commission pursuant to § 11.6 of the Regulations. If a properly filed protest petition is filed, a two-thirds vote is necessary pursuant to § 11.3 of the Regulations and General Statutes § 8-3(b).

3. With respect to the state verses federal law conflict, cannabis possession, production, etc. remain illegal under federal law (Controlled Substance Act, "CSA"). The federal government has the authority to enforce federal law. However, the courts have found that the enactment of state laws permitting cannabis is not an obstacle to the federal government enforcing the CSA. In other words, cannabis is illegal under federal law but states may permit it under state law. The CSA expressly states that it

Memorandum
August 3, 2026
Page Two

does not preempt state law "unless there is a positive conflict between the provision of this subchapter and that state law so that the two cannot consistently stand together." 21 U.S.C. § 903. The courts have found that there is no such conflict as state laws do not require anyone to violate the CSA and the states are simply removing penalties for certain activities and establishing a regulatory process for doing so in their states. This position is held by federal courts throughout the country.

If the Commission moves forward with these uses, as permitted under state law, you'll need to address the conflict with § 1.4 which states that uses, structures, development or activity which are illegal under federal law are prohibited. You can accomplish this by including "Notwithstanding § 1.4, the following is permitted under applicable state law" or words to that effect, at the beginning of the new regulation.



Janis M. Small
Corporation Counsel

JMS/bjc

506-26-06

RECEIVED

TOWN OF WALLINGFORD ZONING REGULATIONS
Proposed Amendment to §6.34 — Cannabis Establishments

Draft Amendment Language for Application — Prepared for Review

AUG 05 2026

WALLINGFORD
PLANNING & ZONING

I. EXISTING REGULATION (CURRENT TEXT)

§6.34 CANNABIS ESTABLISHMENTS

9/18/21

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 §21-1 of the Connecticut General Statutes.

B. Cannabis establishments are prohibited in all zones within the Town of Wallingford.

II. PROPOSED AMENDMENT — OPTION 1: CANNABIS TRANSPORTER CARVE-OUT

This option removes the license type of cannabis transporter from the general prohibition, while all other cannabis establishment types remain prohibited in all zones within the Town of Wallingford.

§6.34 CANNABIS ESTABLISHMENTS (AMENDED)

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 §21-1 of the Connecticut General Statutes.

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

C. Cannabis Transporter

Notwithstanding §1.4, the following is permitted under applicable state law: a cannabis transporter is a business with a valid cannabis transporter license issued by the State of Connecticut, Department of Consumer Protection, that transports cannabis and cannabis products between licensed cannabis establishments. A cannabis

transporter does not sell cannabis or cannabis products directly to consumers, does not cultivate, process, or manufacture cannabis or cannabis products, and does not permit onsite consumption of cannabis products at its facility or on the exterior site thereof.

III. PROPOSED AMENDMENT — OPTION 2: CANNABIS RETAILER AND TRANSPORTER CARVE-OUT

This option removes both the cannabis retailer and cannabis transporter license types from the general prohibition, while all other cannabis establishment types remain prohibited in all zones within the Town of Wallingford.

§6.34 CANNABIS ESTABLISHMENTS (AMENDED)

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 §21-1 of the Connecticut General Statutes.

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

C. Cannabis Retailer

Notwithstanding §1.4, the following is permitted under applicable state law: a cannabis retailer is a business with a valid cannabis retailer or hybrid license issued by the State of Connecticut, Department of Consumer Protection, with 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.

Add – Section 4.16 C. (RF-40): A cannabis retailer as defined in Section 6.34C requires approval of a Special Permit in accordance with Section 7.5, as a Use Group A use, subject to the following:

1. Only three (3) cannabis retailers shall be permitted.

2. 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.

3. No such cannabis retailer shall be located within five hundred (500) feet of a pre-existing school or place of worship. The five hundred (500) feet shall be the straight horizontal distance 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.

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

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

6. Shall not erect signage or other exterior coverage that contains any representation of a cannabis plant or paraphernalia.

7. Shall not be open to the public for business before 9am, or after 10pm.

D. Cannabis Transporter

Notwithstanding §1.4, the following is permitted under applicable state law: a cannabis transporter is a business with a valid cannabis transporter license issued by the State of Connecticut, Department of Consumer Protection, that transports cannabis and cannabis products between licensed cannabis establishments. A cannabis transporter does not sell cannabis or cannabis products directly to consumers, does not cultivate, process, or manufacture cannabis or cannabis products, and does not permit onsite consumption of cannabis products at its facility or on the exterior site thereof.



#506-26-07

Lower Connecticut River Valley Council of Governments

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

Regional Planning Committee

August 5, 2026

RECEIVED

AUG 06 2026

WALLINGFORD
PLANNING & ZONING

Mr. James Fitzsimmons, Chairman
Wallingford Planning and Zoning Commission
45 South Main Street
Wallingford, CT 06492

SUBJECT: Section 6.34 Cannabis Establishments – Transporter Carve-Out
Petitioner: Justin Fryer

Dear Mr. Fitzsimmons:

The Wallingford Planning and Zoning Commission has submitted a zoning regulation petition to the RiverCOG Regional Planning Committee for review for intermunicipal impacts pursuant to Section 8-3b of the Connecticut General Statutes. The petition proposes to remove Cannabis Transporter Establishments from the list of prohibited under the definition of Cannabis Establishments. These comments are offered for the consideration of the P&Z at the public hearing scheduled to commence on August 10, 2026.

Findings of Potential Intermunicipal Impact and Impact to the Ecology of Long Island Sound

Staff of the RiverCOG Regional Planning Committee finds that no substantial intermunicipal impacts to properties in the adjacent RiverCOG Towns of Middletown and Durham will result if the proposed regulations are adopted as submitted. The new language amends the definition of Cannabis Establishments to remove Transporter from the list of prohibited Cannabis Establishments. Staff recommends only making such an amendment if accompanied by an amendment identifying the locations in which such as establishment can be located and specific language regarding operations, security, signage and other precautionary restrictions.

Because the region is contiguous to the Long Island Sound, we must review referrals for impact to that water body. Again, we find no negative ecological impact to the Long Island Sound

Consistency with the RiverCOG Regional Plan of Conservation and Development

The proposal is "neutral" with respect to the policies, goals and recommendations of the RiverCOG Regional Plan of Conservation and Development.

Thank you for the opportunity to provide these comments with respect to the proposed sign regulations. If there are any questions, please don't hesitate to contact us at (860) 581-8554.

For the Committee,

Susan W. Beckman
Regional Planner

cc: Ms. Robin Newton, Town Planner, Towns of Durham and Middlefield

RiverRPC

TEXT AMENDMENT

#505-26

KSCGH PARTNERS, LLC

MIXED USE DISTRICT



RECEIVED

JUL 13 2026

WALLINGFORD
PLANNING & ZONING

APPLICATION NO.: 505-26

FEE: \$550.00

APPLICATION FOR ZONING REGULATION CHANGE

NAME OF APPLICANT: KSCGH Partners, LLC DATE: 7/10/2026

MAILING ADDRESS: 150 East 58th Street, Suite #2000 PHONE: (203)237-8808
New York, NY 10155

E-MAIL ADDRESS: dennis@cenevivalaw.com

Section to be removed: _____

Proposed new section: Article IV, Section 4.27 Mixed Use District (MU)-see attached

(Attach additional sheet if necessary)

Applicant's Signature

KSCGH Partners, LLC

Company Name (If applicable)

For Official Use Only:

Date Application Submitted: _____

Filing Fee Paid: _____

ARTICLE IV

Section 4.27 MIXED USE DISTRICT (MU)

A. Purpose The purpose of this zone is to permit and facilitate the development of a comprehensively planned mixed use development which would provide a self-sustaining development, which can serve as the commercial and cultural center of the community. The development needs to have a strong pedestrian orientation, serve as a community gathering area, with specific design features which would make it an attractive place to live, work, shop and spend time. It would be a floating zone, to be applied only if the conditions of this article are met.

B. Applicability. The Mixed Use District shall be considered a floating zone. Properties in Wallingford may be considered for rezoning to this zone only if in conformance with the following conditions:

1. Minimum size of forty (40) acres. Once approved by the Planning and Zoning Commission, the proposed development may be subdivided into separate parcels, all to be developed in accordance with the Overall Conceptual Site Plan (OCSP).

2. The site must be served by public water and sanitary sewer.

3. Proposed uses to be in conformance with the Plan of Conservation and Development.

C. Permitted Uses. The following uses may be permitted as a component of the OCSP, subject to approval by the Planning and Zoning Commission:

1. Stores and shops for the purpose of retail business
2. Barber shops, beauty parlors and other similar personal services businesses.
3. Banks, credit unions and other financial institutions
4. Corporate, business, professional and medical offices
5. Indoor theaters
6. Restaurants
7. Multi-family residential uses
8. Outpatient medical facilities

9. Indoor recreation, including but not limited to, health/sports clubs, yoga studios, and other indoor places of public recreation or instructions in the arts operated as a business
10. Child and adult day care centers
11. Museums and art galleries.
12. Other similar uses, as determined by the Commission, that are consistent with the intent of these regulations.
13. Uses accessory to the principal use(s) as determined by the Commission, including drive-thru facilities for certain primary uses.

There shall be no overnight parking of vehicles which are not a part of one of the businesses on the site or are not owned by a resident of the dwelling units on the site.

D. Site Design

1. Pedestrian and Vehicular Circulation. The design of these sites should include a complete pedestrian and vehicular circulation system, which emphasizes internal pedestrian circulation. This should include, but not be limited to: a) direct pedestrian circulation connections between the various areas of the residential development, with multiple direct connections to the commercial areas; b) multiple and direct pedestrian connections between the residential areas, commercial areas and public areas; c) where appropriate, pedestrian circulation connections between the subject area and other areas of the Town, which connects to the internal pedestrian circulation network; d) vehicular circulation which both adequately serves all areas and components of the development while being supportive of the overall pedestrian orientation; e) a pedestrian circulation system which is linked to the central open space area, residential open space areas, and all residential areas; f) adequate facilities for bicycles, including bicycle racks; g) appropriate open space/public gathering spaces; h) a central open space area suitable for public sitting and gatherings which may include, but is not limited to, a public plaza or passive recreation areas, and which should be equipped with benches or chairs, pedestrian scaled lighting, and adequate trash receptacles- water features and public art are encouraged to be included.

The Commission may require one or more secondary open space areas to serve residential components of the plan if the total residential component exceeds 200 dwelling units.

2. Building Design. Applicants should use decorative details on the exterior of the buildings appropriate to the architectural style that is being emulated throughout the MU

District. The use of quoins and lintels are encouraged. All rooftop utilities or other equipment shall be concealed from view of pedestrians, car traffic and residential units, unless the Commission determines that it is not feasible due to reasons such as topography and site layout. Mansard roofs or gabled roofs are preferred with flat roofs only being permitted where the proposed structure is taller than adjacent structures. Flat roofs should have a parapet and cornice appropriate to the architectural style of the building. More ornamental architectural details such as dentils, corbels and an ornamental frieze are encouraged.

3. Parking Plan. The overall parking plan to be approved as a component of the conceptual site plan shall be sufficient to accommodate the various uses proposed within the site plan, as to location, time of use, and other factors as determined by the Commission. The applicant shall submit a parking analysis at the time of the submission of the zoning map amendment, and conceptual site plan which analyzes the projected parking demand of each use by time, the proximity of the parking to each use, the need for all day parking for specific uses, and times of peak parking demand for each proposed use, and other issues raised by the Commission. The applicant shall submit a parking plan which addresses the issues identified in the analysis. Such parking plan shall include projected times of parking, designation of uses of each parking space, potential for shared parking, management of the parking areas, and interface with other modes of transportations, such as mass transit, bicycles, and the like. The Overall Conceptual Site Plan shall reflect the need determined by this analysis, subject to Commission approval.

4. Phasing. The OCSP may be proposed in phases, subject to approval of the Commission, but must be completed no later than five (5) years from the application of the Floating Zone to a particular property or properties.

5. Residential Requirements. All residential units within the Mixed Use District shall comply with the following: a) All residential units shall include studios, and one or two bedrooms. Bedrooms shall be defined in accordance with standards of the State building code; and b) the maximum height of all residential buildings shall be four (4) stories.

E. Procedural Requirements

1. Informal Consideration. It is recommended that, prior to the submission of a formal application for approval of the application of the floating zone of a Mixed Use District to a particular property or group of contiguous properties, the applicant review with the Commission and its staff its OCSP in a preliminary and informal manner in order to better ascertain any issues or designs that need additional scrutiny or improvement prior to a formal Application.

