Agenda
Wallingford Planning and Zoning Commission
Monday November 9, 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- October 14, 2026

PUBLIC HEARINGS

1. 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 I-40 (Industrial) Zoning District. Text amendment will alter Sections §4.8.C and §6.34. #507-26

2. 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

3. 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 12/14/2026)

SITE PLAN APPROVALS

4. Site Plan/Times Microwave Systems/358 Hall Avenue #224-26
(NO ACTION: Continued to 12/14/2026)

REPORTS OF OFFICERS AND STAFF

5. Discussion on updates/remarks

6. Discussion on violations at Center Street Cemetery

7. Administrative Approvals-

144 North Branford Rd/DiMario	#226-26
1299 Barnes Rd/El-Sayed	#227-26
970 North Colony Rd/Stabach	#228-26
85 North Colony St/Dinsar, LLC	#316-26
184 Highland Ave/Nunez	#RA-26-03
210 Center St/The Confetti Bar, LLC	#317-26
326 South Colony Rd/Aldammad	#229-26
370 Center St/Dinatale	#318-26

8. ZBA October Decisions

9. ZBA November 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, November 9, 2026

1. **#507-26 – Retail Cannabis**
   - Similar text amendment that was proposed earlier in the year.
   - This text amendment would allow retail cannabis to be an allowed use within the I-40 (Industrial) Zoning District.
   - The previous amendment was requesting retail cannabis as an allowed use within the RF-40 (Route Five) Zoning District.
   -

2. **#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.

- Although some progress has made on this application, it is still not complete and will require further discussion.

- There was a productive meeting between the applicant and Town staff, including the Town Engineer, Senior Engineer from Water and Sewer Division and the Environmental Planner.

- This meeting resulted in the changes that are being presented to the Commission. The current proposal now has full support from all relevant departments. Due to the complex nature of this request, the Commission should also provide feedback and suggest changes as necessary in case there are any inconsistencies that Town staff may have overlooked.

- The October meeting had a lengthy discussion on this amendment and the applicant has come back with what they believe is a final draft that addresses all of the comments that were made at that hearing.

- The 40 acre minimum was agreed upon by Town Staff, whether or not the Commission agrees with this threshold is something that can be determined at the meeting.

- Also, just for clarification, Town Staff recommended the 50-foot setback for buildings on Route 68 to allow flexibility in the development due to the large right-of-way that currently exists on Route 68 and because the setbacks are being increased towards Leigus and Grieb Roads.

3. **#407-26- 124 Church St**
   - Application is to re-develop an existing former fast food restaurant site into a 4-pump gasoline fueling station with an associated convenience store and drive through coffee shop.
   - This site obtained approvals in 2024 for use as a drive through coffee shop and additional retail space.
   - The applicant has responded to all comments by Town Staff, and has now properly notified and can be heard by the Commission.
   - The applicant will be giving a presentation and answering any questions that the Commission may have on the application.
   - This application has been tabled to the December meeting to allow for the traffic studies requested by the Commission to be performed.

Discussion – Center Street Cemetery Violation

- Representatives from the Center Street Cemetery Association will be in attendance to discuss how to proceed in remedying the violations that are currently present on site as outlined in the September 22nd memo.

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

1. **#504-26 – Section §6.34 & §4.8.C. – Cannabis Retailer**
   Zoning text amendment to Sections §6.34 and 4.8.C.14. to add Cannabis Retailer as an allowed use by Special Permit in the I-40 (Industrial District) on language dated October 7, 2026 because:

2. **#505-26 – Section §4.27 – Mixed Use Floating Zone**
   Zoning text amendment to add new Section §4.27 to add a new floating zone district entitled Mixed Use District as a floating zone to the Town of Wallingford Zoning Regulations on language dated July 10, 2026 and revised to November 3, 2026 because:

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, November 9, 2026,** at 7:00 p.m. in the Robert F. Parisi Council Chambers of Town Hall located at 45 South Main Street.

1. **#507-26** - 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 I-40 (Industrial) Zoning District. Text amendment will alter Sections §4.8.C and §6.34. A copy of the text amendment can be found in the Planning and Zoning Office.

WALLINGFORD PLANNING AND ZONING COMMISSION

_____

DAVID LEONARDO, SECRETARY

DATED AT WALLINGFORD
10/23/26

PUBLICATION DATES
10/27/2026
11/03/2026

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

Wallingford Planning & Zoning Commission
Regular Meeting
Wednesday, October 14, 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; J.P. Venoit, Regular Member; Joseph Sanders, Alternate; Richard Benham, Alternate; and Kevin Pagini, Town Planner.

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

1. **PUBLIC HEARING – #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 §1.4; §6.34; and §4.16.C.** Withdrawn
5. **SITE PLAN – Site Plan/Times Microwave Systems/358 Hall Avenue #224-26** (continued to November 16, 2026 meeting)

Consideration of Minutes – September 14, 2026, Regular Meeting

Commissioner Kohan: Motion to approve the Minutes of Monday, September 14, 2026, Meeting of the Wallingford Planning and Zoning Commission as submitted.

Commissioner Leonardo: Second
Vote: Unanimous to approve.

Chairman Fitzsimmons noted that going forward, the Commission will require all evidence and feedback to be received one week prior to the meeting.

PUBLIC HEARING

2. **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 (continuation)**

Commissioner Leonardo noted the additional correspondence. Email from Michele Dellipoali, to Kevin Pagini, Town Planner received August 19, 2026; draft text amendment received August 24, 2026; email from Dennis Ceneviva, to Kevin Pagini, received September 11, 2026; draft text amendment received October 2, 2026 with information on floating zones; Interoffice Memorandum from Thomas Flannery, Senior Engineer, Water & Sewer to Kevin Pagini, Town Planner received October 9, 2026; draft text

amendment received October 9, 2026; Memo from the Department of Engineering, to the Planning & Zoning Commission dated October 9. 2026; email from Dennis Ceneviva to Kevin Pagini, Town Planner, receive October 14, 2026; letter from Don Crouch, Economic Development Specialist to the Wallingford Planning & Zoning Commission, received October 14, 2026; staff comments from Sebastian Velez, Environmental and Natural Resources Planner dated October 14, 2026; letter from David Bouvier, Fairlawn Farms, dated October 14, 2026; and an Inspection Report from the Wallingford Fire Marshall, dated October 14, 2026.

Atty. Dennis Ceneviva, Ceneviva Law Firm, 721 Broad Street, Meriden, and Matt Brutin, Project Engineer, BL Companies, presented.

Atty. Ceneviva handed out a copy of his presentation. The concept of a floating zone was explained at the last presentation. He noted that this is not solely the concept of a property owner, but collaboration with the Town. He explained the floating zone as a district applied to one or more parcels with the design goal to provide flexibility balanced by control in the development of land. Flexibility and control are given to the Planning & Zoning Commission. The application to one or more parcels is a legislative decision by Planning & Zoning. This gives broader authority. He stated that they can't submit a plan for a property if it is not zoned for the use they are seeking. He stated that this is a multi-layered process. First, the zoning district is created. He explained the purpose of the zone. Then the applicability is determined, including certain limitations that Town Staff suggested. Some public comments were also included. They propose a minimum of 40 acres. An overall conceptual site plan is designed and developed with no less than 25% of the gross floor area residential and a minimum of 25% non-residential. There is broad discretion on the part of the Commission to approve, deny, or adjust the plan. The Commission would look at traffic, access points, and limit applicability to certain zones. They propose only IX, WI, CA, and CB zones. They listed 13 permitted uses, one of which provides some discretion on the part of the Commission. They included accessory uses such as a drive-thru. The site plan should include a central open space for pedestrians and bike trails. For building design, they included 40,000 sq. ft. for non-residential buildings and the 1st-floor building facade limited to 400 ft in length. The parking plan was developed with the input of Water & Sewer and the Town Engineer to include a standard for impervious surface cover. Open space has to be a minimum of 50%, and interior landscaping is required between parking areas. The minimum landscape buffers are increased to 150 ft. between non-residential and residential. A traffic impact analysis is required, and the Commission can request a peer review. Procedural requirements include an informal meeting/workshop with the opportunity for staff and the Commission to review the overall conceptual site plan and comment. Then the application applies for the Zoning Map Amendment to apply the Floating Zone, with a public hearing and notification to neighbors. This is when the overall conceptual site plan is shared, but the plan is not approved at this point. Once the zone is approved, then the plan will be submitted for Site Plan approval. The final draft of the text amendment addressed all comments received except for those from the Environmental Planner received today. They are willing to incorporate those comments.

Commissioner Seichter noted that the Commission received quite a few documents today. He stated that he appreciates all the work put into this proposal. He asked about the version of the amendment

received October 9th that has the applicability size at zero. Atty. Ceneviva replied that it should be 40 acres. Commissioner Seichter asked how many possible parcels in town could meet this. He suggested changing it to 60 acres. He asked about the landscape buffer of 150 ft. for commercial and 100 ft. for residential. He stated that he would like to see 150 ft. for both. He stated that the proposal could result in a project with 75% retail.

Atty. Ceneviva stated that there was a concern that the development would be heavily residential, so they added the minimum. As for locations, that is based on the Commission's discretion, and the applicant won't propose something that will fail. The Commission has discretion. He noted that 75% commercial would not meet the parking and impervious surface requirements. The purpose of this is to provide flexibility since we don't know what the future will bring.

Commissioner Seichter stated that making other uses available in these zones is good. The possibility of 75% retail is a concern. He asked about the setback. Mr. Pagini replied that in the WI zone the frontage setback is 100 ft. Commissioner Seichter noted that the front of the building needs to face the road and that should be part of the building design. Regarding the 50% open space, he asked if that was discussed with Water & Sewer. Atty. Ceneviva replied yes, and the Town Engineer, too. As for the setback, he stated that they wanted the buildings to be closer to the road without parking in front.

Commissioner Kohan appreciated the chart that was added to the text amendment. He stated that a floating zone fits the requirements to allow this type of development while still giving Planning & Zoning control. He believes the final draft is good. Regarding the permitted uses, he asked about the maximum number of units for a multi-family residential development. Atty. Ceneviva replied that they added some 3-bedroom units based on feedback. They made the density low enough to discourage too many units. Townhouses would also fit. The design provides some breadth. Commissioner Kohan referred to the Regulatory paragraph, line 2, stating that it doesn't make sense. He suggested striking the reference to overall character as we can't say that anymore. He asked about the two-year limit for development in number 3. Mr. Pagini noted that it is typically five years, but because this changes the entire zone, it would revert to the original underlying zones. Commissioner Kohan noted comments received today about the height. Mr. Pagini stated that the WI allows up to 80 ft if there is enough setback. Commissioner Kohan stated that he likes the way this is written and that Planning and Zoning still has authority. He thinks this is a win-win.

Chairman Fitzsimmons stated that the concept of a floating zone is different. Conceptually, it works. He supports the proposal. He quoted from the letter received today from the EDC that this is "a coordinated approach to development can create opportunities for shared infrastructure, improved internal circulation, and more efficient use of the land and parking." The letter continues, "The EDC office believes that a carefully structured mixed-use floating zone could strengthen Wallingford's economic development toolkit by providing greater flexibility for appropriate large-scale projects while retaining meaningful planning, infrastructure, traffic and environmental safeguards." He stated that he would like more time to review the materials due to a lot being received just today.

Mr. Pagini stated that the applicant worked with staff and addressed the bulk of the comments. Staff is happy with the proposal.

PUBLIC COMMENT

Scott Amore, Jenna Road, stated that this is a creative way to address the recommendations of the POCD. He suggested adaptive reuse of post-industrial properties. He noted that there is no application yet. He asked if the Commission could change the 40 acres. He also asked if the Commission could create its own amendment. He stated that he is an advocate for housing with walkable communities.

Don Crouch, Economic Development Specialist, stated that the project should start within two years due to the amount of time and resources that would be invested before the site plan is presented.

Ken Lloyd, President of Wallingford Community Farmers Group and an environmentalist, asked how many undeveloped acres will be used for the mixed development on Rt. 68. He is concerned about developing this land. We need more information. The public doesn't know about this. This would turn 40 or 60 acres of land into condos and apartments. It won't be the same town.

Sheryl Hart, North Elm Street, asked if affordable housing is involved. Is it what's going to be built first or the zoning first? Chairman Fitzsimmons replied that this application is a zoning text amendment, not the application at 110 Leigus Road. Planning is done first.

Craig Fishbein, Grieb Road, stated that zoning is important. He noted that he couldn't find the current version of the amendment and asked that the public be part of the process. He stated that ultimately this is spot zoning and that's not allowed. He stated that 60 acres may be more appropriate. Looking at the potential parcel, he stated concern with sight lines. He noted that the existing berms and plantings would go away if the setback is 50 ft. He is not in favor. There are other ways to go about this. He is afraid for this land. He noted that there would probably be curb cuts added.

Jessica Wysocki, 76 Knollwood, stated that she is concerned with land conservation. She would like to see the town buy more land for conservation of wetlands. She is concerned that we will lose the woods in that area.

Scott Craig, 31 Leigus Road, stated that he would like to see additional buffering. When the building was built for39-31 Leigus, they put in a large berm and four dense rows of conifer trees for year-round coverage. He can't see the Blue Cross building. One or two rows of trees won't block the view.

Carl Fister, 25 Fairlawn Drive, stated that the buffer requirements are important. He asked about light spillover standards and a traffic impact analysis. He asked about limits on high-impact uses. He suggested limiting high-turnover commercial uses, such as drive-throughs, from being near residential communities.

Joe Solato, 21 Promontory Drive, stated that the draft amendments are a hot mess with all the revisions. The public doesn't really know about this. All the affected zones should be notified. He suggested that they just propose a zone change for the area they want to develop. He noted that the current regulations are for 40 ft. height. We need to look at the current restrictions. They need to present what they want to do.

Michelle Dellipoali, 10 Trailside Drive, stated that she just found out about this hearing today and would like more time to review the materials. A visual study with architectural elevations is needed. She would like to add a visual impact assessment on the scenic quality of the area. She asked about noise and light issues and truck loading. She referred to Part B – Applicability; this could result in 75% housing or 75% commercial. Those are not the percentages we should be going to. Regarding Part D for site design, Part 5, residential requirements, she suggested including "apartments, townhouses and ranch-style condos". She asked why the height is 50 ft, when it should be capped at 40 ft. In Section 6, Part D, the height of berms should be defined, and details provided on the trees, including multiple rows of evergreen trees. On the requirements table of lot and building requirements, the maximum building height doesn't state if it's commercial or residential. She tried to find properties in the town that might be 40 acres and was offered the grand list and told to figure it out herself. She thanked the Planning & Zoning Department and the Commission for their efforts.

Atty. Ceneviva stated that if approved, there will be a plan, but they don't have one yet. The only plan he has seen is developing the site in accordance with the WI zoning for warehouses. This is not spot zoning. The CT Supreme Court has determined that this type of Floating Zones is appropriate. He agreed that setbacks and buffer heights are important. They would like the opportunity to bring a plan to the Commission. The public would be notified. He stated that he would be happy to meet with neighbors when they have a plan. The text gives the Commission discretion to deny, as well as allowing a broader type of development. This concept has been encouraged by the Town. He stated that he is happy to provide any of these documents to the public.

Chairman Fitzsimmons thanked the public for their comments and noted that documents are normally available in the Zoning Office, not online. He proposed continuing the application.

Commissioner Seichter stated that the size should be 60 acres, buffers are very important, and a 150 ft. setback would be appropriate. As for building size, he likes the 40 ft. height. He doesn't like drive-thru locations s.

Atty. Ceneviva noted that the Town Engineer suggested the language on the minimum buffer to include that the existing buffers be maintained when possible.

Chairman Fitzsimmons noted that since Commissioner Venoit had to leave, Commissioner Sanders will be voting in his place.

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

Commissioner Kohan: Motion to continue the public hearing for application #502-26 Text Amendment request for KSCGH Partners, LLC to the November meeting.

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

The continuation is approved.

3. **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**

Commissioner Leonardo read the legal notice and noted the correspondence. #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. Correspondence included: email from Kevin Pagini, Town Planner to Annette Ellis, Juliano Associates dated July 23, 2026; email from Annette Ellis, Juliano Associates to Kevin Pagini, Town Planner dated July 23, 2026; letter from Kevin Pagini, Town Planner to Atlantis Management Group, LLC dated July 22, 2026; Memo from the Department of Engineering, to the Planning & Zoning Commission received July 29, 2026; email from Thomas Flannery, Senior Engineer, Water & Sewer, to Planning & Zoning, dated August 4, 2026; Interoffice Memorandum from Thomas Flannery, Senior Engineer, Water & Sewer, to Kevin Pagini, Town Planner, received August 4, 2026; letter from Romeo Valentin, Juliano Associates, to Kevin Pagini, Town Planner dated August 31, 2026; Operations & Maintenance Plan received from Juliano Associates, received September 2, 2026; Memo from the Department of Engineering to the Planning & Zoning Commission received September 4, 2026; email from Sebastian Velez, Environmental and Natural Resources Planner to Planning & Zoning received September 9, 2026; Inspection Report from the Wallingford Fire Marshal received October 14, 2026; and a revised Traffic study, received October 14, 2026.

Starke Hipp, PE, Traffic Engineer, LaBella Associates, Romeo Valentin, Project Engineer, Juliano Associates, and Emily Rocha, Dunkin Donuts Franchisee, presented.

Mr. Valentin explained that the site is a 2-acre lot with a 3,100 sq. ft. building that will be demolished. They propose building a 4,500 sq. ft. building with 1,400 sq. ft. for a Dunkin drive-thru location, and the rest will be a convenience store and gas station with 10 pumps. They will only allow one-way traffic and will provide 23 parking spaces. They will reduce the existing impervious surface by 66 sq. ft., and thus no detention system is required. He explained the stormwater management system. They will provide for two exit lanes, one left, one right. They will tie into the existing sanitary sewer. He explained the

sight line analysis and the vehicle turning analysis. He added that they are not opposed to reducing parking and allowing more grass.

Commissioner Kohan stated a concern with traffic and asked what will be sold at the store. Mr. Hipp replied that it will be an Atlantis Fresh Market, which is a higher-end convenience store. The food service component is Dunkin Donuts. There will be no indoor seating. Commissioner Kohan asked about the food available at Dunkin. Ms. Rocha replied that they will offer sandwiches, baked goods, and coffee. Commissioner Kohan referred to the traffic study, Table 1. He asked if the data is from 2022. Mr. Hipp replied that the data is published by the DOT and the traffic data is generally good for five years. They did not do their own count. Commissioner Kohan suggested different peak time periods. He noted the comment from the Town Engineer that left-turn exits will be difficult. He noted that there are tractor-trailers from United Concrete that occasionally block traffic. He asked how often the gas trucks will be delivering. Mr. Hipp explained how the peak hours were calculated and that he couldn't answer about the gas deliveries. Commissioner Kohan asked if there is enough room for the truck to turn without affecting the opposing lane. Mr. Valentin replied yes. Commissioner Kohan stated that this will work, but it will be difficult. He suggested reducing the pumps to four. Mr. Hipp relayed a response from the applicant that they expect two gas deliveries per week and that they will be scheduled to arrive during non-peak hours. He noted that the major component of traffic will be pass-by trips. Only 25% are expected to be new trips. There will not be a significant increase in the volume of traffic. He compared the trip generation to when it was a restaurant. There should be fewer trips generated. Commissioner Kohan disagreed because traffic backs up significantly in both directions now. He proposed making the exit right turn only.

Commissioner Leonardo noted that the Duchess restaurant was not a high traffic generator. This will be more of a flow going through the property. He likes the right-turn-only exit. He likes the idea but is concerned with safety and traffic backing up. Mr. Hipp noted that customers can self-select and not enter if the pumps are full. There will be good visibility from the road. Commissioner Leonardo asked if queuing was studied. Mr. Hipp replied that he has never done a queuing study for gas pumps. The drive-thru locations provide active capacity. He understands the safety concerns.

Commissioner Sanders agreed with the concerns on traffic. He noted that there are several other Dunkin and 7 Brew locations in the area. He finds it hard to believe that the traffic study shows less traffic than Duchess. He stated that it looks like the fuel truck will clip the building as it drives around. Mr. Valentin replied that they can't move the driveway further due to the parking. They are using a mountable curb. Commissioner Sanders asked if a stuck vehicle or an emergency could end up trapping cars. Mr. Valentin replied that emergency vehicles can drive around the front if necessary.

Commissioner Seichter stated that the site is challenging due to traffic. He agreed that the peak traffic times are different than what's in the report. He stated that other drive-thru locations have created traffic problems.

Commissioner Benham asked if this Dunkin franchise has partnered with Atlantis before. Ms. Rocha replied that they did partner briefly once for a different format before, but they have partnered with other franchisees in the State. One of their properties has a similar layout. This concept works well.

Chairman Fitzsimmons asked if the applicant can control the fuel deliveries, including how they enter the property to avoid crossing Rt. 68. Mr. Hipp relayed the response from the owner that yes, they control the deliveries, including where they come from. Chairman Fitzsimmons asked about the height of the canopy and whether it can handle landscape trucks and vans. Mr. Hipp replied that there will be a 14 ft clearance, which is the state-mandated clearance. Chairman Fitzsimmons noted the approval from 2024 and asked if they have been in contact with the Chief of Police. Mr. Hipp replied that they met with the Police at the initial meeting with staff. Chairman Fitzsimmons noted that in 2024 it was determined that Dunkin customer traffic would be redistributed among Dunkin locations. Ms. Rocha agreed.

Manuel Rocha, franchisee for Dunkin Donuts in Wallingford, stated that he has been in business for 30+ years. He wants to do this right. He understands the concerns. They have spent a tremendous amount of money on their drive-through locations. They have eliminated cars backing up on Rt. 5. He stated that Atlantis is a professional company. They have two other locations in Wallingford. He doesn't think this will add to the traffic any more than anything else that might go there.

Chairman Fitzsimmons referred to the Engineering memo, which states that left turns will require a courtesy pullout during peak hours. The left turns will be a challenge. He asked if they would consider restricting it to right turns only. Mr. Hipp offered to do a Gap Analysis. This would involve observing gaps between vehicles. This might provide some clarity. He can also refresh the traffic data.

Mr. Pagini asked the Commission if they want the gap analysis and comments from the Police Chief.

PUBLIC COMMENT

Craig Fishbein, Grieb Road, stated that he would use this Dunkin location. He noted that the traffic study is murky. He is concerned with the sight line westerly, down the hill after the overpass. This will slow traffic as people slow to turn in. Do they really expect to need 10 pumps? He stated that a right-turn-only exit will not be popular as there is no easy place to do a U-turn.

Susan Gomes, Edgewood Drive, echoed the heavy traffic and safety concerns.

Frederick Rizzo, Highland Avenue, stated that he is in that traffic all the time. The peak is really 3–6 p.m. He thinks that 10 pumps are too many. The traffic study needs to be redone. They need a right turn only to get in and out. This is a small piece of land. It needs to be smaller, or there will be problems.

Joe Catta, 64 Grove Street, Yalesville, noted that there are already 25 gas stations in the immediate area and 3 Dunkin Donuts. This is a two-lane State road. This would require an exclusive turn lane or traffic control. There are two schools in the area. He stated that you can't depend only on the State data. He

stated that peak hours are 7am – 9:30am and 4pm – 6:15pm. He noted that speeds in Wallingford have accelerated.

Scott Amore, Jenna Road, stated that he often sees people crossing the street from United Concrete. A crosswalk is needed. He suggested an interconnection with the adjacent property and sidewalks. This is an opportunity to use the conditions of approval to make it safer. This is a great use of this property.

Ms. Rocha shared her experience at their Naugatuck location with similar traffic concerns, and there have been no issues with people making left turns.

Mr. Hipp stated that they did their own sight distance analysis for the driveways, and westbound cars can see slowing traffic. The sight lines exceed the recommended sight distance. He has made note of the comments.

Commissioner Leonardo stated that newer data would be helpful. He doesn't see the use of a Gap Analysis.

Commissioner Kohan noted that any business there will have the same issue. He agreed that this business will not create new traffic. He likes the right-turn-only exit, maybe only for peak hours. He doesn't think a further traffic study will show any improvements.

Commissioner Seichter stated that he would like to see the traffic study revised. The Commission needs to be prudent.

Chairman Fitzsimmons stated that the application will be continued to the November meeting. He asked Mr. Pagini to get written comments from the Police Chief. He asked if a right-turn-only exit would work and asked the applicant to consider reducing the number of gas pumps.

