

Agenda
Wallingford Planning and Zoning Commission
Monday May 12, 2025
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- April 14, 2025

PUBLIC HEARINGS

- | | |
|--|---------|
| 1. Text Amendment-Section 6.38- Middle Housing
(Continued from 04/14/2025) | #901-25 |
| 2. Text Amendment- Sign Regulations
(NO ACTION: Continued to 06/09/2025) | #902-25 |
| 3. Text Amendment/Y&O Wallingford LLC-Section 4.9.B- Educational Uses | #502-25 |
| 4. Special Permit/Midwood Management Corp/1000, 1020, 1030, 1044,
1080 Barnes Rd. (NO ACTION: Continued to 06/09/2025) | #401-25 |
| 5. Resubdivision-Hidden Brook Lane-Consideration and possible action on
calling of bonds | #101-16 |

BOND RELEASE

6. A/Z Corp - 524 South Cherry Street

REPORTS OF OFFICERS AND STAFF

- | | |
|--|---------|
| 7. Administrative Approvals- | |
| 142 Simpson Ave/New England Permitting | #801-25 |
| 44 South Turnpike Rd/Smilen Dental Group, P.C. | #301-25 |
| 9 Haller Avenue/Frank | #207-25 |
| 860 N. Colony Rd./T. Construction LLC | #208-25 |
| 8. ZBA April Decisions | |
| 9.ZBA Notice of May 19, 2025 | |

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.



Town of Wallingford, Connecticut

JAMES SEICHTER
CHAIRMAN, PLANNING & ZONING COMMISSION

KEVIN J. PAGINI
TOWN PLANNER

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

Legal Notice

The following Public Hearings will be heard at the Wallingford Planning and Zoning Commission's meeting of **Monday, May 12, 2025** at 7:00 p.m. in the Robert F. Parisi Council Chambers of Town Hall located at 45 South Main Street.

1. **#502-25** – Text Amendment request for Y&O Wallingford LLC/Y&O N-H LLC to add Educational Uses as an allowed use to Section 4.9.B. – Industrial Expansion (IX) District
2. **#401-25** – Special Permit request for Midwood Management Corp. to construct three (3) warehouse buildings totaling 415,500 sq. ft. and associated parking on 1000, 1020, 1030, 1044, 1080 Barnes Rd. – Industrial Expansion (IX) District

WALLINGFORD PLANNING AND ZONING COMMISSION

STEVEN ALLINSON, SECRETARY

DATED AT WALLINGFORD
04/16/2025

PUBLICATION DATES
04/29/2025
05/06/2025

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

Wallingford Planning & Zoning Commission
Regular Meeting
Monday, April 14, 2025
7:00 p.m.
Robert F. Parisi Council Chambers – Town Hall
Town Hall – 45 South Main Street
MINUTES

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

The Pledge of Allegiance was recited by all.

Roll Call: Present: J.P. Venoit, Acting Chair; Stephen Allinson, Acting Vice Chair; James Fitzsimmons, Acting Secretary, Jeffrey Kohan, Regular Member; Joseph Sanders, Alternate; Bryan Rivard, Alternate; and Kevin Pagini, Town Planner.

Acting Chair Venoit noted that the following agenda item will not be heard tonight.

3. **PUBLIC HEARING – Change of Use/Site Plan – 44 North Turnpike Road – Smilen Dental #301-25**

Consideration of Minutes – March 10, 2025, Regular Meeting

Commissioner Allinson: Motion to approve the Minutes of Monday, March 10, 2025, Meeting of the Wallingford Planning and Zoning Commission as submitted.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve, with one abstention.

PUBLIC HEARINGS

1. **Text Amendment – Section 6.38 – Middle Housing (Continued from 02/10/2025) #901-25**

Commissioner Fitzsimmons noted the new correspondence for the record. A letter from Kevin Curry, Southern Connecticut Regional Council of Governments to Kevin Pagini, Town Planner, dated February 18, 2025, and an email from Janis Small, Corporation Counsel, to Kevin Pagini, Town Planner, dated March 11, 2025.

Mr. Pagini explained the changes reflecting feedback from the Law Department and other suggestions. Changes include a definition of New Construction and Middle Housing, including a visual chart showing Middle Housing. Middle Housing is permitted subject to site plan approval and special permit. The language was added in the incentives for affordable to say “as site conditions allow, based upon the specific project and scope”. He explained that they also adjusted the % of total units on site to 25% and allowed all either 60% or all 80% or a mix of both. He added that developers thought this would attract development. Some architectural features were also added. Another change is in the Town Center, where lots under 25,000 sq. ft. would be no unit restriction for existing buildings.

Commissioner Fitzsimmons referred to Section 6.11 and asked if the off-street parking change was further defining it for multifamily units. Mr. Pagini confirmed. Commissioner Fitzsimmons asked if Senior Housing is defined and how is it different from an active 55 and over community. Mr. Pagini replied yes, in the Residential District, but agreed it can be defined better. He noted that anything over 55 is Senior Housing in the HUD definition. Commissioner Fitzsimmons suggested cleaning that up. He asked if there was a way that if a developer makes the affordability time frame longer, they can get a density bonus. Have any other towns done that? Mr. Pagini replied that we could give reductions on bulk standards and that he has already taken some incentive language from other towns. He agreed to look into it.

Acting Chair Venoit added that the legal department should look at it as well.

Commissioner Rivard asked if we received good input from developers and the community. He noted that other towns are talking about using 40 years of affordability instead of 30. Mr. Pagini heard from several developers with experience with 8-30g development and took the suggestions that he thought were doable.

Commissioner Allinson stated that it will be important to define Senior Housing for size, benefits, etc. He stated that setting affordability at 40 years is just kicking the can down the road. If we pass this today, we miss the opportunity for other benefits to the Town. We need to flesh out both issues before we vote on this.

Commissioner Sanders stated that it's important for this to be helpful for the development we seek, but not a burden. It is appropriate to look at this some more.

PUBLIC COMMENT

Amy Souchuns, 14 Casella Drive, a land use attorney, stated that she is in favor of this regulation. She added that she has seen other towns include 'in-perpetuity' for the affordability timeline. She suggested tweaks to the density bonuses. The minimum 25% affordable in the development is too high. Other towns are using 5-10%. A developer is likely to choose to use 8-30g instead if it's over 30%. She referred to the provision allowing 60-80% of AMI (Area Median Income). If commit to AMI vs lesser of State or Area, they do not qualify for moratorium points. There is generally a requirement that it be the lesser. Wallingford tends to be around the median. She suggested looking at it a little more broadly. She added that the parking reductions are very consistent with other towns. Developers understand their market and what is needed. Regarding new section 4.1 – Middle Housing, she suggested clarifying whether a site plan or zoning permit is needed in the residential districts. This opens up to more smaller-scale developers if zoning permits.

Bob Wiedenmann, 1443 Durham Road, a developer, stated that he has provided feedback to Mr. Pagini. This is a really important step. He added that the organization Wallingford Works for Housing group is very supportive. He suggested clarifying the definition of New Construction. Mr. Pagini stated that it would be vacant land. Mr. Wiedenmann stated that he believes that these developments will create

more housing that is more affordable due to the density. Rather than extend the time frame, he proposed if the developer provides 20% affordable for 50 or 60 years, reduce the number of deed-restricted units.

Commissioner Fitzsimmons stated that we are making progress. He appreciates all the comments. He asked how other towns are doing with the 'in-perpetuity' timeframe. He is interested in giving a bonus for longer timeframes. Any additional non-market rate housing is good.

Commissioner Allinson asked if there is a formula or matrix that would work for the bonuses. He suggested developer input to define the ranges.

Mr. Pagini provided information on the Connecticut Municipal Redevelopment Authority and stated that the Town is looking to opt in. More information will come later.

Hearing no further public comment, Acting Chair Venoit called for a motion to continue the public hearing.

Commissioner Fitzsimmons: Motion to continue the public hearing for application #901-25

Text Amendment-Section 6.38-Middle Housing to the May meeting.