2. Zone Change Application. A petition for a change of zone for the establishment of a Mixed Use District shall be submitted to the Planning & Zoning Commission in writing and shall be signed by the owner or owners of all parcels within the proposed district, and shall be accompanied by the following: a) Statement – A written statement specifying the proposed uses of the area, special design considerations and features, architectural guidelines and themes, and how the proposal is consistent with the purpose of the Mixed Use District; b) Conceptual Plan – a conceptual plan shall be presented to the Commission showing the general intent of the proposal, together with the following information in such detail to allow the Commission to determine if the plan is in the spirit of the Zone's intent: 1) the location and size of property, including a boundary map and a map showing the project site in the context of the surrounding area; 2) ability of existing fire suppression equipment and other sources to properly service the proposed development; 3) General building and parking layout; 4) Proposed area and square footage of the proposed buildings and their anticipated uses; 5) Concept plan for uses to be proposed which may not necessarily include specific tenants; 6) General vehicular and pedestrian circulation showing all proposed public and private drives, walking paths, sidewalks, and means of traffic calming and/ or pedestrian safety; 7) Proposed public areas such as parks, lawn areas and recreational facilities; 8) Landscaping and lighting plans showing areas of existing mature trees, all existing and proposed surface water resources, proposed landscaping treatments, proposed open space and recreational areas, and detail of proposed pedestrian-scaled lighting fixtures to be used; 9) General streetscape and architectural design or theme, with exterior elevations, perspective drawings and descriptive information regarding building materials and exterior finishes; 10) Tentative construction timeline and phasing plan; 11) Existing and proposed utility plan; 12) Traffic Impact analysis, which describes the potential impact of the proposed uses on public roads, and if needed, includes recommended improvements to such roads; and the adequacy and efficiency of the proposed internal circulation system (the Commission may request that the traffic impact be analyzed as to individual components of the overall plan); and such other information which may be reasonably required by the Commission.

After the application submission has been deemed complete for the establishment of a Mixed Use District, the Commission shall hold a public hearing on the application. After the public hearing, the Commission may approve or disapprove the application or approve the application subject to modifications or conditions. Approval of the application for the Floating Zone to be applied to the Property or Properties identified in the application shall not constitute final approval of the OCSP but shall simply authorize the submission of Site Plans setting forth in detail the specifics of the proposed development and showing any modifications specified by the Commission.

3. Site Plan Application. A site plan application shall be submitted to the Commission as required by Article VII of the Wallingford Zoning Regulations. The Commission may approve the Site Plan only after the Commission finds that the Site Plan is consistent with the reviewed OCSP and any other applicable sections of the Wallingford Zoning Regulations.

F. Regulatory

1. The approved Original Concept Site Plan, along with approved conditions and requirements, shall be the governing tool for the zoning of the Mixed Use District.

2. Property owners may apply for changes to the approved OCSP. If the Commission determines that the proposed changes are minor, in that they do not have a significant impact upon the overall character, impact function or circulation of the development, the Commission may approve the minor changes through a site plan amendment. However, if the Commission determines that the proposed changes are significant for any reason, they shall require that an application for a change of the OCSP be submitted and considered in accordance with the procedures of this section of the Wallingford Zoning Regulations.

3. A site plan for at least one of the approved phases of this development shall be filed within two years of the date of the approval of the OCSP and zone map change. If no work has commenced within two years of the approval of the site plan, as evidenced by the issuance of a building permit for at least one of the principal structures on the site, the Commission shall have the discretion to revoke the approval of the zone map amendment and the OCSP, and rezone the property to its original zoning district.



Wallingford Fire Department
Inspection Report

#505-26-01

Planning and Zoning - 45 S Main ST, BLDG Town Hall, Wallingford CT 06492-4201

75 Masonic Ave

RECEIVED

JUL 22 2026

INSPECTION DETAILS

Inspection Date <u>07/21/2026</u>	Inspection Type <u>Document/Record Review</u>	Inspection Number <u>17419</u>
Lead Inspector <u>BRIAN SCHOCK</u>	Shift <u>Office of the Fire Marshal</u>	Station <u>Station 2</u>
		Unit <u>C5</u>
Other Inspectors <u>N/A</u>		

SUMMARY OF INSPECTION

✓ 0 ✗ 0
Passed codes Failed codes

GENERAL NOTES

BRIAN SCHOCK - 07/21/2026 @ 20:42

#505-26 - Zoning Regulation Change - Text Amendment - Mixed-Use District

BRIAN SCHOCK - 07/21/2026 @ 20:44

This text amendment is acceptable to move forward as the 2022 CFSC applies to the proposed uses within the Mixed-Use District.

SIGNATURES

Contact signature

Inspector signature

No signature
NA

BRS

Kevin Pagnini

Date: _____

BRIAN SCHOCK

07/21/2026

STAFF REFERRAL REPORT

TO: Wallingford Planning and Zoning Commission, Mayor of Wallingford, Town Planner, and Zoning Enforcement Officer

FROM: Emely Ricci, Community Planner II, NVCOG, 49 Leavenworth Street, 3rd floor, Waterbury (203) 757-0535

DATE: July 29, 2026

NVCOG FILE NO.: WALL-04-07272026-Z
MUNICIPALITY: Town of Wallingford
DATE RECEIVED: July 27, 2026
TYPE OF REFERRAL: Text Amendment
DATE OF PUBLIC HEARING: August 10, 2026
APPLICANT: Quinnipiac Valley Growth Partners LLC c/o Attorney Gerald Farrell Jr.; KSCGH Partners, LLC; and Justin Frytz

DESCRIPTION OF PROPOSAL:

The Town of Wallingford Planning and Zoning Commission received multiple proposed text amendments to the Wallingford Zoning Regulations. These text amendments will be discussed and identified by the application number assigned to them in the original municipal application for zoning regulation change.

Application 504-26

Quinnipiac Valley Growth Partners LLC proposed text amendments to:

- **Article IV, Section 4.16.C Route 5 District (RF-40)** to add a new subsection regarding cannabis retailers. The regulations will apply to cannabis retailers in the RF-40 district, outlining regulations and standards for the operation such as location, lighting and security, visible decoration, signage, and operating hours, among others.
- **Article VI, Section 6.34 Cannabis Establishments** to add new subsection "C. Cannabis Retailer" and its regulations.

Continued, next page

Application 505-26

KSCGH Partners, LLC proposed a text amendment to the Wallingford Zoning Regulations to:

- Add a new subsection "4.27 Mixed Use District (MU)". This would create a new floating zone in the areas it would be applied to. The addition outlines its purpose, applicability, permitted uses, site design, procedural requirements, and regulatory requirements.

Application 506-26

Justin Frytz proposed text amendments to the Wallingford Zoning Regulations. The application proposed two options for the text amendment for **Article VI, Section 6.34 Cannabis Establishments**:

- Option 1- Remove the words "or transporter" from the section.
- Option 2- Remove Cannabis Retailer and Cannabis Transporter from the general prohibition, and create two new subsections detailing the aforementioned cannabis establishments that would be allowed.

STAFF RECOMMENDATION:

NVCOG Staff finds the text amendments outlined in applications 504-26, 505-26, and 506-26 to not be regionally significant and not have intermunicipal impact.

* * * * *

This staff recommendation is transmitted as written above unless we receive comments or objections within five days of the time you receive this proposal. If objections cannot be resolved within the scope of the original recommendations, you may submit a reconsideration request to the Regional Planning Commission for further discussion of the findings.



505 - 26 - 03

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

Alison Kapushinski, P.E.
Town Engineer

JUL 30 2026

WALLINGFORD
PLANNING & ZONING

MEMO

TO: Planning & Zoning Commission
FROM: Department of Engineering *Amk*
RE: **PZC Application #505-26**
Proposed Text Amendment / §4.27
DATE: July 30, 2026

Dear Commissioners:

I've reviewed the proposed addition of §4.27 Mixed Used District (MU) to the Zoning Regulations received July 13, 2026. I'd like to provide the following comments:

1. Section D.1: We recommend "Pedestrian connection to public transit" is added. If a more general approach was deemed appropriate by the Commission, "Pedestrian sidewalk networks on existing public roadways as determined by the Commission" could also work.
2. Section D.3: We would like to better understand how this differentiates from the existing parking regulations Section 6.11, which outlines required parking by use and allows for Common Parking. It also appears the proposed text is lacking requirements for truck loading.
3. Section E.2: While a traffic impact analysis is mentioned, it seems buried and lacking information required in other regulation sections.

Thank you.



#505-26-04
Town of Wallingford, Connecticut

JAMES C. FITZSIMMONS
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

July 22, 2026

KSCGH Partners, LLC
150 East 58th Street
Suite 2000
New York, NY 10155

RE: Text Amendment Application #505-26
Mixed Use District

Dear Applicant:

Due to the detailed nature of this request, more comments may be forthcoming prior to the regularly scheduled meeting.

The office has the following comments and questions regarding your application:

1. Prohibit the allowance of vape shops and pawn shops, and massage parlors.
2. Please remove #5 "Indoor Theaters" as an allowed use
3. Change any use of the word "should" to "shall".
4. It is recommended to limit any individual retail unit to a maximum of 40,000 sq. ft. to discourage any big box retailers.
5. The proposed regulation does not mention any bulk standard requirements. It is recommended to require setbacks/bulk standards of the underlying district, or stricter setback/bulk standards as the Commission sees fit. Subdivisions within the concept plan shall only be allowed if they meet the requirements of the original underlying zoning district including any additional open space or watershed protection overlay district requirements.
6. Definition of the term "underlying zoning district" should be included in the beginning of the regulation.
7. It is recommended that only one (1) drive through retail restaurant is allowed per concept plan and that it is located in the outbuildings of the development area.



113-45-2004
Town of Wallingford, Connecticut

JAMES C. FITZSIMMONS
CHAIRMAN-PLANNING & ZONING COMMISSION

KEVIN J. PAGINI
TOWN PLANNER

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

8. The regulation shall include the same language that is currently in our regulations for the Traffic Impact Analysis. Submission of a traffic impact analysis containing present roadway conditions, existing roadway capacity, existing and projected traffic volumes (ADT, Peak a.m. and Peak p.m.), existing and projected volume capacity ratios, existing and projected levels of service, existing and proposed sight lines, site generated traffic and traffic distributions, and traffic accident experience.
9. It should be written that setbacks to parcel boundaries within the concept area plan do not apply to boundaries between contiguous parcels, only to the outside parcel boundaries of the concept plan development area. All originally approved open space and landscaping requirements shall apply on a per parcel basis.
10. There should be more specific requirements that allow for a change to a Floating zone. Other municipality's regulations only allow a change if the defined parcels are in a commercial or industrial zoning district (or only in WI and IX zones), require a minimum acreage, require access to public water and sewer and/or frontage along a major thoroughfare.
11. Parking shall be required for uses as per Section 6.11 instead of the "Parking Plan" section
12. It is recommended to include language that all architectural plans and elevations as shall be approved by the Commission and must be submitted in the concept plan.
13. It is recommended to add language that the Commission can require increased landscaping or buffering as they see fit and the ability to restrict ingress and egress to the proposed development.
14. It is recommended to add language that the Commission shall have discretion to reduce or reject any use of space that would significantly increase traffic to the development if a modification to the original concept plan is proposed.



Town of Wallingford, Connecticut

JAMES C. FITZSIMMONS
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

Should you wish to discuss these comments or application further, please call the Planning 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.**

505-26-05

PROPOSED AMENDMENTS TO APPLICATION #505-26

3 pages
-8/4/2026

Article IV, Section 4.27 – Mixed Use District (MU)

To: Wallingford Planning & Zoning Commission

From: Fairlawn Farms Association, Phases I, II & III

Hearing Date: August 10, 2026

Re: Application #505-26 (KSCGH Partners, LLC - Text Amendment)

RECEIVED

AUG 04 2026

WALLINGFORD
PLANNING & ZONING

RE: Retention Pond

The proximity of the **110 Leigus Road / Lot C** proposed development to Grieb Road and the Fairlawn Farms Phase I, II & III retention pond creates significant hydrological, financial, and environmental risks for your association.

Key Potential Impacts on the Fairlawn Farms Retention Pond

- **Increased Stormwater Volume & Overload:** Replacing natural soil with **3 acres of continuous asphalt and rooftops** across Grieb Road drastically reduces natural rainwater absorption. During heavy precipitation events, high-velocity stormwater runoff entering the Grieb Road drainage corridor can overwhelm local culverts and discharge excess volume toward lower-elevation retention basins.
- **Financial & Maintenance Burden Shifted to the HOA:** The Fairlawn Farms Association is legally responsible for maintaining, dredging, and repairing the retention basin behind 2 Trailside Drive. If runoff or sediment from the new development flows into or overloads this shared drainage network, it accelerates silt buildup and structural wear—**shifting expensive maintenance and dredging costs directly onto Fairlawn Farms homeowners.**
- **Construction-Period Siltation Risks:** The proposed project involves **7.3 acres of upland clearing and site grading** on steep slopes above Grieb Road. If temporary sediment traps or silt fences fail during heavy storms, fine soil and construction debris will wash into cross-street drainage pipes, settling directly into neighborhood basins downstream.
- **Water Quality & Algae Issues:** Runoff from 83 residential units and multi-level parking lots carries automotive fluids, fertilizers, de-icing salts, and solar-heated water. Discharging warm, pollutant-laden water into nearby water tables or retention ponds promotes rapid algae growth, standing water odor, and degraded water clarity.

