

Wallingford Planning & Zoning Commission  
Regular Meeting  
Monday, July 8, 2024  
7:00 p.m.

Robert F. Parisi Council Chambers – Town Hall  
Town Hall – 45 South Main Street  
MINUTES

RECEIVED FOR RECORD  
AT 9:50 AM AND RECEIVED BY  
Kristen Lange (LG) TOWN CLERK

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

The Pledge of Allegiance was recited by all.

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

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

2. **PUBLIC HEARING – Special Permit for Excavation & Filling of Land/Lost & Found Ventures, LLC/8 Mansion Road #407-24** Continued to August 12, 2024 meeting
4. **PUBLIC HEARING – Special Permit for Car Wash to a Dealer/Tow Yard – One Source Towing and Repair/Komal/130 Dudley Ave. #404-24** Continued to August 12, 2024 meeting

Consideration of Minutes – June 10, 2024, Regular Meeting

**Commissioner Fitzsimmons: Motion to approve the Minutes of Monday, June 10, 2024, Meeting of the Wallingford Planning and Zoning Commission as submitted.**

**Commissioner Parent: Second**

**Vote: Unanimous to approve.**

**PUBLIC HEARINGS**

1. **Re-subdivision - under 8-30g/Sunwood Development Corp./1136 Durham Road #102-24**

Commissioner Allinson read the legal notice and noted the correspondence. Application #102-24 – Re-subdivision request for Sunwood Development Corp. for a 13-lot subdivision under CT Statute 8-30g located at 1136 Durham Road – RU-40 (Residential District). Correspondence included Sunwood Development Corp. CGS 8-30g Application for Re-subdivision, 1136 Durham Road, Wallingford, CT dated July 8, 2024; Application for re-subdivision approval received June 7, 2024; Memorandum to the Wallingford Planning & Zoning Commission from Hinkley Allen Snyder LLP, dated June 2024 re: Affordable Housing Need in Wallingford; Sight Line Analysis entitled “The Cozy Corner at 8-30g subdivision”, dated June 6, 2024; subdivision plan dated June 6, 2024; Interoffice Memorandum from Scott Shipman, Senior Engineer, Water & Sewer Divisions to Kevin Pagini, Town Planner, dated June 26, 2024; correspondence from Kevin Pagini, Town Planner to Sunwood Development Corp, dated June 24, 2024; certificates of mailing from Sunwood Development dated June 25, 2024; email from Alison Kapushinski, Town Engineer to Bob Weidenmann, Sunwood Development Corporation not dated; email

from Bob Weidenmann, Sunwood Development Corp., to Alison Kapushinski, Town Engineer, dated June 24, 2024; document addressed to Sunwood Development Corp. from Erin O'Hare, Environmental Planner, dated June 27, 2024; email from Amy Weidenmann, Sunwood Development Corp, with a photo, to the Planning & Zoning Department dated June 28, 2024; Application for re-subdivision with supplemental materials, dated July 2, 2024; Revised Sight Line Analysis plan dated July 1, 2024; memo from Alison Kapushinski, Town Engineer, to Planning & Zoning Commission, dated July 2, 2024; revised exhibits of layout and site plan dated July 1, 2024 and email from Alison L. Gomes, Hinkley Allen, to Kevin Pagini, Town Planner dated July 2, 2024.

Timothy Hollister, Hinkley Allen & Snyder, 20 Church Street, Hartford; and Bob Weidenmann, Principle, Sunwood Development Corp, Christopher Juliano, PE, Licensed Land Surveyor, Juliano Associates, 405 Main Street, Yalesville and Gina Musinski, Transportation Engineer, Fuss & O'Neil, 146 Hartford Road, Manchester, presented.