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

Commissioner Kohan: Motion to continue the Special Permit request for application #407-26 for Atlantis Management Group for 124 Church Street to the November meeting.

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

The continuation is approved.

4. **CT General Statute 8-30g Site Plan / The Metro Realty Management Corp./110 Leigus Road #221-26 (continuation)**

Commissioner Leonardo noted the additional correspondence. Letter from Antonio Ulises Ramirez-Avila, to Wallingford Planning & Zoning Commission received September 21, 2026; letter from Thomas Daly, PE, SLR International Corporation to Alison Kapushinski, PE, Town Engineer, dated September 30, 2026; letter from Tomas Daly, PE, SLR International Corporation to Kevin Pagini, Town Planner, dated October 12, 2026; Inspection Report from the Wallingford Fire Marshal received October 14, 2026 and a letter from Sebastian Velez, Environmental and Natural Resources Planner regarding the IWWC approval.

Atty. Timothy Hollister, Hinckley, Allen and Snyder in Hartford; Thomas Daly, Civil Engineer, SLR Consulting; Kyle Richards, Executive Vice President, Metro Realty; Mark Vertucci, Traffic Engineer with Fuss and O'Neil, in Hartford; and Lanise Miller, Director of Supportive Housing at MidState ARC presented.

Atty. Hollister noted that the Inland Wetlands and Watercourses Commission permit was granted. He added that Metro Realty had no objections to the proposed conditions. He noted the condition agreed upon with Atty. Small on the deed or conservation easement of the 11.3 acres. He reported that SLR submitted the final revised Site Plan in response to comments and included the boundaries of the conservation easement. The applicant agrees to work with Atty. Small and the Town to make sure the obligations and enforcement of the conservation easement are in final form and stated clearly. The applicant has responded to comments from Town departments and updated the stormwater operation manual. He thanked the Commission, town staff, and neighbors for their feedback.

Commissioner Sanders asked for clarification on maintenance of the deeded property. Atty. Hollister replied that that is ultimately the decision of the Town Council and the resulting ownership. Commissioner Sanders stated that this is an important aspect. He doesn't like not having all the information.

Chairman Fitzsimmons stated that he spoke with Atty. Small. This is an 8-30g application. The planner reviewed the wording with the town attorney, and it was accepted by the applicant. There is an "offer by deed or restriction by a conservation easement". Ultimately, it is up to the Town Council. The applicant has agreed to "offer".

Atty. Hollister stated that they have identified the boundaries of the conservation easement. If the Town does not accept it, they will find another entity to hold the easement.

Mr. Richards stated that whether or not the Town accepts the land, they commit to permanently conserve the 11.3 acres.

Commissioner Sanders noted that Inland Wetlands mentioned that ownership is important. What does the preservation look like? He would prefer to know more. Atty. Hollister stated that this Commission can work with the Town Council and Atty. Small on what they want. The Conservation Easement is fairly standard and means no development and that it will be maintained.

Commissioner Seichter asked about the affordability and if there is a limit to the number of units at 30% of income vs. 50% vs. 80%. Mr. Richards replied that there is no rental assistance. He reminded the Commission that 20% of the affordable units will be for people with intellectual disabilities. They use the CT Housing Finance Authority and CT Department of Housing rules. It cannot be all 30%; there will be a mix. There is usually a relatively even breakdown. Commissioner Seichter asked what assistance is provided by MidState ARC. Ms. Miller replied that staff is there seven days a week and each individual will have their own personal support. The manager is in the office, and staff supports the clients inside the unit. Commissioner Seichter stated that the applicant's intent with the conservation easement is satisfactory.

Commissioner Kohan noted that the stream that feeds the Muddy River is a high priority for the Town. He asked about the fence required by IWWC. Mr. Daly replied that it will be in the upland review area. He described the fence and placement. Commissioner Kohan noted that wildlife may be displaced. He asked about native plantings. Mr. Daly replied that the development will be in an old corn field and there will be virtually no tree clearing. Between the fence and the development, they will use a wildlife meadow seed mix in the buffer. They will use native species. Commissioner Kohan asked about the endangered species of bat. Mr. Daly stated that they are not cutting any trees. The IWWC was satisfied with this. Commissioner Kohan asked about pesticides. Mr. Daly replied that there will not be a lot of lawn area. This reduces the maintenance. Metro Realty employs maintenance staff and uses an integrated pest management approach. Commissioner Kohan noted that this is one of the better 8-30g applications due to being close to transportation and recreation facilities. He likes the mixture of non-market rate housing and the ARC component.

Mr. Pagini noted that snow removal will have to adhere to the requirements of the WI district. Mr. Daly replied that this is already part of the operations and maintenance plan. They also will use no salt.

Commissioner Seichter noted that in the Affordability Plan, Schedule E is referenced but not there. Atty. Hollister replied that the Applicant follows the Affordability Requirements of the Federal Low-Income Housing Tax Credit program. The plan has the generic compliance report that will be filed when the units are occupied. We don't know yet how many will be in each group. This is the standard paperwork used in the administration of assisted housing. Commissioner Seichter clarified that Schedule E will outline information that depends on the final agreement.

PUBLIC COMMENT

Antonio Ramirez-Avila, 314 Grieb Road, stated opposition to the 83-unit development at 110 Leigus Road. He is concerned with the watershed and runoff. How protected is his well? He already has flooding problems. His property is directly below that, and storm runoff already floods his yard. The water drainage easement is in his backyard. This will add acres of impervious surface and is an immediate threat to his property and well. He suggested a rigorous independent hydrology study. The wildlife in that area will all be harmed. He is happy to hear that no trees will be cut down. He is concerned about his well and the undeveloped habitat.

Jessica Wysocki, 76 Knollwood Drive, stated that she is concerned about the wetland, the effect of construction, and maintenance without chemicals. The wetlands are a valuable water-cleaning system. She is concerned with the migratory patterns of animals. There are box turtles in this area. She would like to see the whole property preserved. She prefers repurposing buildings instead. There are consequences to the water table. We won't get any more undeveloped land.

Ken Lloyd, President of Wallingford Community Farmers Group and an environmentalist, stated that you can't say there are no bats there. Making it pretty doesn't make it good. We need to be more critical. If we develop all the open land, how will this affect the town? He suggested looking at the empty buildings instead. We lose more land each year. This should be rejected. We need to protect the community, wildlife, and open land.

Scott Amore, Jenna Road, stated that other uses are allowed in this zone. This is the best use of this land. They are giving more than half the property to the Town. This is supportive housing. Metro is a long-term steward. 8-30h means they have to hold up their end of the agreement. This sets a great precedent to set aside wetlands.

Mary Mushinsky, State Representative, stated that she supports the application. There is a shortage of affordable housing. The builder has a good track record. She is impressed by the donation of land. The non-wetlands part is zoned for development. She noted that Kildeer were spotted on the property and suggested that Metro leave a sand and gravel area for these birds to nest. It is critical to alleviate the housing shortage. She recommended bus service be extended to this area.

Craig Fishbein, Grieb Road, stated that Metro has been excellent to work with. They welcomed the concerns of neighbors. He supports the transfer versus the conservation easement. He also supports giving the land to the Land Trust. Traffic shouldn't be an issue. He supports getting bus service to this development.

Susan Gomes, Edgewood Drive, Yalesville, stated that she supports this application. The Town needs housing options. We need a creative way to look at properties to provide a variety of housing. Metro is a good steward of the land.

Annette Nunes, 17 Field Drive, stated that she is with Wallingford Works for Housing and they work for the people. There are a lot of old buildings that could be housing. A lot of people want to move into something smaller. She suggested getting everything in writing.

Mr. Daly clarified that no drainage from this proposal will go to Grieb Road. It goes under Rt. 91. Protecting the 11 acres helps protect the wells. Residential is one of the lowest risk developments compared to other uses. There will be no impact on adjacent properties or wells.

Atty. Hollister noted that the conservation easement means that the Town gets the land for free.

Commissioner Seichter stated that this is one of the better affordable plans he has seen. He likes the 50 years, and the percentage of income required is lower than typical. This benefits a lot more people. He appreciates the desire for adaptive reuse and would like property owners to do so. The Commission can only encourage it.

Commissioner Leonardo stated that the project does what we want in this part of town and preserves the wetland piece. He supports it.

Commissioner Kohan suggested a condition that the applicant works with Wallingford Housing Authority to give preference to Wallingford residents. He suggested finding a way to do that without violating laws. Atty. Hollister replied that they talked of using 'best efforts' to work with Wallingford Housing Authority to use its resources to come up with proposed occupants who would then apply. He agreed to add that as a condition.

Chairman Fitzsimmons thanked the public for their input. He stated that the Commission has to follow the CT General Statutes and encourage the most appropriate use of land throughout the town. The applicant worked with the Town and the public. This proposal is appropriate for the Town. He supports it.

Commissioner Kohan: Motion to close the public hearing for application #221-26 CT General Statute 8-30g Site Plan/The Metro Realty Management Corp./110 Leigus Road

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

Commissioner Kohan: Motion to approve application #221-26 – 110 Leigus Road – CT Statute 8-30g – Multi-Family Residential, Site Plan approval request for Metro Realty to construct an 83-unit multi-family residential development and associated parking area at 110 Leigus Rd. on plans entitled "Proposed Multi-Family Residential Development" dated June 1, 2026 and revised to October 9, 2026, subject to the following conditions:

1. **Comments from Tom Flannery, Senior Engineer, Water & Sewer Division, dated August 4, 2026.**
2. **Comments from the Town Planner dated July 22, 2026.**
3. **Comments from Town Engineer, Alison Kapushinski, dated July 29, 2026, and September 4, 2026.**
4. **Comments from the Fire Marshal's office dated October 14, 2026.**
5. **Filing of the Operation and Maintenance plan as required by Section 4.12.K.1 of the Town of Wallingford Zoning Regulations.**
6. **Erosion and sediment control bond in the amount of $18,500.00.**
7. **The Applicant has agreed to offer by deed or restrict by a conservation easement as shown on the Conservation Easement map on file with the Commission as a**

condition of approval. If the Town declines to accept it, this condition shall have no further legal effect.

8. **That the final affordability plan is submitted to the Planning and Zoning office for review prior to a building permit being issued.**
9. **Six (6) copies of final plans forwarded to the Planning and Zoning office.**
10. **The applicant will use their best effort to support folks on the waiting list of Wallingford Housing Authority.**

Commissioner Leonardo: Second

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

The application is approved.

SITE PLAN APPROVALS

6. Site Plan/Prime Bay Rentals, LLC/60 Carpenter Lane/Light Warehousing #212-26

Commissioner Leonardo noted the correspondence for the record including email from Michael Hughes Chief Environmental Health Specialist, to George Cotter, received July 13, 2026; email from Don Crouch, Economic Development Specialist to Kevin Pagini, Town Planner, received September 10, 2026; Memo from the Department of Engineering to the Planning & Zoning Commission, dated September 10, 2026; Interoffice Memorandum from Thomas Flanner, Senior Engineer, Water & Sewer, to Kevin Pagini, Town Planner dated September 10, 2026; email from Atty. Dennis Ceneviva, to Kevin Pagini, Town Planner, dated September 11, 2026; letter from OCC Group, Incorporated with a response to staff comments – 60 Carpenter Lane received September 28, 2026; email from Alison Kapushinski, Town Engineer, to Kevin Pagini, Town Planner dated October 1, 2026; email from Atty. Dennis Ceneviva to Kevin Pagini, Town Planner; Inspection Report from the Wallingford Fire Marshal dated October 14, 2026; and the Stormwater Management plan received September 28, 2026.

Atty. Dennis Ceneviva, Ceneviva Law Firm, 721 Broad Street, Meriden, Dave Carson, Principal, OCC Group, Cheshire, and Tom Rice, owner, presented.

Atty. Ceneviva explained that this is a 4.94-acre parcel in the WI zone. They will be building three new warehouse/manufacturing buildings totaling 21,000 sq. ft. They will provide 25 parking spaces. The Engineer didn't agree with the hydrologic analysis completed by the applicant in September. Their response document was submitted, and a memo dated October 1st confirmed that the Engineering comments have been addressed.

Mr. Carson explained the proposed buildings with bays ranging from 1,500 sq. ft. to 2,000 sq. ft. and will be built on a slab. The site is on a hillside, so there will be some grading. The site has public water, but they will install a septic system. That has already been reviewed by the Health Department. The project has extensive review by Inland Wetlands due to stormwater management. They comply with the water

quality requirements for Water and Sewer. Runoff from pavement areas will be collected separately and filtered. The site has been totally cleared. Remaining slope areas will be hydroseeded with a crown vetch grassy mix, which is used by the DEEP to stabilize the slope. They will plant evergreen trees along the slope and street trees along Carpenter Lane. The project complies with all zoning requirements.

Atty. Ceneviva stated that they received a complaint from Inland Wetlands regarding runoff. They met with the Environmental Planner, and the confirmation that the problem is resolved is in the packet. Mr. Carson stated that the site is already partially graded and there was some siltation from recent rainstorms. They have installed a temporary sediment trap and hay bale silt fence just outside the upland review area. They met with the Environmental Planner and clarified the property line and the wetland area.

Commissioner Seichter referred to the documentation of satisfaction from both the Engineer and the Environmental Planner. He asked if the use conforms to the zone for light industrial or warehouse.

Atty. Ceneviva explained that the smaller building may be used for indoor recreation. That has a different parking requirement, but there is enough parking in the plan.

Mr. Rice explained that the buildings are for light manufacturing. He is a machinist and will occupy two of the units. He is patenting an engine design. The buildings will have office, storage, and machine work. He has others interested in this space. The intent is light manufacturing. This will be space for people looking to develop something.

Chairman Fitzsimmons stated that this is like a contractor's garage. How is this different? Mr. Rice said that he's looking for others who are making things. He is looking for a typical tradesman. He explained the business name means that Wallingford is a 'prime' location and 'bay' because people can rent a bay instead of an entire building.

Mr. Carson stated that he had done several projects like this. This fills a need for a small business that only needs 2,000 sq. ft. There are no loading docks. He noted that most of this kind of building is rented before it's built.

Commissioner Fitzsimmons asked if one dumpster will be enough. Mr. Rice said he is happy to add space for additional dumpsters. Mr. Carson stated that it is typical to have one dumpster location and the truck comes more than once a week.

Mr. Pagini stated that they need to keep up the erosion controls.

PUBLIC COMMENT

None

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

Commissioner Kohan: Motion to approve application #212-26 – 60 Carpenter Lane – Light Manufacturing Facility for a Site Plan approval request for Prime Bay Rentals, LLC to construct three buildings totaling 21,000± sq. ft. and associated parking area for use as a light manufacturing facility at 60 Carpenter Lane on plans entitled "Site Development Plans for Proposed Light Manufacturing Facility" dated June 1, 2026 and revised to August 26, 2026; subject to the following conditions:

1. **Comments from Tom Flannery, Senior Engineer, Water and Sewer Division, dated August 3, 2026, and August 11, 2026.**
2. **Comments from the Economic Development Specialist dated September 9, 2026.**
3. **Comments from the Fire Marshal's office dated October 14, 2026.**
4. **Comments from Town Engineer Alison Kapushinski, dated September 10, 2026.**
5. **Filing of the Operation and Maintenance plan as required by Section 4.12.K.1 of the Town of Wallingford Zoning Regulations.**
6. **Erosion and sediment control bond in the amount of $16,500.00.**
7. **Six (6) copies of the 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.

BOND RELEASE

7. McNulty/25 Wall Street

Mr. Pagini reported that the bond can be released.

Commissioner Kohan: Motion to approve the release of the bond for McNulty at 25 Wall Street.

Commissioner Leonardo: Second
Vote: Unanimous

REPORTS OF OFFICERS AND STAFF

8. Discussion on updates/remarks

Mr. Pagini reported that the POCD was adopted on September 23, 2026, and a signed copy of the motion is needed. He reported that a workshop on housing was held on October 5th, and he will work on ADUs. He reported that they are about to sign the contract for the consultant for the senior boathouse

project, and the new Land Use Specialist/Zoning Enforcement Officer, Rachel Shamlay, started October 8th.

9. Presentation of Bike Rack locations

Commissioner Leonardo noted the correspondence for the record. Letter from Liz Davis, Executive Director, Wallingford Center Inc. to Mayor Cervoni dated September 15, 2026 with a map and list of locations along with photos of the racks.

Don Crouch, Economic Development Specialist, and Liz Davis, Executive Director, Wallingford Center, Inc. presented the proposal.

Ms. Davis reported that this is something they have been thinking about for a while. They met with the Mayor, Engineering, EDC, and the Town Planner and ordered 13 bike racks. Some are decorative. They will be installed on side streets, by the Gazebo, Center Street, the Parade Grounds, and North Main. Ms. Davis reported that Choate has agreed to do the installation. The bike racks and the locations have been approved by Town Council. The colors will be blue and red.

Chairman Fitzsimmons noted that since they are using town land, this falls under 8.24. This is a nice thing.

Commissioner Seichter stated that this is a great idea.

Commissioner Kohan stated that this is a great idea and asked if they will be expanding it to e-bikes. Ms. Davis replied that they have talked about it. These racks are not big enough. They could be added in the future.

Mr. Pagini added that they will be installed on side streets to avoid any DOT encroachment.
He noted that there are plans to expand into Yalesville as well.

Commissioner Kohan: Motion under our auspices under regulation 8.24 to approve the request to use the parade grounds to install the bike racks as well as the other locations indicated on the Proposed Bike Rack Location map.

Commissioner Leonardo: second
Vote: Unanimous

10. Administrative Approvals – noted as approved

a. 59 North Elm St./Choate Rosemary Hall #222-26
b. 824 East Center St. Unit A/Espinoza #315-26
c. 1181 Barnes Rd./LaClair #223-26
d. 480 North Colony Rd./Porto #225-26

11. ZBA September Decisions – no meeting

12. ZBA Notice of October 19, 2026 – no comment

ADJOURNMENT

Commissioner Kohan: Motion to adjourn the Wallingford Planning and Zoning Commission for Wednesday, October 14, 2026, at 11:55 pm.

Commissioner Leonardo: Second
Vote: Unanimous

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary

TEXT AMENDMENT

#507-26

QUINNIPIAC VALLEY GROWTH PARTNERS

CANNABIS

RECEIVED
OCT 09 2026
WALLINGFORD
PLANNING & ZONING

APPLICATION NO.: 507-26

FEE: $550.00

APPLICATION FOR ZONING REGULATION CHANGE

NAME OF APPLICANT: Quinnipiac Valley Growth Partners DATE: October 7, 2026

MAILING ADDRESS: 1 Prestige Drive, Suite 104 PHONE: 203-804-9188

Meriden, CT 06450

E-MAIL ADDRESS: jweaver@qvgpartners.com

Section to be removed:

Proposed new section: See attached.

Amend Sec. 4.8.C. specially permitted uses in the I-40 zone.

Amend Sec. 6.34 Cannabis Establishments

(Attach additional sheet if necessary)

Jerry Farrell Jr.
Applicant's Signature

Quinnipiac Valley Growth Partners
Company Name (If applicable)

For Official Use Only:

Date Application Submitted:

Filing Fee Paid:

3/22

I. **PROPOSED AMENDMENT** to §4.8 (I-40)

C. Notwithstanding §1.4, the following use is permitted under applicable state law and requires approval of a Special Permit in accordance with §7.5:

14. Cannabis retailers as defined in §6.34.C, subject to the following:

a. Only three (3) cannabis retailers shall be permitted in the Town of Wallingford

b. Cannabis retailers shall only be allowed in the I-40 zone.

c. No such cannabis retailer shall be allowed within one thousand five hundred (1,500) feet of another existing cannabis retailer. The one thousand five hundred (1,500) 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.

d. 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.

e. No such cannabis retailer shall be located within one thousand (1,000) feet of a pre-existing school or five hundred (500) feet of any pre-existing place of worship. The distance 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, or a private elementary or secondary institution licensed by the Connecticut Department of Education.

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

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

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

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

II. **PROPOSED AMENDMENT** to §6.34 Cannabis Establishments

A. Definitions:

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

TOWN OF WALLINGFORD

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

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

FROM: Kevin J. Pagini, Town Planner

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

[X] Please see attached

[ ]

The change was originally requested:

[ ] by municipal agency (PZC)
[X] by petition

Public hearing has been scheduled for: November 9, 2026

[ ] Legal Notice
[ ] Map of proposed subdivision
[] Site map
[X] Text of proposed amendment

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

(Authorizing Signature) 10/15/2026

Kevin J. Pagini, Town Planner — Date

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

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

October 16, 2026

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

Re: Proposed Amendment to the Town of Wallingford Zoning Regulations

Dear Town/City Clerk,

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

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

Regards,

Kevin J. Pagini
Town Planner

I. **PROPOSED AMENDMENT** to §4.8 (I-40)

C. Notwithstanding §1.4, the following use is permitted under applicable state law and requires approval of a Special Permit in accordance with §7.5:

14. Cannabis retailers as defined in §6.34.C, subject to the following:

a. Only three (3) cannabis retailers shall be permitted in the Town of Wallingford

b. Cannabis retailers shall only be allowed in the I-40 zone.

c. No such cannabis retailer shall be allowed within one thousand five hundred (1,500) feet of another existing cannabis retailer. The one thousand five hundred (1,500) 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.

d. 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.

e. No such cannabis retailer shall be located within one thousand (1,000) feet of a pre-existing school or five hundred (500) feet of any pre-existing place of worship. The distance 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, or a private elementary or secondary institution licensed by the Connecticut Department of Education.

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

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

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

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

II. **PROPOSED AMENDMENT** to §6.34 Cannabis Establishments

A. Definitions:

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

#507-26-01

Lower Connecticut River Valley Council of Governments
145 Dennison Road Essex, CT 06426 | +1 860 581 8554 | www.rivercog.org

October 21, 2026

RECEIVED
OCT 21 2026
WALLINGFORD
PLANNING

James Fitzsimmons, Chair
Wallingford Planning & Zoning Commission
Wallingford Town Hall
45 South Main Street
Wallingford, CT 06492

SUBJECT: Proposed Amendment to 4.8 (I-40) & 6.34 Cannabis Establishments Definitions

Dear Mr. Fitzsimmons:
The Wallingford Planning & Zoning Commission has sent a petition for review by the RiverCOG Regional Planning Committee per Section 8-3b of the Connecticut General Statutes. The petition proposes amendments to the Zoning Regulations Section 4.8 allowing Cannabis Retailers as a use in the I-40 District by Special Permit and adding Cannabis Establishments to Definitions in Section 6.34. These comments are provided for consideration of the Zoning Commission at a public hearing which is scheduled to commence on November 9, 2026.

Findings of Potential Intermunicipal Impact and Impact to the Ecology of Long Island Sound
RiverCOG staff finds no negative intermunicipal impact due to the proposed changes. 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 Long Island Sound.

Consistency with the 2021-2031 RiverCOG Regional Plan of Conservation and Development (RPOCD)
The amendment is neutral with regard to the RiverCOG RPOCD.

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

For the Regional Planning Committee,

Susan W. Beckman
Regional Planner

Wallingford Fire Department

Inspection Report #507-26-02

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

RECEIVED
OCT 27 2026
WALLINGFORD CITY PLANNING & ZONING

76 Masonic Ave

INSPECTION DETAILS

Inspection Date	Inspection Type	Inspection Number
10/27/2026	Document/Record Review	

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 - 10/27/2026 @ 11:26

#507-26 - Text Amendment - Section 4.8C in I-40 zone and 6.34-Cannabis

BRIAN SCHOCK - 10/27/2026 @ 11:26

Cannabis retailers are considered a mercantile occupancy in accordance with the 2022 CFSC. These text amendments do not appear to conflict with the 2022 CFSC.

SIGNATURES

Contact signature

No signature
NA

Kevin Pagnini

Date: _____

Inspector signature

BRIAN SCHOCK

10/27/2026

#507-26-03

NAUGATUCK VALLEY COUNCIL of GOVERNMENTS

21 West Main Street, 6th Floor, Waterbury, CT 06702 · 203.757.0535 · nvcogct.gov

RECEIVED
NOV 04 2026
WALLINGFORD

STAFF REFERRAL REPORT

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

FROM: Emely Ricci, Community Planner II, NVCOG, 21 West Main Street, 6th floor, Waterbury (203) 757-0535

DATE: November 04, 2026

NVCOG FILE NO.:	WALL-17-10192026-Z
MUNICIPALITY:	Town of Wallingford
DATE RECEIVED:	October 19, 2026
TYPE OF REFERRAL:	Text Amendment
DATE OF PUBLIC HEARING:	November 09, 2026
APPLICANT:	By Petition

DESCRIPTION OF PROPOSAL:

The Town of Wallingford Planning and Zoning Commission received a proposal for text amendments for the Wallingford Zoning Regulations.