Actionable Questions for the P&Z and Wetlands Commissions

When addressing the town commissions, raise these specific technical points:

1. *"How will the town ensure that post-development runoff across Grieb Road will not increase peak flow rates or water levels into the Fairlawn Farms retention basin?"*
2. *"If construction runoff or excess stormwater damages or silts up the HOA's private retention pond, what legal and financial guarantees are in place to hold the developer—not Fairlawn Farms homeowners—fully liable?"*
3. *"Has a comprehensive cross-street hydraulic study been conducted to evaluate how Grieb Road culverts perform during 50-year and 100-year storm events under the proposed site plan?"*

Respectfully submitted,

Board of Directors

Fairlawn Farms Association, Phases I, II & III

Wallingford, Connecticut

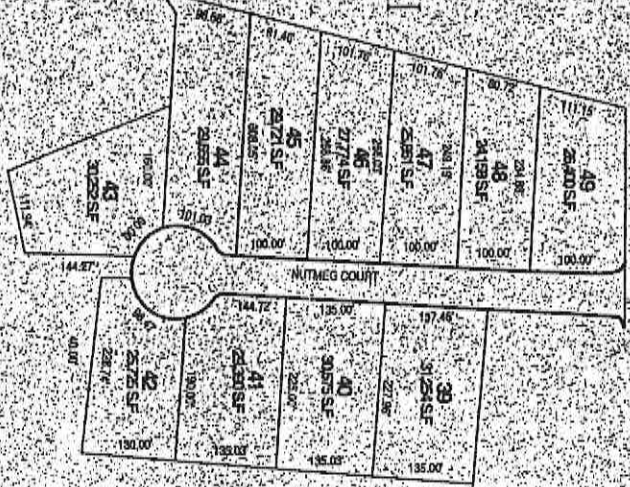
*President
Paul Gutter*

SITE MAP

48

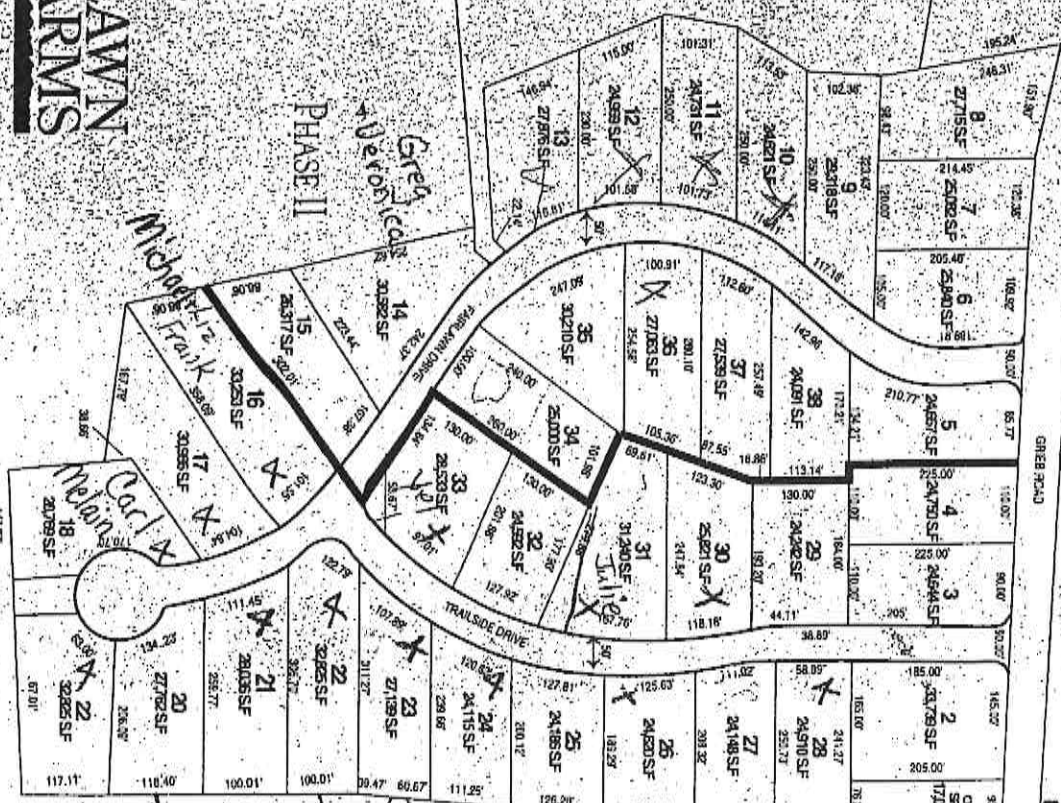
Retention Pond

PHASE III



OPEN SPACE

PHASE II



Artist rendering not exact as to scale and detail.

FAIRLAWN FARMS

Grey
40
Michael
Frank
Carl
Melon
Diane
Marie
John
Walter
Howe

PHASE I

Viola

505-26 - 06

2 pages

8/4/2026

PROPOSED AMENDMENTS TO APPLICATION #505-26

Article IV, Section 4.27 – Mixed Use District (MU)

To: Wallingford Planning & Zoning Commission

From: Fairlawn Farms Association, Phases I, II & III

Hearing Date: August 10, 2026

Re: Application #505-26 (KSCGH Partners, LLC - Text Amendment)

RECEIVED

AUG 04 2026

WALLINGFORD
PLANNING & ZONING

Position Statement

The Fairlawn Farms Association, Phases I, II, and III, representing 49 households in Wallingford, respectfully requests that the Commission reject this proposal for the reasons outlined above. Alternatively, we ask the Commission to recognize that the proposed text constitutes a town-wide regulation that, as drafted, contains no residential density cap, no height limit for non-residential buildings, no buffer or setback requirements where a Mixed Use District abuts a residential zone, and no performance standards governing lighting, noise, or hours of operation.

If the Commission considers adopting this district, we request that the following **essential amendments** be required:

Key Proposed Revisions

Locational Criteria & Access [PRIORITY]

- Prohibit primary traffic access through local residential streets. Access must be from arterial or collector roads.
- Limit the development's perimeter abutting single-family zones to a maximum of **35%**.

Density, Height & Coverage Caps [PRIORITY]

- Cap residential density at **12 units/acre** (max **300 total units**).
- Cap commercial building height at **3 stories or 45 feet**.
- Require at least **20% true open space** and cap impervious surfaces at **65%**.

Residential Buffers & Protection [PRIORITY]

- Mandate a **150-foot building setback** and a **100-foot dense evergreen buffer** along residential property lines.
- Limit buildings within 300 feet of a residential zone to **2 stories or 30 feet**.
- Require loading docks, dumpsters, and drive-thrus to be set back at least **200 feet** from homes.

Performance & Operating Standards [PRIORITY]

- Ban commercial deliveries, trash collection, and noisy site work between **9:00 PM and 7:00 AM** near homes.
- Require full-cutoff lighting with a maximum brightness of **0.2 foot-candles** at residential boundaries.
- Prohibit high-impact uses like warehousing, self-storage, and 24-hour operations.

Phasing & Infrastructure Safeguards [PRIORITY]

- Require at least **50% of commercial space and all buffers** to be completed before more than 50% of housing units are built (preventing "housing-only" projects).
- Require traffic, fiscal, water/sewer, and Fire Department impact studies prior to project approval.
- Require **1,000-foot written notice by mail** to property owners for any future Mixed Use petitions.

Respectfully submitted,

Board of Directors

Fairlawn Farms Association, Phases I, II & III

Wallingford, Connecticut

President
Carl Gester

Planning and Zoning Agenda Aug 10: Application # 505 - 26

From Celine L'Heureux <lheureuxct@gmail.com>

Date Wed 8/5/2026 11:45 AM

To zoning <zoning@wallingfordct.gov>

Cc Celine L'Heureux <lheureuxct@aol.com>; David Bouvier <doctorstuff@gmail.com>;
richard.l'heureux@skanska.com <richard.L'heureux@skanska.com>

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.

Greetings to the Members of the Planning and Zoning Commission,

My name is Celine L'Heureux, and my husband Richard and I are residents of the Fairlawn Farms Phase 4, 5, & 6 community across from 110 Leigus Road. I am writing to respectfully raise several concerns regarding the proposed floating zone application and to request that additional requirements be considered as part of this text amendment.

After reviewing the Town of Wallingford's 2016–2026 Plan of Conservation and Development, I believe the current application lacks several essential standards needed to ensure consistent development outcomes and to prevent avoidable conflicts with neighboring residents. To support responsible planning and protect the character and infrastructure of the surrounding area, I ask that the Commission consider the following questions and potential requirements:

1. **Maximum Residential Density or Unit Limits** What maximum residential density or unit cap will apply to this floating zone? Establishing a clear limit will help prevent infrastructure strain and ensure compatibility with surrounding neighborhoods.
2. **Minimum Open Space and Required Buffers** What minimum open space requirements or buffer standards will be applied? These protections are important for maintaining neighborhood character, environmental quality, and managing stormwater impacts.
3. **Setback and Lot Coverage Requirements** What setbacks and lot coverage limits will be required for mixed-use development within this zone? Without

these standards, there is a risk of oversized buildings, loss of green space, and conflicts with adjacent homes.

4. **Lighting, Noise, and Screening Standards** What lighting, noise, and buffering requirements will be imposed to protect nearby residential properties?

5. **Parking Ratios for Mixed-Use Development** Are there defined parking ratios or minimum parking standards for mixed-use projects within this proposed zone?

6. **Cameras:**

Can we ask if security cameras will be installed?

Neighborhoods surrounding 110 Leigus Road have experienced car break-ins and vandalism, including incidents reported within the past two weeks. Many neighbors have their own cameras but adding surveillance measures to any new development would help deter criminal activity and improve safety for nearby residents.

These questions reflect concerns shared by many residents in the surrounding neighborhoods. Clear, enforceable standards will help ensure that any development at 110 Leigus Road is compatible with existing homes, supported by adequate infrastructure, and aligned with the Town's long-term planning goals, and safe.

Thank you for your time and consideration. I appreciate the Commission's efforts and respectfully request that these issues be addressed as part of the review process on Monday August 10th.

Sincerely, Celine L'Heureux

10 Coventry Court

Fairlawn Farms Association Phases 4,5 & 6

--
Celine L'Heureux



H 505-26-08
Lower Connecticut River Valley Council of Governments
145 Dennison Road Essex, CT 06426 | +1 860 581 8554 | www.rivercog.org
Regional Planning Committee

August 5, 2026

RECEIVED

AUG 06 2026

WALLINGFORD
PLANNING AND ZONING

Mr. James Fitzsimmons, Chairman
Wallingford Planning and Zoning Commission
45 South Main Street
Wallingford, CT 06492

SUBJECT: Section 4.27 Mixed Use District Floating Zone
Petitioner: KSCGH Partners, LLC

Dear Mr. Fitzsimmons:

The Wallingford Planning and Zoning Commission has submitted a zoning regulation petition to the RiverCOG Regional Planning Committee for review for intermunicipal impacts pursuant to Section 8-3b of the Connecticut General Statutes. The petition proposes to remove Cannabis Transporter Establishments from the list of prohibited under the definition of Cannabis Establishments. These comments are offered for the consideration of the P&Z at the public hearing scheduled to commence on August 10, 2026.

Findings of Potential Intermunicipal Impact and Impact to the Ecology of Long Island Sound

Staff of the RiverCOG Regional Planning Committee finds that no substantial intermunicipal impacts to properties in the adjacent RiverCOG Towns of Middletown and Durham will result if the proposed regulations are adopted as submitted. The new language allows for a planned Mixed-Use Floating Zone. Staff recommends PZC consider identifying the zoning districts that would be most appropriate where the proposed Floating Zone can be used.

Because the region is contiguous to the Long Island Sound, we must review referrals for impact to that water body. Again, we find no negative ecological impact to the Long Island Sound

Consistency with the RiverCOG Regional Plan of Conservation and Development

The proposal is "neutral" with respect to the policies, goals and recommendations of the RiverCOG Regional Plan of Conservation and Development.

Thank you for the opportunity to provide these comments with respect to the proposed sign regulations. If there are any questions, please don't hesitate to contact us at (860) 581-8554.

For the Committee,

Susan W. Beckman
Regional Planner

cc: Ms. Robin Newton, Town Planner, Towns of Durham and Middlefield

RiverRPC

 Outlook

H 505-26-09

Application \$505-26 4:27

From Donna Fritz <donna.fritz311@yahoo.com>

Date Wed 8/5/2026 8:55 PM

To zoning <zoning@wallingfordct.gov>

AUG 06 2026

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.