Commissioner Allinson: second

Vote: Unanimous

2. Text Amendment – Sign Regulations #902-25

Commissioner Fitzsimmons noted the correspondence for the record. Appendix Sign Regulations dated February 5, 2025; letter from Kevin Curry, Chair, South Central Regional Council of Governments, Planning Commission to Kevin Pagini, Town Planner, dated March 17, 2025; email from Janis Small, Corporation Counsel, to Kevin Pagini, Town Planner, dated March 14, 2025.

Amy Torre, Zoning Enforcement Officer, explained that the draft regulations are a result of the feedback received during the workshop and a full overhaul to address redundancy and legalities. The current document has been vetted twice by the Law Department. We can't regulate the content of signs, so we are left with geometry and counting, except for off-site advertising. Off-site advertising has legal constraints. The main concern is safety. The appendix contains a proposed diagram that provides definitions. A legally existing sign would be allowed to continue without a new permit. There is no more new permit to reface a sign. The draft regulation shows what is allowed in each zone. Temporary lawn signs are not considered signage. Ms. Torre noted that the comments in the email from Atty. Small have not been incorporated yet. There are no new permanent signs allowed in residential districts. Off-site advertising is not allowed. New construction would need a special exception or a special permit for signage. She suggested using written notification or registration versus permitting as a way to regulate the timeframe and/or number for temporary signage. There would be no charge. The current temporary sign regulation is impossible to enforce. Prohibited signage remains. For example, the

flashing and scrolling signs are still prohibited. She noted that we can't prohibit certain types of flags. There are still some things to be addressed in the draft.

Commissioner Sanders asked how temporary signs are qualified. Ms. Torre replied that the dimensions were changed and it's more of a count now. There is a chart in the draft showing what's allowed based on the size and zone.

Commissioner Kohan asked if billboards are prohibited. Mr. Pagini replied that it prohibits new billboards. Existing ones would need a special exception for any modifications. Commissioner Kohan asked if the message on the sign was changed and if, would they need approval. Ms. Torre replied that we don't regulate content, only the size, location, or movement. Existing signs can change their message. Commissioner Kohan asked about lighting and the use of lumens. He asked if LED lights had a different measurement. Ms. Torre agreed to look into it. That section is intended to clarify the focus on flashing or movement.

Commissioner Fitzsimmons asked about temporary versus off-site advertising. Ms. Torre replied that event and sale signs are temporary because they go away. Regarding flags, the current regulations only allow for American flags. So to be consistent, that was removed. Mr. Pagini clarified that we allow flags with no commercial message. Commissioner Fitzsimmons asked if we could prevent people from putting signs on the back of the building, say if it backs up to a highway. Can we limit the signage to the address street? Ms. Torre agreed to look into that. Commissioner Fitzsimmons asked about the A-frame signs. Ms. Torre replied that they are still prohibited because they are considered portable. She agreed that this type of sign is included in the diagram and explained that it shows sign types. Commissioner Fitzsimmons asked about the signage at Choate. Ms. Torre replied that we cannot take away existing signs, but they would have to comply with any new signs. They may need a special exception or special permit since they are residential. Commissioner Fitzsimmons asked about plaza signage. Ms. Torre replied that it is not included at the moment, it only includes measurement. When a new site plan includes signage, we want it located on the map. Mr. Pagini suggested a special permit or special exception to look at the nuances instead of a variance.

Commissioner Allinson asked if we could indicate a certain percentage of signage that must be in the front of the building. Ms. Torre agreed to look into that. She also noted that there have been issues with a lack of buffer due to the Eversource clearing.

Atty. Small stated that this is an extremely difficult regulation to write. She started with the regulation from Norfolk, VA as a sample, since it survived two constitutional tests in court. The focus is on the zone, size, and count. The staff did a great job. She believes it will be ready for approval at the next meeting.

Commissioner Allinson asked about temporary signs and if people could alternate signs to keep them up longer. Can we limit per parcel per year? Ms. Torre noted that the regulation is for a banner or a sign for the period allowed. It comes down to advertising versus personal message. She agreed to look at the

wording again. Commissioner Allinson asked how to avoid someone using sign A for 90 days and then sign B for 90 days. He added that the Staff's hard work is appreciated.

Hearing no further public comment, Acting Chair Venoit called for a motion to continue the public hearing.

Commissioner Fitzsimmons: Motion to continue the public hearing for application #902-25 Text Amendment – P&Z Sign Regulations to the May meeting.

Commissioner Allinson: second

Vote: Unanimous

BOND RELEASES

8. North Colony Development Group, LLC – 859 North Colony Road

Mr. Pagini stated that this bond is ready to be released.

Commissioner Allinson: Motion to release the bond for North Colony Development Group, LLC – 859 North Colony Road

Commissioner Fitzsimmons: Second

Vote: Unanimous

9. R.L. Rogers & Sons, Inc. – 237 Hall Ave.

Mr. Pagini stated that this bond is ready to be released.

Commissioner Allinson: Motion to release the bond for R.L. Rogers & Sons, Inc. – 237 Hall Ave.

Commissioner Fitzsimmons: Second

Vote: Unanimous

REPORTS OF OFFICERS AND STAFF

10. Administrative Approvals – noted as approved

- a. **6 Rolling Meadow Dr./Bencar Building Systems, LLC #203-25**
- b. **40 Jonathan Rd./Bradley #204-25**
- c. **1104 North Colony/Khalid #302-25**
- d. **237 Hall Ave./R.L. Rogers & Sons, Inc. #205-25**
- e. **38 Sylvan Ave./Lahnin #206-25**
- f. **9 North Main St, 2nd Floor/Morgillo #303-25**
- g. **560 North Nain St./Paulino #304-25**

11. Discussion regarding parking regulation changes

Mr. Pagini noted that he received an email from Alison Kapushinski, Town Engineer, stating that she would like to look at the regulations. He stated that this would need a Workshop. He understands that the State Legislature has a bill to eliminate all parking regulations, so he suggests waiting to see what happens. He also noted that a Workshop is needed to review the POCD.

Acting Chair Venoit clarified that we could change something and the State can change it again. Commissioner Allinson noted that this year's legislative session doesn't have much time left. He suggested talking about it again next month.

Commissioner Rivard added that the POCD will be a lot so should be covered in a Workshop by itself.

12. **ZBA March Decisions** – no comment
13. **ZBA Notice of April 21, 2025** – no comment

EXECUTIVE SESSION

4. **Executive Session pursuant to General Statutes § 1-200(6)(B) and (9)(C), discussion of Hidden Brook Subdivision compliance Issues.**
5. **Possible Action on the Hidden Brook Subdivision compliance issues as discussed in Executive Session.**
6. **Executive Session pursuant to General Statutes § 1-200(6)(B) and (9)(C), discussion of Lost and Found Ventures, LLC v. Planning and Zoning Commission.**
7. **Possible Action on Lost & Found Ventures, LLC v. Planning and Zoning Commission as discussed in Executive Session.**

Commissioner Allinson: Motion to move to Executive Session at 8:15 pm to consider items 4, 5, 6 & 7 of tonight's agenda.

**Commissioner Fitzsimmons: Second
Vote: Unanimous**

Acting Chair Venoit declared the return to the regular meeting at 8:43pm and that no action will be taken as a result of the Executive Session.

NEW BUSINESS

Commissioner Kohan announced that the Regional Planning Commission will hold a session on Regulations as they pertain to Climate Change on April 22nd. He will send the details.

ADJOURNMENT

Commissioner Allinson: Motion to Adjourn the Wallingford Planning and Zoning Commission for Monday, April 14, 2025, at 8:45 pm.

**Commissioner Fitzsimmons: Second
Vote: Unanimous**

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary

TEXT AMENDMENT SECTION 6.38

MIDDLE HOUSING

#901-25



Outlook

proposed regulation comments

From Bob Wiedenmann <bob@sunwoodct.com>

Date Wed 4/16/2025 10:55 AM

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

Hi Kevin,

I have just a couple of comments/questions related to the proposed regulation, revised 4/14/2025.