The amendment will modify ***Article IV, Section 4.8.C Industrial Districts (I-40, I-20)*** by adding a new subsection "4.8.C.14 Cannabis retailers as defined in 6.34.C, subject to the following:" with its associated regulations outlining how many retailers are permitted within the zone, where they are allowed, distance between retailers, lighting, paraphernalia, signage, and operating hours.

The amendment will modify ***Article VI, Section 6.34 Cannabis Establishments*** by adding language to subpoint "B." And adding a new subpoint and definition "C. Cannabis Retailer."

STAFF RECOMMENDATION:

NVCOG Staff finds the proposed text amendments 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 NVCOG for further discussion of the findings. Please find contact information on the NVCOG Referrals webpage.

#507-26-04

Formal Public Comment: Proposed Cannabis Zoning Changes in Wallingford

RECEIVED
NOV 05 2026
WALLINGFORD
PLANNING & ZONING

To: Wallingford Planning & Zoning Commission

Subject: Formal Public Comment and Supporting Evidence

Dear Members of the Wallingford Planning & Zoning Commission, I am submitting this letter to express my concerns regarding proposed zoning changes that would permit recreational cannabis establishments in Wallingford. I respectfully request that this correspondence and the supporting sources be distributed to Commission members and included in the official public hearing record, in accordance with applicable procedures.

My concerns involve documented health effects, public safety, the availability of legal cannabis nearby, and the Commission's previous decision to prohibit cannabis establishments in Wallingford.

Medical Cannabis Versus Recreational Cannabis

I am not opposed to medical cannabis or to patients who legitimately need it. Cannabis has accepted medical applications for certain conditions. Connecticut law authorizes licensed delivery services to deliver medical cannabis to qualifying patients, subject to applicable requirements. My concern is not denying medical care; it is increasing commercial access to recreational cannabis in Wallingford.

Documented Medical and Public-Health Concerns

According to the Centers for Disease Control and Prevention (CDC), cannabis affects memory, learning, attention, decision-making, coordination, emotions and reaction time. Brain development continues into young adulthood, and cannabis use during adolescence may affect memory, learning and attention.

Cannabis can also be addictive. The CDC estimates that approximately three in ten people who report cannabis use have cannabis use disorder. Risk is greater among people who start younger or use more frequently.

Cannabis use has been associated with psychosis and schizophrenia, particularly with earlier and more frequent use. Associations have also been observed with depression, social anxiety and suicidal thoughts or behaviors, although these associations do not establish causation in every case.

Smoking cannabis can harm lung tissue and exposes users to many of the same toxins and irritants found in tobacco smoke. Long-term smoking is associated with cough, mucus production and bronchitis symptoms.

Cannabis can raise heart rate and blood pressure immediately after use; its relationship with stroke, heart disease and other cardiovascular conditions remains under investigation.

Impaired Driving and Community Safety

Cannabis can slow reaction time, impair coordination, distort perception and interfere with decision-making.

Using cannabis together with alcohol can increase impairment. These are relevant public-safety concerns for residents sharing our roads.I am not suggesting that every cannabis user will experience serious health consequences. However, the evidence does not support describing recreational cannabis as harmless.

Legal Cannabis Is Already Available Nearby

Connecticut has legalized adult recreational cannabis use. The local question is whether additional commercial access is appropriate in Wallingford. Clone Canabiss on Broad Street in neighboring Meriden offers a nearby legal retail option. What additional community need would be served by permitting recreational cannabis establishments in Wallingford?

Wallingford's September 13, 2021 Unanimous Decision

On September 13, 2021, the Wallingford Planning & Zoning Commission voted unanimously, five to zero, to prohibit cannabis establishments in all zoning districts throughout the town. The approved motion was Zoning Text Amendment #902-21, adding Section 6.24 to the zoning regulations, and expressly cited the "totality of the evidence presented." Four of the five commissioners who supported that decision continue to serve on the Commission today.

The meeting minutes state that Mayor William Dickinson and Health Director Stephen Civitelli initiated the proposed amendment because of public-health and safety concerns. The Commission also heard from community representatives, including speakers associated with the YMCA and local prevention organizations.

During the discussion, a commissioner noted that the zoning regulations could be revisited in the future when additional research had been done. I recognize that zoning policy may be reconsidered as circumstances change. But what additional research, evidence, community needs or land-use considerations now support reconsidering the unanimous 2021 decision? How have the concerns raised by the Mayor, Health Director and community representatives been evaluated in connection with the current proposal?

I respectfully ask the Commission to address those questions and consider the reasoning behind its prior decision before adopting a different policy.

The Commission's Responsibility to Wallingford

Planning and zoning decisions are not made in a vacuum. They have consequences. The Commission is entrusted with evaluating appropriate land uses and foreseeable effects on the health, safety and character of our community.

The State of Connecticut made recreational cannabis legal. But decisions about permissible commercial locations in Wallingford remain local land-use matters within the limits of state law. With that authority comes responsibility.

The Commission cannot control every individual decision made by cannabis consumers. It is, however, responsible for evaluating the evidence, foreseeable land-use consequences, and reasons for any change to existing policy.

I respectfully ask you to consider the documented health concerns, driving safety, the vulnerability of developing brains, nearby legal availability, and the Commission's 2021 decision. What has changed since that unanimous prohibition, and will the reasons for changing it withstand scrutiny five, ten or twenty years from now?

Because once the vote is taken, the meeting will end and everyone will go home. But Wallingford will continue to live with the decision.

Thank you for your time, consideration and service to the Town of Wallingford.

Respectfully,

Cheryl DiGenova

Wallingford, Connecticut

Supplemental Policy Context: Massachusetts Question 8

Massachusetts voters will consider Question 8 on November 3, 2026. The statewide proposal would repeal laws authorizing and regulating retail sales of adult-use recreational marijuana while retaining the medical marijuana program and allowing limited adult possession.

Massachusetts voters approved recreational marijuana legalization in 2016. Ten years later, its voters are being asked to reconsider the scope of the retail market. The ballot question has not yet been decided, and its presence on the ballot is not evidence that particular health or community harms have occurred.

Although this is a statewide ballot proposal rather than a municipal zoning matter, it illustrates that policymakers and voters continue to examine the distinction between legal personal possession and commercial retail availability. Massachusetts officials also identify potential revenue, regulatory, and enforcement consequences if the proposal passes.

Official source: Massachusetts Secretary of the Commonwealth, 2026 Question 8

https://www.sec.state.ma.us/divisions/elections/research-and-statistics/2026-information-for-voters/2026-ballot-question8.htm

Supporting Medical, Government and Municipal Sources

1. **CDC — Cannabis Health Effects**
https://www.cdc.gov/cannabis/health-effects/

2. **CDC — Cannabis and Brain Health**
https://www.cdc.gov/cannabis/health-effects/brain-health.html

3. **CDC — Cannabis Use Disorder**
https://www.cdc.gov/cannabis/health-effects/cannabis-use-disorder.html

4. **CDC — Cannabis and Mental Health**
https://www.cdc.gov/cannabis/health-effects/mental-health.html

5. **CDC — Cannabis and Lung Health**
https://www.cdc.gov/cannabis/health-effects/lung-health.html

6. **CDC — Cannabis and Driving**
https://www.cdc.gov/cannabis/health-effects/driving.html

7. **American Heart Association — Cannabis and Cardiovascular Health**
https://professional.heart.org/en/science-news/medical-marijuana-recreational-cannabis-and-cardiovascular-health

8. **National Academies — The Health Effects of Cannabis and Cannabinoids**
https://www.nationalacademies.org/publications/24625

9. **Connecticut General Statutes — Cannabis Delivery Provisions**
https://cga.ct.gov/2026/sup/chap_420h.htm

10. **Wallingford Planning & Zoning — September 2021 Minutes (verify against official copy)**
https://www.wallingfordct.gov/minutes-and-agendas/DownloadFile.aspx?FileID=8109

Note: Confirm the September 2021 meeting date, vote and motion against the official minutes before submission. Medical associations should not be represented as proof of causation in every individual case.

Appendix: Official Meeting Minutes — Cannabis Establishments

Wallingford Planning & Zoning Commission | September 13, 2021 | Agenda Item 2, Application #902-21

This is the cannabis-related excerpt only. The wording below is reproduced from the minutes supplied by the Planning & Zoning office; emphasis is added to the final motion and vote. Other agenda items have been omitted.

2. Zoning Text Amendment/Sale of Recreational Cannabis/PZC/Town-Wide #902-21

Commissioner Venoit read the legal notice and noted the correspondence. #902-21 – Zoning Regulation Text Amendment to add section 6.34 to prohibit Cannabis Establishments in all zoning districts throughout the Town of Wallingford. Inter-Departmental Referral from Town Engineer, dated August 21, 2021; letter dated August 17, 2021, from Jeffrey Kohan, Chairman, South Central Connecticut Regional Planning Commission, to Kevin Pagini, Town Planner; Memo dated July 28, 2021, from Keith Rosenfeld, Regional Municipal Planner, Naugatuck Valley Council Of Governments, to the Planning & Zoning Commission; letter dated July 28, 2021, from J.H. Torrance Downes, Deputy Director, Lower Connecticut River Valley Council of Governments, to Wallingford Planning and Zoning; memorandum dated July 30, 2021, from Janis Small, Corporation Counsel, to William W Dickinson, Jr., Mayor, memo from Stephen Civitelli and Bill Dickinson to Wallingford Planning and Zoning Commission, dated July 19, 2021.

Mr. Pagini provided an overview of the proposed amendment, which was initiated by the Mayor and the Health Director due to concerns about public health and safety. The statute allows the Town to prohibit cannabis establishment in all zones throughout the town. The Mayor and Mr. Civitelli have proposed a new section 6.34 that defines cannabis establishment and also cannabis as defined in CT general statutes. Cannabis establishments would be prohibited in all zones throughout the town.

Chairman Seichter noted that several years ago this Commission made a change to the regulations that indicated any approved use would have to be legal both at the local State and Federal level. Under those regulations, the growing, selling, and dispensaries for cannabis would not be allowed here in town as it is still illegal under the Substance Control Act. However with Public Act 21-1, all towns and cities are required to take actionon either having the sale and/or growing of cannabis in their communities.

Commissioner Kohan made a point of order. He referenced theletter from the South Central Regional Planning Commission, of which he is the chairperson. At their last meeting, this issue came up for Wallingford and another town. The point of order is that both towns received the letter from elected officials. Technically the Planning Commission only takesrecommendations from Planning and Zoning Commissions or the Town Planner. This is a minor point and he suggestedmoving forward. Commissioner Kohan suggested taking a closer look at this and the regulations we have on the books about the legality of cannabis. This Commission has often been approached by the Economic Development Commission to relax regulations to attract businesses to Wallingford. This will be a major industry providing jobs. We have industrial land that could be used. He stated that we need to think out of the box and allow for future uses that will employ a lot of people.

If the Federal government has allowed state's rights to deal with and they haven't really enforced the law. Based on some other precedents, if the Feds did try to override the state's rights, we could say that they never enforced it in the past.He stated that the Commission should give this some consideration.

Commissioner Hine stated that in the July 19, 2021 cover letterfrom the Mayor and Mr. Civitelli, there's a reference to the idea that this issue can be revisited upon appropriate testing. Hestated that he is unclear if what we are voting on is permanent or temporary and if we will be having workshops. He asked whatour strategy is going forward. Second, he noted in the proposed regulation, in the definition of cannabis establishment he suggested after the word transporter, include "of cannabis as defined in Public Act 21-1."He stated they need an idea of exactly what we are doing if we approve this.

Chairman Seichter stated that he is clear that we are saying that this is not allowed.

Commissioner Fitzsimmons stated that in Connecticut we have permissive zoning. So, if we don't take this action, it will be deemed a permitted use. We are saying that it is not a permitted use. A revision or change can be requested in the future when additional research has been done. The State legislature, through the Public Act, made it clear that if we don't take action, it will be a permitted use. He supports this amendment. He noted that the Zoning book is a living document, so this could be

revisited.

Commissioner Hine stated that he is in favor. He thought the cover letter makes it sound temporary. He wanted to be clear that what we are doing tonight is saying no, we are not allowing.

Public Comment

Ken Welch, 21 Pleasant Street, stated that he is the President of the Coalition for a Better Wallingford. He spoke also as a parent and grandparent. He stated that this is a health threat. They get as many calls now about marijuana addiction as they do about opioids. This is an unbelievable Pandora's box. We need to be bolder than to just say that since the Feds say it's illegal, it's illegal. In any state where it was legalized, less than half of the towns have allowed it. In Colorado, the former Governor stated that it was the biggest mistake of his life was allowing thelegalization of marijuana. Mr. Welch asked the Commission to do the right thing.

Sean Doherty, 2 Windswept Hill Road, stated that he is the Director of the YMCA and co-chair of the Coalition for Healthy Wallingford. He explained the missions of both organizations. He expressed concern about the sale of recreational marijuana in our town. He asked for support for the prohibition text amendment. Allowing the sale of recreational cannabis increased access for youth and decreases the perception of harm. Teen marijuana use is at the highest level in 30 years. He stated that Colorado saw an increase of 26% in cannabis use in 12 – 17-year-olds within three years. The YMCA and the Wallingford Community Health Alliance will continue to advocate for the health and well-being of our residents.

Mayor William Dickinson, 112 Grieb Road, spoke for Stephen Civitelli, Director of the Health Department who was not available to attend tonight. He stated that they are very concerned about this issue. He noted that the failure to test long-term use of opioids tragically results in more deaths every year. There has been no testing of vaping either. Marijuana has no testing as a whole, only some of the chemicals. A US Senate subcommittee report advises comprehensive clinical testing before moving forward. How much money justifies the risk of harm. We need to pursue testing to see if it is safe or not. The American Medical Associate, the Connecticut Medical Society,and the CDC says no. We have a duty for our jurisdiction to protect public health regardless of who might make money or how many may be employed. He urged the Commission to protect public health.

Jessie DePonte, 512 Fifth Ridge Road, stated that she is theActing Executive Director at the Coalition for a Better Wallingford and a livelong Wallingford resident. She reported that they run a bi-annual survey in the public schools and find that the kids get their drugs and alcohol from older peers. They talk to kids about recreational marijuana use and want to support the young adults and teens and provide resources so they don't self-medicate with marijuana. They want to make it easier for teens to come to them and avoid opening more doors to young adults using marijuana.

William Butka, Highland Drive, Regional Director of the National Narcotic Officers Association, and a former police officer stated that marijuana is the greatest environmental disaster that is happening right now. In Colorado, carbon monoxide emissions were equal to about 38,000 cars on a highway. He noted that in Colorado 66% of jurisdictions don't allow marijuana sales. It is appropriate to do the right thing and say that Wallingford is not going to put up with this.

Chairman Seichter called for a Motion to close the public hearing.

Commissioner Venoit: Motion to close the Public Hearing for application #902-21 Zoning Text Amendment/Sale of Recreational Cannabis/PZC/Town-Wide.

Commissioner Fitzsimmons: Second

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

Chairman Seichter also noted a concern with health concerns posed by cannabis. He noted the September 2021 Report of the Rocky Mountain High-Intensity Drug Trafficking Area that showed eye-opening impacts and effects of marijuana in Colorado, including an increase in traffic deaths. There are a lot of statistics that raise concerns. He is in favor of this amendment not just because it's based on Federal law.

Mayor Dickinson noted a point of order and asked if the motion specified recreational cannabis?

Chairman Seichter noted that the agenda states a zoning text amendment for the sale of recreational cannabis while the legal notice just states 'prohibit cannabis establishments'. Commissioner Hine suggested going forward with the motion and consult with the legal department to see if we need to re-notice and do it again. Commissioner Venoit suggested striking 'recreational'

from the agenda. Chairman Seichter suggested adding an item to the agenda that we are limiting the sale of cannabis. Commissioner Hine stated that the operative document is the public notice, which is not limited to recreational cannabis.

Commissioner Venoit: Motion to amend the Zoning Text Amendment 'sale of recreational cannabis/PZC/Town-Wide' to reflect the true legal notice as follows: 'prohibit cannabis establishments in all zoning districts throughout the Town of Wallingford'.

Commissioner Fitzsimmons: Second

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

Commissioner Venoit: Motion to approve #902-21, Zoning Text Amendment to add Section 6.24 to the Wallingford Zoning Regulations to prohibit Cannabis Establishments in all zones throughout the Town of Wallingford as proposed in language entitled "Cannabis Establishments" dated 7-19-21 because of the totality of the evidence presented.

Commissioner Fitzsimmons: Second

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

The amendment is approved.

TEXT AMENDMENT

#505-26

KSCGH PARTNERS, LLC

MIXED USE DISTRICT

RECEIVED
OCT 28 2026
WALLINGFORD
PLANNING & ZONING

#505-26-27

ARTICLE III

Section 3.1

A. Floating Districts *MU* *Mixed Use District (MU)*

ARTICLE IV

Section 4.27 MIXED USE DISTRICT (MU)

PREFACE: The proposed Mixed Use District is a zone that is not mapped when adopted but is intended for larger scale development. On a future date, the proposed zone will be placed on the ground at the request of the affected landowner(s) or Developer. It is felt that the proposed floating zone technique rather than conventional rigid zoning will result in more planning of land uses within these areas. Accordingly, to achieve this goal, it shall be the intent of these regulations to permit the development of multiple buildings owned by a single or multiple owners on a single lot or multiple lots.

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 and can serve as the commercial and cultural center of the community. This regulation is intended to provide increased flexibility of land development while requiring greater administrative standards and procedures and long-range planning. 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. Size- 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. Utilities- The site must be served by public water and sanitary sewer capable of handling the OCSP after full build out.

3. Proposed Uses- The permitted uses are as set forth in Section C and shall be in conformance with the Plan of Conservation and Development. In no event shall an OCSP have less than twenty-five (25%) percent of the proposed *gross floor area* be residential. In

no event shall an OCSP have less than twenty-five (25%) percent of the proposed gross floor area be commercial (commercial being defined as the uses set forth in paragraph C that are not residential).

4. Traffic Management- The parcel or parcels shall be accessed by roads which can adequately handle the full buildout capacity, whether privately, State or Town owned.

5. Eligible Underlying Zone- The parcel or parcels involved in the application shall have a current Wallingford zoning designation of IX, WI, CA or CB. *The requirements of the underlying zoning district, except to the extent they are modified herein or by Commission approvals, shall remain applicable.*

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. *Breweries and Brew Pubs*

6. Restaurants

7. Multi-family residential uses at a maximum density of ten (10) units per acre

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) identified above as determined by the Commission, including no more than one (1) commercial use having a drive-thru facility.

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 shall include a complete pedestrian and vehicular circulation system, which emphasizes internal pedestrian circulation. This will 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; and i) pedestrian connection to public transit where appropriate.

The Commission can require one or more secondary open space areas to serve residential components of the plan if the total residential component exceeds 200 dwelling units subject to the open space requirement set forth in Section 7 hereinafter.

2. Building Design. Applicants shall 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, VEHICLE 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 shall 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. The maximum Building height for buildings having a non-residential or mixed use shall be fifty (50') feet. The maximum square footage for any individual non-residential tenant of such buildings shall be forty thousand (40,000) square feet. The maximum length of a first floor connected commercial building façade shall be four hundred (400') feet. The requirements of Section 6.33 of the Wallingford Zoning Regulations shall not apply to any

buildings built within the OCSP, provided the architectural features of the building or buildings facing the front yard are acceptable to the Commission.

3. Parking Plan. The overall parking plan to be approved as a component of the conceptual site plan shall be sufficient to accommodate a full build-out of the various uses proposed within the site plan, as to location, time of use, and other factors as determined by the Commission. It shall comply with the requirements set forth in Section 6.11 of the zoning regulations, subject to any existing parking relief provided by the Commission for existing building(s) which are part of the OCSP. The applicant shall submit a parking analysis at the time of the submission of the zoning map amendment, and OCSP 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. Notwithstanding the requirements for parking set forth in Section 6.11 of the Wallingford Zoning Regulations, the Commission may reduce the overall parking requirements for the OCSP in the event that the parking analysis justifies such reduction or the Applicant uses a parking garage to meet the needs of the OCSP. The Overall Conceptual Site Plan shall reflect the need determined by this analysis, subject to Commission approval.

4. **Watershed Protection.** That property or those properties for which the Mixed Use District zone is being sought and are currently zoned WI shall comply with the requirements set forth in Section 4.10 of the Wallingford Zoning Regulations (except to the extent modified herein), and Section 4.13, being the Watershed Protection District to the extent that such compliance is necessary to protect and maintain the surface waters of the Wallingford, Meriden and South Central Connecticut Regional Water Authority Public Drinking Water Supply Watersheds to a quality consistent with their use as the primary source of drinking water for Wallingford and area towns.

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, two or three 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 fifty (50') feet.

6. **Minimum Buffer Widths/Setbacks.** In any Mixed Use District in which a parcel or parcels are occupied by a non-residential building or other non-residential use and which abuts a Residential Zone, there shall be a one hundred, fifty (150') foot buffer strip. In any Mixed Use District in which a parcel or parcels are occupied by a residential building or buildings and which abuts a Residential Zone, there shall be a one hundred (100') foot buffer strip. The buffer strip shall consist of shrubs, hedges, planted berms or trees of sufficient mass to provide an appropriate screen between the proposed building(s) in the OCSP and an adjacent Residential Zone. The use of existing landscape buffers, where possible, shall be maintained. Notwithstanding the aforesaid, setbacks to contiguous property boundaries between parcels which are part of the OCSP shall not apply; they shall apply to the outside parcel boundaries of the properties included within the OCSP. Further, notwithstanding the aforesaid, the front yard setback for a commercial building as measured from Route 68 shall be determined by the Commission, but no greater than fifty (50') feet.

7. **Open Space Requirements.** The exact amount of required open space for any particular OCSP, with a *minimum requirement of fifty (50%)* percent of the land area *unless reduced by the Commission*, shall be determined by the Commission. Open space shall be incorporated into the proposed OCSP as a design feature to buffer the proposed development from existing contiguous development, to serve as a transition between uses within the development and/or as a principal use in its own right. In recognition of these varied open space uses and the variety of uses which may be proposed with the OCSP, open space may include any natural areas, active and passive recreation areas and other unimproved land areas; it shall include all interior landscaping between parking areas, buffer areas and all other areas not covered by buildings or paved parking areas or other impervious surfaces.

8. **Traffic Impact Analysis.** Based on the most recent edition of Trip Generation, ITE (or a more accurate source, if available), a traffic impact analysis for the OCSP containing present roadway conditions, existing roadway capacity, existing and projected volumes (for ADT, Peak A.M. and Peak P.M.), existing and projected volume capacity ratios, existing and projected levels of service, existing and proposed site lines, site generated traffic and traffic distributions, and traffic accident experience, shall be required, unless the Commission determines that no such analysis is necessary for a modification of an approved OCSP. In all cases where the Commission feels that a peer review of the applicant's traffic impact analysis is warranted, the applicant shall be required to reimburse the Town for the cost of a peer review. This payment shall be made to the Town prior to the decision by the Commission on the application.

9. ***Overall Site Coverage. Based on the Open Space requirement set forth in paragraph 7 above, the maximum impervious surface coverage (being the percentage which the ground floor area of all buildings, structures and pavement on a lot bear to the lot area) cannot exceed fifty (50%) percent of the total land area.***

10. ***Schedule of Lot and Building Requirements- MU District***

MINIMUM LOT AREA	MINIMUM OPEN SPACE IN UNDERLYING WI ZONING DISTRICT	MAXIMUM IMPERVIOUS SURFACE COVERAGE	MAXIMUM BUILDING HEIGHT	LANDSCAPE BUFFER STRIP	MAXIMUM LENGTH OF FIRST FLOOR NON-RESIDENTIAL BUILDING FACADE
40 acres	50% (unless reduced by Commission)	50% (includes all buildings, structures, and pavement)	50 feet	150 Feet between non-residential building(s) and street abutting residentially zoned parcels; 100 Feet between residential buildings and streets abutting residentially zoned parcels	400 Feet

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) Narrative 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) Overall Conceptual Site 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 or properties, 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); 13) name and addresses of all property owners located within a distance of five hundred (500') feet of the boundaries of the proposed development according to the latest records of the Town's Assessor Office; 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 in accordance with the provisions of Article X of the Wallingford Zoning Regulations. 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, together with schematic architectural drawings. The Commission may approve the Site Plan only after the Commission finds that the Site Plan is consistent with the reviewed OCSP, the requirements set forth in Article VII, and any other applicable sections of the Wallingford Zoning Regulations.