My name is Scott Fritz resident of 5 Coventry Court Wallingford. Along with my wife Donna we are concerned about the new proposed development on Leigus Road. We would like to know what the project encompasses. There appears to be no max density of commercial or proposed residential development on this property. Also of concern is any buffer areas that would be in place between the existing neighborhood and this development. Is there a height limit on these buildings and a setback planned? We have lived in this neighborhood for over 25 years. It would be a shame to see this area losing its quiet and peaceful charm which all of us in this area have grown to love all of these years. Thanks for listening.

Sincerely,

Scott and Donna Fritz
5 Coventry Court
Wallingford, CT. 06492

Yahoo Mail: Search, Organize, Conquer

 Outlook

#505-26-10

Application #505-26

8/5/2026 11:04 AM

AUG 06 2026

From Alexander Penczynzyn <penczynzyn@sbcglobal.net>

Date Thu 8/6/2026 11:04 AM

To zoning <zoning@wallingfordct.gov>

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.

Dear Sirs,

I am writing to you to express my concerns with the above application and how it may affect the Town of Wallingford's family/community charm that is well known for throughout the state and New England.

The addition of a new "Mixed Use Zoning District" I believe will erode Wallingford's charm and reduce the quality of the community that has been a cornerstone of the Planning and Zoning commission all these years. Our current zoning laws and district has served this town well and this new district removes a lot of the oversight enshrined to the Planning and Zoning commission, allowing out of town developers to build almost anything they want regardless of how it may affect the town and/or community.

Four story buildings would tower over existing buildings, along with the ability to build without any traffic studies can greatly affect the local roads and area.

Please reconsider this application and at the least modify it to reduce the freedom of a developer to build without more Planning and Zoning oversight.

Thank you for your time.

Sincerely,
Alexander Penczynzyn
20 Promontory Drive, Wallingford

Concerns:
Jennie Daigle
Grieb R

RECEIVED

AUG 06 2026

WALLINGFORD
PLANNING & ZONING

#505-26-11

Applic. #505-26 Planning + Zoning

Business / Land Development on 108/110 Leigus Road. Subdividing the Land into 4 separate businesses.

What does it mean for the surrounding neighborhoods?

What concerns should we have as Real Property Owners, with this land being developed?

TRAFFIC

- More cars – more drivers every day
- Clogged Streets – especially during peak hours and weekends
- Slower Travel - for residents at intersections
- Safety of our Streets – adding lights will not improve the flow of traffic, as most drivers run the red light at Leigus and Route 68 now. This intersection is already very dangerous.
- Heavy Traffic – dump trucks, cement mixers and construction worker vehicles will crowd our local streets and at times block the roads altogether.

AIR & ENVIROMENT

- Higher pollution – All of those cars idling and trucks with diesel fuel will raise exhaust and smog levels
- Less green space – removing trees and plants that clean our surrounding air
- Water Pollutants – medical facilities can cause water pollution as they introduce trace pharmaceutical residues, disinfectants, and resilient pathogens into municipal sewage systems that standard treatment plants struggle to filter out fully.
- Watershed Function – replacing natural soil and wetlands with hard surfaces like roads and rooftops, reduces groundwater soaking, increasing local flooding and stream erosion, and washes more pollutants into our local water bodies. By replacing the soil with concrete and asphalt, the landscapes built-in ability to clean and filter the water is gone.
- More Heat – Concrete & asphalt will make our local area even warmer
- Drainage issues – Water runoff increases when the ground is covered by building and parking lots. our Yards + Basements will Get Flooded
- Erosion and dust – There is a 5 year allotted time period for construction to be completed.
- Loss of Natural Wildlife habitat – There are large deer populations, rabbits, coyotes, bobcats, and many species of wild birds that find sanctuary and food sources in the plants and trees.

- **More parking lots-** will increase the amount of vehicles that take over these lots in the evening hours, to do donuts, burnouts and other car stunts. The noise and pollution has not been controlled in this current parking lot and is getting worse, each year. Adding more paved lots will increase this type of activity.
- **Litter and debris –** Loose litter overflows from commercial dumpsters and debris will blow into nearby yards. It's a standard complaint by most everyone who resides near a business.

NEIGHBORHOOD LIFE + HUMAN HEALTH

- **Extra Noise –** Visitors, employees, trucks, cars, mass transit and events will create constant background noise
- **Bright lights –** parking lots and signs shine bright lights into our yards and windows at night
- **PROPERTY VALUE –** When traffic, noise, possible flooding issues and a warmer climate become too severe, it will significantly drop the value of our homes by up to 20%.
- **The character of our neighborhood -** will change and not for the betterment of the local property owners, surrounding this parcel of land. People walking, kids riding their bikes, couples pushing strollers, people enjoying their time in their yards will diminish.
- **Privacy –** Land Development reduces our privacy as physical barriers like evergreen trees, formal hedges and soil berms are insufficient to block sightlines from large buildings and parking lot lights, leaving our homes and yards much more exposed.
- **Changes to the peaceful nature of our neighborhood.**
- **Loud noises and vibrations –** heavy machinery, backup alarms, and hammering will start early each morning and will continue until the evening (for each business and allotted 5 yr period)
- **Dust and dirt –** clearing the land, grading the soil and moving materials will kick up airborne dust that will settle on nearby cars, homes, pools and properties.
- **Utility disruptions –** Temporary water, gas or power shutoffs may happen as crews tie the new sites into city lines.

August 6, 2026

#505-26-12

AUG 06 2026

Wallingford Planning and Zoning Commission

45 South Main Street

Wallingford, Connecticut 06492

Re: Application #505-26 – Proposed Mixed Use District (§4.27)

Chairman Fitzsimmons and Members of the Commission:

On behalf of the Fairlawn Farms Phases IV, V & VI Homeowners Association, representing 68 homes off Leigus Road and Grieb Road, I am writing to provide our position on Application #505-26 and the proposed creation of a new Mixed Use District under §4.27 of the Wallingford Zoning Regulations.

Our Association owns and maintains the open space parcels within the subdivision, and our members are among the property owners most directly affected by the standards this Commission is being asked to adopt. At our annual Association meeting last week, we had a long and detailed discussion about this proposal. Our Association is not opposed to responsible development of the property commonly known as the Anthem property or Campus at Green Hill. We recognize that a large, underutilized property near Route 68 and Interstate 91 may present an opportunity for redevelopment. A carefully planned combination of housing, commercial activity, open space and appropriate community uses could benefit Wallingford.

However, we do not believe proposed §4.27, as presently written, is in the best interest of the Town.

The fundamental question before the Commission is not whether mixed-use development can be beneficial. It can. The question is whether this proposed regulation contains sufficient standards to ensure that a future development will actually provide the balanced, walkable and well-planned mixed-use community described in its stated purpose.

We believe it does not.

1. This is a townwide zoning amendment

Although this proposal has been discussed in connection with the Anthem property, Application #505-26 does not identify or rezone a particular property.

The proposed regulation would create a floating zone that could potentially be requested for any property or assemblage of contiguous properties in Wallingford that:

- Contains at least 40 acres;
- Is served by public water and sanitary sewer; and
- Is determined to conform to the Plan of Conservation and Development.

The Commission must therefore evaluate this regulation as a townwide policy - not simply as a possible solution for one property.

A zoning regulation that may appear workable for the Anthem property could have unintended consequences when applied to another qualifying property in a different part of Wallingford. The standards must be clear and protective enough to work wherever the floating zone may later be requested.

We would also note that the third criterion rests on a document that does not yet exist in final form. Wallingford's Plan of Conservation and Development is currently being rewritten, with a draft dated June 5, 2026. Adopting a district whose eligibility test turns on conformance with a plan still under revision compounds the uncertainty rather than resolving it.

2. The stated purpose is not supported by enforceable standards

Section 4.27 states that the district is intended to create a comprehensively planned, self-sustaining development that can serve as a commercial and cultural center of the community. It also calls for strong pedestrian orientation, gathering areas and an attractive place to live, work, shop and spend time.

Those are worthwhile goals. The problem is that the remainder of the regulation does not establish measurable requirements for achieving them.

From our read, the proposal contains:

- No maximum residential density;
- No maximum number of dwelling units;
- No minimum commercial square footage;
- No required ratio between residential and commercial development;
- No minimum open-space percentage;
- No maximum building coverage;
- No maximum impervious-surface coverage;
- No maximum commercial floor-area ratio;
- No required setbacks from surrounding residential properties;
- No minimum landscaped-buffer dimensions;
- No maximum building length or mass;

- No maximum residential building height stated in feet; and
- No district-specific maximum height for commercial buildings.

As written, a development could potentially contain a very large residential component with only a limited commercial component and still be presented as “mixed use.” That would not necessarily create the commercial, cultural and self-sustaining community described in the regulation’s purpose.

If Wallingford is going to create a Mixed Use District, the regulation should require a genuine and meaningful mixture of uses.

3. “Should” and “encouraged” are not substitutes for “shall”

One of our greatest concerns is the repeated use of advisory language for features that are supposedly central to the district.

For example, the proposal states that:

- Site design “should include” a complete pedestrian and vehicular circulation system;
- Pedestrian connections “should” be provided between residential, commercial and public areas;
- A central gathering area “should” contain seating and pedestrian-scaled lighting;
- Applicants “should” use decorative building details;
- Certain architectural features are “encouraged”;
- Mansard or gabled roofs are “preferred”;
- Public art and water features are “encouraged”; and
- Informal review with the Commission is merely “recommended.”

Words such as “should,” “preferred,” “recommended” and “encouraged” express aspirations. They generally do not create the same mandatory obligation as “shall” or “must.”

If pedestrian connectivity, gathering spaces, architectural quality, landscaping and mixed-use integration are necessary to justify this new district, the regulation should require them.

The proposal should clearly distinguish between mandatory development standards and optional design suggestions. Essential protections should use “shall” and be accompanied by objective measures.

4. The proposal gives substantial discretion without adequate standards

The regulation repeatedly leaves important decisions to future Commission discretion.

Examples include:

- “Other similar uses” may be approved if the Commission determines they are consistent with the regulation’s intent;
- Accessory uses, including drive-through facilities for “certain primary uses,” may be allowed without defining which uses qualify;
- Parking is whatever the Commission later determines to be sufficient;
- The Commission decides whether additional open space is necessary;
- The Commission determines whether later changes to the conceptual plan are “minor” or “significant”; and
- A conceptual plan is judged according to whether it is “in the spirit” of the zone’s intent.

Commission review is important, but discretion should operate within clear standards. Otherwise, applicants, residents and Commissioners may have very different understandings of what the regulation allows.

Clear regulations protect everyone. They give applicants predictable expectations, give residents an understandable description of potential development and give the Commission defensible criteria for reviewing applications.

5. The district sets no minimum open space

The district would permit development of at least 40 acres, yet it establishes no minimum percentage of permanently protected open space.

The Commission may require secondary residential open space if a project exceeds 200 dwelling units, but the proposal does not establish:

- The required size of the central open space;
- The amount of open space per dwelling unit;
- Whether wetlands, detention basins or steep slopes may be counted;
- Whether open space must be usable and accessible;
- How the open space will be owned and maintained; or
- Whether it must be permanently protected from future development.

The absence of setback and buffer standards is equally concerning. A mixed-use development containing four-story residential buildings, commercial activity, parking areas, lighting and possible drive-through facilities could be located near established residential neighborhoods.

The regulation should establish measurable transitions between intensive development and existing homes, including setbacks, landscaped buffers, screening, lighting controls and appropriate limits on building height and mass near residential property.

6. The phasing provision does not ensure balanced development

The proposal allows the Overall Conceptual Site Plan to be completed in phases and states that development must be completed within five years. However, it does not explain how that requirement will be enforced or what happens if the project is not completed.

More importantly, it does not require the residential and commercial portions to proceed together.

A developer could potentially construct a substantial residential component before completing the commercial uses, open spaces, pedestrian connections or other features used to justify the Mixed Use District.

The regulation should contain a binding phasing plan requiring commercial development, infrastructure, open space, pedestrian improvements and neighborhood protections to keep pace with residential construction. Certificates of occupancy for later residential phases could be tied to completion of those commitments.

7. The parking, traffic and infrastructure standards need measurable criteria

The proposal requires a future parking analysis and traffic-impact analysis, but it establishes few objective standards for judging their adequacy.

A townwide district of this potential scale should address:

- Minimum and maximum parking expectations;
- Shared-parking standards;
- Safe pedestrian routes through parking areas;
- Emergency access;
- Traffic effects on surrounding residential streets;
- When off-site road improvements will be required;
- Sewer, water and electric capacity;
- Stormwater and impervious-surface limitations;
- Fiscal effects on municipal services; and
- Completion of required infrastructure before occupancy.