Atty. Hollister noted that the June 7, 2024 application packet includes the Wetlands approval received May 1<sup>st</sup> and the supplement materials filed July 2<sup>nd</sup>. He distributed a hard copy of the slides being presented tonight. He noted that they expect to return in August to finish the hearing. They originally filed in January and then withdrew to work on items with Inland Wetlands. They have not received all staff comments yet. The property is 3.5 acres and is approved for a single-family residence which has been demolished. The plan is to re-subdivide it into 13 lots with sizes ranging from 5,000 to 29,000 sq. ft. They will build 13 single-family homes on a cul de sac called Kyle Court off Grieb Road. The houses will be two stories with three bedrooms and will range from 2,000 sq. ft to 1,500 sq. ft. Four of the homes will be restricted for 40 years to moderate-income households. The affordability plan is in the application. He noted that due to the 8-30g statute, the Commission can only deny the application if the plan will cause a substantial impact on health or safety that cannot be addressed by reasonable changes. Atty. Hollister stated that they intend to sell the homes but that property owners have the right to rent. Prices of the homes will range from \$239,000 to \$352,000. He noted that the 2016 POCD and the Town's 2022 Affordable Housing Plan recognize the need for affordable housing.

Mr. Juliano reviewed the existing conditions and the plan for the cul de sac. He stated that an association will be responsible for maintenance of the detention area which will be part of Lot 13. They are not making major changes to the grade. There will be catch basins at the beginning of Kyle Court. There will be a 30 ft. easement between lots 12 and 13 Stormwater will go to a diversion unit with an oil/water separator and sand filter. He noted that this property is in the Watershed Protection District which means they need to treat the first flush so it's infiltrated back into the ground. The majority of the water will go into the standard retention basin designed to maximize infiltration and reduce the volume of runoff coming off the property. They looked at the 4 watersheds on this property and reduced water going to abutting properties. He stated that they will have underground electricity and will connect to the water main from Killen Road and existing sanitary sewers on Grieb Road. Mr. Juliano explained that the development will be done in three phases as the Erosion Control Plan. First, a temporary sediment trap and construction entrance will be constructed. Then they will construct the road and increase the size of the sediment trap as well as bring in utilities. In the third phase, the lots

will be developed individually, the sand filter installed, and the full detention basin. He reported that they looked at the turning movement onto the road and around the cul-de-sac to ensure fire trucks could get in and out. He noted that there is an issue getting from Durham Road to Grieb Road, which the Fire Department is aware of.

Ms. Musinski summarized the report on traffic volumes, sight lines, and the proposed roadway realignment. She reported that they did counts on the neighboring road network and calculated the trip generation based on the industry standard Trip Generation Manual. She stated that the traffic caused by the development will not be noticeable. Regarding the existing intersection, they provided options to reduce speeds as well as a roadway realignment to create a 90-degree intersection. She noted that the improvement should be made independent of the development. She reported that the sight lines will be adequate at Kyle Court looking left and right and the stopping sight distance will be adequate. Regarding the proximity of the access road to the intersection, she noted that it will be 107 ft from the intersection which is below the 250 ft. separation in the regulations. Due to the low speed and volume of traffic, she stated that the distance can be smaller. The 107 ft. is sufficient. Ms. Musinski noted that they will be scheduling a meeting with the Town Engineer, Town Planner, and Police Chief to review these plans.

Commissioner Fitzsimmons noted that since they have opened the public hearing, the clock is running. He asked when a decision will have to be made because it is not normal for an application to come before the commission before sign-off from the Town Engineer and other town departments. He is concerned that the application is not final. Mr. Pagini reviewed the required deadlines. Atty. Hollister replied that they withdrew the first application so they could incorporate staff comments. He stated that it is only the intersection that needs to be resolved. He stated that he does not expect the Commission will be rushed into a decision. Commissioner Fitzsimmons restated that this situation is unusual. He asked how wide Grieb Road is and asked that it be included in the traffic analysis. It is one of the narrowest streets in town. He would like to see something from the Police Chief and Fire Chief on this.