- In the definition of "new construction" can the words "on vacant land" be deleted? If left as is, the construction of an ADU, a 2nd detached building, or a cottage cluster would not meet the definition of "new construction" if a property has an existing building on it.
- Under "cottage cluster" can the words "per acre" be removed? This may be a typo, but in any event, the density does not define what a cottage cluster is.
- Under C. a. it requires a minimum lot size of 15,000 sq. ft. in R-6, R-11, and R-15 zones for "new construction only". This will force the remodeling or expansion of existing buildings on lots of less than 15,000 sq. ft. rather than allowing for newly constructed buildings. This would seem to unnecessarily limit a property owner's ability to redevelop a property. Should we encourage the creation of additional housing on any size lot so long as the bulk standards and parking requirements are being met? If so, the minimum lot size restriction for new construction is unnecessary.
- It was not clear, at least to me, what the commission was looking for related to extending the time frame for affordable units.

The harder the commission tries to create the perfect regulation the less likely it is that a regulation will be approved or it will be approved with conditions that will make the regulation less effective. If the commission does not act on this in May, I fear they will lose traction and this opportunity may be lost.

Thank you for all your efforts.

Bob

Robert G. Wiedenmann, Jr.

Sunwood Development Corp.

273 North Colony Street, Suite 2

Wallingford, CT 06492

Graduate Master Builder, Graduate Master Remodeler,

Aging-in-Place Specialist, Certified Green Professional

To subscribe to our Newsletter [Click Here](#).

Office 203-269-0325 Cell 203-410-3332

Website www.sunwooddevelopment.com

E-mail Bob@SunwoodCT.com

one other thought

From Bob Wiedenmann <bob@sunwoodct.com>

Date Wed 4/16/2025 11:45 AM

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

Hi Kevin,

I have one other thought to share with you.

The lack of affordable housing options in Connecticut is primarily due to the imbalance between supply and demand. Yes, there are construction cost increases, building codes, and finance costs, but many of these move in tandem with overall economic realities and are beyond our control.

We can control the ability to build more housing through less restrictive regulations. A more balance housing market would reduce the inflationary pressures we now see in home sales prices and rental rates. I realize that Wallingford cannot fix this alone. The ultimate goal should be to create enough housing and lower the relative cost so no more deed restricted units are necessary. I know I'm preaching to the choir and this is a long term problem that will take many years to resolve.

I'll leave you with this thought- Perpetuity is a long time from now. Who knows what housing will look like or what the housing needs will be 50, 100, or 200 years from now. We may be living underground, in climate controlled cities, on the moon, or on Mars. I don't know, but I bet it will be much different that what housing is today.

Robert G. Wiedenmann, Jr.

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Website www.sunwooddevelopment.com

E-mail Bob@SunwoodCT.com

Latest Revised Copy of Section 6.38: Middle Housing

Revision Date: 05/09/2025

§4.1 RESIDENCE DISTRICTS (R-18, R-15, R-11, R-6)

A. Purpose - To allow single-family residences on lots from 6,250 sq.ft. to 18,000 sq.ft. to encourage moderate to high density residential development and related purposes in areas primarily served by municipal water and sewerage facilities.

B. The following uses are permitted subject to approval of a Zoning Permit in accordance with §8.3:

1. One single-family dwelling per lot.
2. Any community residence that houses six (6) or fewer intellectually disabled persons and necessary staff persons and that is licensed by the State.

6-16-

23

3. One manufactured home per lot, subject to the following:

- a. Each Home must be at least twenty-two (22) feet wide at its smallest dimension.
- b. Each home must meet the Federal Manufactured Home Construction and Safety Standard.
- c. Each home shall have a full concrete foundation.

4/18/89

4. Structure or rooftop mounted antennas, subject to the requirements and procedures listed in §6.25.

5/18/97

5. Any child-care, residential facility that houses six (6) or fewer children with mental or physical disabilities and necessary staff persons and that is licensed by the State.

10/16/05

6. Any community residence that houses six (6) or fewer persons receiving mental health

or addictive services and necessary staff persons paid for or provided by the Department of Mental Health and Addictive Services and that has been issued a license

by the Department of Public Health under the provisions of §19a-491 of the CT General

Statutes, if a license is required.

10/16/05

C. The following permitted uses require approval of a Special Permit in accordance with §7.5:

1. Educational or religious use by a non-profit corporation or governmental unit, excluding, however, correctional institutions. 10/02/94; 6/16/23
2. Club.
3. Governmental buildings, facilities and uses.
4. Public utility buildings and facilities.
5. Municipal Housing for the elderly, when sponsored by the Housing Authority of the Town of Wallingford and financed by Local, State or Federal funds subject to the following conditions and safeguards:
 - a. Each lot shall have a minimum of five (5) acres.

- b. The minimum land area per dwelling unit shall be five-thousand (5,000) square feet.
 - c. The lot shall be served by public sewerage and public water supply.
 - d. The minimum distance between buildings shall be twenty-five (25) feet.
 - e. Each property line shall be paralleled by a landscape screen at least six (6) feet wide, planted to a mixture of evergreen and deciduous trees and shrubs, which shall be maintained in proper order.
 - f. Minimum yard dimensions shall be governed by the zone in which the property lies, or the following, whichever is greater:
 - Front yard - 40 feet
 - Side yard - 30 feet
 - Rear yard - 30 feet
 - g. Road standards: All interior roads shall have a minimum paved width of twenty-eight (28) feet except that cul-de-sac roads of less than eight-hundred (800) feet in length, may have a minimum paved width of twenty-four (24) feet. All roads shall be constructed in accordance with standards specified in the Town's Subdivision Regulations.
 - h. No parking spaces shall be closer than twenty (20) feet to any residential unit. No parking space shall be more than fifty (50) feet from the unit which it serves. No parking shall be within twenty (20) feet of the property boundary.
 - i. Any community building or open space area shall be as centrally located as possible.
 - j. A minimum of ten percent (10%) of the site shall be designated and set aside as park and recreation land.
 - k. Parking shall be provided in accordance with §6.11, except that in congregate housing, the parking spaces may be reduced to .5/unit.
6. Golf course and associated clubhouse facilities.
7. Uses in this zoning district generating one-hundred (100) peak-hour vehicle trips or more using the standards set forth in the most recent edition of Trip Generation, ITE, or a more accurate source, if available, subject to the following: 4/16/94; 8/10/96; 10/18/03
- a. Submission of a traffic impact analysis containing present roadway conditions, existing roadway capacity, existing and projected traffic volumes (ADT, Peak A.M. and Peak P.M.), existing and projected volume capacity ratios, existing and projected levels of service, existing and proposed sight lines, site generated traffic and traffic distributions, and traffic accident experience.
 - b. A traffic impact analysis will be required: 5/17/88
 - 1. For an addition to an existing use, which use is now under the provisions of this section, and
 - 2. When an addition to an existing use brings that use under the provisions of this section
 - 3. The traffic impact analysis shall cover the entire use, not merely the addition.
 - c. No traffic impact analysis or Special Permit will be required for an addition to an existing Special Permit use if the addition generates

twenty-five (25) peak-hour vehicle trips or less. This provision shall be permitted to be used one (1) time over the life of the use on a specific site.

- d. in all cases in which 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 the peer review. This payment shall be made to the Town prior to the decision by the Commission on the application.

8. Open Space Planned Residential Development, per §4.3. 9/18/90

9. Affordable housing sponsored by a non-profit housing organization.

12/15/91;6/16/23

10. Open Space Subdivisions as per §6.8. 9/19/92

11. Adaptive Re-Use to Multi-Family as per §6.16

9/19/92

12. Excavation and filling of land as per §6.10. 9/19/92

13. DELETED

11/17/07

14. Garaging or hangaring of aircraft, only at a municipal airport, subject to the following conditions and safeguards:

11/19/02

- a. No de-icing procedures or operation will occur in or in the vicinity of said hangars or garages;
- b. no aircraft maintenance, other than preventive maintenance authorized under Part 43 of Federal Aviation Regulations shall be performed in said hangar or garage;
- c. no hazardous materials as defined by the Connecticut Department of Environmental Protection shall be stored in said hangar or garage;
- d. no fueling of said aircraft shall be done in said hangar or garage.