These matters should not be left almost entirely to a later conceptual plan.

8. The standard for future “minor changes” is too vague

After the floating zone and conceptual plan are approved, a property owner may request changes. If the Commission determines that a change is “minor,” it may be approved through a site-plan amendment rather than the more extensive process required for a significant change.

The regulation does not establish measurable limits on what may be considered minor.

At a minimum, the regulation should specify that increases in residential units, commercial square footage, building height, impervious coverage or traffic generation - or reductions in commercial space, open space, setbacks, buffers or public amenities - cannot be treated as minor changes.

Residents and the Commission should be able to rely on the plan presented during the public approval process.

The draft POCD supports careful planning - not an open-ended regulation

We recognize that the Draft Wallingford 2036 Plan of Conservation and Development identifies mixed-use potential near the Route 68/I-91 interchange.

The draft describes a future “North Wallingford Mixed Neighborhood” and contemplates new housing accompanied by restaurants, retail and other commercial uses. We are not disputing that general planning concept.

However, the draft POCD also recommends that the Town:

- Conduct a redevelopment plan for Subarea 7;
- Promote compatible land uses;
- Consider applying Town Center District regulations;
- Create a walkable development integrating residential, retail and commercial spaces;
- Retain compatible light-industrial uses; and
- Apply low-impact-development principles in watershed and conservation areas.

Those recommendations describe a deliberate, location-specific planning process. They do not support adopting a townwide floating zone without first establishing density, commercial-mix, open-space, infrastructure and neighborhood-transition standards.

Conceptual support for mixed-use redevelopment should not be interpreted as approval of any particular mixed-use regulation.

Our requested action

The Fairlawn Farms Neighborhood Association respectfully asks the Commission not to adopt proposed §4.27 in its present form.

We ask that the proposal be returned for substantial revision and that any revised text be made available for meaningful public review before action is taken.

At a minimum, a revised regulation should:

1. Establish a maximum residential density and unit count methodology;
2. Require a meaningful minimum commercial component;
3. Establish minimum open-space requirements;
4. Include setbacks, buffers and transition standards protecting existing neighborhoods;
5. Establish building-height, building-mass, lot-coverage and impervious-coverage limits;
6. Replace advisory "should" language with mandatory standards for essential features;
7. Establish enforceable residential and commercial phasing requirements;
8. Provide objective parking, traffic and infrastructure standards;
9. Define which accessory and drive-through uses may be allowed;
10. Establish clear limits on minor plan changes;
11. Require low-impact-development and watershed protections where applicable; and
12. Clarify the relationship between the proposed district and the Town's redevelopment and POCD planning processes.

Conclusion

Our Association is not asking the Town to prevent development of the Anthem property. We are asking the Commission to ensure that any new zoning regulation protects the long-term interests of the entire Town.

The distinction is important: a mixed-use concept may be appropriate for a particular area, while the proposed regulation implementing that concept may still be inadequate.

Once this townwide floating zone is adopted, the standards it contains - and the standards it omits - will shape future applications. It is far better to establish clear requirements now than to attempt to address fundamental omissions one project and one condition at a time.

Responsible development requires clear rules, measurable protections and a fair balance among the interests of the Town, applicants and existing neighborhoods. Proposed §4.27 does not yet provide that balance.

Respectfully submitted,

David Bouvier

President

Fairlawn Farms Phases IV, V & VI Homeowners Association

 Outlook

505-26-13

RECEIVED

AUG 07 2026

Application #505-26, proposal mixed use district

CHAMBERLAIN

AUGUST 10 2026

From Sally Fazzina <sallyfazzina@gmail.com>

Date Thu 8/6/2026 10:32 PM

To zoning <zoning@wallingfordct.gov>

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.

Sally Fazzina
22 Promontory Drive
Wallingford CT 06492

To the planning and zoning committee'

I live at 22 Promontory Drive and I am writing about the application 525-26. I am asking the commission not to adopt Section 4.27 as currently written. The draft would create a brand new zoning district, but it does not establish a maximum residential density, a minimum open space requirement, setbacks or buffers, a maximum building size, or a required commercial component. Other districts in Wallingford's regulations contain standards of this kind.

As a long time resident, I care deeply about our area. While I understand the need for growth, this specific high density project presents major issues for our community. The scale of this development without proper regulations will alter the current single family homes and ruin the residential feel of our neighborhood.

I urge the board at this time to protect the integrity of our neighborhood. Please deny the zoning variances requested for this specific project and look for a lower impact solution instead.

Thank you for your time and service,

Sally Fazzina
22 Promontory Drive

Wallinford , CT 06492

TEXT AMENDMENT

#504-26

QUINNIPIAC VALLEY GROWTH PARTNERS, LLC

CANNABIS



RECEIVED

JUL 10 2026

WALLINGFORD
PLANNING & ZONING

APPLICATION NO.: 504-26

FEE: \$550.00

APPLICATION FOR ZONING REGULATION CHANGE

NAME OF APPLICANT: Quinnipiac Valley Growth Partners LLC DATE: 7/10/2026

MAILING ADDRESS: c/o Attorney Gerald Farrell Jr. PHONE: _____

54 No. Elm Street, Wallingford, CT 06492

E-MAIL ADDRESS: dennis@cenevivalaw.com

Section to be removed: _____

Proposed new section: See attached:

Adding Sec. 4.16 C(1)(e) Use Group A

Adding Sec. 6.34 Cannabis Establishments

(Attach additional sheet if necessary)

Gerald Farrell Jr.
Applicant's Signature

Quinnipiac Valley Growth Partners, LLC
Company Name (If applicable)

For Official Use Only:

Date Application Submitted: _____

Filing Fee Paid: _____

I. Add- Section 4.16 C. (RF-40) The following use requires approval of a Special Permit in accordance with Sec. 7.5

1. USE GROUP A

e. A cannabis retailer as defined in Section 6.34C, subject to the following:

1. Only three (3) cannabis retailers shall be permitted. Can only be located within an area bounded by High Street at the south.
2. 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.
3. 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.
4. 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 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.
5. Must erect exterior lighting and security cameras on the exterior of the building and in the parking lot of the cannabis retailer.
6. No cannabis products or paraphernalia shall be visible through the store windows.
7. Shall not erect signage or other exterior coverage that contains any representation of a cannabis plant or paraphernalia.
8. Shall not be open to the public for business before 9am, or after 10pm.

II. §6.34 CANNABIS ESTABLISHMENTS (NEW)

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 below, are prohibited in all zones within the Town of Wallingford.

C. Cannabis Retailer

A cannabis retailer is a business with a valid cannabis retailer or hybrid license issued by the State of Connecticut, Department of Consumer Protection with 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.



Outlook

Re: Additional receipt for 08/10/2026

From: Thomas Flannery <thomas.flannery@wallingfordct.gov>

Date: Tue 7/21/2026 4:53 PM

To: Cherie Murchison <cmurchison@wallingfordct.gov>

We have no comment on application#504-26 Quinniac Valley Growth Partners, LLC.

Thomas Flannery

Senior Engineer

Town of Wallingford Water and Sewer Divisions

377 South Cherry Street, Wallingford, CT 06492

Office: 203-949-2672

Fax: 203-949-2678

Email: thomas.flannery@wallingfordct.gov

From: Cherie Murchison <cmurchison@wallingfordct.gov>

Sent: Tuesday, July 21, 2026 4:08 PM

To: Alison Kapushinski <a.kapushinski@wallingfordct.gov>; Amy Torre <amy.torre@wallingfordct.gov>; bschock@wallingfordct.com
<bschock@wallingfordct.com>; Don Crouch <don.crouch@wallingfordct.gov>; Jake Arborio <jake.arborio@wallingfordct.gov>; jbuck@wallingfordct.com
<jbuck@wallingfordct.com>; Laurie Farrow <l.farrow@wallingfordct.gov>; Lou Coppola <l.coppola@wallingfordct.gov>; Manny Rigor
<manny.rigor@wallingfordct.gov>; Michael Hughes <mhughes@wallingfordct.gov>; Thomas Flannery <thomas.flannery@wallingfordct.gov>; Vanessa
Bautista <vbautista@wallingfordct.gov>; Brian Luckhardt <BLuckhardt@wallingfordct.gov>

Subject: Additional receipt for 08/10/2026

Good afternoon- Please see attached receipt.

Thank you

Cherie Murchison

Planning and Zoning

RECEIVED

JUL 22 2026

WALLINGFORD
PLANNING & ZONING

#504-26-01



Wallingford Fire Department
Inspection Report

Planning and Zoning - 45 S Main ST, BLDG Town Hall, Wallingford CT 06492-4201

#504-26-02

RECEIVED

75 Masonic Ave

JUL 22 2026

INSPECTION DETAILS

Inspection Date	Inspection Type	Inspection Number	
07/21/2026	Document/Record Review	17418	
Lead Inspector	Shift	Station	Unit
BRIAN SCHOCK	Office of the Fire Marshal	Station 2	C5
Other Inspectors			
N/A			

SUMMARY OF INSPECTION

✓ 0 ✗ 0
Passed codes Failed codes

GENERAL NOTES

BRIAN SCHOCK - 07/21/2026 @ 20:17

#504-26 - Zoning Regulation Change - Text Amendment - Cannabis.

BRIAN SCHOCK - 07/21/2026 @ 20:18

This text amendment does not affect the 2022 CFSC.

SIGNATURES

Contact signature

Inspector signature

No signature
NA

BRS

Kevin Pagnini

Date: _____

BRIAN SCHOCK

07/21/2026

#504-26-03

Justin Frytz

(203) 626-2024

July 27, 2026

Wallingford Planning and Zoning Commission

45 South Main Street

Wallingford, CT 06492

RECEIVED

JUL 27 2026

WALLINGFORD
PLANNING & ZONING

Re: Proposed Cannabis Retail Zoning Regulations, Buffer Distance Requirements

Dear Members of the Commission,

My name is Justin Frytz. As a local licensed cannabis operator and a seasoned real estate broker with nine years of experience siting commercial properties in Connecticut, Ohio, Delaware, and other states, I am submitting this testimony on the buffer distance requirements included in the proposed cannabis retail zoning regulations.

As drafted, the proposed regulations require a cannabis retail establishment to be located at least 1,000 feet from any church, school, or residential zone. Based on my experience siting similar commercial uses in multiple states, a requirement of this scale is, in practice, prohibitive. It does not simply narrow the pool of eligible sites, it eliminates nearly all of them, short of placing a retail establishment deep within a large industrial area with limited commercial visibility or access.

I want to underscore something the Commission has already built into this framework. The regulations call for a special permit process, which means the Commission reviews every proposed site individually and retains full authority to approve or deny each one on its own merits. That is the appropriate place to exercise control. A 500 foot buffer combined with special permit review still lets the Commission examine each site and reject any location it finds unsuitable. The buffer distance and the special permit process are two separate tools, and the Commission does not need to set the buffer at a prohibitive distance to keep complete control over where these establishments actually go. The more effective approach is to reduce the numeric restriction while preserving full discretionary review over every application.

This is not a theoretical concern, and Delaware provides a direct and very recent example. New Castle County, Delaware previously required cannabis retailers to locate at least 1,000 feet from sensitive uses such as schools and churches, the same distance currently proposed here. Other Delaware counties went further still, with buffers as large as three miles. In practice, these buffers proved nearly impossible to site around. In Sussex County, for example, a single church was enough to disqualify a half dozen otherwise eligible commercial parcels along one corridor.

Just this month, the Delaware legislature overrode a gubernatorial veto and enacted statewide legislation capping how restrictive local buffer requirements could be, setting the standard at 500 feet from schools, licensed child care facilities, and similar sensitive uses. Lawmakers took this step specifically because the 1,000 foot and larger locally imposed buffers were found to make the market unworkable while doing little to further public safety.

Wallingford faces this same structural problem. The town's commercial corridor borders residential zoning on one side and the industrial park on the other for much of its length. Layering a 1,000 foot residential buffer on top of a 1,000 foot buffer from churches and schools does not leave a meaningfully sized commercial corridor available for this use. It leaves a small number of parcels, and there is no guarantee any of them will be available, affordable, or suitable for a retail buildout at the time an applicant is ready to move forward.

With that context, I would respectfully recommend the Commission consider the following revisions:

1. Reduce the buffer distance to 500 feet for churches, K through 12 schools, and licensed child day care facilities.
2. Remove the separate buffer requirement measured from residential zoning entirely.

A 500 foot buffer for churches, schools, and day care facilities still provides meaningful protection for those uses while allowing the commercial corridor to function as intended. Given how Wallingford's commercial zoning is laid out relative to residential neighborhoods, a residential buffer on top of that is not necessary to achieve the Commission's public safety goals, and its practical effect is to foreclose the corridor almost entirely.