4. Phasing. The OCSP may be proposed in phases, subject to approval of the Commission, but all work must be completed *within the time limits established by Section 8-3 of the Connecticut General Statutes.* In the event that phasing is proposed by the Applicant, the Commission may request a performance bond in a sum satisfactory to the Commission to ensure the completion of improvements and utilities contained within each phase.

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 approved site plan, i.e. impacting function (including, but not limited to, traffic) 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.

Outlook

#505-26-28

RECEIVED

NOV 03 2026

WALLINGFORD PLANNING & ZONING

RE: #505-26- Mixed Use Text Amendment

From Rachel Shamaly <RShamaly@wallingfordct.gov>
Date Mon 11/2/2026 4:24 PM
To Cherie Murchison <cmurchison@wallingfordct.gov>
Cc Kevin Pagini <kevin.pagini@wallingfordct.gov>

Hi Cherie, one clerical comment/question on page 8. The first paragraph refers to holding a public hearing in accordance with "Article X" of the Zoning Regulations. Is that supposed to be XI? X is the new Reasonable Accommodations section, and XI appears to the be the Zoning Map Amendment section.

Thank you!

Rachel E. Shamaly
Land Use Specialist/Zoning Enforcement Officer
Town of Wallingford
P: 203-294-2090

From: Cherie Murchison <cmurchison@wallingfordct.gov>
Sent: Wednesday, October 28, 2026 3:18 PM
To: Alison Kapushinski <a.kapushinski@wallingfordct.gov>; bschock@wallingfordfd.com; Don Crouch <don.crouch@wallingfordct.gov>; Jake Arborio <jake.arborio@wallingfordct.gov>; jbuck@wallingfordfd.com; Laurie Farrow <l.farrow@wallingfordct.gov>; Luigi Coppola (Lou) <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>; Sebastian Velez <SVelez@wallingfordct.gov>; Rachel Shamaly <RShamaly@wallingfordct.gov>
Subject: #505-26- Mixed Use Text Amendment

Good afternoon- Please see attached.

Thank you

Cherie Murchison

Planning and Zoning

#505-26-29

RECEIVED
NOV 03 2026

MIXED USE DISTRICT

[FOR NOVEMBER 9, 2026]

[Primer for Changes since October 14]

CHANGES/EXPLANATIONS:

1. Removed CA and CB underlying zones from potential applicability of this floating zone at suggestion of Commissioners and Town Staff.

2. Added certain prohibited uses to the list of Permitted Uses under Section C (1), including pawn shops, vape shops and cannabis sales at retail.

3. Modified language under Section F (2) removing the use of the term "character" and substituting a concept involving the potential impact of any proposed modification to the OCSP.

4. Contemplated changing the minimum lot area requirement set forth in Section B (1) from 40 to 60 acres; Town Staff seemed to prefer the 40 acres minimum, but Applicant is agreeable to whichever minimum requirement the Commission prefers.

MIXED USE PRIMER FOR OCTOBER 14, 2026

WHAT IS A FLOATING ZONE?

1. A zoning district applied to one or more parcels with the designed goal to create flexibility balanced by control in the development of land.

2. The flexibility and control are placed in the hands of the Planning & Zoning ("P&Z") Commissioners as the application of the Floating Zone to a particular parcel or group of parcels is a legislative decision made by the P & Z members

3. The discretion to apply such a zone to a particular parcel or group of parcels is much broader than the P & Z's normal authority to approve or deny land use applications because they are acting in a legislative capacity rather than as an administrative board acting in its quasi-judicial manner in those instances.

FIRST STEP TO CREATING A FLOATING ZONING DISTRICT

1. Text for the new Zoning District must be drafted, reviewed and approved.

2. An applicant must work with the Town Staff professionals to ensure that the draft, as completed and offered to the P & Z for approval, meets the goals of flexibility and control.

3. Paragraph A of the draft explains the "purpose" of the new zone, which is the direction provided to the applicant by your Town staff.

APPLICABILITY

1. Town Staff has provided excellent direction and advice with respect to several limiting factors which would allow such a zoning district to be considered:

a) Minimum size in terms of lot area for the individual or group of contiguous parcels is forty (40) acres; the parcel or parcels must be developed in accordance with an overall Master Plan called the Overall Conceptual Site Plan ("OCSP");

b) All parcels included in a Floating Zone must have access to Town Water & Sewer services capable of handling the full build out of the proposed Overall Conceptual Site Plan;

c) In no event shall any OCSP be designed and developed with less than 25% of the proposed gross floor area having a residential use and with less than 25% of the proposed gross floor area having a non-residential use (thus, the mixed use);

d) Discretion is provided to the Planning & Zoning Commission when determining how traffic from the OCSP will be managed, including the location of access points within the OCSP;

e) Underlying Zoning District- limited to properties currently located in the IX, WI, CA or CB zoning districts; the requirements for development within such districts are maintained except to the extent the Commissioners can modify such requirements pursuant to this Floating District.

PERMITTED USES

1.A list of thirteen (13) permitted uses, eleven (11) of which are specific, one (1) of which grants to the Commissioners discretion to approve other uses not specifically identified within the first eleven, and

one (1) which permits accessory uses to the permitted uses, all as determined by the Commissioners.

SITE DESIGN

1. Town Staff has provided significant input into the drafting of the design criteria and the specific language within each design criteria.

2. For example, "Pedestrian and Vehicular Circulation" is drafted to encourage internal circulation within the OCSP together with central open space for pedestrians and bicycle riders.

3. The Building Design criteria has added language to ensure that no big box stores are developed within the OCSP by limiting non-residential buildings to 40,000 sf and limiting the maximum length of a first floor building façade to 400' in length. Additionally, in those instances where orienting the commercial buildings to a main frontage is not preferred, an applicant must make architectural improvements to whichever side of a building faces such roadway to the Commission's satisfaction.

4. The Parking Plan requirement encourages use of shared parking or parking garages where appropriate to reduce impervious parking areas where possible, and/or permits the Commission to reduce required parking particularly in those instances where the Watershed Protection Overlay District is applicable.

5. The Watershed Protection requirements, which, to a large extent, go hand-in-hand with the Open Space requirements and Landscape Buffers, maintain the requirement that at least 50% of the land area within the OCSP be maintained as Open Space; this is consistent with the current Watershed Protection Zone requirement with the added component of interior landscaping between parking areas. Additionally, the overall site coverage is no longer defined or limited to restricting only building coverage; but rather now includes all impervious surface coverage (which includes paved areas too). Also note that the minimum

landscape buffers for new non-residential buildings abutting residentially zoned parcels have been increased to 150'.

6. The Residential requirements have been modified to include one, two or three bedroom units which allows for the possibility of (but not limitation to) townhouses as part of the residential component.

7. The traffic impact analysis was drafted to require the OCSP to be analyzed as a whole Project, and not just by individual components; it also provides for a peer review to be paid by Applicant.

PROCEDURAL REQUIREMENTS

1. A key component to this zone is the ability for an applicant to meet with the P & Z and its Town Staff in an informal manner early in the process of preparing its OCSP. This allows for comments and advice very early in the process so that an applicant can get a good sense of municipal concerns before spending substantial monies to prepare the OCSP, while minimizing the possible dissonance between the applicant and Town.

2. Any application or petition to seek application of the MU Zoning District to an applicant's parcel or parcels REQUIRES compliance with several factors including the presentation of the OCSP, all as set forth in Section E2; all property owners within 500 feet of the parcel or parcels involved in the zone change request must be notified by applicant for the public hearing required for zoning map amendments.

3. If the MU Zoning District is applied to the parcel or parcels requested, then another process ensues, whereby applicant must obtain site plan approval in accordance with Article VII of the Wallingford Zoning Regulations, thus giving the P & Z one more review of the overall OCSP.

APPLICATION EXHIBITS

1. 505-26-03 dated 7/30/2026 Engineering Memo- incorporated the 3 concerns into final draft

2. 505-26-04 dated 7/22/2026 Planners Letter- incorporated the 14 concerns into final draft

3. 505-26-12 dated 8/6/2026 Letter from Pres. Of Fairlawn Farms- incorporated the 12 concerns into the final draft

4. 505-26-16 8/24/2026 revised Amendment draft

5. 505-26-18 10/2/2026 revised Amendment draft

6. 505-26-19 10/9/2026 Letter from T. Flannery (W & S) commenting on issue with proposed reduction in open space from 50% to 30%

7. 505-26-20 10/9/2026 FINAL DRAFT OF AMENDMENT returns minimum open space to 50% in Watershed Protection district

8. 505-26-21 10/9/2026 Engineering Memo agrees with Commission having discretion determining location of entrance drives- see Sections B(4) and D(8) of final draft

RECEIVED
NOV 03 2026

ARTICLE III

Section 3.1

A. Floating Districts *MU* *Mixed Use District (MU)*

ARTICLE IV

Section 4.27 MIXED USE DISTRICT (MU)

PREFACE: The proposed Mixed Use District is a zone that is not mapped when adopted but is intended for larger scale development. On a future date, the proposed zone will be placed on the ground at the request of the affected landowner(s) or Developer. It is felt that the proposed floating zone technique rather than conventional rigid zoning will result in more planning of land uses within these areas. Accordingly, to achieve this goal, it shall be the intent of these regulations to permit the development of multiple buildings owned by a single or multiple owners on a single lot or multiple lots.

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 and can serve as the commercial and cultural center of the community. This regulation is intended to provide increased flexibility of land development while requiring greater administrative standards and procedures and long-range planning. 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. Size- 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. Utilities- The site must be served by public water and sanitary sewer capable of handling the OCSP after full build out.

3. Proposed Uses- The permitted uses are as set forth in Section C and shall be in conformance with the Plan of Conservation and Development. In no event shall an OCSP have less than twenty-five (25%) percent of the proposed *gross floor area* be residential. In

no event shall an OCSP have less than twenty-five (25%) percent of the proposed gross floor area be commercial (commercial being defined as the uses set forth in paragraph C that are not residential).

4. Traffic Management- The parcel or parcels shall be accessed by roads which can adequately handle the full buildout capacity, whether privately, State or Town owned.

5. Eligible Underlying Zone- The parcel or parcels involved in the application shall have a current Wallingford zoning designation of *IX or WI. The requirements of the underlying zoning district, except to the extent they are modified herein or by Commission approvals, shall remain applicable.*

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 except that pawn shops and shops devoted significantly to sale of tobacco, "vaping" paraphernalia, cannabis or other smoking devices shall be prohibited.

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. Breweries and Brew Pubs

6. Restaurants

7. Multi-family residential uses at a maximum density of ten (10) units per acre

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) identified above as determined by the Commission, including no more than one (1) commercial use having a drive-thru facility.

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 shall include a complete pedestrian and vehicular circulation system, which emphasizes internal pedestrian circulation. This will 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; and i) pedestrian connection to public transit where appropriate.

The Commission can require one or more secondary open space areas to serve residential components of the plan if the total residential component exceeds 200 dwelling units subject to the open space requirement set forth in Section 7 hereinafter.

2. Building Design. Applicants shall 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, VEHICLE 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 shall 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. The maximum Building height for buildings having a non-residential or mixed use shall be fifty (50') feet. The maximum square footage for any individual non-residential tenant of such buildings shall be forty thousand (40,000) square feet. The maximum length

of a first floor connected commercial building façade shall be four hundred (400') feet. The requirements of Section 6.33 of the Wallingford Zoning Regulations shall not apply to any buildings built within the OCSP, provided the architectural features of the building or buildings facing the front yard are acceptable to the Commission.

3. Parking Plan. The overall parking plan to be approved as a component of the conceptual site plan shall be sufficient to accommodate a full build-out of the various uses proposed within the site plan, as to location, time of use, and other factors as determined by the Commission. It shall comply with the requirements set forth in Section 6.11 of the zoning regulations, subject to any existing parking relief provided by the Commission for existing building(s) which are part of the OCSP. The applicant shall submit a parking analysis at the time of the submission of the zoning map amendment, and OCSP 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. Notwithstanding the requirements for parking set forth in Section 6.11 of the Wallingford Zoning Regulations, the Commission may reduce the overall parking requirements for the OCSP in the event that the parking analysis justifies such reduction or the Applicant uses a parking garage to meet the needs of the OCSP. The Overall Conceptual Site Plan shall reflect the need determined by this analysis, subject to Commission approval.

4. **Watershed Protection.** That property or those properties for which the Mixed Use District zone is being sought and are currently zoned WI shall comply with the requirements set forth in Section 4.10 of the Wallingford Zoning Regulations (except to the extent modified herein), and Section 4.13, being the Watershed Protection District to the extent that such compliance is necessary to protect and maintain the surface waters of the Wallingford, Meriden and South Central Connecticut Regional Water Authority Public Drinking Water Supply Watersheds to a quality consistent with their use as the primary source of drinking water for Wallingford and area towns.

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, two or three 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 fifty (50') feet.

6. **Minimum Buffer Widths/Setbacks.** In any Mixed Use District in which a parcel or parcels are occupied by a non-residential building or other non-residential use and which abuts a Residential Zone, there shall be a one hundred, fifty (150') foot buffer strip. In any Mixed Use District in which a parcel or parcels are occupied by a residential building or buildings and which abuts a Residential Zone, there shall be a one hundred (100') foot buffer strip. The buffer strip shall consist of shrubs, hedges, planted berms or trees of sufficient mass to provide an appropriate screen between the proposed building(s) in the OCSP and an adjacent Residential Zone. The use of existing landscape buffers, where possible, shall be maintained. Notwithstanding the aforesaid, setbacks to contiguous property boundaries between parcels which are part of the OCSP shall not apply; they shall apply to the outside parcel boundaries of the properties included within the OCSP. Further, notwithstanding the aforesaid, the front yard setback for a commercial building as measured from Route 68 shall be determined by the Commission, but no greater than fifty (50') feet.

7. **Open Space Requirements.** The exact amount of required open space for any particular OCSP, with a *minimum requirement of fifty (50%)* percent of the land area *unless reduced by the Commission*, shall be determined by the Commission. Open space shall be incorporated into the proposed OCSP as a design feature to buffer the proposed development from existing contiguous development, to serve as a transition between uses within the development and/or as a principal use in its own right. In recognition of these varied open space uses and the variety of uses which may be proposed with the OCSP, open space may include any natural areas, active and passive recreation areas and other unimproved land areas; it shall include all interior landscaping between parking areas, buffer areas and all other areas not covered by buildings or paved parking areas or other impervious surfaces.

8. **Traffic Impact Analysis.** Based on the most recent edition of Trip Generation, ITE (or a more accurate source, if available), a traffic impact analysis for the OCSP containing present roadway conditions, existing roadway capacity, existing and projected volumes (for ADT, Peak A.M. and Peak P.M.), existing and projected volume capacity ratios, existing and projected levels of service, existing and proposed site lines, site generated traffic and traffic distributions, and traffic accident experience, shall be required, unless the Commission determines that no such analysis is necessary for a modification of an approved OCSP. In all cases where the Commission feels that a peer review of the applicant's traffic impact analysis is warranted, the applicant shall be required to reimburse the Town for the cost of a peer review. This payment shall be made to the Town prior to the decision by the Commission on the application.

9. ***Overall Site Coverage. Based on the Open Space requirement set forth in paragraph 7 above, the maximum impervious surface coverage (being the percentage which the ground floor area of all buildings, structures and pavement on a lot bear to the lot area) cannot exceed fifty (50%) percent of the total land area.***

10. ***Schedule of Lot and Building Requirements- MU District***

MINIMUM LOT AREA	MINIMUM OPEN SPACE IN UNDERLYING WI ZONING DISTRICT	MAXIMUM IMPERVIOUS SURFACE COVERAGE	MAXIMUM BUILDING HEIGHT	LANDSCAPE BUFFER STRIP	MAXIMUM LENGTH OF FIRST FLOOR NON-RESIDENTIAL BUILDING FACADE
40 acres	50% (unless reduced by Commission)	50% (includes all buildings, structures, and pavement)	50 feet	150 Feet between non-residential building(s) and street abutting residentially zoned parcels; 100 Feet between residential buildings and streets abutting residentially zoned parcels	400 Feet

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) Narrative 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) Overall Conceptual Site 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 or properties, 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); 13) name and addresses of all property owners located within a distance of five hundred (500') feet of the boundaries of the proposed development according to the latest records of the Town's Assessor Office; 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 in accordance with the provisions of Article XI of the Wallingford Zoning Regulations. 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, together with schematic architectural drawings. The Commission may approve the Site Plan only after the Commission finds that the Site Plan is consistent with the reviewed OCSP, the requirements set forth in Article VII, and any other applicable sections of the Wallingford Zoning Regulations.

4. Phasing. The OCSP may be proposed in phases, subject to approval of the Commission, but all work must be completed *within the time limits established by Section 8-3 of the Connecticut General Statutes.* In the event that phasing is proposed by the Applicant, the Commission may request a performance bond in a sum satisfactory to the Commission to ensure the completion of improvements and utilities contained within each phase.

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 approved site plan, i.e. impacting function (including, but not limited to, traffic) 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.

Updates/general remarks

- The POCD was adopted at the September 23rd Planning and Zoning Commission Special Meeting and the final adopted document has been posted on the Town's website and in the Town Clerk's office

- A workshop was held on October 5th to discuss housing, and particularly detached ADU's. The entire Commission was present at the workshop and decided to pursue a draft regulation that will allow detached ADU's subject to certain requirements yet to be determined. A draft of this regulation is currently being worked on.

- The installation of the bike racks should commence within the next several weeks.

- The Water and Sewer Division has re-started Aquifer Protection District inspections and a report was included in your packets for all of the affected regulated businesses throughout the overlay zone. These inspections will be followed by both Water and Sewer Division and the Planning Department. We believe bi-annual inspections may be more beneficial to keep on top of any compliance issues with the regulated business activities.

- 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 late October/early November.

- We met with the consultant for the boathouse senior housing project, we received reimbursement from the State, and they are preparing to start work within the next couple of weeks.

- The owner of the CT Fresh Produce Market/Yellow King Plaza last month is moving forward with a plan for a large housing development on that site. There has been plans submitted to the IWWC for review prior to submission not the Planning and Zoning Commission.

- A new Land Use Specialist/Zoning Enforcement officer, Rachel Shamaly, started work on October 8th and is eagerly learning the department and Town.

CENTER STREET CEMETERY

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

NOTICE OF VIOLATION

September 22, 2026

Center Street Cemetery Association
60 Prince Street
Wallingford, CT 06492

Robert V. Baltramaitis
Director of Public Works
29 Town Farm Road
Wallingford, CT 06492

RE: Special Permit/Site Plan Violations

To Whom It May Concern:

A site visit was conducted by Town Staff on the afternoon of September 22nd, 2026 to assess the conditions of the Center St. Cemetery Special Permit approval at 60 Prince St. (Application #405-15).

During our site visit the following violations were observed:

- The grass in the front is still not planted. You should appear before the Commission to determine the best course of action forward to correct this longstanding issue. Any alternative to grass must be presented to the Commission on an application to modify the site plan.

- Documentation from March 17, 2020 indicates that the driveway grading and drainage were corrected up to the approved standards at that time. However, the current state of the drainage pipe and the driveway egress no longer resemble the condition in 2020. The driveway on the western side of the property is heavily eroded and does not allow for vehicular access into and out of the site (see attached photos). This looks to be the result of a cracked drainage pipe and trench drain that were installed on the apron. There is no indication of this drainage pipe on the

originally approved plans, and this pipe is causing erosion to occur on the adjacent cemetery property. It was indicated in the 2020 memo that the trench drain and pipe were routed to a drywell on the interior of the property and that no pipe would drain on to the cemetery property. The applicant shall repair the drainage pipe and confirm whether any other pipes are still connected to the drywell. (see attached photos)

- A proposed pedestrian gate is indicated on the approved site plans located off Prince Street to the west of the main building. No such gate exists and there is an obstructed pathway where the gate is intended to be accessed. Subsequent to the original approval, the cutting of the wall was the subject of an inquiry by the State Historical Preservation office and it is not feasible to make the cut for this gate. This needs to be discussed further and resolved. (see attached photos)

- The handicapped accessible parking space is not properly striped and has, what looks to be, a pile of stone or dirt within the space that could obstruct egress out of the vehicle for a disabled driver. Also, the other 2 required parking spaces were not striped, and a truck and a backhoe were parked in the middle of the parking lot. The documentation from 2020 shows that all striping was done in accordance with the site plan. Please remediate this violation as soon as possible. The approved plans also required all equipment to be parked in the indoor garages. (see attached photos)

- The gate accessing the back area is not properly located in accordance with the approved plans. The current gate is in the middle, and the approved gate was located on the eastern edge of the property. Please submit the updated gate location with the newly updated plan submission.

- The gates were locked in the middle of the afternoon, preventing us from doing a more thorough inspection. We are aware that the gates were intended to be locked after hours, and when no one is in the building, the lack of the pedestrian gate made it impossible for us to access it from Prince Street.

- A condition of approval of the Special Permit was that there was no outside storage allowed outside of the approved storage area. A trailer and plowing equipment were observed outside of the approved area within the back grass/lawn area as well as a backhoe that was not in use and parked in the center of the parking area.

As a result of this site visit and the documented violations, the applicant shall modify the site plan and appear before the Commission to receive approval for all the above modifications to the originally approved plans. All easily correctable violations shall be corrected within 30 days from receipt of this notice.

Failure to do so will result in the issuance of a Cease and Desist Order; if such an action is taken and you fail to comply, the Commission may consider legal action.

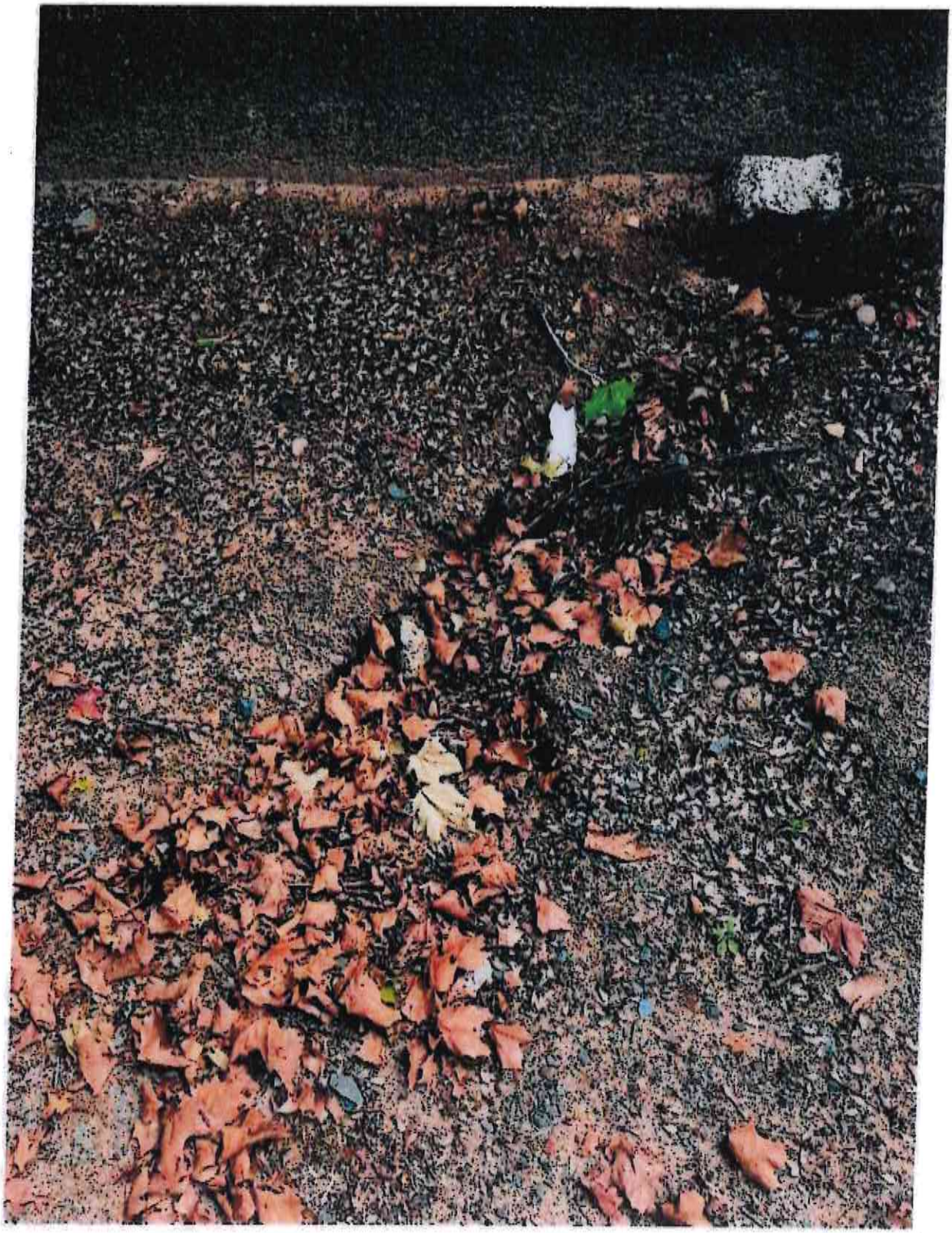
Please contact me at your earliest convenience to discuss this matter and/or to advise that the property is in full compliance. I may be reached at 203-294-2090.