15. Convalescent homes, provided that the lot shall contain not less than one-hundred, twenty thousand (120,000) sq.ft., provided further that any building so used shall not be less than forty (40) feet from any street line, twenty (20) feet from any sideline and thirty (30) feet from any rear line. Building coverage for the expansion of any existing facility shall not exceed the existing established percentage coverage or the coverage requirements set forth in §5.1A, whichever is higher and parking in accordance with the parking regulations. A minimum of fifteen (15) feet of front landscaping shall be required. 10/17/04

D. The following uses require a Special Exception from the Zoning Board of Appeals in accordance with §9.1:

1. Customary home occupations, including professional and service occupations, subject to the following conditions:

- a. Such occupation shall only be conducted at an approved residence by resident occupants of the residential building; other employees of the business may conduct business in a location other than the approved residence, as permitted.
- b. No more than five-hundred (500) square feet of interior floor area,

or the first floor of the building, whichever is smaller, shall be used for such purposes, including any storage or other area associated with the home occupation.

1/12/15

- c. The livable floor area for the residents shall remain at least as large as that required of residences.
- d. No more than two (2) clients, patrons, associates, students or pupils of the home occupation shall be permitted on the property at any one time in addition to the resident person(s) conducting the use.

1/12/15

- e. The residential character of the building shall not be changed.
- f. The home occupation shall be conducted entirely within the residential unit.
- g. Off-street parking shall be provided in accordance with §6.11.
- h. No signage associated with, or referencing the name or activity of, the home occupation shall be permitted.
- i. No retail sales shall be permitted.
- j. The accessory use shall not create offensive noise, odors, smoke, heat, dust, vibration or other objectionable conditions which might adversely affect the residential character of the surrounding area.

1/12/15

1/12/15

- 2. Boarding house.
- 3. Windmills and similar energy conservation system that utilize the power of the wind provided.
 - a. Each lot shall have a minimum area of forty-thousand (40,000) square feet or required by the applicable zone, whichever is greater.
 - b. No windmill or similar structure shall exceed fifty (50) feet in height.
 - c. No windmill or similar structure shall be located in any required yard.
 - d. The windmill or similar structure shall be set back from all lot lines and from the principal building a distance of at least equal to the height of the windmill or similar structure.
- 4. Ground-mounted solar panels as well as satellite dishes and dish type antennae in excess of two (2) feet in diameter provided they:
 - a. Shall not exceed fifteen (15) feet in height or diameter, including all supporting structures.
 - b. Shall not be located within any required front yard for a principal structure.
 - c. Shall be fully screened from any adjacent property line and the street line.
 - d. Shall be permanently anchored in compliance with the State Building Code.
 - e. Technical literature shall be submitted to supplement any proposed application for the above.
- 5. Nursery school, child day care center, group day care home, subject to the following:
 - a. The facility shall have an approved license from the State of Connecticut.
 - b. No play apparatus shall be located in a required front or side yard.
 - c. Not more than fifteen percent (15%) of the area of the lot shall be occupied by building.

11/19/95

- d. Each lot shall have a minimum are of eighteen-thousand (18,000) square feet or one-thousand (1,000) square feet for each child based on enrollment capacity, or as required by the applicable district, whichever is greater.
- 6. Cemeteries
- 7. Private garages exceeding size limitations as provided in §6.2.A.1. 5/15/15
- 8. Private stables for a maximum of two (2) horses or ponies exceeding three-hundred (300) square feet in area and ten (10) feet in height. 10/2/94
- 9. Bed and Breakfast establishments subject to the following conditions:
 - a. Any structure in which such establishment shall be located shall be a detached single-family dwelling constructed before 1940.
 - b. The structure shall be owner occupied, and the Special Exception shall become void if the structure shall cease to be owner occupied. All applications under this section shall include a listing of all the rooms in the house and which rooms shall be rooms and which shall be used as the owner's bedroom(s). The maximum number of rooms that shall be used as guest bedrooms shall be a total of five (5).
 - c. The residential and historic character and existing architectural detail of the structure shall not be changed.
 - d. Additions to the structure to accommodate the bed and breakfast activity shall be limited to not more than twenty percent (20%) of the total floor area of the dwelling. After the initial application is approved and the use is established, any subsequent physical addition to the structure or further expansion of the use within the existing structure, beyond the rooms designated as guest bedrooms in the original application, shall require a new application under this section to approve the increased use.
 - e. The applicant shall present evidence that the proposed use would be in conformance with the requirements of the Wallingford Health Department as to the public sewerage and public water supply.
 - f. Off-street parking shall be provided in accordance with §6.11. All such off-street parking shall be substantially screened with a landscape screen at least six (6) feet wide, planted with a mixture of evergreen and deciduous trees and shrubs, which shall be maintained in proper order. Such off-street parking shall be located in such a way to minimize its impact upon adjacent properties.
 - g. Signs shall be permitted in accordance with §6.9.
 - h. Meals may be served only to the occupants of the dwelling and overnight guests at the bed and breakfast.
 - i. Additional emergency exits required by the Fire Marshal and/or the Building Inspector shall be designed for the side and/or rear yard and shall be made to appear to be part of the original structure.
 - j. Rear yard landscaping shall comprise at least twenty-five percent (25%) of the rear yard area. 5/1/99

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

- 1. Accessory Apartments as per §6.15.

- 9/19/92
2. Multi-family conversions as per §6.22.
 3. Farms, farming and agricultural operations including greenhouses, subject to:
 - a. Must contain a minimum of thirty (30) acres of contiguous land.
 - b. All building son the site shall not exceed a coverage of twenty percent (20%).
 - c. Minimum building setbacks from all property lines shall be one-hundred
- (100)
- d. feet.
 - d. Truck parking and/or loading areas shall be a minimum of fifty (50) feet from any property boundary.
 - e. A ten (10) foot landscaped buffer shall be required abutting any existing residential dwelling units.
- 3/4/01
4. Middle Housing as per Section 6.38

F. The following accessory uses are permitted:

1. Private swimming pools, subject to the following conditions: 6/17/04
 - a. No swimming pools shall be located in a required front yard.
 - b. No swimming pool shall extended within less than ten (10) feet of a property line, nor within less than ten (10) feet from the wall of a dwelling unit.
 - c. Decks that are attached to and a part of an above-ground pool shall not be permitted in the required front yard or within ten (10) feet of a side or rear property boundary. Concrete or similar patios around in-ground pools shall not extend into the required front yard, but there is not a minimum setback for concrete or similar patios in side or rear yards.
 - d. All swimming pools shall be fenced as required by the Building Code.
 2. Tennis courts and outdoor recreational uses, subject to the following conditions:
 - a. Such uses shall not be lighted.
 - b. Shall be a minimum of ten (10) feet from a property line.
 - c. Shall be located in a side or rear yard.
 3. Private garages and other accessory buildings subject to §6.2 and the following: 5/15/15
 - a. All garages and/or carports attached to a single-family home shall be attached to each other and not be located at opposite sides of a house. 3/15/08; 9/12/92;
- 10/2/94
4. Gardening and raising of crops.
 5. The storage of one (1) commercial vehicle, boat or camper as per §6.12. 9/19/92
 6. A business or professional office when conducted on the premises entirely by mail and/or telephone and when there is no pedestrian, automobile or other vehicular traffic necessary for its conduct with the exception of normal residential traffic activity by the residents, provided the use meets all the requirements as follows:
 - a. No persons, other than family members residing on the premises, s shall be engaged in the conduct of the office or enterprise.
 - b. The office or enterprise shall be in harmony with the residential character of the premises and neighborhood, and shall have no outside storage or display windows, nor shall there be any evidence