Removing the residential buffer does not leave nearby residents without a voice. The special permit process already requires that residential property owners near a proposed site be notified of the application. Those owners retain the full opportunity to attend the public hearing and speak for or against any specific location. In other words, the concerns a residential buffer is meant to address are already handled directly, site by site, through notice and public comment, rather than through a blanket distance that forecloses the corridor before any resident is ever heard.

Thank you for your time and consideration of this testimony. I am happy to provide any additional information the Commission may find useful.

Respectfully submitted,

Justin Frytz

Local Licensed Cannabis Operator

Licensed Real Estate Broker, State of Connecticut REB.0792675

STAFF REFERRAL REPORT

TO: Wallingford Planning and Zoning Commission, Mayor of Wallingford, Town Planner, and Zoning Enforcement Officer

FROM: Emely Ricci, Community Planner II, NVCOG, 49 Leavenworth Street, 3rd floor, Waterbury (203) 757-0535

DATE: July 29, 2026

NVCOG FILE NO.: WALL-04-07272026-Z
MUNICIPALITY: Town of Wallingford
DATE RECEIVED: July 27, 2026
TYPE OF REFERRAL: Text Amendment
DATE OF PUBLIC HEARING: August 10, 2026
APPLICANT: Quinnipiac Valley Growth Partners LLC c/o Attorney Gerald Farrell Jr.; KSCGH Partners, LLC; and Justin Frytz

DESCRIPTION OF PROPOSAL:

The Town of Wallingford Planning and Zoning Commission received multiple proposed text amendments to the Wallingford Zoning Regulations. These text amendments will be discussed and identified by the application number assigned to them in the original municipal application for zoning regulation change.

Application 504-26

Quinnipiac Valley Growth Partners LLC proposed text amendments to:

- **Article IV, Section 4.16.C Route 5 District (RF-40)** to add a new subsection regarding cannabis retailers. The regulations will apply to cannabis retailers in the RF-40 district, outlining regulations and standards for the operation such as location, lighting and security, visible decoration, signage, and operating hours, among others.
- **Article VI, Section 6.34 Cannabis Establishments** to add new subsection "C. Cannabis Retailer" and its regulations.

Continued, next page

Application 505-26

KSCGH Partners, LLC proposed a text amendment to the Wallingford Zoning Regulations to:

- Add a new subsection "4.27 Mixed Use District (MU)". This would create a new floating zone in the areas it would be applied to. The addition outlines its purpose, applicability, permitted uses, site design, procedural requirements, and regulatory requirements.

Application 506-26

Justin Frytz proposed text amendments to the Wallingford Zoning Regulations. The application proposed two options for the text amendment for **Article VI, Section 6.34 Cannabis Establishments**:

- Option 1- Remove the words "or transporter" from the section.
- Option 2- Remove Cannabis Retailer and Cannabis Transporter from the general prohibition, and create two new subsections detailing the aforementioned cannabis establishments that would be allowed.

STAFF RECOMMENDATION:

NVCOG Staff finds the text amendments outlined in applications 504-26, 505-26, and 506-26 to not be regionally significant and not have intermunicipal impact.

* * * * *

This staff recommendation is transmitted as written above unless we receive comments or objections within five days of the time you receive this proposal. If objections cannot be resolved within the scope of the original recommendations, you may submit a reconsideration request to the Regional Planning Commission for further discussion of the findings.



504-26-05
Town of Wallingford, Connecticut

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

MEMORANDUM

TO: James Fitzsimmons, Chairman, Planning and Zoning Commission
Members of the Planning and Zoning Commission

CC: Kevin J. Pagini, Town Planner

FROM: Janis M. Small, Corporation Counsel

RE: **Request for Opinion Re: Cannabis Regulation**

DATE: August 3, 2026

RECEIVED

AUG 05 2026

WALLINGFORD
CLERK AUG 7 2026

Per your request, below are the responses to questions that may be raised on this application.

1. It is my understanding that the application for a regulation change has been submitted to the Commission after an earlier application was denied. Pursuant to General Statutes § 8-3(c), the Commission is not required to hear an application relating to the same, or substantially the same, changes more than once in a period of twelve months. The Commission is free to do so but is not required. My understanding is that the application changes the approval to a special permit instead of a site plan approval. Certainly, the Commission may view this as a substantial change. This would be particularly the case if the Commission itself expressed a preference for the special permit process. If the Commission determines that it is the same or substantially the same as the previous application, the Commission may choose to hear it or decline. If it is not the same or substantially the same, the Commission must hear it.

2. Approval of an application to amend the regulations is by a simple majority of the Commission pursuant to § 11.6 of the Regulations. If a properly filed protest petition is filed, a two-thirds vote is necessary pursuant to § 11.3 of the Regulations and General Statutes § 8-3(b).

3. With respect to the state verses federal law conflict, cannabis possession, production, etc. remain illegal under federal law (Controlled Substance Act, "CSA"). The federal government has the authority to enforce federal law. However, the courts have found that the enactment of state laws permitting cannabis is not an obstacle to the federal government enforcing the CSA. In other words, cannabis is illegal under federal law but states may permit it under state law. The CSA expressly states that it

Memorandum
August 3, 2026
Page Two

does not preempt state law "unless there is a positive conflict between the provision of this subchapter and that state law so that the two cannot consistently stand together." 21 U.S.C. § 903. The courts have found that there is no such conflict as state laws do not require anyone to violate the CSA and the states are simply removing penalties for certain activities and establishing a regulatory process for doing so in their states. This position is held by federal courts throughout the country.

If the Commission moves forward with these uses, as permitted under state law, you'll need to address the conflict with § 1.4 which states that uses, structures, development or activity which are illegal under federal law are prohibited. You can accomplish this by including "Notwithstanding § 1.4, the following is permitted under applicable state law" or words to that effect, at the beginning of the new regulation.



Janis M. Small
Corporation Counsel

JMS/bjc



#504-26-06
Lower Connecticut River Valley Council of Governments
145 Dennison Road Essex, CT 06426 | +1 860 581 8554 | www.rivercog.org
Regional Planning Committee

August 5, 2026

Mr. James Fitzsimmons, Chairman
Wallingford Planning and Zoning Commission
45 South Main Street
Wallingford, CT 06492

SUBJECT: Addition of Section 4.16 C(1)(e) Use Group A & Section 6.34 Cannabis Establishments
Petitioner: Quinnipiac Valley Growth Partners, LLC Attorney: Gerald Farrell, Jr.

Dear Mr. Fitzsimmons:

The Wallingford Planning and Zoning Commission has submitted a zoning regulation petition to the RiverCOG Regional Planning Committee for review for intermunicipal impacts pursuant to Section 8-3b of the Connecticut General Statutes. The petition proposes to add sections regarding the location and definition of cannabis establishments allowed by Special Exception. These comments are offered for the consideration of the P&Z at the public hearing scheduled to commence on August 10, 2026.

Findings of Potential Intermunicipal Impact and Impact to the Ecology of Long Island Sound

Staff of the RiverCOG Regional Planning Committee finds that no substantial intermunicipal impacts to properties in the adjacent RiverCOG Towns of Middletown and Durham will result if the proposed regulations are adopted as submitted. The new language identifies RF-40 as the Zoning District in which cannabis establishments will be allowed by Special Exception and creates the definition of Cannabis Establishment that only allows a Cannabis Retailers while prohibiting all other types of licensed Cannabis Establishments.

Because the region is contiguous to the Long Island Sound, we must review referrals for impact to that water body. Again, we find no negative ecological impact to the Long Island Sound

Consistency with the RiverCOG Regional Plan of Conservation and Development

The proposal is "neutral" with respect to the policies, goals and recommendations of the RiverCOG Regional Plan of Conservation and Development.

Thank you for the opportunity to provide these comments with respect to the proposed sign regulations. If there are any questions, please don't hesitate to contact us at (860) 581-8554.

For the Committee,

Susan W. Beckman
Regional Planner

cc: Ms. Robin Newton, Town Planner, Towns of Durham and Middlefield

RiverRPC

RECEIVED

AUG 06 2026

WALLINGFORD
CLERK OF SUPERIOR COURT

#504-26-07

I. Add- Section 4.16 C. (RF-40) Notwithstanding Section 1.4, the following use is permitted under applicable state law and requires approval of a Special Permit in accordance with Sec. 7.5

1. USE GROUP A

e. A cannabis retailer as defined in Section 6.34C, subject to the following:

1. Only three (3) cannabis retailers shall be permitted. Can only be located within an area bounded by High Street at the south.

2. 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.

3. 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.

4. 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 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.

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

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

7. Shall not erect signage or other exterior coverage that contains any representation of a cannabis plant or paraphernalia.

8. Shall not be open to the public for business before 9am, or after 10pm.

II. §6.34 CANNABIS ESTABLISHMENTS (NEW)

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 below, are prohibited in all zones within the Town of Wallingford.

C. Cannabis Retailer

A cannabis retailer is a business with a valid cannabis retailer or hybrid license issued by the State of Connecticut, Department of Consumer Protection with 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.

SPECIAL PERMIT REVISION

#406-26

FIELDSTONE FARM ASSOCIATION, INC

FIELDSTONE FARM



Town of Wallingford, Connecticut

FEE: \$250.00

RECEIVED

JUL 10 2026

APPLICATION FOR SPECIAL PERMIT REVISION

APPLICATION NO.: 406-26

NAME OF

APPLICANT: Fieldstone Farm Association, Inc.

(Please Print)

DATE: July 10, 2026

MAILING ADDRESS:

c/o: Ct Real Estate Management (CREM)

P.O. Box 397 Cheshire, CT 06410

PHONE: (203) 699-9335

(Please include Zip Code)

203-631-0091 - MARC CELL
(President)

E-MAIL ADDRESS:

Apillion@ctrealestatemanagement.com

INTEREST

IN PROPERTY: OWN _____ RENT _____ LEASE _____ OPTION TO BUY _____

OTHER (Please specify): Property Manager

OWNER OF
PROPERTY:

Fieldstone Farm Association, Inc.

LEGAL DESCRIPTION OF PROPERTY:

Fieldstone Farm Assoc./Inclusive of: Fieldstone Blvd, Penny Lane,

STREET ADDRESS: Self CT, Little CT, Pondside Drive, Broadmeadow Rd

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

Existing Use: approved OSPRD

Proposed Use: Minor modification of approved OSPRD

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".

Marc E. Cell

Applicant's Signature President

Fieldstone Farm Association

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."

ALSO: 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 !!!

Revised: 12/01/17

Fieldstone Farm Association, Inc.
Attn: Wallingford Planning & Zoning Commission
c/o Kevin Pagini

Re: Proposed Driveway Expansions Within Fieldstone Farm Association

Dear Planning & Zoning Commissioners:

Fieldstone Farm Association is a private residential community located off Grieb Road that was approved by the Town of Wallingford as an Open Space Planned Residential Development (OSPRD). As part of that approval, the development was permitted to have private roads that are narrower than the standard public roadways found throughout the Town.

The homes within our community consist of three and four-bedroom residences. While each unit includes a two-car garage, the garages are often used for storage of lawn equipment, snow removal equipment, bicycles, children's toys, and other household items. In addition, the OSPRD restrictions prohibit the installation of sheds, further limiting available storage space. As families grow and household transportation needs increase, many residents require parking accommodations for more than the space provided.

Our Association's governing documents prohibit on-street parking, and this restriction exists for important safety reasons. We have already experienced a situation in which vehicles parked on opposite sides of the roadway prevented an emergency vehicle from reaching a resident in need. On-street parking also creates visibility concerns for drivers by obstructing sightlines to pedestrians, children riding bicycles or scooters, and others who may emerge from behind parked vehicles.

Accordingly, we respectfully request that this matter be placed on the agenda for the Planning & Zoning Commission workshop scheduled for July 6, 2026, for discussion and guidance.

The Association is considering a project that would allow homeowners to expand their existing driveways to provide additional off-street parking. Specifically, we propose permitting a driveway expansion of up to ten (10) feet in width and thirty (30) feet in length, allowing space for one additional vehicle. The existing driveway apron at the roadway would remain unchanged, and any expansion would be required to include an angled flare transition, as illustrated in the attached exhibit.

To avoid rain water impact, the expanded parking area would be constructed using pervious pavers to maintain existing permeability. Based on our review, even if every unit owner elected to install the proposed expansion, the total additional improvement coverage would be approximately 0.65 acres. The original developer utilized nearly all of the site's permitted impermeable surface allowance, leaving approximately 3.5 acres of remaining capacity. Therefore, the proposed modification would not exceed the

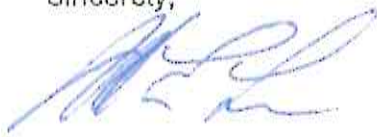
development's allowable coverage limits and would not trip the maximum allowed non pervious surface for the site.