Regards,

Kevin J. Pagini
Town Planner

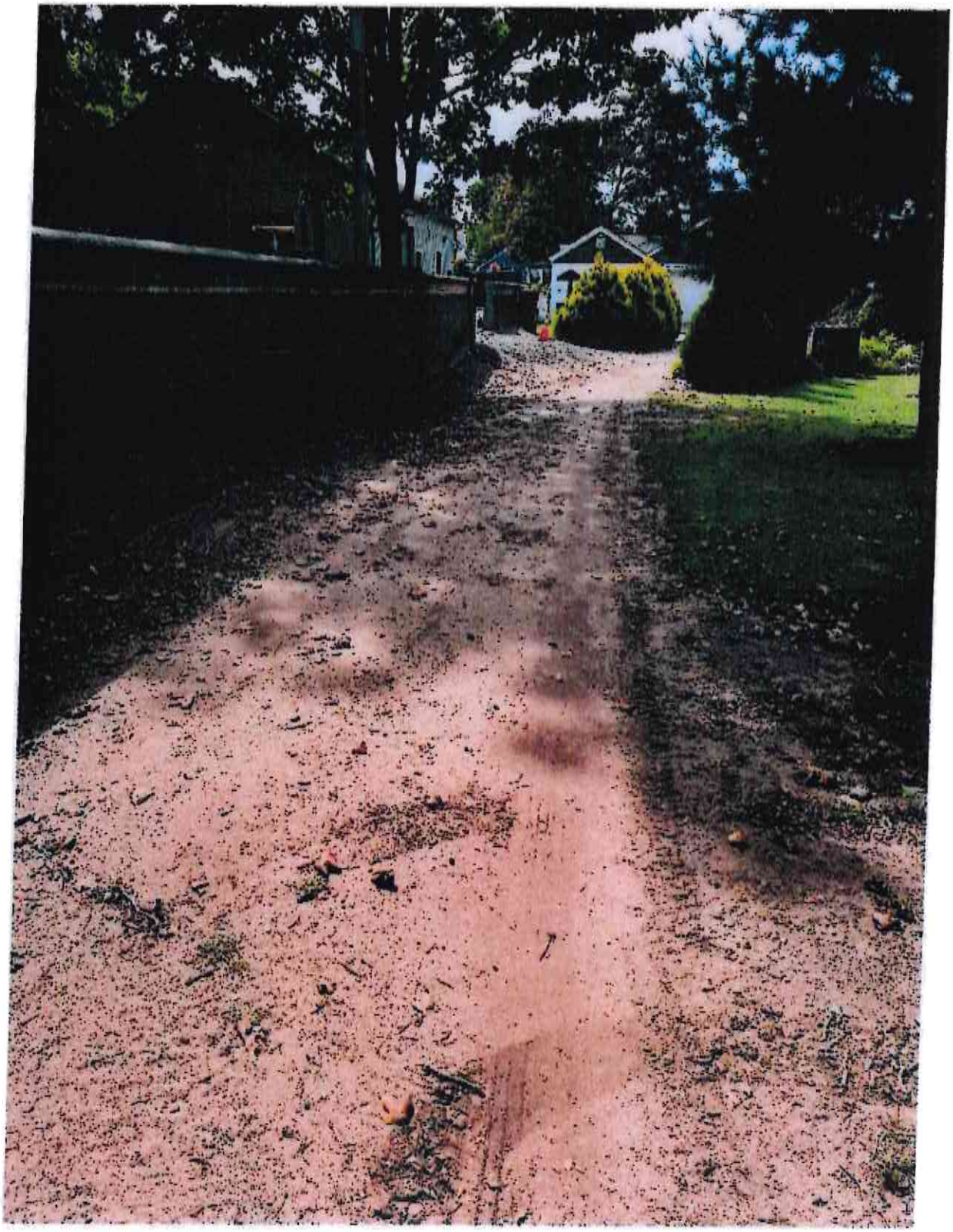
Photos – 60 Prince St. - 9/22/2026

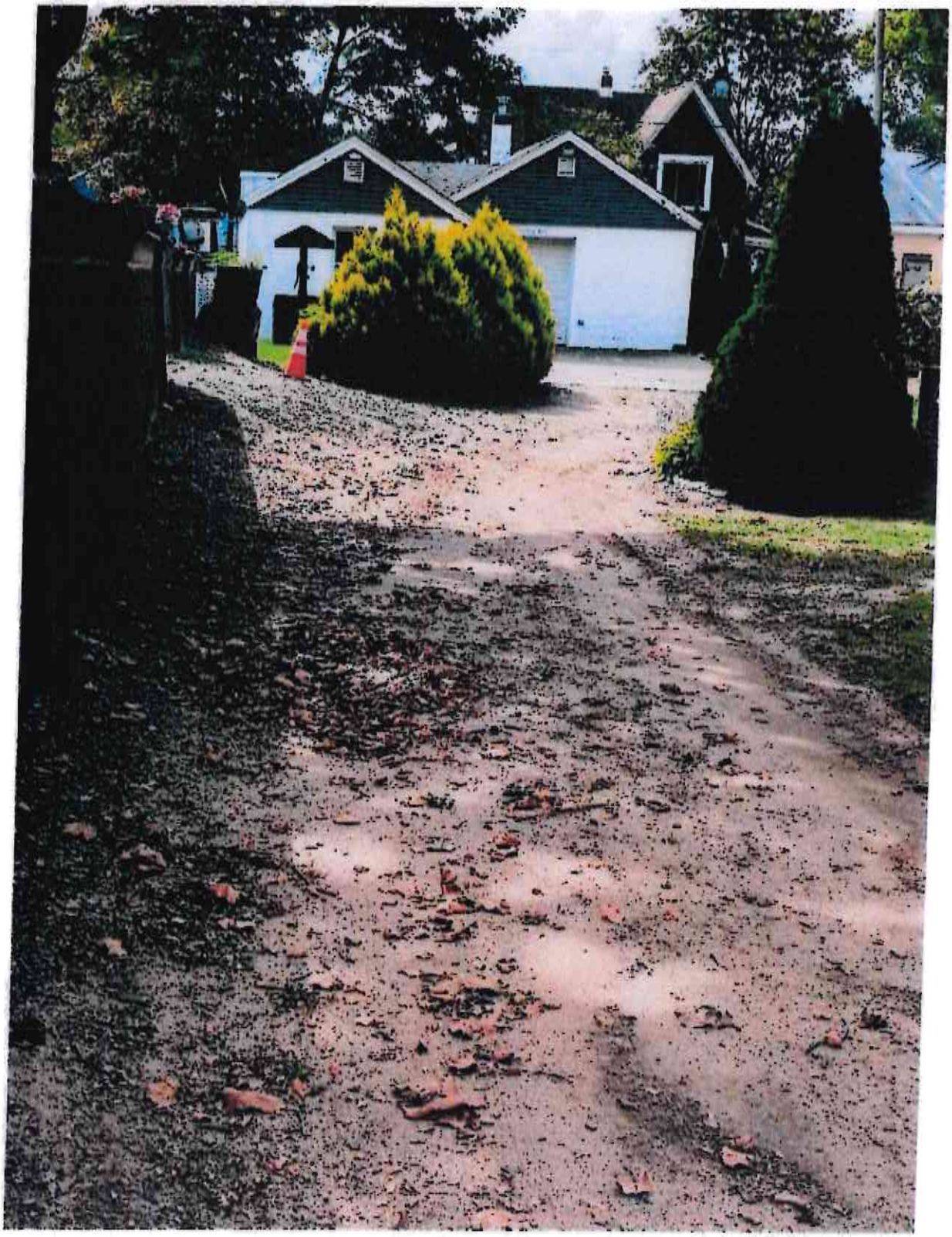




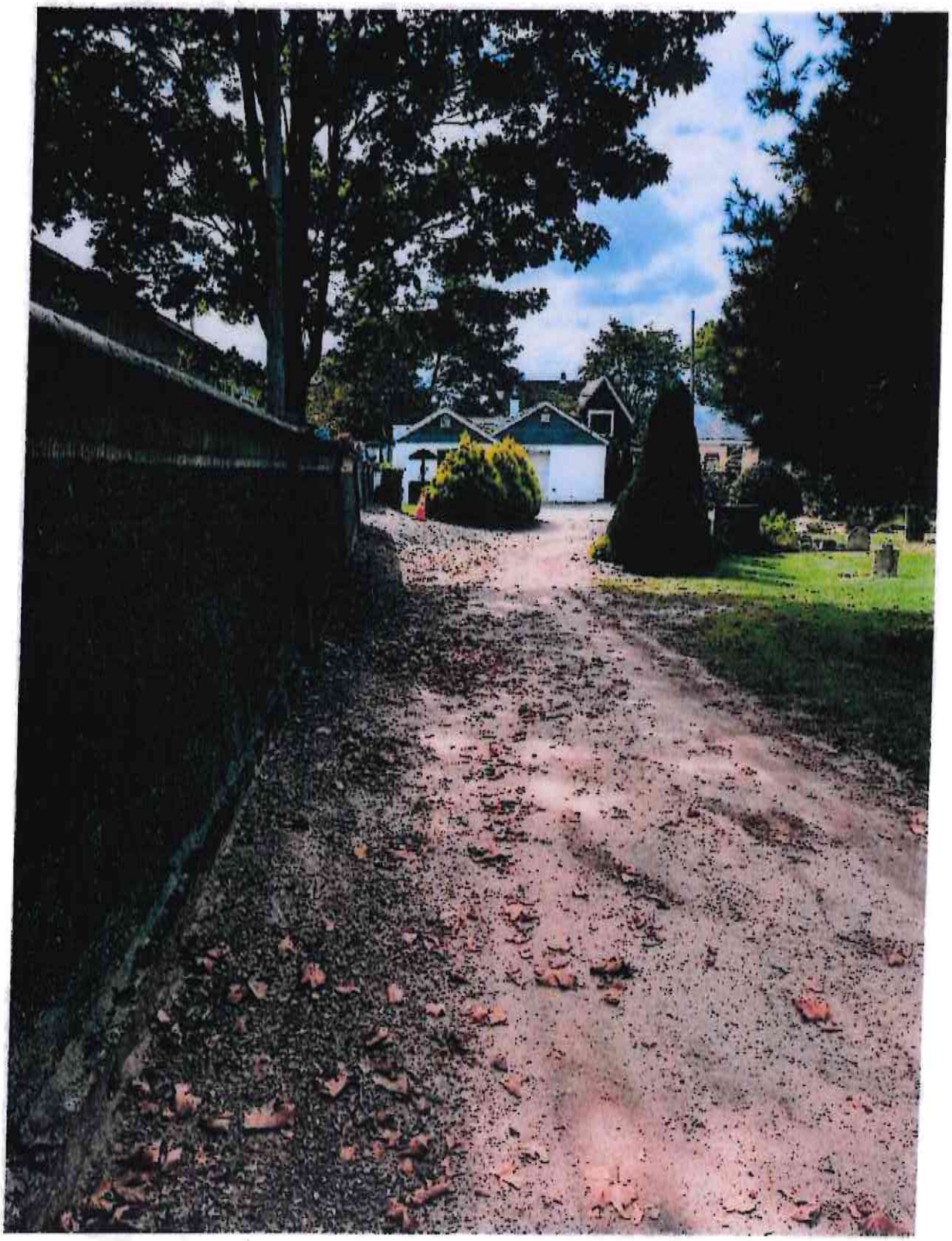






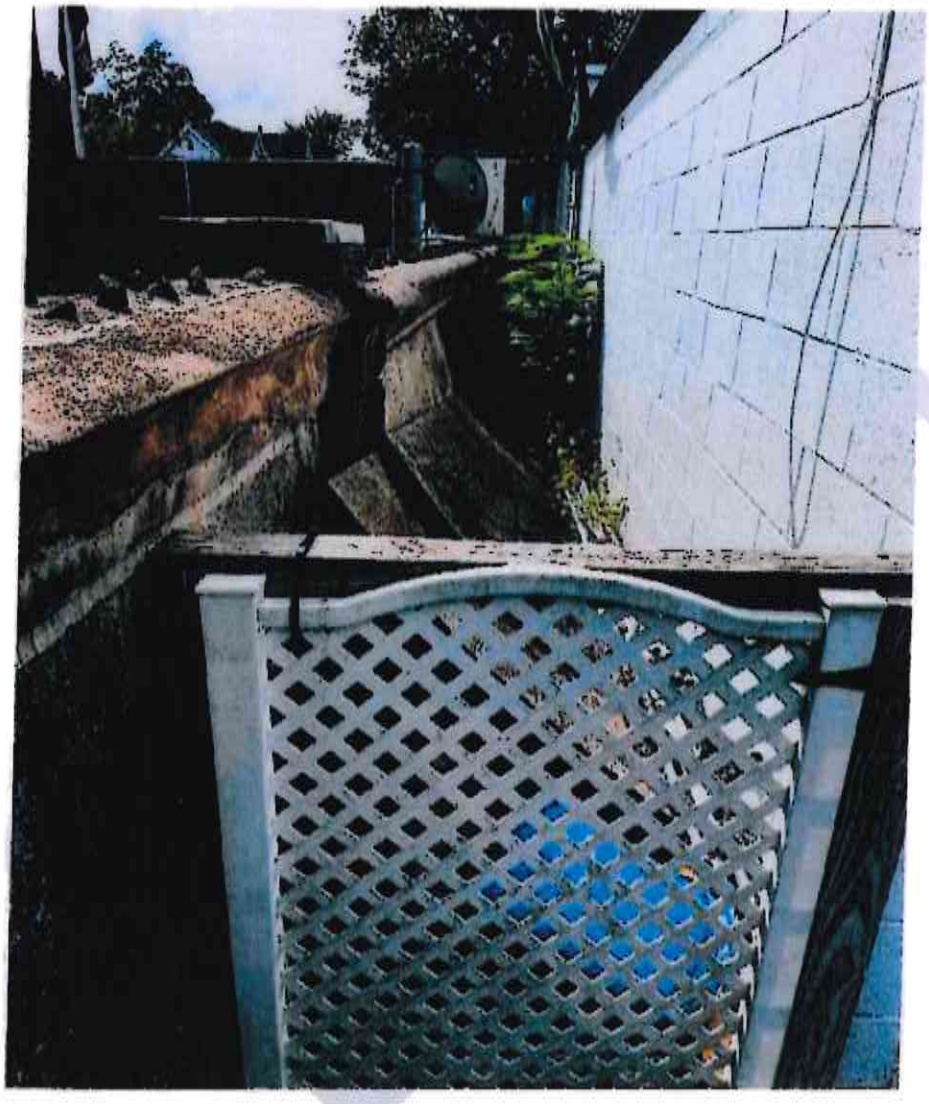




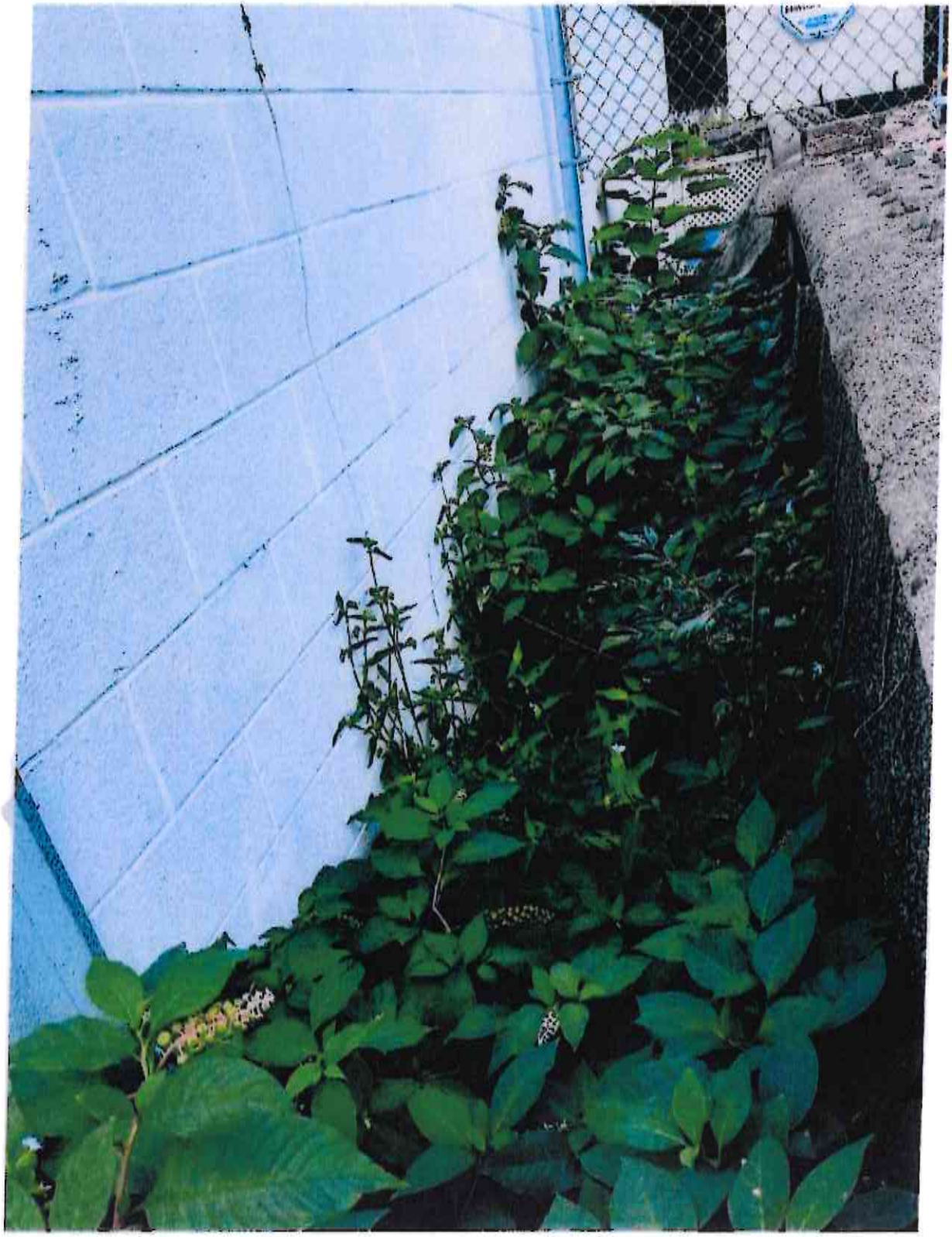


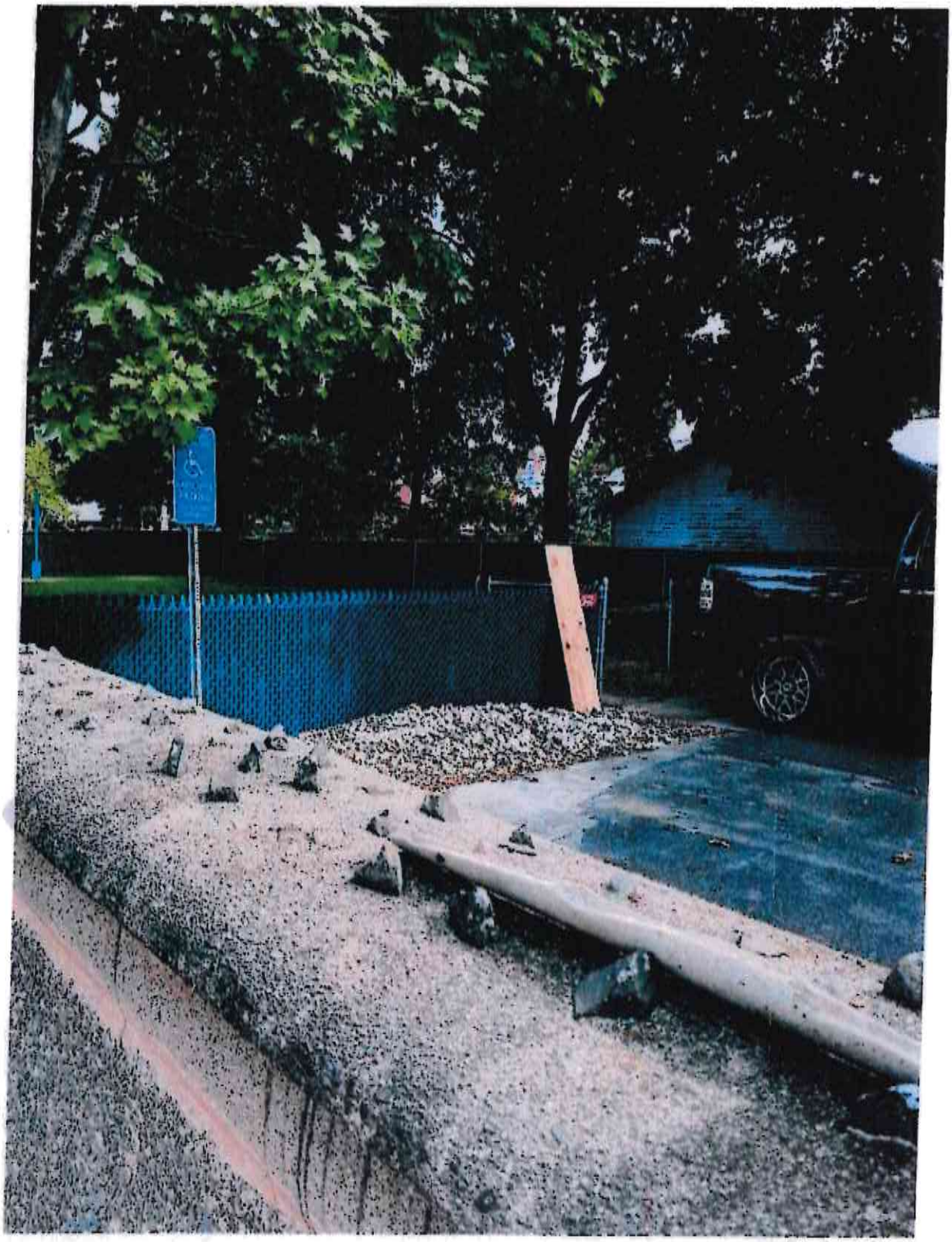


Photos- Part 2 – 60 Prince St. - 9/22/2026










VIOLATORS
WILL BE FINED
HAND CAPPED
PARKING




JOHN DEERE
110



Outlook

RECEIVED
NOV 05 2026
WALLINGFORD
PLANNING & ZONING

FW: 60 Prince Street NOV

From Kevin Pagini <kevin.pagini@wallingfordct.gov>
Date Thu 11/5/2026 2:18 PM
To Cherie Murchison <cmurchison@wallingfordct.gov>

Kevin J. Pagini
Town Planner
Town of Wallingford
P: 203-294-2090

From: Robert Baltramaitis <rbaltramaitis@wallingfordct.gov>
Sent: Thursday, November 5, 2026 12:22 PM
To: Kevin Pagini <kevin.pagini@wallingfordct.gov>
Cc: mayor <mayor@wallingfordct.gov>; Janis Small <jsmall@wallingfordct.gov>
Subject: 60 Prince Street NOV

Hi Kevin,

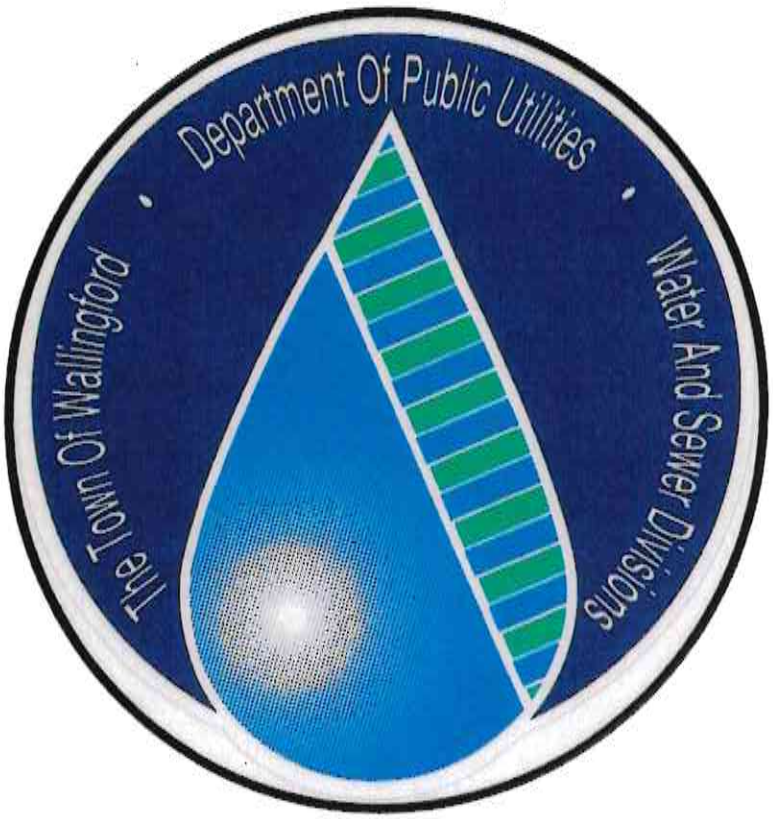
We are of course in receipt of the Notice-of-Violation dated September 22nd sent to Center Street Cemetery Association (CSCA) and DPW. As suggested, I have directed the CSCA to immediately address all "easily correctable violations".