- of the operation outside the dwelling unit.
 - c. The floor area used for the conduct of the office or enterprise shall not exceed two-hundred, fifty (250) square feet.
 - d. No industrial manufacturing or processing equipment of any type shall be allowed.
 - 7. Private stables for the keeping of horses or ponies for the exclusive use of the occupant of the principal building on lots having an area of on-hundred twenty thousand (120,000) square feet or more, and provided that not more than two (2) horses or ponies are kept. Stables shall be located at least thirty (30) feet from any street or property line and shall not exceed three-hundred (300) square feet in area and ten (10) feet in height except as per §4.1.D.8. 10/2/94
 - 8. Signs in accordance with the requirements of §6.9.
 - 9. Off-street parking in accordance with the requirements of §6.11.
 - 10. Family Flock of Hens - The keeping of a family flock of hens, limit twelve (12) hens, subject to the following conditions:
 - a. Such use shall be confined to an enclosure having a total area of less than four-hundred (400) square feet.
 - b. Any structure used for this purpose shall be located not less than ten (10) feet from any lot line and one-hundred (100) feet from any street line.
 - 11. Pigeon and dove cotes, subject to:
 - a. Each lot shall not exceed sixty (60) breeding birds.
 - b. Pigeons and doves shall be housed in a structure meeting the yard requirements of the principal building in the district in which it is located.
 - c. All pigeons shall be registered with a national pigeon organization by use of a seamless numbered leg band.
 - d. Cotes shall not exceed three-hundred (300) square feet.
 - e. All grain and food stored for the keeping of pigeons and doves shall be kept in vermin-proof containers.
 - 12. Family Day Care Center 2/5/95
 - 13. Satellite receiving dishes of two (2) feet or less in diameter not located within a required front yard for a principal structure. 11/19/95
 - 14. Residential hobby honey-bee keeping in compliance with CGS §22-89 through §22-90, subject to the following: 2/17/17
 - a. All honey bee colonies shall be registered with the Connecticut Agricultural Experiment Station, office of the State Entomologist as required by CGS §22-89. Hives will be subject to inspection at any time by the Office of State Entomology and/or a Wallingford Zoning Enforcement Office, in accordance with these regulation.
 - b. Beekeeping and production of honey under this section shall not be used for commercial purposes.
 - c. All colonies shall be oriented away from property lines and into the property on which they are located, and provide a clear flight path over the property on which the colonies are located.
 - d. Maximum number of colonies on a property shall be as follows:
 - i. ¼ acres or less - 2 colonies
 - ii. More than ¼ acre to ½ acre - 4 colonies and up to 3 nuclei
 - iii. More than ½ acre to 1 acre - 6 colonies and up to 6 nuclei

- iv. More than 1 acre to 1½ acres - 8 colonies and up to 5 nuclei
- v. More than 1½ acres - 10 colonies and up to 6 nuclei
- e. Colonies shall be located away from road, walkways, or rights-of-way as follows:
 - i. 4 colonies or less - minimum of 25 feet from all property lines.
 - ii. More than 4 colonies - minimum of 50 feet from all property lines.
- f. Where a colony is located less than fifty (50) feet from any property line, appropriate barriers (i.e. fence, wall, dense vegetation) a minimum of six (6) feet in height shall be installed between the colonies and the property line to restrict the flight pattern of the bees.
- g. A colony shall be a maximum of six (6) feet in height.
- h. Appropriate provision of water for the bees shall be made on the property on which the colony/colonies are located and shall be accessible via a clear path from the bee colonies, and shall be a distance from any property line equal to the requirement defined in §4.1.F.14.e.i and §4.1.F.14.ii.
- i. Hives shall be regularly monitored for disease, including mites, and shall be appropriately treated as applicable.
- j. If any of the above requirements cannot be complied with on a particular property/site, beekeeping shall not be permitted on that property/site.

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

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

6/14/14

Revised 5/9/2025

§6.38 MIDDLE HOUSING

- A. Purpose - to permit and encourage middle housing developments, cottage style housing, and creative multi-family development ideas in existing and new buildings within designated zoning districts and encourage affordable housing developments by easing of bulk/building and lot requirements.

B. Definitions:

As of right or "as-of-right" - means able to be approved in accordance with the terms of a zoning regulation or regulations and without requiring that a public hearing be held, a variance, special permit or special exception be granted or some other discretionary zoning action be taken, other than a determination that a site plan is in conformance with applicable zoning regulations;

New Construction - the process of creating new buildings or infrastructure from the ground up. Does not include additions or expansions to existing buildings.

Middle Housing includes the following:

Cottage cluster- means a grouping of at least four detached housing units, or live work units, that are located around a common open area;

Live work unit - means a building or a space within a building used for both commercial and residential purposes by an individual residing within such building or space; **would only be allowed in Commercial, Industrial and Route 5 Zoning Districts**

Duplexes, triplexes, quadplexes.

Mixed-use development- means a development containing both residential and nonresidential uses in any single building; and

Townhouse - means a residential building constructed in a grouping of three or more attached units, each of which shares at least one common wall with an adjacent unit and has exterior walls on at least two sides

- C. Middle Housing is permitted subject to Site Plan Approval in accordance with §7.4 in the R-6, R-11, R-15 zoning districts and subject to the following:
- a. **Minimum lot size of the applicable zoning district for new construction only**
 - b. Buildings and additions shall reflect the residential architectural features of the surrounding area and zoning district
 - c. The lot shall be served by sanitary sewers and public water supply.
 - d. Bulk requirements in accordance with §5.1.B.
 - e. Parking in accordance with §6.11.
 - f. Landscaping in accordance with §6.14

- D. Middle Housing is permitted subject to Site Plan Approval in accordance with §7.4 in the I-40, I-20, CA- 12, CA-40, CB-12 and CB-40 zoning districts and subject to the following:
- a. Minimum lot size of the applicable zoning district for new construction only
 - b. Buildings and additions shall reflect the residential architectural features of the surrounding area and zoning district
 - c. The lot shall be served by sanitary sewers and public water supply.
 - d. Bulk requirements in accordance with §5.1.B.
 - e. Parking in accordance with §6.11.
 - f. Landscaping in accordance with §6.14
- E. Middle Housing is permitted subject to a Special Permit in accordance with §7.5 in the RF-40 zoning district and subject to the following:
- a. Residential units shall be located on second floor or above only.
 - b. The lot shall be served by sanitary sewers and public water supply.
 - c. Bulk requirements in accordance with §5.1.B.
 - d. Parking in accordance with §6.11.
 - e. Landscaping in accordance with §6.14
- F. Middle Housing that incorporates an affordable component is permitted subject to Site Plan approval in accordance with §7.4 in the R-6, R-11, R-15, RF-40, I-40, I-20, CA-12, CA-40, CB-12 and CB-40 zoning districts and subject to the following:
1. Affordable Residential dwelling units, consistent with all other requirements of Section 8-30g of the General Statutes of the State of Connecticut, which comprise a minimum of 15% of the total dwelling units on site, whether existing or newly constructed, as a set-aside development at 60% and/or 80% AMI (Area Median Income) or State Median Income, whichever is lesser, in new or existing buildings provided that:
 - a. The application materials required to be submitted shall adhere to all other requirements set forth in Section 8-30g of the General Statutes of the State of Connecticut
 - b. Buildings and additions should reflect the residential architectural features of the surrounding area and zoning district
 - c. The lot shall be served by sanitary sewers and public water supply.
 - d. Parking in accordance with §6.11
 - e. Landscaping in accordance with §6.14
 2. Bonuses for affordable developments are as follows:
 - a. The Commission may approve bulk standard/lot and building requirements to be reduced or enlarged by up to 20%, as site conditions allow, based upon the specific project and scope for affordable housing developments.

- b. The Commission may approve further bulk requirement bonuses for projects that exceed the 15% minimum requirement for affordable units, up to a maximum of 55%, as site conditions allow, based upon the specific project and scope, on a per application basis.

The following chart details the maximum allowances the Commission may grant for percent reduction or enlargement of bulk standard/lot and building requirements on a tiered basis:

Percent Affordable Units	Percent Reduction/Enlargement*
20%	25%
25%	30%
30%	35%
35%	40%
40%	45%
45%	50%
50%	55%

*Maximum height allowed is capped at 40% above the maximum for the applicable zone

- c. The Commission may also increase the maximum building height allowance up to 40% to accommodate substructure parking for affordable housing developments that meet the minimum 15% of the total dwelling unit requirement. For the purposes of this section, if a foundation of a structure is built below the average finished grade of the adjacent street frontage of the lot, then the height shall be measured from the average finished grade of the surrounding street frontage.