Additionally, all costs associated with the driveway expansion would be borne solely by the individual unit owner electing to undertake the improvement.

We would appreciate the Commission's consideration of this request and welcome the opportunity to discuss the proposal and determine the appropriate process for moving forward.

Thank you for your time and consideration.

Sincerely,

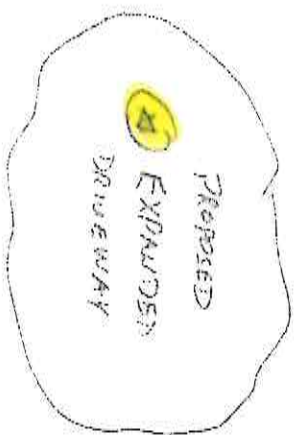


Marc E. Landow
President
Fieldstone Farm Association, Inc.

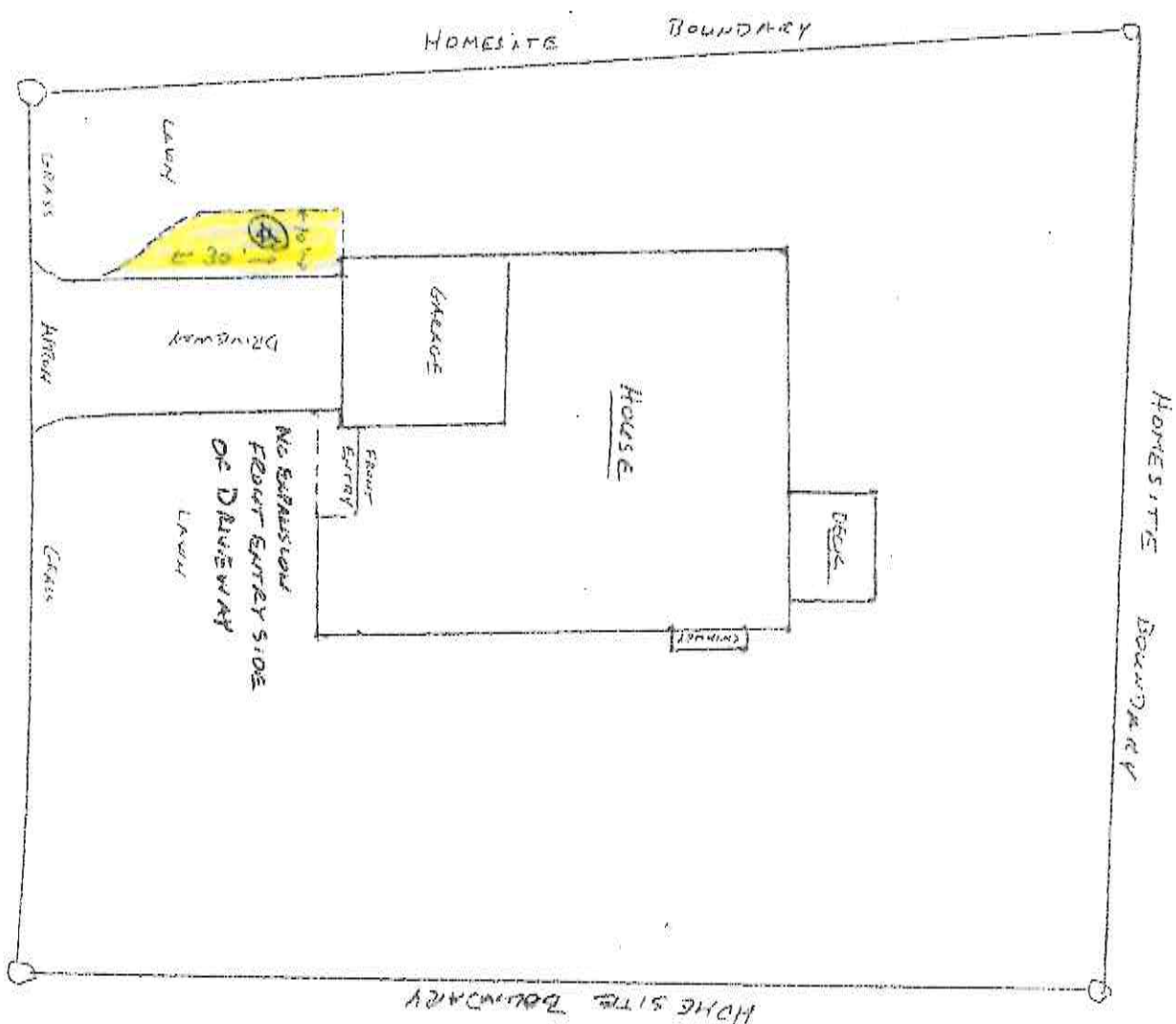
Follstone Farm

EXHIBIT "B"

NO SIDEWALK



Orientation: Left shown



(ROADWAY)

NOT TO SCALE

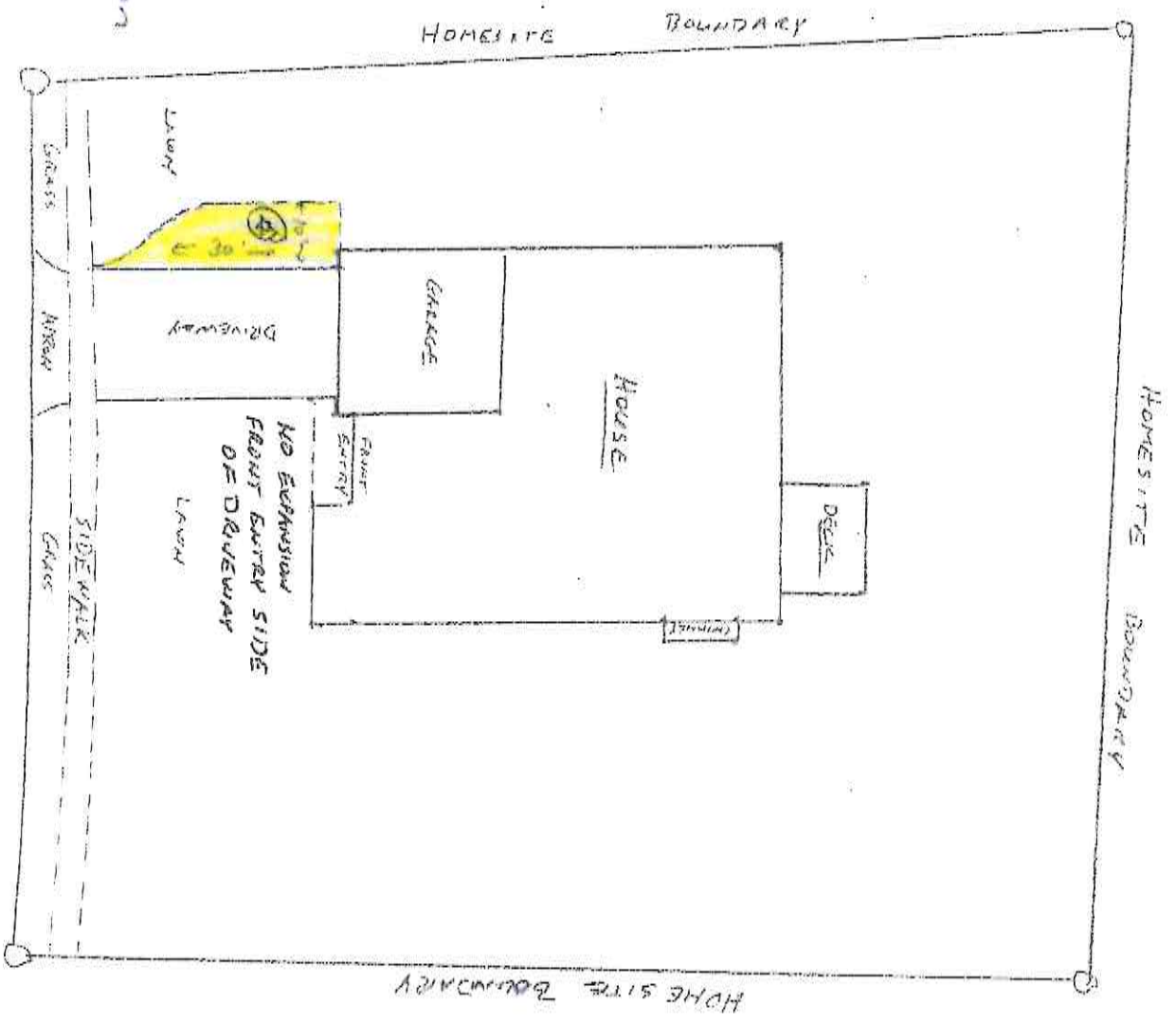
Feldstone Farm

EXHIBIT "C"

SIDEWALK

PROPOSED
EXPANDED
DRIVEWAY

Orientation: Left Shown



(ROADWAY)

NOT TO SCALE

EXHIBIT "A"
FIELDSTONE FARM

← 10" →

← 30" →



Wallingford Fire Department
Inspection Report

Fieldstone Farm - 0 Fieldstone BLVD, Wallingford CT 06492

406-26-01

RECEIVED

JUL 22 2026

75 Masonic Ave

WALLINGFORD
PLANNING & ZONING

INSPECTION DETAILS

Inspection Date	Inspection Type	Inspection Number	
07/21/2026	Plan Review - Site	17420	
Lead Inspector	Shift	Station	Unit
BRIAN SCHOCK	Office of the Fire Marshal	Station 2	C5
Other Inspectors			
N/A			

SUMMARY OF INSPECTION

✓ 0

Passed codes

✗ 0

Failed codes

GENERAL NOTES

BRIAN SCHOCK - 07/21/2026 @ 20:56

#406-25 - Special Permit Revision - Proposed Driveway Expansions.

BRIAN SCHOCK - 07/21/2026 @ 20:57

This special permit revision does not apply to the 2022 CFSC.

SIGNATURES

Contact signature

Inspector signature

No signature
NA

Brs

Matthew Bushey

Date: _____

BRIAN SCHOCK

07/21/2026



Town of Wallingford, Connecticut

#406-26-02

JAMES C. FITZSIMMONS
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

July 22, 2026

Fieldstone Farm Association, Inc
c/o Ct Real Estate Management
P.O. Box 397
Cheshire, CT 06410

RE: Special Permit Application #406-26
Fieldstone Farms

Dear Applicant:

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

1. The Engineering Department has suggested limiting the initial number of driveway expansions to 40. That would be using the dimensions as mentioned in the request but not limiting the material to just pervious pavers. It would also allow for asphalt as an option. Anything over 40 would then require an updated engineering study for the existing drainage system.

Should you wish to discuss these comments or application further, please call the Planning 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.**

TOWN OF WALLINGFORD
DEPARTMENT OF PUBLIC UTILITIES
WATER AND SEWER DIVISIONS

#406-26-03 2 / 2026

RECEIVED
WALLINGFORD
PLANNING & ZONING

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

INTEROFFICE MEMORANDUM

TO: KEVIN PAGINI, TOWN PLANNER
FROM: THOMAS FLANNERY, SENIOR ENGINEER, WATER AND SEWER DIVISIONS
SUBJECT: #406-26 FIELDSTONE FARM ASSOCIATION, INC DRIVEWAY EXPANSION –
P & Z COMMENTS
DATE: JULY 27, 2025
CC:

The applicant is seeking to amend current association by-laws to provide for driveway expansion. The Water and Sewer Divisions have no objection to the proposed application.



July 2, 2026

Dear Town of Wallingford Planning & Zoning:

DPR Construction formally requests the followings bond to be refunded following the completion of the new Connecticut Proton Therapy Center located at 932 Northrop Road, Wallingford CT 06492.

Sedimentation & Erosion Control bond amount \$30,000

RECEIVED

JUL 07 2026

WALLINGFORD
PLANNING & ZONING

DPR Construction
950 Winter Street North 1st Floor
Waltham, MA 02451
www.dpr.com

WE EXIST TO BUILD GREAT THINGS®

S&E Control - \$30,000



Town of Wallingford, Connecticut

ZONING PERMIT

#221-20

DATE: January 11, 2021

ISSUED TO: Proton International LLC

ADDRESS: Proton International LLC
922 Hawthorn Court
Alpharetta, GA 30005

ISSUED FOR: Construction of a 27,810 sq.ft. outpatient medical treatment facility

LOCATION OF PREMISES: 932 Northrop Road

CONDITIONS OF PERMIT:

1. Comments in Interoffice Memorandum from Erik Krueger, Senior Engineer, Water & Sewer Divisions, to Erin O'Hare, Environmental Planner, cc'd to Thomas Talbot, Planner, dated January 5, 2021 (copy enclosed).
2. Comments in Interoffice Memorandum from the Fire Marshal to the Planning and Zoning Department dated December 18, 2020 (copy enclosed).
3. Comments in Interoffice Memorandum from Erin O'Hare, Environmental Planner, to Thomas Talbot, Planner, listing all conditions of IWWC approval #A20-12.1, dated January 8, 2021 (copy enclosed). All conditions of that approval to be incorporated into application for Site Plan #221-20 with the exception of Condition #1 (bonding).
4. Comments in Interoffice Memorandum from Erik Krueger, Senior Engineer, Water & Sewer Divisions, to Thomas Talbot, Planner, dated January 7, 2021 (copy enclosed).
5. Sedimentation and erosion control bond of \$30,000.00.