Many of the items cited will require a modified Site Plan to be prepared and considered by the Planning & Zoning Commission. We are working to best address how to get a modified Site Plan prepared by a design professional for that purpose. We hope to have a modified Site Plan and responses to you in the very near future.

Please let me know f you have any questions or concerns in the meantime.

Rob

Robert V. Baltramaitis, P.E. - Director
Town of Wallingford
Department of Public Works
29 Town Farm Road
Wallingford, CT 06492
203-294-2105



Aquifer Protection Area Inspections

October 2026

Wallingford Water Division

Paul Marshall

1. Department of Public Works

- **Facility Name:** Department of Public Works
- **Address:** 29 Town Farm Rd
- **Contacts Met:** Robert V. Baltramaitis (Director), Mark Rolan (General Foreman)
- **Inspection Date:** 10/22/2026
- **Administrative & Regulatory Compliance:** The facility had a Materials Management Plan (MMP) on site prepared by Atlas Environmental Solutions, which included emergency contact information for spills and issues. The facility operates under a state discharge permit pursuant to CGS § 22a-430.
- **Hazardous Materials & Storage:** Hazardous materials consist of petroleum products, automotive fluids, lubricants, anti-freeze, and de-icing agents. Most materials are stored indoors. De-icing salt is stored outside under cover with hay bales utilized to protect nearby catch basins and absorb stormwater run-off. *This catch basin is connected to the stormwater drainage system, not the sanitary sewer.* Covered outside storage is also used for topsoil, gravel, and tires.
- **Tanks & Containment:** There are four aboveground storage tanks (ASTs) for gasoline, diesel, and waste oil. Two 10,000-gallon double-walled ASTs are used for diesel and gasoline dispensing and are equipped with two emergency shut-offs. Two waste oil ASTs (1,000-gallon and 2,000-gallon double-walled) are also on site. Inside Building #7, a drum rack with a built-up concrete berm holds six 55-gallon drums for automotive fluids, alongside a 55-gallon drum of anti-freeze on a splash pad. Buildings #7 and #8 house two 250-gallon waste oil burner tanks. These two oil burner tanks are single walled and lack secondary containment. Public Works is trying to resolve this issue.
- **Spill Prevention & Housekeeping:** Spill kits are located directly adjacent to the fueling station.
- **Drainage & Stormwater Infrastructure:** Floor drains are located in Buildings 6, 7, 8, 9, 10, 11, and 13, routing through an oil-water separator into the sanitary sewer system rather than stormwater drains. Building #13 serves as a truck-washing bay connected to the oil-water separator system.
- **Recommendations & Corrective Actions:** The two 250-gallon waste oil burner tanks inside Buildings #7 and #8 are single-walled and lack secondary containment. Robert Baltramaitis is aware of and exploring compliance options; advised to either replace them with double-walled tanks or install secondary containment.

2. Car Central

- **Facility Name:** Car Central
- **Address:** 1191 North Colony Road
- **Contacts Met:** Jenn and Chris Stefanis (Jenn taking over for registration holder Joann. Jenn is Joann's daughter)
- **Inspection Date:** 10/21/2026
- **Administrative & Regulatory Compliance:** No Materials Management Plan (MMP) was available at the time of inspection; the facility agreed to obtain an updated MMP and submit it via email. The facility is registered with the town for Aquifer Protection Area activities: *(B) Oil or petroleum dispensing for retail, wholesale, or fleet use* and *(D) Repair or maintenance of vehicles or internal combustion engines.*
- **Hazardous Materials & Storage:** Automotive transmission fluid, brake fluid, and similar fluids are stored in small consumer-sized containers indoors across from the main oil tanks.
- **Tanks & Containment:** Storage includes two stacked 275-gallon new oil tanks located indoors inside a secondary containment bin. Next to them sat two 55-gallon drums for used anti-freeze (empty, with fluid residue on top) and used oil (equipped with a small bin on top containing oil).
- **Spill Prevention & Housekeeping:** Spill pads are kept in the chemical storage area, with used pads transferred to an indoor holding area. Granular absorbent material used on body shop floor.
- **Drainage & Stormwater Infrastructure:** The facility contains no floor drains. *Note: Cars were observed parked on the grass near the road on the bank.*
- **Recommendations & Corrective Actions:** Advised management to provide proper secondary containment for the two 55-gallon drums (used oil and anti-freeze). Management agreed to implement containment solutions. Advised to put together updated Materials Management Plan, an email with Best Management Practices and minimum requirements for MMP was sent to Chris.
- *Note: Cars parked on the soil.*

Update: (10/27/2026) Car Central has fixed the issues with the two (2) 55-gallon drums. They now sit on spill pads or something similar for secondary containment. They have put together a Materials Management Plan as well to reflect the work being done at the facility.

3. Executive Honda

- **Facility Name:** Executive Honda
- **Address:** 1194 North Colony Road
- **Contacts Met:** John Apuzzo
- **Inspection Date:** 10/21/2026 (Implied by batch context)
- **Administrative & Regulatory Compliance:** The facility is registered with the town for *"repair or maintenance of vehicles or internal combustion engines"* and *"car or truck washing"*. An older Materials Management Plan (MMP) was on hand inside a yellow box alongside emergency spill contact information for contractors ("Crystal Clean" and "KPA") and service logs from Crystal Clean LLC for used oil and anti-freeze removal.
- **Hazardous Materials & Storage:** All hazardous materials are stored indoors. Inventory includes multiple 55-gallon drums for used oil and anti-freeze (segregated by type) and 55-gallon storage tanks for cleaning chemicals, mostly labeled. Used oil is either collected off-site by Crystal Clean or burned for heat during winter via an indoor generator system positioned above a storage tank.
- **Spill Prevention & Housekeeping:** Multiple stations provide "New Pig" absorbent mats and speedy dry. An outdoor dumpster is dedicated strictly to cardboard recycling with no hazardous materials present.
- **Drainage & Stormwater Infrastructure:** Body shop floor drains tie into an oil-grit separator before discharging to the Publicly Owned Treatment Works (POTW) sanitary sewer. The oil-grit separator is cleaned out at least annually. Parking lot catch basins were in good condition with no oil sheens noted.
- *Note: Vehicles parked on grass.*
- **Recommendations & Corrective Actions:** Recommend updating the on-hand Materials Management Plan to reflect current facility operations.

4. Executive Kia

- **Facility Name:** Executive Kia
- **Address:** 1164 North Colony Road
- **Contacts Met:** John Apuzzo
- **Inspection Date:** 10/21/2026 (Implied by batch context)
- **Administrative & Regulatory Compliance:** A Materials Management Plan, spill response guides, safety information, and Crystal Clean LLC removal logs were located together in a yellow box on site.
- **Hazardous Materials & Storage:** Hazardous materials are strictly automotive-related (oil, anti-freeze, windshield washer fluid); no gasoline or underground storage tanks (USTs) are on site. All hazardous materials are stored indoors. New and used batteries are stored in a dedicated room completely separated from the used oil tanks. Container labeling was observed throughout the facility.
- **Tanks & Containment:** Used oil is stored in four indoor double-walled tanks (one 1,000-gallon and three 330-gallon tanks), which are either hauled off-site or burned for winter heat. A separate set of two 300-gallon storage tanks holds used anti-freeze and windshield washer fluid.
- **Spill Prevention & Housekeeping:** Multiple locations are equipped with "New Pig" absorbent mats (notably in the body shop) and speedy dry.
- **Drainage & Stormwater Infrastructure:** Body shop floor drains connect to an oil-grit separator and discharge to the POTW sanitary sewer. The oil-grit separator is cleaned at least annually. Parking lot catch basins were in good condition with no observed oil sheens.
- **Recommendations & Corrective Actions:** Maintain current best management practices and housekeeping logs.

5. Frenchy's Auto

- **Facility Name:** Frenchy's Auto
- **Address:** 508 Main Street
- **Contacts Met:** RJ (New owner)
- **Inspection Date:** 10/22/2026
- **Administrative & Regulatory Compliance:** The facility operates as an auto repair shop (registration on file dates to 2018 under previous ownership; re-registration status requires verification). No MMP was found on site. Best Management Practices literature and MMP guidance were provided to the owner.
- **Hazardous Materials & Storage:** All hazardous materials are stored indoors. Anti-freeze is stored in handheld containers for reuse (recycling capabilities are currently unused). Old car batteries are stored indoors and collected weekly by a vendor. Used rags are kept in a dedicated bin and serviced off-site by Cintas.
- **Tanks & Containment:** A 1,000- or 800-gallon used oil tank is located on the north side of the building, fully encased in a double-walled concrete housing and utilized for heating fuel. Two newer 275-gallon virgin oil tanks are located in the main shop.
- **Spill Prevention & Housekeeping:** Shop rags are readily available. All historical USTs were removed years ago. Outdoor areas feature shipping containers for parts, parked vehicles, a boat, and miscellaneous debris. A stream runs along the rear property line (historical aerials showed cars near the bank, but current inspection confirmed only a boat remained).
- **Drainage & Stormwater Infrastructure:** There are no floor drains.
- **Recommendations & Corrective Actions:**
    1. Advised the owner to establish an updated Materials Management Plan and verify municipal APA re-registration.
    2. Because wall construction of the virgin oil tanks is unverified, advised installing an absorbent berm or mats around the 275-gallon tanks.

6. Gas Depot – Citgo

- **Facility Name:** Gas Depot – Citgo
- **Address:** 1103 Old Colony Road
- **Contacts Met:** Abdul Khan (Store owner/operator; NRWA LLC)
- **Inspection Date:** 10/23/2026
- **Administrative & Regulatory Compliance:** No MMP was available on site; guidance documents regarding BMPs and MMP requirements were reviewed and left with the operator. Large spill notification protocols involve contacting the Fire Department.
- **Hazardous Materials & Storage:** Retail shelves contain personal-sized automotive chemicals. No aboveground storage tanks are present.
- **Tanks & Containment:** Two underground storage tanks (USTs) are on site (one 10,000-gallon and one 5,000-gallon). Tanks are monitored via a modern OPW Fuel Management System with a SiteSentinel Integra 100 leak detection alarm console.
- **Spill Prevention & Housekeeping:** The outdoor dumpster was covered and in good condition. Parking lot staining was minimal. Cat litter is stocked on site for minor spills, and absorbent mats are kept indoors.
- **Drainage & Stormwater Infrastructure:** No floor drains were observed.
- **Recommendations & Corrective Actions:** Advised the operator to evaluate outdoor containment options (such as secondary berms) for potential surface spills, and to start preparing a MMP.

**Update – This facility has a Materials Management Plan. It was submitted to Planning and Zoning with the APA registration. The operator couldn't locate it in the facility at the time of inspection.*

7. Global Montello Group – Global Gas Station

- **Facility Name:** Global Montello Group – Global Gas Station
- **Address:** 119 N. Turnpike Rd
- **Contacts Met:** Facility Owner
- **Inspection Date:** 10/23/2026
- **Administrative & Regulatory Compliance:** Provided an MMP prepared by ECS dated 2013, which includes spill response procedures. APA re-registration status requires verification.
- **Hazardous Materials & Storage:** A single-walled 275-gallon oil tank and two 55-gallon drums containing wastewater and an unknown substance were located outdoors behind the building without roof cover or secondary containment, and lacking container labels.
- **Tanks & Containment:** Two USTs (10,000-gallon and 8,000-gallon) equipped with TLS leak detection systems, DEEP certifications, and monthly inspection logs.
- **Spill Prevention & Housekeeping:** An active spill kit containing absorbent pads and granular absorbent is maintained on site.
- **Drainage & Stormwater Infrastructure:** A stormwater catch basin is located centrally within the parking lot.
- **Recommendations & Corrective Actions:**
    1. Instructed the owner to ensure municipal APA re-registration is current.
    2. Recommended staff spill-response training.
    3. **The storage of a 275-gallon oil tank and two 55-gallon drums was brought to the attention of the owner, and why it was an issue. Advised looking into alternative storage methods for these and to have second containment. The oil tank is a single walled tank being stored outdoors. These needs attention.**

8. In and Out Mart – Citgo

- **Facility Name:** In and Out Mart – Citgo
- **Address:** 305 Main Street
- **Contacts Met:** Owner and one employee
- **Inspection Date:** 10/22/2026
- **Administrative & Regulatory Compliance:** No MMP was available; BMP guidance and an APA registration form were provided to the owner for re-registration and plan generation. Major spill response protocol directs calls to the Fire Department.
- **Hazardous Materials & Storage:** Outdoor storage includes personal-use propane tanks housed in an approved vented enclosure.
- **Tanks & Containment:** Two USTs are on site (one 12,000-gallon single-compartment and one 12,000-gallon dual-compartment tank totaling 12,000 gallons). Both USTs are double-walled with leak detection monitors, DEEP certifications, and active maintenance logs. *(Historical note: Documented past UST failure and subsequent soil remediation circa 2006; inspection confirmed no remaining soil piles, though a slight depression marks the historic excavation area).*
- **Spill Prevention & Housekeeping:** Cat litter is stocked for small spills. An outdoor dumpster is covered but positioned near a low point in the parking lot grading.
- **Drainage & Stormwater Infrastructure:** No floor drains observed.
- **Recommendations & Corrective Actions:** Advised management to evaluate containment options for potential large surface spills, as spill mats and containment berms were not present.

9. Teddy's Store

- **Facility Name:** Teddy's Store
- **Address:** 1195 North Colony Street
- **Contacts Met:** On-site attendant; Bill Schwabe (Multi-store manager interviewed via phone)
- **Inspection Date:** 10/21/2026
- **Administrative & Regulatory Compliance:** APA registration status requires updating; an APA registration form was left with the attendant for manager Bill Schwabe. Historical registration covers: *(A) Underground storage or transmission of oil or petroleum* and *(B) Oil or petroleum dispensing for retail, wholesale, or fleet use* (operations remain strictly retail dispensing with no on-site vehicle repairs).
- **Hazardous Materials & Storage:** Retail petroleum dispensing only; no active automotive repair activities.
- **Tanks & Containment:** Three USTs on site (one 10,000-gallon and two 4,000-gallon tanks), equipped with TLS leak monitoring systems. Management reported that one 4,000-gallon UST is currently out of service or manifolded with another tank.
- **Spill Prevention & Housekeeping:** Standard retail housekeeping conditions.
- **Drainage & Stormwater Infrastructure:** Standard commercial lot drainage.
- **Recommendations & Corrective Actions:** Complete and submit the APA registration renewal form to ensure municipal records reflect current operating conditions. Clarify the operational status of the idle 4,000-gallon UST.

10. Underpass Used Auto Parts

- **Facility Name:** Underpass Used Auto Parts
- **Address:** 1125 South Broad Street (Salvage Yard)
- **Contacts Met:** Dwain Thibideau (Registration holder), Don, and Larry
- **Inspection Date:** 10/21/2026
- **Administrative & Regulatory Compliance:** Presented a folder containing a Materials Management Plan and spill response/cleanup protocols.
- **Hazardous Materials & Storage:** Vehicle dismantling takes place under a roofed, three-walled structure over gravel (pavement underlying the gravel was reported). Used car batteries are stored inside the entrance building and shipped off-site weekly. Equipment on site includes a car compactor and storage containers/trailers.
- **Tanks & Containment:** Fluids are managed within the covered dismantling area: used oil is stored in a 275-gallon AST, and used anti-freeze in a 55-gallon drum placed inside secondary containment. Evidence of an historic secondary containment berm surrounds the area. Two additional 275-gallon used oil tanks staged for pickup were located along the driveway. An inactive heating waste oil tank remains under cover within a berm. No USTs are present.
- **Spill Prevention & Housekeeping:** Facility yard is unpaved gravel. Observed some dark staining on gravel surfaces.
- **Drainage & Stormwater Infrastructure:** Stormwater sheet-flows across the gravel yard into a drainage ditch/stream along the railroad tracks, connecting to a drainage system across the underpass. The drainage ditch was mostly dry during inspection with no visible sheens, and clean-up work was actively underway in the ditch. Water pooling in the northern property section showed no sheen, only algae.
- **Recommendations & Corrective Actions:** Given the inherent risks of an outdoor salvage operation in an aquifer protection area, continue proactive housekeeping, stormwater ditch maintenance, and rigorous monitoring of gravel storage areas to prevent fluid migration.

11. Wallingford GMC

- **Facility Name:** Wallingford GMC
- **Address:** 1122 Old Colony Rd
- **Contacts Met:** Christopher Backes (Owner/President) and Bryan Colangelo (Fixed Operations Manager)
- **Inspection Date:** 10/19/2026
- **Administrative & Regulatory Compliance:** Provided a Materials Management Plan, spill response plan, and emergency contacts.
- **Hazardous Materials & Storage:** Inventory includes new/used motor oil, new/used transmission fluid, new/used anti-freeze, used oil filters, lead-acid batteries, lithium-ion batteries, brake fluid, solvents, cleaners, aerosols, shop chemicals, and cleanup absorbents. Batteries are segregated indoors, with lead-acid units removed weekly. All hazardous materials are stored indoors out of contact with stormwater. No USTs.
- **Tanks & Containment:** Four 275-gallon ASTs for new oil, used oil, and transmission fluid feature secondary containment via a built-up concrete berm. Three 55-gallon drums for used anti-freeze are housed in a separate concrete-bermed storage area. Used oil is managed via burner utilization or off-site hauling.
- **Spill Prevention & Housekeeping:** Spill kits containing absorbent mats and speedy dry are positioned around the body shop, with used absorbents containerized properly.
- **Drainage & Stormwater Infrastructure:** Body shop floor drains route through an oil-water separator cleaned annually. Parking lot catch basins were free of chemical residues. *Note:* Vehicles parked on grass.
- **Recommendations & Corrective Actions:** Unsure if a DEEP discharge permit pursuant to CGS § 22a-430 is required or obtained. *Same goes for the other car dealerships that have floor drains.*

12. CT Hypodermics

- **Facility Name:** Connecticut Hypodermics Inc.
- **Address:** 519 Main Street
- **Contacts Met:** Ryan & Mike Tutulo
- **Inspection Date:** 10/28/2026
- **Administrative & Regulatory Compliance:** Materials Management Plan was provided on site which included a flow diagram of the acid baths, treatment tank, and disposal of waste to Publicly Owned Treatment Works. They have a DEEP permit for this discharge, Registration Number: APAR000022.
- **Hazardous Materials & Storage:** Materials used and stored on site include Gardacid P 31, sodium carbonate, premium turbine oil, lubrications, solvents, and solid waste. Flammable chemicals are stored in a flammable storage box. Liquid waste is stored in a bermed area near the loading docks for easy transport. Solid waste(metal sludge) is stored in the same location, but on spill pads. Both these locations were checked by the DEEP during their inspections. The floor in the bermed area has a special impervious layer on top to satisfy the DEEP.
- **Tanks & Containment:** There are no UST or AST. Most waste is stored in 55-gallon drums, with smaller waste stored in 5-gallon buckets. There is a wastewater tank that is used in the cleaning room that is part of their discharge permit. The cleaning room uses acids to clean and then the acids are stored a 100-gallon tank to be treated. The pH is brought up with the sodium carbonate before it enters the sanitary sewer.
- **Spill Prevention & Housekeeping:** There are spill cabinets near the waste storage. Inside are absorbent pads, granular, berms, etc. The berms are to protect the catch basin in the parking near the loading docks.
- **Drainage & Stormwater Infrastructure:** There is one catch basin the parking lot, west of the loading docks. No sheen was observed.
- **Recommendations & Corrective Actions:** Keep spill cabinets stocks, and following BMP while handling hazardous waste.

Summary of Findings

Most of the Materials Management Plans on site were very old, for instance, Executive Kia's MMP was still from when it was a Saturn dealership. When I arrived at Executive Kia and Honda, I was given a yellow box to look through to find the MMP. I shouldn't have to be digging through their records to find a MMP, they should be able to provide me with it. Some facilities didn't even have a MMP, such as Car Central*, Frenchy's, or Gas Depot(Citgo)*. Only the Department of Public Works, and Wallingford GMC had updated MMP.

Without up-to-date registration forms it was difficult to get in contact with the right personnel to set up the inspections. Letters were sent out to the facilities with a scheduled time and date for inspection. Most of the facilities were aware, while some still were unprepared.

Yalesville Lawn and Garden Center, 571 Church Street, was never registered to my knowledge. When I went there for an inspection, they did not want to conduct one. I left it at that. They were involved with a court case for this.

Executive Honda, Car Central, and Wallingford GMC all had cars parked on the grass. Car Central had cars parked up on a slope on grass.

Global Gas Station has an outdoor 275-gallon single-walled oil tank. It has no coverage. This needs enforcement.