Middle Housing Examples:



1. COTTAGE COURT



2. SIDE-BY-SIDE DUPLEX



3. STACKED DUPLEX



4. FOURPLEX



5. SIXPLEX



6. EIGHTPLEX



7. COURTYARD



8. TOWNHOUSE



9. LIVE/WORK

Cottage Cluster Example:



§6.11 OFF-STREET PARKING AND LOADING FACILITIES

- A. Parking facilities required - On all premises developed, expanded or changed in use after the adoption of these regulations for any purpose, parking facilities shall be provided off the street or highway right-of-way, sufficient to accommodate the vehicles of all occupants, employees, customers and other persons normally visiting the premises at any one time.
- B. Location of facilities - Required parking facilities shall be provided on the same lot as the building they serve, except as provided elsewhere in these regulations. Two or more parking facilities on adjoining lots, if designed for use as a single parking area, may use the same means of access. In single-family residential districts, no parking shall be allowed in front yards, except on driveways or on turn-arounds in side yards.
- C. Required minimum parking area - Parking facilities shall contain space for vehicles in accordance with the following table. Parking shall not infringe on driveways needed for access except in the case of a single or two-family dwelling unit. Parking areas shall be landscaped in accordance with the provisions of §6.14.E.

02/17/17

<u>Type of Use</u>	<u>Number of Car Spaces</u>
Single-family dwelling unit	2 spaces
Two-family dwelling unit	4 spaces
Three-family dwelling unit	6 spaces
Multi-family dwelling units	
Studio or 1-bedroom unit	1 1.75 spaces per unit
2-bedroom unit	2 2.25 spaces per unit
3-or more bedroom unit	2.50 spaces per unit
Public housing for the elderly Senior Housing, as defined and permitted by State and Federal Law	0.25 1 space per unit

05/19/91

Text Amendment

Educational Uses

#502-25



LAW OFFICES
135 Broad Street
Milford, CT 06460
T: 203.877.8000
F: 203.878.9800
hssklaw.com

Amy E. Souchuns, Esq.
ASouchuns@hssklaw.com

Planning & Zoning Commission
Town of Wallingford
45 South Main Street, Room G-40
Wallingford, Connecticut 06492

Re: Y&O Wallingford LLC and Y&O N-H LLC
Application for Zoning Regulation Change

Dear Chairman and Commission Members:

On behalf of Y&O Wallingford LLC and Y&O N-H LLC, and with reference to the above captioned application, enclosed please find the following:

- Application for Zoning Regulation Change;
- Application Narrative with Text Amendment to IX Zone;
- Property Owners' Letters of Authorization; and
- Application fee in the amount of \$550.00.

A digital copy of all submitted materials will be provided.

Please let us know if you require anything further. We look forward to presenting the application at the Commission's earliest opportunity.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Amy E. Souchuns', written over a horizontal line.

AMY E. SOUCHUNS
Enc.

**Y & O WALLINGFORD LLC
Y&O N-H LLC**

**TEXT AMENDMENT
April 9, 2025**

Add the following new language to Section 4.9.B:

18. Educational uses when located on property owned by a non-tax-exempt entity and located within 1,000 feet of a R-18 zone.

APPLICATION NARRATIVE
TEXT AMENDMENT TO IX ZONE
Y&O WALLINGFORD LLC and Y&O N-H LLC

Y&O Wallingford LLC and Y&O N-H LLC (collectively, Y&O) request an amendment to the Zoning Regulations to accommodate educational uses in the IX Zone in limited circumstances. This amendment, which is consistent with the Plan of Conservation and Development (POCD), will facilitate the continued growth of several private special education schools in town without a loss of property taxes.

Background

Y&O purchased several adjacent properties in 2016 – 1, 2 & 5-9 Barnes Industrial Park Road, and 23-27 and 29-33 Village Lane. At the time of this purchase, the properties included various special education users in the Village Lane and 5-9 Barnes Industrial properties and educational use was permitted in the IX Zone. Existing schools include Acord, Inc., B.E.S.T Academy, and High Road School of Wallingford, which provide special education and alternative education services for K-12 students as well as transitional and support programs for older students and adults.

In response to the potential redevelopment of the former Bristol Myers headquarters as a school in late 2016, various town agencies and individuals expressed concern about the removal of certain properties from the town tax rolls. In connection with that concern, the Commission modified the regulations in February 2017 and deleted the educational use in its entirety from the IX Zone. This rendered the existing schools legally non-conforming uses, with no ability to expand in their present locations or to adjacent properties within the IX Zone.

Purpose of the Amendment and Its Applicability

The proposed regulation will allow the schools to continue to operate and facilitate their growth, while eliminating a non-conforming use – a key goal of zoning. The provision of special education – an underserved need as demonstrated by the schools' expansion goals – provides a vital community service for those who need an alternative to traditional school settings. As drafted, the amendment accomplishes these goals without creating a negative impact to the town's tax base.

Moreover, due to the nature of these schools, they would not present the operational challenges associated with more typical educational environments that would be unsuitable for an industrial/commercial zone. Students arrive in passenger vehicles (either by a parent/caregiver or by a transport service) and

load/unload promptly, without the mix of both bus and private vehicle stacking associated with traditional school drop-off and pickup.

Consistency with the POCD

The goals of the POCD are consistent with the proposed amendment. The POCD recognizes that the town “may need to adjust its economic development strategy and industrial land use regulations to keep pace with changing needs in the business community.” This is necessary in order to “strengthen the local tax base and provide job opportunities to residents.”

The POCD action item highlights that “[b]roadening the range of potential businesses that can take advantage of Wallingford’s accessible industrial lands can help attract businesses, building the tax base and local jobs.” POCD, p. 14. In fact, the POCD makes the specific recommendation to “[r]evise I-5 and IX zoning regulations” in order to “allow additional uses to reflect current market demands and/or cultivate a niche industry cluster based on existing businesses.” POCD p. 15. The close proximity of these buildings to one another achieves this “industry cluster” concept.

Conclusion

In sum, the proposed amendment ensures the continued success of a needed service and eliminates the non-conforming use. With the provision with respect to ownership, it also maintains the town’s tax base.

AUTHORIZATION

Y&O WALLINGFORD LLC, as owner of the properties located at 1 Barnes Industrial Park Road, 5 Barnes Industrial Park Road, 23-27 Village Lane, and 29-33 Village Lane, Wallingford, Connecticut (collectively, the "Properties"), does hereby grant to Hurwitz, Sagarin, Slossberg & Knuff, LLC, 135 Broad Street, Milford, Connecticut, authorization on its behalf to file, execute, and submit any and all necessary land use applications to the Town of Wallingford, including but not limited to applications to the Zoning Board of Appeals and/or Town Planning & Zoning Commission, in connection with the Properties.

Y&O WALLINGFORD LLC



By: Yoav Rubinstein
Its: Authorized Signatory
Date: April 7, 2025

AUTHORIZATION

Y&O N-H LLC, as owner of the property located at 2 Barnes Industrial Park Road, Wallingford, Connecticut (the "Property"), does hereby grant to Hurwitz, Sagarin, Slossberg & Knuff, LLC, 135 Broad Street, Milford, Connecticut, authorization on its behalf to file, execute, and submit any and all necessary land use applications to the Town of Wallingford, including but not limited to applications to the Zoning Board of Appeals and Town Planning & Zoning Commission, in connection with the Property.

Y&O N-H LLC



By: Yoav Rubinstein

Its: Authorized Signatory

April 7th, 2025

TOWN OF WALLINGFORD

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

TO: ☒ Stephanie Camp - South Central Regional Council of Governments
☐ J.H. Torrance Downes - Lower Connecticut River Valley Council of Governments
☐ Keith Rosenfeld - Naugatuck Valley Council of Governments

FROM: Kevin J. Pagini, Town Planner

☒ **PLEASE SEE ATTACHED**

☐

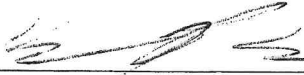
The change was originally requested:

☐ by municipal agency (PZC)
☒ by petition

Public hearing has been scheduled for: May 12, 2025

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

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


Kevin J. Pagini, Town Planner

(Authorizing Signature)

4/16/2025
Date

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



Town of Wallingford, Connecticut

JAMES SEICHTER
CHAIRMAN, PLANNING & ZONING COMMISSION

KEVIN J. PAGINI
TOWN PLANNER

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

April 15, 2025

City Clerk
City of Meriden
142 East Main St. Rm: 124
Meriden CT, 06450

Re: Proposed Amendment to the Town of Wallingford Zoning Regulations to add Educational Uses as an allowed use to Section 4.9.B.-Industrial Expansion (IX)