ALL WORK CONNECTED WITH A SITE PLAN APPROVAL SHALL BE COMPLETED WITHIN FIVE YEARS AFTER SAID APPROVAL.

WALLINGFORD PLANNING AND ZONING COMMISSION

A handwritten signature in dark ink, appearing to read "T. Talbot", is written over the printed name of Thomas M. Talbot.

THOMAS M. TALBOT, PLANNER

* CONDITIONS MUST BE ENTIRELY SATISFIED BEFORE COMMENCING ANY WORK ON THE SUBJECT PROPERTY

Wallingford Planning and Zoning
45 South Main St
Wallingford, CT 06492



RE: Travelers Bond 010708628355

Hello,

Travelers Insurance Company requests that we obtain a written letter of
Consent to Release a \$10,000 Bond Regarding Permit # 208-22.

This project was completed some time ago.

Thank you for your help with this matter.

Kathy Vitale

Iron Horse Equipment



CHOATE
ROSEMARY HALL

July 23, 2026

Kevin J. Pagini
Town Planner
Town of Wallingford
45 South Main Street
Wallingford, CT 06492

Re: Request for Release of Bonds – Carr Hall and Pedestrian Bridge Projects

Dear Kevin,

I hope you are doing well.

I am writing to request the release of the bonds that were posted in connection with the following Choate Rosemary Hall projects, both of which have been completed and have received Certificates of Occupancy.

Carr Hall (Admissions Building) - Special Permit #406-23

As part of the approvals for the Carr Hall project at 59 North Elm Street, Choate posted the required erosion and sediment control bonds pursuant to the Planning & Zoning Commission's Special Permit approval. The project has been fully completed, and a Certificate of Occupancy was issued on August 28, 2025.

Accordingly, we respectfully request the release of the Planning & Zoning erosion and sediment control bond of \$16,500.

Pedestrian Bridge - Site Plan Revision #201-25

Similarly, the pedestrian bridge project at 356 Christian Street received Planning & Zoning approval subject to the posting of a \$4,500 erosion and sediment control bond. The bridge project has also been completed, and a Certificate of Occupancy was issued on June 29, 2026. We respectfully request release of this bond as well.

Please let us know if you have any questions. Otherwise, we would appreciate the Town initiating the bond release process at your earliest convenience. Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, reading "Patrick T. Durbin".

Patrick T. Durbin

POCD updates/general remarks

- The POCD final draft was sent to SCRCOG and the Town Council to initiate the 65 day review and comment period prior to final adoption which is scheduled for September 14th
- The first Public Information Meeting for the Route 5/Yale Ave Intersection study is scheduled for **Thursday August 27th at 6pm in the Public Library's Community Room**. The consultant, BL Companies, will be presenting existing data gathered, introduce a few concepts, and solicit feedback from the public before they advance the study. I would encourage all Commission members to attend, if possible.
- WCI has ordered 14 bike racks for the Downtown area, a site walk was undertaken with the Engineering Department to determine final locations and should be installed within the next couple of months.
- Amy Torre, our Land Use Specialist/Zoning Enforcement Officer's last day was July 31st. We wish her well in her retirement from the Town and thank her for her years of dedicated service!
- A new Environmental and Natural Resources Planner started work on August 3rd. He has been training all week and has been caught up to speed on many of the pending applications for next month's meeting.
- Smart Gov online permitting system is almost up and running. We will be having training sessions starting at the end of the month and then are hopeful for a soft launch for some time in September.
- We met with the consultant for the boathouse senior housing project, we received the reimbursement from the State and they are preparing to start work within the next couple of months with a timeline to be finished by next May.
- We met with the owner of the CT Fresh Produce Market/Yellow King Plaza, and he is trying to move forward with a plan for a large housing development on that site. There are some DOT related issues that would need to be worked out prior to submission, but the plans are nearly completed for a submission in the near future.
- We have had quite a large number of administrative approvals come in this month, that vary from changes of use to accessory apartments. There has been quite an uptick in activity throughout the Town.
- In the absence of an Environmental Planner, this office was picking up a lot of the slack for that department as well. There were some applications submitted to IWWC

that will also be submitted to the PZC for next month's agenda, notably an 83 unit CT Statute 8-30g development at the end of Miles Drive.



Town of Wallingford, Connecticut

LEGAL NOTICE

The Wallingford Zoning Board of Appeals, at their Meeting of Monday, July 20, 2026, voted to take the following action:

They voted to approve:

1. #26-010 – Variance Request/Lincoln/Septic Service where Public Sanitary Sewer Service is required to construct a live-work unit at 1175 South Broad Street in a CB-40 District.

WALLINGFORD ZONING BOARD OF APPEALS

ROBERT GROSS, SECRETARY

DATED AT WALLINGFORD
July 22, 2026

PUBLICATION DATE
July 24, 2026



Town of Wallingford, Connecticut

NOTICE

There is no Regular Meeting scheduled for the Wallingford Zoning Board of Appeals in August 2026. The next Regular Meeting of the Wallingford Zoning Board of Appeals is scheduled for Monday, September 22, 2026.

CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2026

Volume XXX, Issue 3

EXPERT OPINION NOT CONTROLLING ON COMMISSION

An application to convert a vacant bank into a school or nursery was denied by the commission, in part, for traffic concerns. The property was a corner lot located on the Boston Post Road. The area already dealt with heavy traffic and there were concerns from neighbors and commissioners that adding this use, with the many drop-offs and pickups, would further degrade traffic safety and congestion. The application was denied.

On appeal to Superior Court, the applicant claimed that the Commission ignored the only expert testimony on traffic which found no negative impact from the proposed use and thus the Commission's decision was not based upon substantial evidence as it relied on testimony from neighbors as well as the Commissioners' own knowledge as to traffic conditions at the site.

The court denied the appeal, stating that "Neither the Connecticut Supreme Court nor the Appellate Court has ever held that traffic congestion and safety concerns are so complicated and complex, as to require expert testimony." Testimony of nonexperts can form the basis of support for a commission decision even when contradicted by expert opinion. *Apple Montessori Schools LLC v. Planning & Zoning Commission*, FBT-CV-25-6150043 (5.29.26)

EXPERT'S OPINION FOUND NOT TO BE EVIDENCE

An expert's opinion, unsupported by reference to recognized treatises, manuals or anecdotal evidence from the expert's experience, does not qualify as substantial evidence and cannot be relied upon to support an agency's decision.

In this case, a municipal water pollution and control agency relied upon the town engineer's opinion that the application to connect to the public sewer system be denied as the additional sewage flow from the proposed development would result in the sewer line reaching 90% capacity, precluding additional connections. This opinion was unsupported by reference to any existing town policy, regulation or practice nor was any reference made to a manual or other professional treatise. Such an unsupported expert opinion did not qualify as substantial evidence in the opinion of the court and could thus not provide evidentiary support for the WPCA's denial of the application. *Baywing LLC v. Water Pollution Control Authority*, 239 Conn. App. 153 (2026).

REGULATION THAT PROHIBITS HOTELS DOES NOT PROHIBIT SHORT-TERM RENTALS

A zoning regulation that prohibits hotels and motels and limits non-transient roomers or borders to 3 persons per dwelling unit does not

Written and Edited by
Attorney Steven E. Byrne
P.O. Box 1065, Farmington CT 06034-1065
Tel. (860) 677-7355
attysbyrne@gmail.com
contact.cfpza@gmail.com

CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2026

Volume XXX, Issue 3

prohibit the short-term rental of a single-family home to a family. The court based this ruling on the strict interpretation of the zoning regulations which did not define non-transient roomers, rooming house or tourist home.

Since these terms, as commonly defined, applied to the rental of a single room in a house, it was ambiguous whether they applied to the short-term rental of an entire house to a family.

It is a fundamental principle of zoning that when more than one interpretation of a regulation is possible, restrictions on the use of land are not to be extended by implication and doubtful language will be construed against rather than in favor of the restriction.

Since the zoning regulations were unclear and could be interpreted in more than one way, the court ruled in favor of the land owner and against applying a restriction to the use of his property, allowing the short-term rental use to continue. *Instant Property Solutions LLC v. Zoning Board of Appeals*, HHD-CV-24-6184621 (10.31.25).

ZBA DECISION DOES NOT HAVE CONTROLLING EFFECT ON PZC

A special permit application to permit 7 first floor apartments in a building with existing apartments on higher floors was approved. The application concerned a section of the zoning regulations which allowed for the conversion of first floor retail space to

apartments in mixed use buildings. A prior application to the zoning board of appeals for a variance to allow for the conversion had been denied.

The appeal of the approval was based in part on the issue of whether the prior zoning board of appeals denial precluded the planning commission from approving the application. The zoning regulations included a requirement that the special permit, if approved, would not be detrimental to the comprehensive plan. In denying the variance application, the zoning board of appeals had found that the proposed project would not be in compliance with the comprehensive plan.

The court found that under Connecticut's zoning scheme, zoning boards of appeal and planning and zoning commissions occupy distinct and separate realms and the decisions of one commission do not have a precluding effect on the other. *Delvecchio v. City Plan Commission*, CV-25-6157147 (6.15.26)

FINDING OF ADVERSE IMPACT NEEDED TO SUPPORT DENIAL

A denial of an application to conduct a regulated activity was reversed in court because there was no evidence in the record that the proposed activity would have a significant adverse impact on a wetlands or watercourse. The proposed activity would take place entirely within upland review areas. Concerns were raised because these

Written and Edited by
Attorney Steven E. Byrne
P.O. Box 1065, Farmington CT 06034-1065
Tel. (860) 677-7355
attysbyrne@gmail.com
contact.cfpza@gmail.com

CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2026

Volume XXX, Issue 3

activities were located upslope from a high functioning wetland.

The evidence in the record consisted of the applicant's expert testimony that the proposed development, a multi-family building, would not have an adverse impact on wetlands. Lay testimony from neighbors focused on possible harm from stormwater runoff and the loss of trees. The court found this evidence to be speculation. Evidence of a potential impact to a wetland is insufficient to constitute substantial evidence. *Mountain Development Corp. v. Inland Wetlands and Watercourses Commission*, FBT-CV-22-6118364 (6.18.25).

ENHANCED ENFORCEMENT POWERS FOR ZEO

Public Act 25-53 provides that a zoning enforcement officer can commence an enforcement action pursuant to Connecticut General Statutes Sec. 8-12 where an applicant fails to complete any improvement required by a site plan, subdivision or inland wetlands approval or fails to construct an improvement in conformance with these approvals. The Public Act also authorizes municipalities to adopt an ordinance that establishes penalties for these violations. Thus, noncompliance issues associated with approvals of site plan, subdivision and inland wetlands applications are now treated the same as other violations of the applicable regulations. What remains unanswered

is if the enforcement action is commenced by the issuance of a cease and desist order, is an appeal to the zoning board of appeals available.

ANNOUNCEMENTS

Membership Dues

Notices for this year's annual membership dues were mailed March 1, 2026. The Federation operates solely on the funds provided by its members. So that we can continue to offer the services you enjoy, please pay promptly.

Workshops

Four hours of Commissioner training must be completed once every four years or once each term of a commissioner. At the price of \$200.00 per session for each agency attending, our workshops are an affordable way for your board to 'stay legal'. Email us at contact.cfpza@gmail.com to schedule a workshop.

ABOUT THE EDITOR

Steven Byrne is an attorney with an office in Farmington, Connecticut. A principal in the law firm of Byrne & Byrne LLC, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.

Written and Edited by
Attorney Steven E. Byrne
P.O. Box 1065, Farmington CT 06034-1065
Tel. (860) 677-7355
attysbyrne@gmail.com
contact.cfpza@gmail.com



Yale Avenue / Route 5 Intersection Study

Join us for a public
information meeting to
discuss and contribute to
the Yale Avenue / Route 5
Intersection Study.



August 27, 2026

We encourage all members of the
community, including pedestrians,
cyclists, drivers, and local business
owners to attend.



6:00 - 7:00 PM



**Wallingford
Public Library
Community Room**

200 N Main Street
Wallingford, CT 06492



SCRCOG

Contact Us

✉ Alison Kapushinski, PE | engineering@wallingfordct.gov
🌐 wallingfordct.gov

*A language or sign translator can be requested five
days in advance of the meeting.*

*Un traductor de idiomas puede ser solicitado al
menos cinco días previos a una reunión.*