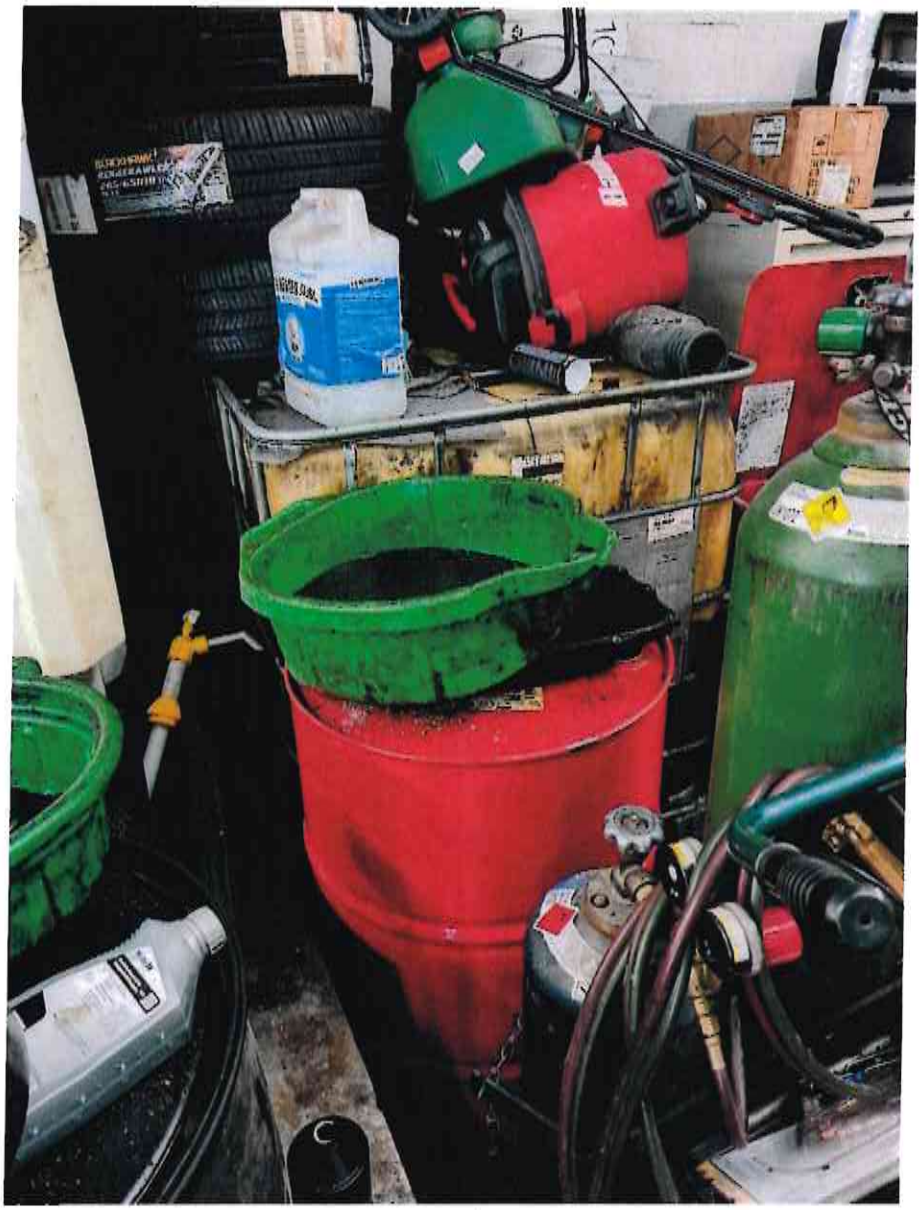
The Department of Public Works has a catch basin directly downslope of the salt storage. This catch basin is tied into the stormwater drainage system.

**Car Central has since drafted an MMP and fixed the issues with the 55-gallon waste oil/antifreeze drums.*

**Gas Depot 1103 Old Colony Rd has a MMP, couldn't locate it at the time of inspection.*

Car Central – 1191 North Colony Rd






safety-kle
OLN
ECTRIC



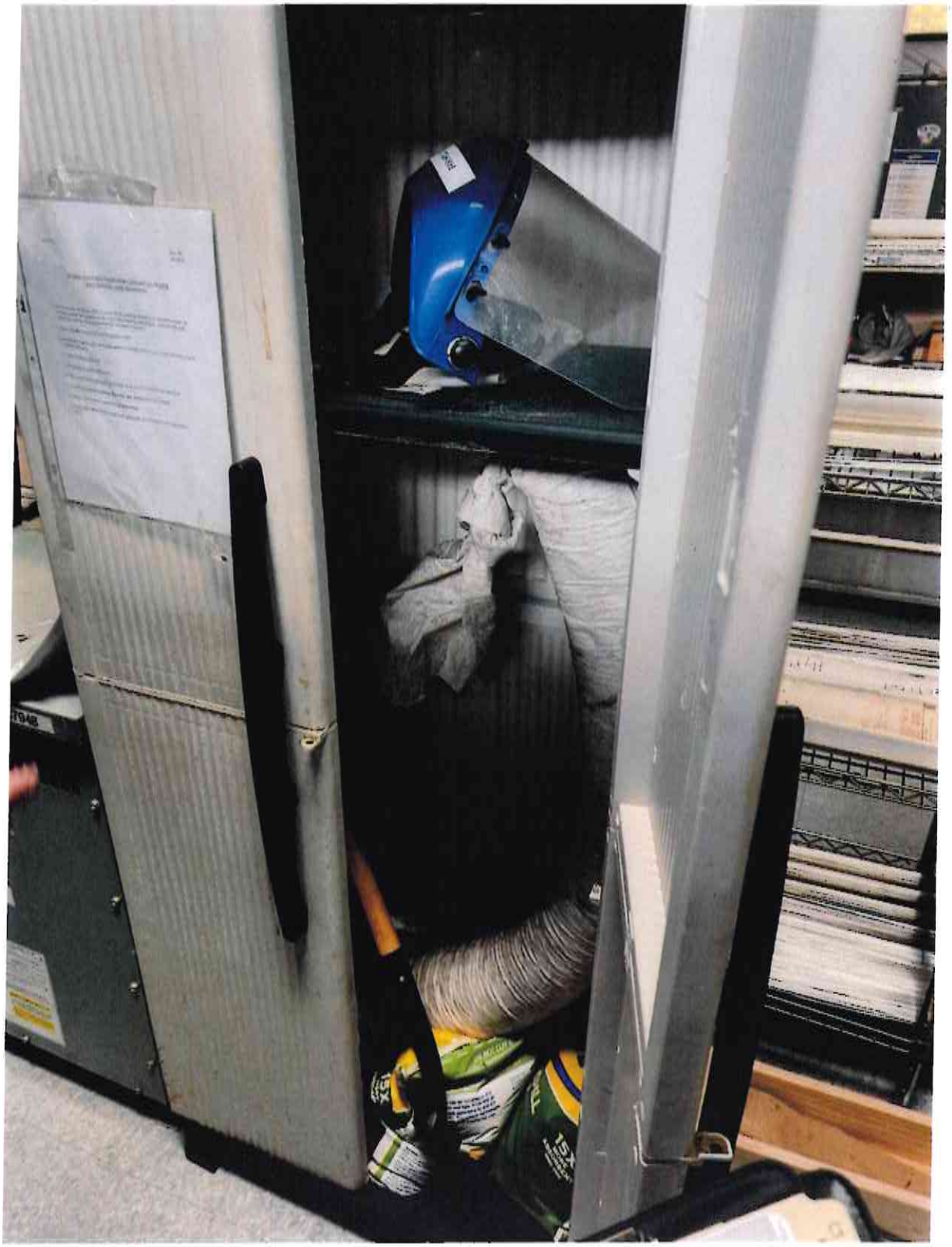


CAR CENTRAL UPDATE

CT Hypodermics – 519 Main Street



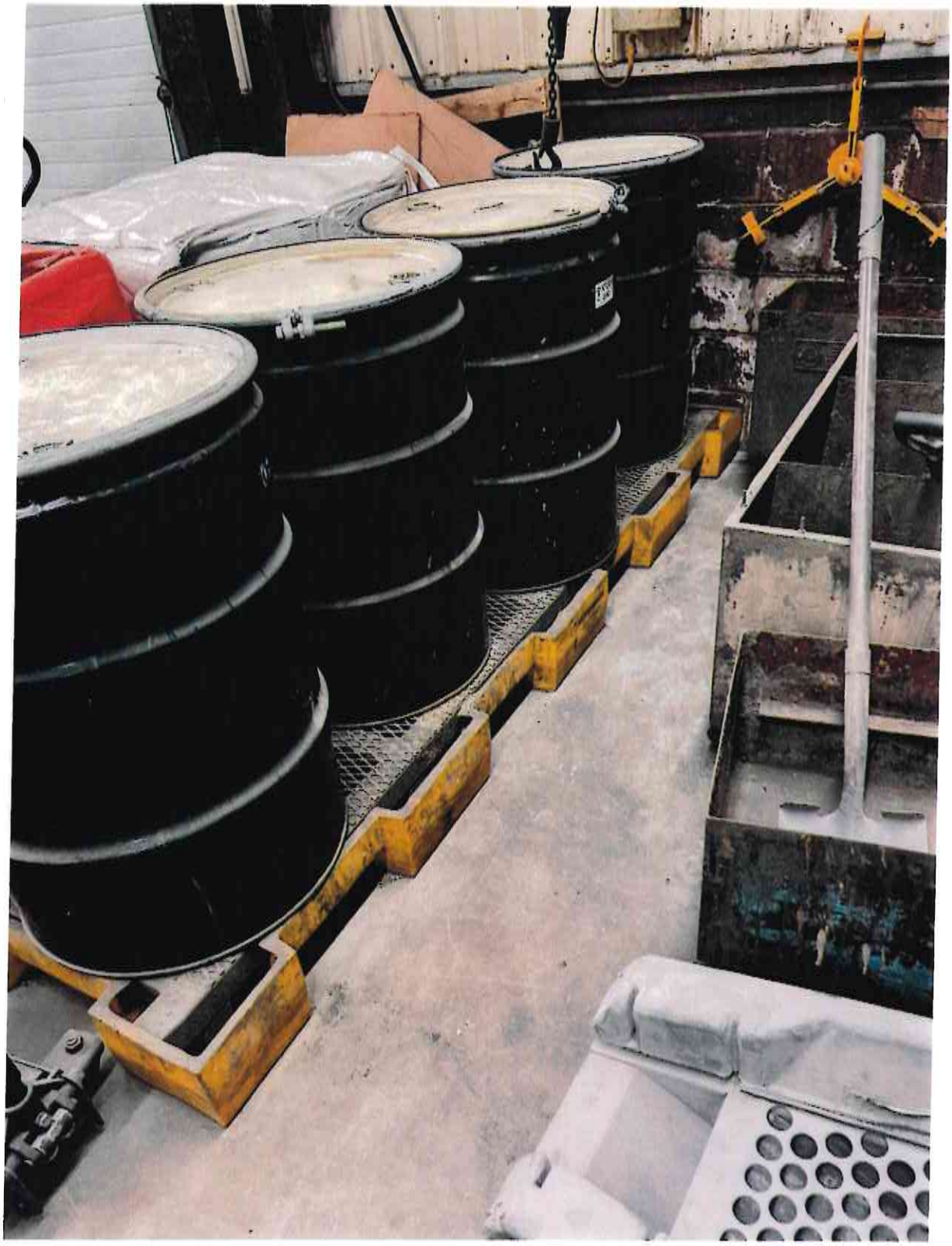

FLAMMABLE
KEEP FIRE AWAY

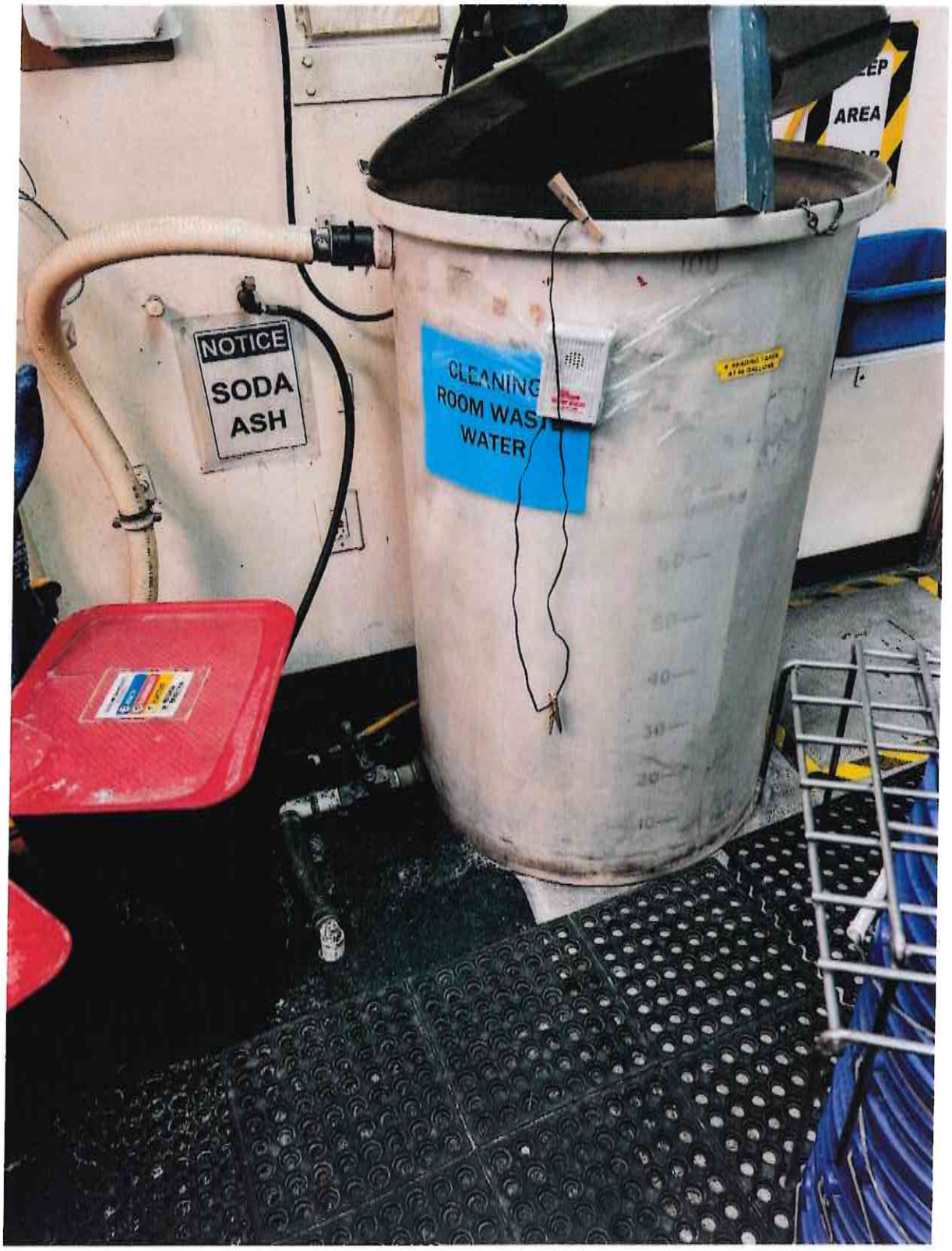




Rev. 06
10/18/23

WORK INSTRUCTION FOR CHEMICAL WASTE
RECEIVING AND SHIPPING





Floor drain

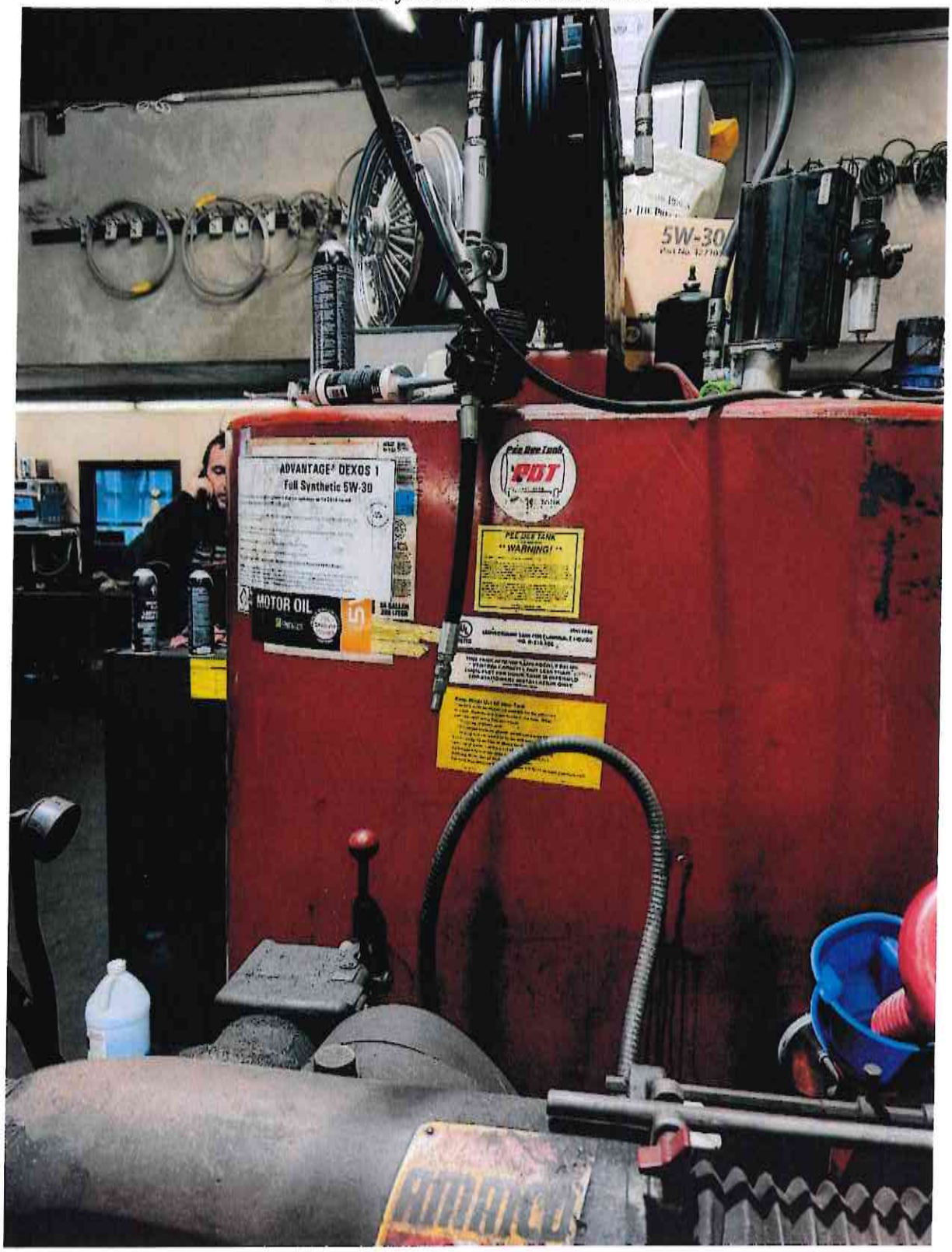
Executive Kia – 1164 North Colony Rd




TANK CAPACITY
1000 Kal
USED OIL
CAUTION
330
330

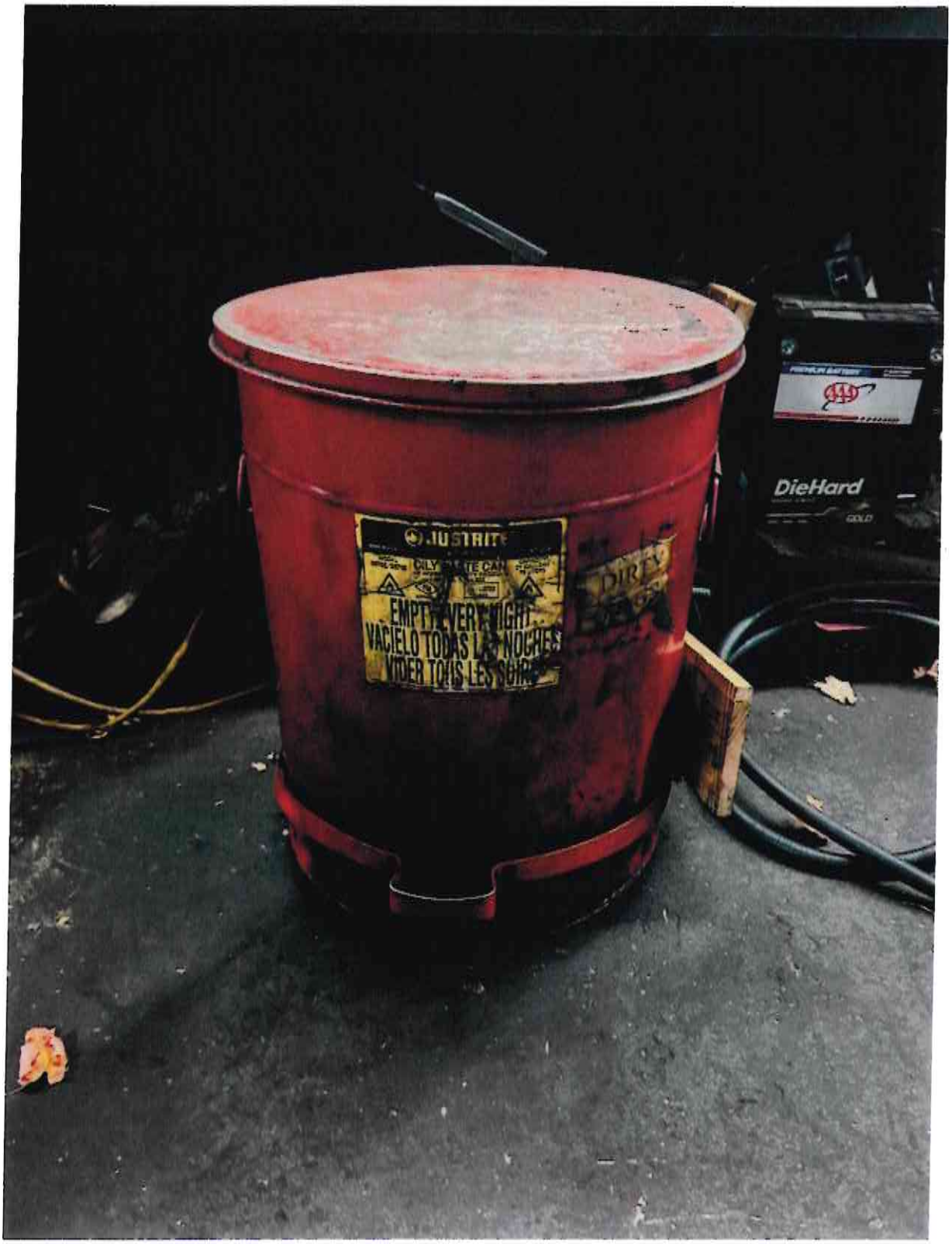

WINDSHEILD
WASHER
FLUID
WASTE
ANTIFREEZE
NOTICE
Used antifreeze storage area
Dispose properly.

Frenchys Auto – 508 Main Street




5W-30
ADVANTAGE® DEXOS 1
Full Synthetic 5W-30
MOTOR OIL
PDT
"WARNING!"