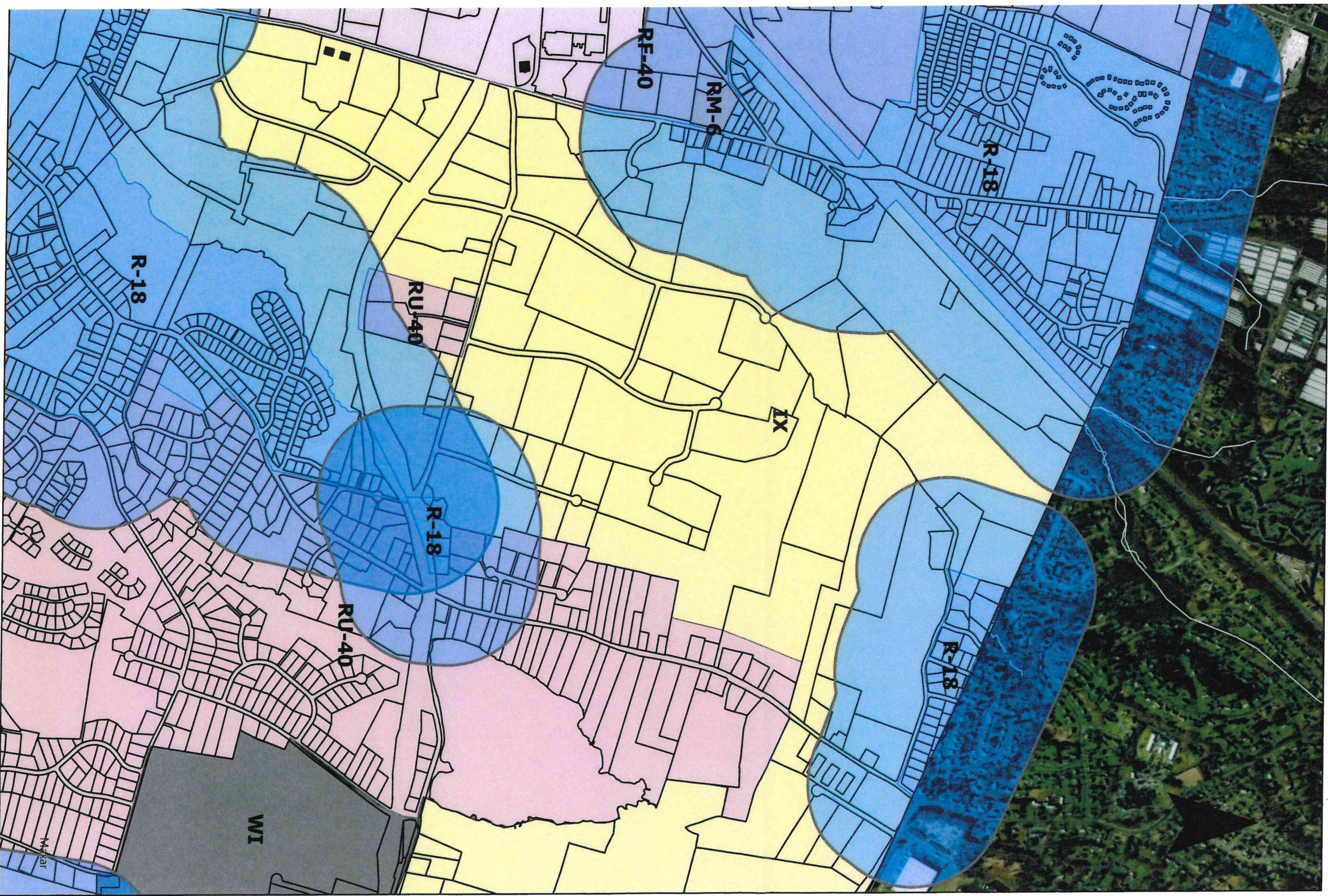
Dear City Clerk,

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

A public hearing for this application is scheduled for May 12, 2025.

Regards,

Kevin J. Pagini
Town Planner



Parcels within 1,000 feet of R-18 zone line in the IX zone





RECEIVED

APR 09 2025

WALLINGFORD
PLANNING & ZONING

April 9, 2025

Mr. Kevin Pagini (kevin.pagini@wallingfordct.gov)

Erosion and Sedimentation Bond Release Request

Town of Wallingford, CT - The Wallingford Planning and Zoning Commission

45 South Main Street, Room #G-40

Wallingford, CT 06492

Re: Erosion & Sedimentation Bond Release Request (Bond #012213981), Site Plan #223-23, 524 South Cherry Street

Dear Mr. Pagini,

Please let this serve as our request for the referenced erosion and sedimentation bond release.

Copy of the bond and transmittal attached for reference.

All erosion and sedimentation work on site has been completed and areas paved.

Please feel free to reach out with any questions.

Sincerely,

A/Z Corporation

 04/09/2025
Colin Chan

Sr. Project Manager (860.460.5950 / cchan@a-zcorp.com)

Cc: Darin Far, Henry Cence, project file.



Town of Wallingford, Connecticut

LEGAL NOTICE

The Wallingford Zoning Board of Appeals, at their Meeting of Monday, April 21, 2025, voted to take the following actions:

They voted to approve :

1. #25-009 – Special Exception Request/Ruggiero/Garage area of 989 sq. ft. (max 936 sq. ft. permitted) to construct a 625 sq. ft. detached garage at 55 Hill Avenue in an R-18 district.
2. #25-010 – Variance Requests/Ruggiero/Side yard of 10.4 ft. (20 ft. required) and Front yard of 15 ft. (40 ft. required) to locate a 625 sq. ft. detached garage at 55 Hill Avenue in an R-18 district.
3. #25-011 – Variance Requests/Wooding/Side yard of 5 ft. (20 ft. required), Rear yard of 5 ft. (30 ft. required) and Building Coverage of 28% (max 15% permitted) to construct a detached garage at 10 Colonial lane in an R-18 district.

They voted to deny:

4. #25-006 – Variance Requests/Tello/accessory structure of 400 sq. ft. (300 sq. ft. max permitted) and accessory structure height of 12.3 ft. (10 ft. height max permitted) to construct/allow a pool house at 360 Woodhouse Road in an RU-80 District.
5. #25-004 – Variance Request/Pietrunti/Front yard of 31.7 ft. (40 ft. required) to allow detached garage at 4 Field Drive in an R-18 District.

WALLINGFORD ZONING BOARD OF APPEALS

KAREN RADDATZ, SECRETARY

DATED AT WALLINGFORD
April 22, 2025

PUBLICATION DATE
April 25, 2025



Town of Wallingford, Connecticut

LEGAL NOTICE

The Wallingford Zoning Board of Appeals will hold the following public hearings at their Meeting of Monday May 19, 2025, 7:00 p.m., in the Robert F. Parisi Council Chambers, Town Hall, 45 South Main Street.

1. #25-012 – Variance Request/MDT Realty, Lucibello/Rear yard of 35.5 ft. (50 ft. required) to construct a detached garage at 31 North Plains Highway in an I-40 District.
2. #25-013 – Special Exception Request/Whitehouse/Customary Home Occupation for Architectural Services at 56 Bayberry Drive in an R-15 District.
3. #25-014 – Special Exception Request/The Nest School, Inc./Child Care Center with enrollment of 230 at 7 Research Parkway in a WI District.
4. #25-015 – Variance Request/Kovacs/Front yard of 4 ft. (20 ft. required) to construct a detached garage at 105 Grandview Avenue in an R-11 District.
5. #25-016 – Variance Request/Scalesse/Side yard of 12.49 ft. (20 ft. required) to construct an addition at 3 Hampton Trail in an R-18 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



KAREN RADDATZ, SECRETARY

DATED AT WALLINGFORD

April 29, 2025

POSTING DATES

May 6, 2025

May 13, 2025

“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.”

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Spring 2025

Volume XXIX, Issue 2

PERMIT EXPIRATION ENDS APPEAL

A case heard by the State Appellate Court was ruled moot because the zoning permit that was the subject of the appeal had expired. The zoning permit concerned the erection of a concrete retaining wall within a required setback. The zoning official issued the permit because he believed that the wall was not a structure under the zoning regulations and thus was not subject to setback requirements. The abutting neighbor appealed the approval of the permit to the zoning board of appeals. The board's dismissal of the appeal led to the matter going to the courts.