Mr. Juliano noted that they did an analysis and the Fire Marshal agreed that the cul de sac is accessible. He didn't know if that comment was documented. He did note that the turn from Durham Road onto Grieb Road is a concern. This is an existing town road. This is an existing sub-division and as of right matter. The applicant is not responsible for the condition of the intersection. He will provide a drawing with the distances.

Commissioner Fitzsimmons asked why the cul de sac would be considered a public road instead of private. Mr. Juliano replied that there is no difference in design. The difference is who is responsible for plowing and maintenance. Commissioner Fitzsimmons noted that the proposed entrance is not appropriate since it is less than 250 ft. from the intersection. His concern is that this presents a significant public safety issue. Commissioner Fitzsimmons stated that he is in favor of non-market rate housing in the right place. It should be supported by transit districts and other services. He is concerned with the sight lines that need to be better than adequate. Public safety is a primary concern.

Ms. Musinski stated that she understands the concerns and recognizes the non-compliance with the 250 ft. regulation. They make the proposal based on the volume of traffic and trip generation numbers, along with the road realignment. She stated that cars would slow down.

Mr. Juliano noted that if this was the driveway for a condominium development, we wouldn't be having this conversation. It's a sub-division regulation. They could put more condominium units on this property without this issue. The 250 ft. doesn't make sense from an engineering viewpoint with the low volume this development will generate.

Commissioner Rivard agreed with the need to address more non-market rate housing where appropriate. He stated that the risk level for residents goes up in more rural areas. This puts more residents in a risky situation. He noted that none of the R-40 zone requirements are being met in the application. He understands the legal scope of the 8-30g, but they are putting a higher-density project in an area it was not designed for. The risk level would be reduced with fewer homes.

Commissioner Kohan agreed with the other Commissioners. He agreed that the realignment of the road could make it a little safer.

Commissioner Allinson referred to the letter from Erin O'Hare and the Inland Wetlands conditions of approval. One was that the final plan set be due within 2 months of the May 1<sup>st</sup> approval. If there is documentation missing and things might change, can this plan be called final? Mr. Pagini replied that the Corporation Counsel stated that any plan sets approved during Wetlands can be addressed at a later time. Everything they needed to address was addressed. Anything we can change can be addressed with administrative approvals. Commissioner Allinson clarified that the Corporation Council is advising that as long as the plans are in and any changes made are in accordance with the conditions of approval, it's okay. He referred to the supplemental memo dated July 2<sup>nd</sup> regarding the 250 ft. and the referenced cases. He asked how meeting the 250 ft regulation is not a reasonable change. Ms. Musinski replied that moving the driveway to 250 ft from the intersection would go beyond the limits of the existing site. She stated that the realignment would provide adequate sight distances. Commissioner Allinson suggested asking the Town Engineer if this can be done with a reasonable change. Regarding fire truck access, he noted that there is always street parking in cul de sacs. He noted that snow removal and piling will cause sight line issues. He would like to see a memo from the Fire Department commenting on the radius when parked cars or snow piles are there. He asked if there was a way to restrict street parking on a public road.

Commissioner Sanders stated concern with the challenge of access. Although the Town is prevented from looking at a lot of the regulations, the regulations are not meant to be obstacles. 8-30g and affordable housing is important but there will be poor access with a lot of houses there. The applicant is telling us to ignore the few regulations we are allowed to use. Ms. Musinsky replied that the proposed realignment will improve the overall safety independent of this development. Given the low volume of traffic and the low speeds with the realignment, they will meet the State criteria for those distances.

Atty. Hollister stated that 8-30g exists because regulations were obstacles to higher-density developments. Many of those regulations had to do with road dimensions. He stated that they would come back in August and show that the 107 ft with the road realignment is safe. Commissioner Sanders stated that he'd like to hear from the Town Engineer on this.