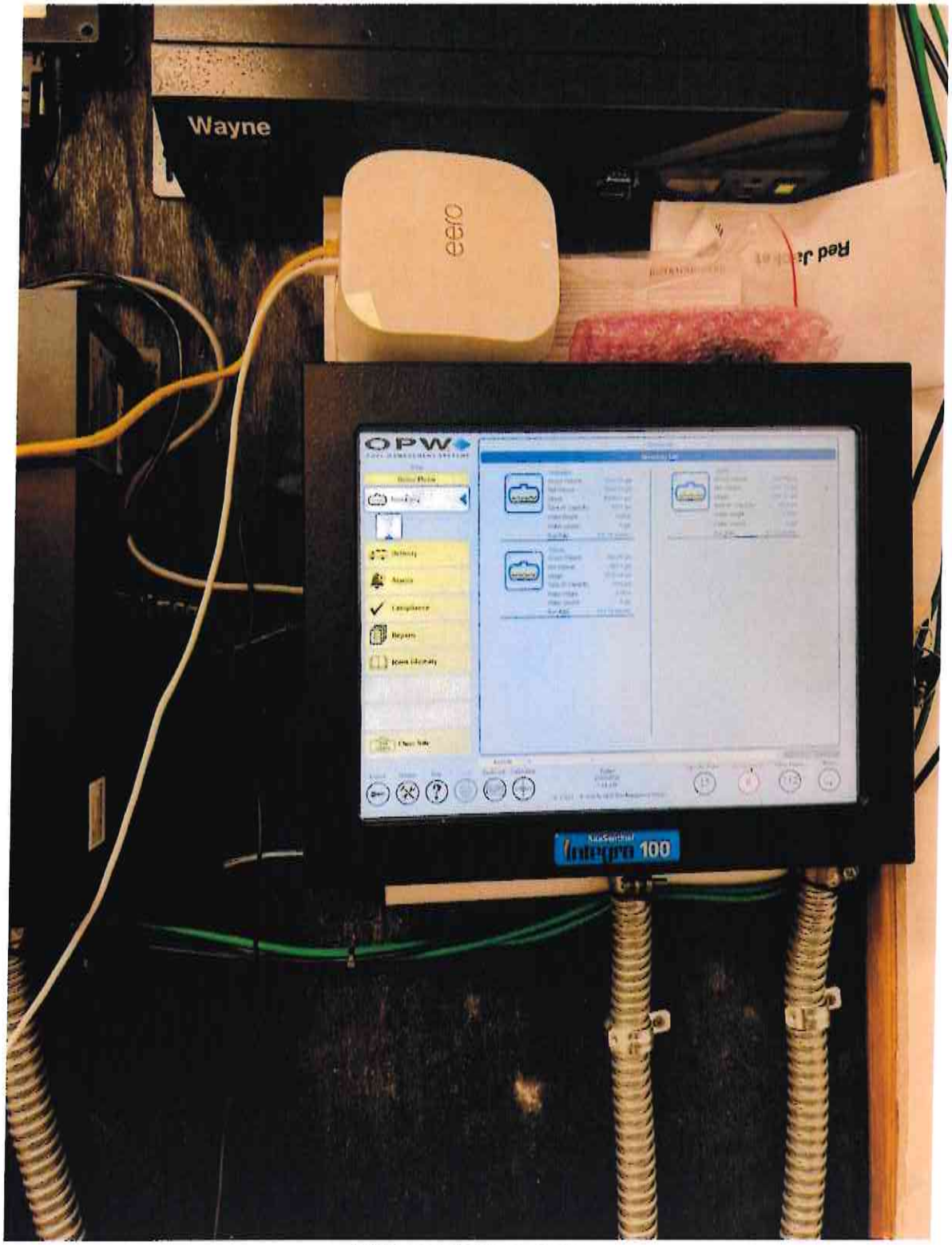


Used absorbent pads/rags



AST for used oil encased in concrete

Gas Depot Citgo – 1103 Old Colony Rd

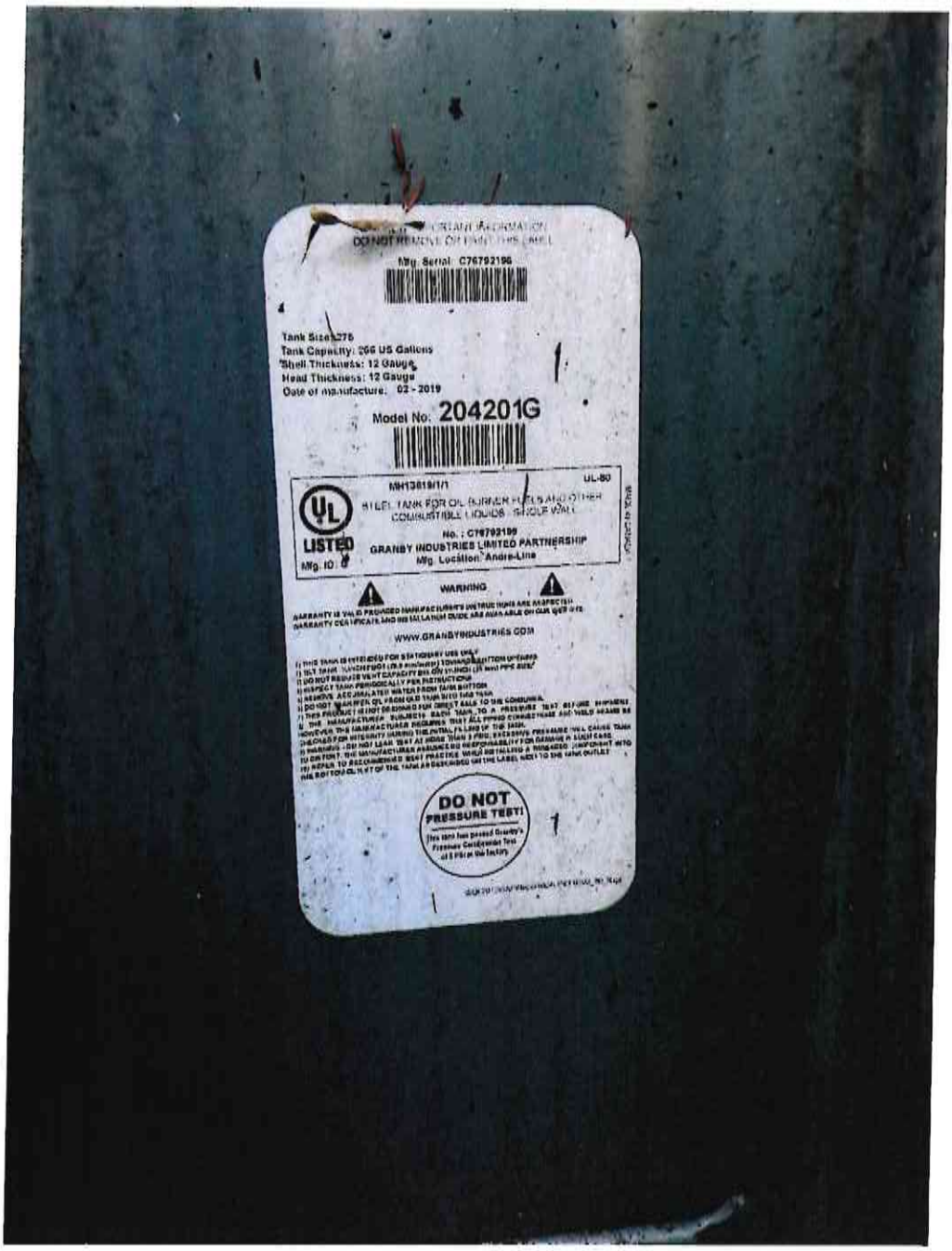


UST monitoring system

Global Gas



North corner where AST and 2-55 gallon drums stored. One is wastewater, other is unknown



Single Walled 275-Gallon Oil tank stored outside



Leak detector/monitor for UST

Wallingford GMC – 1122 Old North Colony Rd



Spill prevention storage and used waste

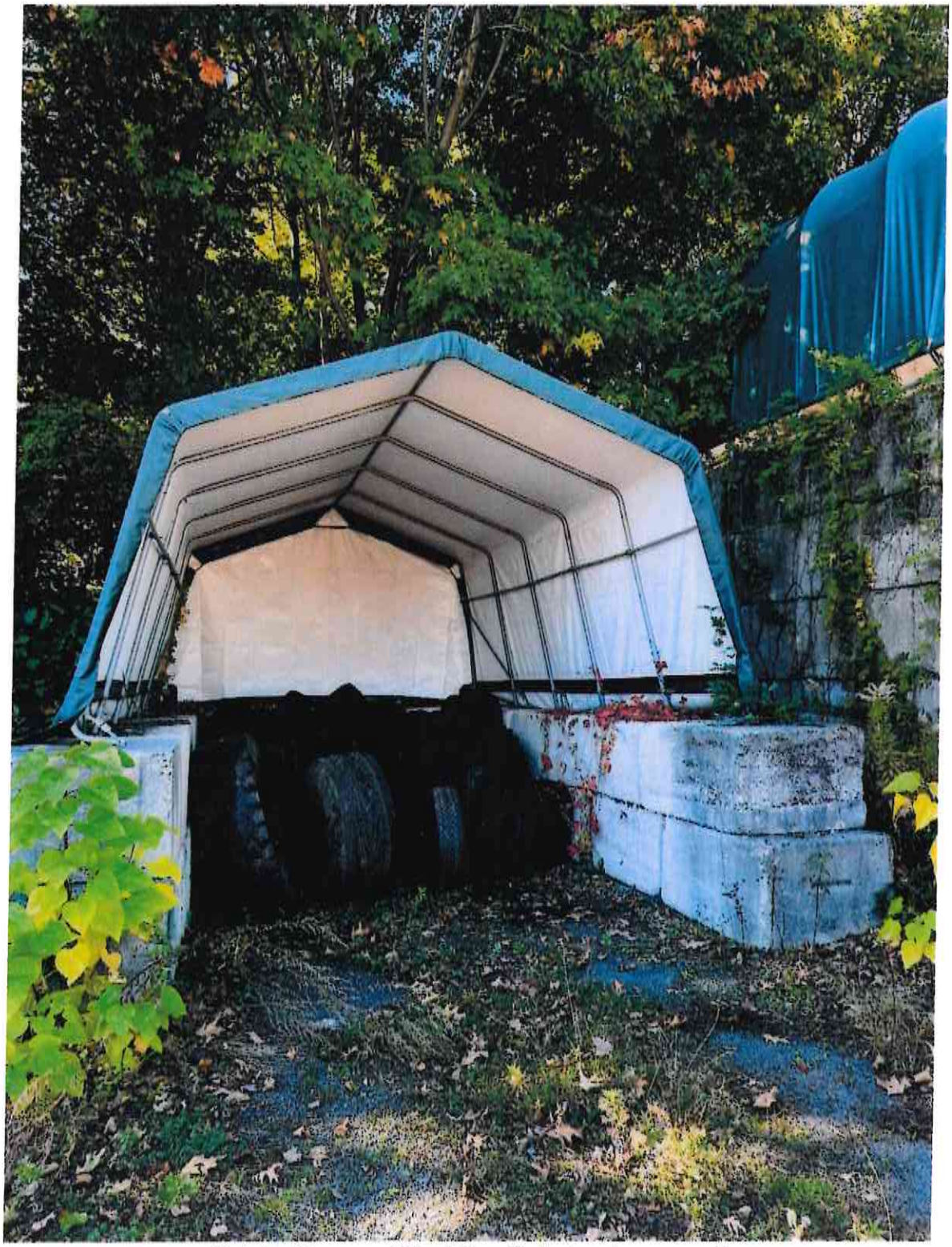


AST 275-Gallon Oil and used inside concrete berm

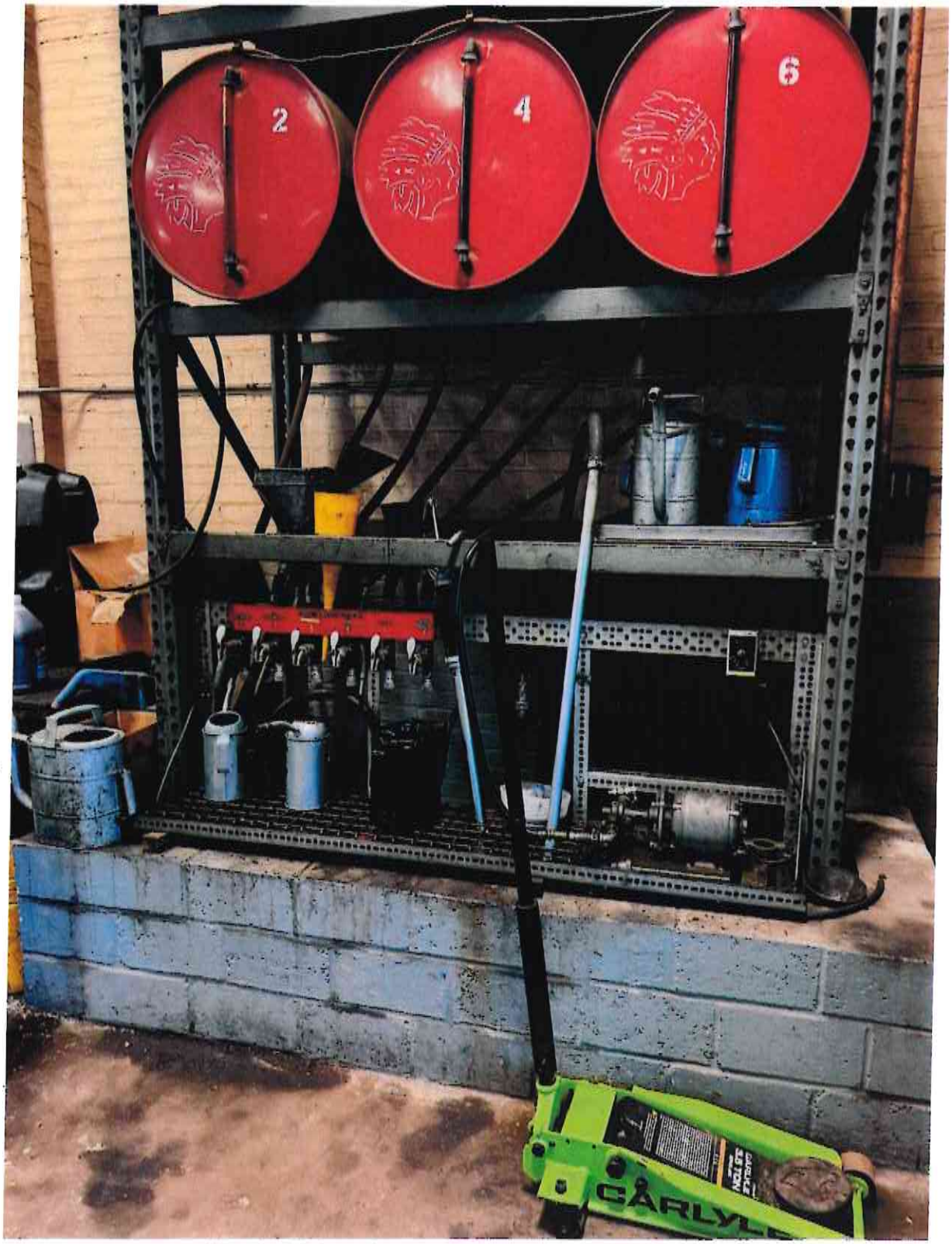


Waste Oil and Antifreeze with concrete secondary containment

Wallingford Public Works – 29 Town Farm Rd



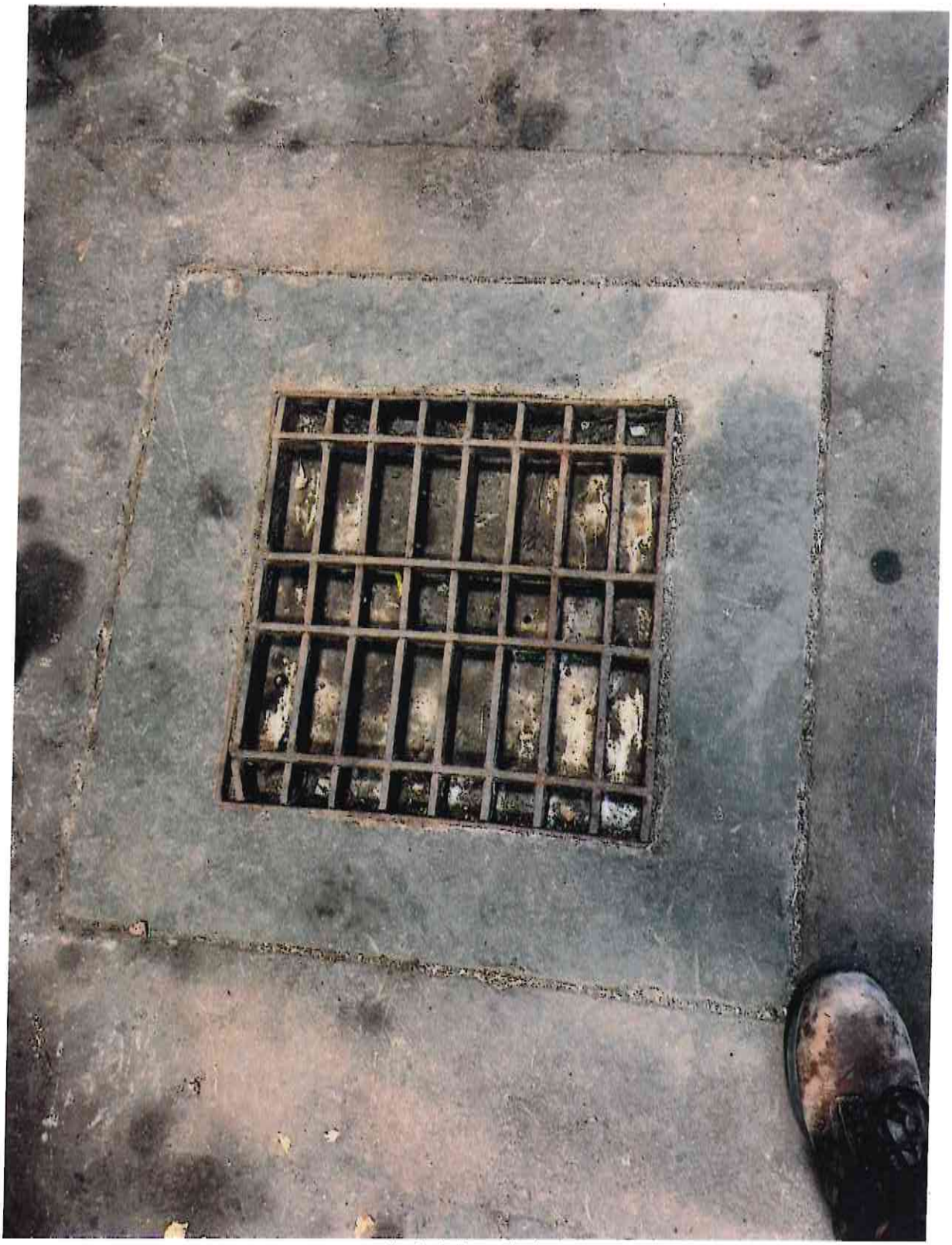
Outside Storage of Used Tires(Salt stored same way)



Chemical Dispensing Area with Secondary Containment



Secondary Containment



Sealed floor drain



AST for Waste Oil



AST for Waste Oil



Single Walled Oil Storage Tank



AST diesel and gasoline fueling station

Town of Wallingford, Connecticut

LEGAL NOTICE

The Wallingford Zoning Board of Appeals, at their Meeting of Monday, October 19, 2026, voted to take the following actions:

They voted to approve:

1. #26-013 – Variance Request/Westbrook/Front Yard setback variance of 44.2' feet where 50' feet is required to construct a front door overhang at 17 Fawn Drive- RU-40 District.

2. #26-015 – Special Exception Request/Kroher/ Garage Area of 1464 sq. ft. (max 936 sq. ft. allowed) to construct a 884 sq. ft. detached garage at 38 Pieper Drive- R-18 District.

3. #26-016 – Special Exception Request/Ulbrich Steel Inc./ Sign Area of 1182 sq. ft. (max 682 sq. ft. allowed) at 1 Dudley Ave- I-20 District.

4. #26-017 – Special Exception Request/Godinez/to operate a home occupation for a nail salon business at 580 Gianotti Court – R-6 District.

They voted to deny:

1. #26-011 – Special Exception Request/Gentile/Garage Area of 1662 sq. ft. (max 936 sq. ft. allowed) to construct a 1200 sq. ft. detached garage at 1549 Tuttle Avenue in an RU-40 District.

2. #26-012 – Variance Request/Gentile/Building Coverage of 13% (max 10% allowed) to construct a 1200 sq. ft. detached garage at 1549 Tuttle Avenue - RU-40 District.

3. #26-014 – Special Exception Request/DeBaise/ Garage Area of 1376 sq. ft. (max 936 sq. ft. allowed) to construct a 704 sq. ft. detached garage expansion at 45 Country Club Lane- R-18 District.

WALLINGFORD ZONING BOARD OF APPEALS

ROBERT GROSS, SECRETARY

DATED AT WALLINGFORD
October 20, 2026

PUBLICATION DATE
October 23, 2026

Town of Wallingford, Connecticut

LEGAL NOTICE

The Wallingford Zoning Board of Appeals will hold the following public hearings at their Meeting of Monday, November 16, 2026, 7:00 p.m., in Robert F. Parisi Council Chambers, Town Hall, 45 South Main Street.

1. #26-018 – Variance Request/McNulty/Variance Request for a Side Yard setback of 3' ft. 11" inches where 12' ft. is required at 722 Center Street – R-11 District

2. #26-019 – Variance Request/Akbar/Variance Request for a Side Yard setback of 9' ft. where 20' ft. is required at 53 Blakeslee Road – R-18 District

3. #26-020 – Variance Request/Gentile/Building Coverage of 11.7% (max 10% allowed) to construct a 900 sq. ft. detached garage at 1549 Tuttle Avenue - RU-40 District.

4. #26-021 – Special Exception Request/Gentile/Garage Area of 1362 sq. ft. (max 936 sq. ft. allowed) to construct a 900 sq. ft. detached garage at 1549 Tuttle Avenue in an RU-40 District.

Should you wish to review the above-listed application(s), or have any questions regarding these matters, please contact the Wallingford Planning Office at 203-294-2090.

WALLINGFORD ZONING BOARD OF APPEALS

ROBERT GROSS, SECRETARY

DATED AT WALLINGFORD:
October 27, 2026

POSTING DATES:
November 3, 2026, November 10, 2026

RECEIVED
OCT 22 2026
PLANNING & ZONING

CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES
QUARTERLY NEWSLETTER

Fall 2026 Volume XXX, Issue 4

CHANGE FROM NONCONFORMING HEMP OPERATION TO CANNABIS UPHELD BY COURT

The issue of whether the cultivation and processing of cannabis was a lawful continuation of the nonconforming cultivation and processing of hemp was answered in the affirmative by a Superior Court judge. The zoning board of appeals had reached the opposite conclusion based upon the reasoning that since Connecticut law treated hemp and cannabis differently, then the change of processing and cultivating hemp to cannabis would amount to a change of use.

The property in question had been used for the manufacture of tobacco products, a use no longer permitted at the site. When the use of the property was changed to the cultivation and processing of hemp, the town's zoning enforcement officer found this to be a continuation of the existing nonconforming tobacco activity. An opposite finding was made when the change was to be from hemp to cannabis.

The court found that the zoning board's sole reliance on the different treatment the law applied to cannabis and hemp was an insufficient basis to find that the processing and cultivation of cannabis could not be a lawful extension of the existing nonconforming use. Instead, the board should have determined whether the change from hemp to cannabis changed the character of the use. In this case, the processing was identical except that the end product would have a differing concentration of THC. *Lasa Extract LLC v. Zoning Board of Appeals, 355 Conn. 426 (2026).*

WHAT IS A MATERIAL CHANGE OR INTENSIFICATION OF USE

A zoning permit was approved to allow for certain changes to an approved special exception use. The permit holder wanted to make some interior changes to a building on the property. Neighbors appealed the issuance of the permit to the zoning board of appeals on the issue of whether the zoning permit violated a condition of approval for the special exception. This condition stated that 'there shall be no material change to the approved use or intensification of any use'.

On appeal, the question before the court was whether the changes allowed by the zoning permit resulted in an intensification or material change to the use approved by the special exception. The court refused to apply the legal analysis for whether a nonconforming use had expanded or intensified. The reason was that a nonconforming use is a use not permitted by the zoning regulations while a special exception use is an approved use. This resulted in a less strict analysis.

For purposes of determining whether a special exception use had

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
Fall 2026 Volume XXX, Issue 4

materially changed or intensified, the court applied the standard that for there to be a material change, the change in use must be significant to such a degree that the commission would change its mind as to whether it would approve the special exception. Similarly, intensification is equated to mean growing stronger.

Interior changes to a building did not amount to a material change or intensification as the type of use would not change. For example, the number of people working at the building would not increase. *Markatos v. Zoning Board of Appeals, 355 Conn. 143 (2026).*

APPLICANT CANNOT ALWAYS BE REQUIRED TO PAY COMMISSION'S ATTORNEY FEES

Connecticut General Statutes Sec. 8-1c provides that a municipality can establish a schedule of fees for the processing of land use applications. This fee schedule is established by ordinance and can require an applicant to pay the reasonable fees for consultants with land use expertise hired by the land use agency. The question raised in this case was whether the commission's attorney qualified as a consultant with land use expertise so that the applicant could be required to pay his fees.

Without evidence that there were any legal issues presented to the commission which required his legal expertise, the attorney's fees fell outside of this statute and the municipal fee ordinance. The application before the commission concerned a special permit for a home occupation. The legal issue presented by the application could have been addressed by the commission and its staff in the court's opinion. *Sherman Building Design LLC v. Planning & Zoning Commission, DBD-CV-25-6055215 (7.16.2026).*

TIME-TESTED INTERPRETATION OF REGULATONS

The owner of a nonconforming private golf club sought approval to construct tennis courts on its property. The applicable zoning regulation stated in part that permitted uses included unilluminated tennis, basketball and other outdoor sports courts. The application was denied by the Commission based on its long-held interpretation of this regulation that tennis courts, as well as other listed permitted uses such as swimming pools, patios, generators and accessory buildings are only permitted as accessory uses to a permitted use. Since the golf course was a nonconforming use, the application was denied.

On appeal, the Court found that the Commission's interpretation of the zoning regulations whereby certain listed uses were permitted solely as accessory uses to a permitted use followed long standing policy of the Commission. When reviewing a land use agency's application of a zoning regulation, courts afford considerable weight to a board's

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