At oral argument before the Appellate Court, the parties agreed that since no action had been taken by the permit holder to construct the wall, the elapse of time led to the expiration of the zoning permit. With no actual controversy in place, the court found the issue of the permit's validity to be moot. If another permit is approved, the whole administrative and judicial review process can begin anew. *Brown v. Zoning Board of Appeals*, 231 Conn. App. 372 (2025).

DISTRICT THAT PERMITS RESIDENTIAL USES SUBJECT TO 8-30G

The Affordable Housing Appeals Act, Connecticut General Statutes Sec. 8-30g, provides in part that districts zoned for industrial use which do not permit residential uses are exempt from the appeals provisions of the Act. A question faced by one Superior

Court Justice was whether a district designated as a planned commerce zone qualified for this exemption. The zoning regulations that applied to this district allowed for many commercial, office and retail uses as well as what could qualify as industrial uses. The zoning regulations also contained a peculiar provision which provided that residential uses in existence within the district when the planned commercial district was established would remain permitted uses. However, no additional residential uses would be permitted.

After reviewing the applicable zoning regulation in detail, the court found that the planned commercial district did not qualify for an exemption to Sec. 8-30g as its clear language stated residential uses were permitted within the district. The court found an additional reason to question whether the district was zoned for industrial uses in that only a few industrial uses were present, the rest being office and commercial uses. *Vessel RE LLC v. Town Plan and Zoning Commission*, LND-HHD-CV-23-6167826.

77th ANNUAL CONFERENCE

The Federation's Annual Conference was held on March 27, 2025 at the Aqua Turf Country Club in Southington Connecticut. Our principal speaker was the Honorable Marshal Berger, who made a presentation on the legal implications of an affordable housing application on a land use commission's discretion as well as the likely

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outcome of an appeal to the Superior Court. Judge Berger then led a discussion on what commissioners can do to address affordable housing within their communities so as to lessen the effects the affordable housing act has on their decision-making authority. In closing, Judge Berger warned that further state intrusions on local land use authority are coming and the commissioners need to take steps now, such as by amending their regulations to permit more multi-family housing.

In addition to this presentation, Stacey Sefcik, land use administrator for the Town of Norfolk presented the Length of Service Awards and Lifetime Achievement Awards to those nominated for these awards. If you would like any of the presentation materials, please contact us at contact.cfpza@gmail.com.

FAILED MOTION IS A DECISION

An application to modify an approved condominium development was submitted to a town planning board. The applicant sought to modify two conditions of the original approval that were preventing the development project from moving forward. One of the conditions would prevent the rental of any of the condominium units while the other required an offsite sewage disposal system for the complex.

A motion to approve the modification application was made, but no second to the motion was offered and no vote of the Board members took place. The Board later

submitted to the town clerk a resolution which stated in part that the motion to approve failed for lack of a second.

The applicant filed an action in federal court claiming that the Board's action denied him certain civil rights and violated federal laws including the Fair Housing Amendments Act. The Board countered with a motion to dismiss the case because it had not issued a final decision on the application. There is a long-standing rule that courts will only address claims that are ripe. In land use cases, this means that the appropriate municipal land use agency or official has made a final decision on an application.

The Court of Appeals found that the Board had made a final decision. It found persuasive that the Board, in its resolution, stated that the motion to approve the application had failed. *Village Green at Sayville LLC v. Town of Islip*, No. 19-3353-cv (2nd Cir. 2022).

COMMISSIONERS CAN DECIDE FOR THEMSELVES WHICH WITNESS TO BELIEVE

An application to construct a residential complex on land surrounded by wetlands was denied by the inland wetlands board on the basis that the proposed development would have an adverse impact on the wetlands. The applicant had retained various experts who were all of the opinion that no adverse impacts would take place and, even if they did, there were no feasible and prudent alternatives. The expert retained by

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the board came to the opposite conclusion, finding that the intensity of the development as well as the steep slopes on the property adjacent to wetlands and the removal of the tree canopy would lead to adverse impacts. In addition, by relocating certain stormwater controls and reducing the scale of the project, feasible and prudent alternatives existed.

The denial was appealed and presented the court with the issue of whether the expert testimony amounted to substantial evidence to support the board's decision. The court found that it did. The authority to decide which expert to believe rests solely with the board. A commission is not required to believe any witness, including an expert. What is required is that the proceedings be fundamentally fair which includes, in part, providing an expert witness with the opportunity to address the board and the board members expressing their opinions during the public hearing. *Ridgefield Professional Office Complex LLC v. Inland Wetlands Board*, DBD-CV-23-6047606.

PROPOSED BILL WOULD REQUIRE 100 FOOT WETLAND BUFFERS

House Bill 7174 would insert a new definition into the Inland Wetlands Statutes. Basically, what we all know as upland review areas would be known as riparian buffers in the state statutes. This buffer would need to be at least 100'. Any local wetlands upland review area of less than this distance would be superseded by this statutory requirement.

ANNOUNCEMENTS

2025 Legislative Agenda

An insert is included with this edition of the newsletter that summarizes several bills that affect local land use. The summary is also posted to the Federation's website.

Membership Dues

Notices for this year's annual membership dues were mailed March 1, 2025. The Federation operates solely on the funds provided by its members at no profit. So that we can continue to offer the services you enjoy, please pay promptly.

Workshops

Connecticut law now requires that every land use agency member receive 4 hours of training every two years. At the price of \$185.00 per session for each agency attending, our workshops are an affordable way for your board to 'stay legal'. Each workshop attendee will receive a booklet which sets forth the 'basics' as well as a booklet on good governance which covers conflict of interest as well as how to run a meeting and a public hearing.

ABOUT THE EDITOR

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

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CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES

PROPOSED LEGISLATION 2025

The following Bills are presently before the State Legislature. None, as of the date of this Conference, have been passed. The full text of these proposed bills can be found at www.cga.ct.gov.

Restricting Appeals by Intervenorors H.B. 6249

The Connecticut Environmental Protection Act's intervenor provision, Sec. 22a-19 of the General Statutes, allows anyone to take an appeal of a planning and zoning commission decision to approve a development in regard to environmental issues. This bill would restrict such appeals to persons owning or renting property abutting or within 100 feet of the property involved in the decision if the development is for a residential use. There is an exception for nonprofit organizations.

Elimination of Parking Requirements H.B. 7061

Minimum off-street parking requirements would be prohibited from zoning regulations if this bill becomes law. The bill proposes to amend Sec. 8-2 of the General Statutes and remove any authority for a zoning commission to require a minimum number of off-street motor vehicle parking spaces for any development.

Open Space Requirement for Subdivisions H.B. No. 7034

This bill would prohibit a planning commission from requiring the donation of land for open space purposes as a condition of approval for a subdivision application. It would also prohibit requiring that the applicant pay a fee-in-lieu of land donation as a condition of approval.

Prohibition on Multifamily Housing Moratoriums H.B. No. 7035

Section 8-2 of the General Statutes would be amended by this bill so that zoning regulations can not amend their regulations to either temporarily or permanently place a ban on development of multifamily housing or three or more dwelling units.

Publication of Legal Notices H.B. 7146

This bill places the burden on the chief elected official of a municipality of determining which, if any, newspaper publications have a substantial circulation within the municipality.



CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES

Establishing a Housing Density Rating Program H.B. 5391

This proposed law would require that municipal zoning regulations be amended to include provisions: allowing any multi-family housing project in an area of public water service and sewer as of right; limit minimum lot sizes in these areas to no more than 7,500 square feet; allow accessory apartments as of right in any residential zone; limit parking requirement to one space per studio or one bedroom apartment and 2 spaces for homes of any size above that; and limit minimum lot sizes in area on well and septic to no more than one acre. The bill proposes a complicated point scheme that would allow a municipality to avoid some of these provisions. For example, if a zoning regulation was adopted that would create a housing transit zone, all boarding houses or not hold public hearings on applications for residential development projects, points would be awarded. Once a certain number of these points were accumulated, then the forced amendments to the zoning regulations stated in this Bill could be avoided. An interesting facet of this bill that if a municipality complies with all of the Bill's requirements, it would be exempt from the affordable housing appeals act.