Commissioner Parent stated that he doesn't favor applications with a lot of conditions of approval. He wants to be sure an application doesn't create a hardship for someone else. We need backup by an Engineering study that we don't need that distance. He suggested they withdraw and come back with an assurance that the entry is safe. The focus is public safety. He doesn't want to vote until all the issues are resolved.

#### **PUBLIC COMMENT**

Jeffrey Radziunas, 1125 Durham Road, stated that he is a professional engineer and understands that engineering calculations include a margin of safety. The 250 ft. is probably based on a margin of safety calculation. He noted that Durham Road is wider until you get to Grieb Road where it narrows and curves. People drive faster on wider roads. He would like to see the calculations with the margin of safety and look at the best interests of the public.

John Wooding, 1131 Durham Road, stated that at the May 9, 2022, Planning & Zoning meeting, it was noted that the Town needs between 1000 and 1100 affordable units to achieve the 10% goal. He doesn't disagree that we need affordable housing. 8-30g has been in place for 30 years with little change in the overall percentage. He noted that Mr. Wiedermann was a resource for the plan drafted in 2022 that identified areas that were ideal for affordable housing. Mr. Wooding asked the Commission to look for what's best for the Town. We need to encourage affordable housing development in areas that make sense.

Dean Tuscano, 1128 Durham Road, stated that Grieb Road is a narrow road and when it snows it becomes a one-lane road. His concern was access to emergency vehicles.

Jaime Trager, 40 Fairlawn Drive stated that the issue is safety. Just adequate is not adequate for safety. Unless you live there you have no idea what it's like to make that turn. This proposal feels rushed and ill-prepared. The comment that they could have put condos in there was upsetting.

Pieper White, 32 Fairlawn Drive, stated that she is 8 years old and is upset that they knocked down the old trees and animals are now homeless. Trees make oxygen, so why cut them down? We need to plant trees, not houses. She stated that she couldn't walk to her friend's house because of traffic. Please think about how your decision impacts my childhood.

Tom Cappas, 4 Killen Road, stated concern with traffic and safety. This proposal drastically adds to the dangers that already exist on the road. The new road is a catalyst for many downstream safety issues. It falls way short of the minimum required clearance for a roadway entry in the sub-division regulations. The width of the new road is not enough for two-way traffic. There will definitely be foot traffic as well.

There is limited visibility. There is no way Grieb Road will be able to handle the volume. Now cars often have to pull over so other cars can pass. There have been many accidents. He urged the Commission to deny the application due to the volume of traffic, density, and extremely unsafe conditions.

Julie Crouse, 1168 Durham Road stated that it is an extremely dangerous intersection. Landscaping trucks often block Grieb Road now. It is unsafe for pedestrians.

Nicole Frank, 8 Fairlawn Drive stated that cars blow by her house. Safety is already an issue. Her concern is that cars will use Fairlawn as a cut-through. She has been in many near accidents at that intersection. This is a safety issue.

Karen Nepoletano, 42 Fairlawn Drive, stated that cars go through at 40 mph, not 15mph as used in the traffic study. We can't trust the traffic study.

Brian Delaney, 1191 Durham Road, stated that they would be taking a bad intersection and making it worse. He noted that a fire truck won't be able to get into the cul de sac with cars parked there.

Mary Canfield, 42 Fairlawn Drive, pleaded with the Commission to do the right thing. She stated that she is a former police officer and that changing the intersection won't change people's behavior. It is not safe now.

Steven Benben, Environmental Engineer, Triton Environmental, Guilford, stated that he was hired by the neighbors to provide an engineering evaluation of the plans. There is clearly a safety issue. Yes, it's an existing road condition. There is a section in the subdivision regulations that says it is the applicant's responsibility to provide safe access. He asked to be copied on additional submittals. He noted that the posted speed limit in that area is 30 mph, not 15 mph which the analysis is based on. This proposal needs additional study.

Atty. Hollister stated that they are clear on what they need to do for the August meeting. He promised to send all the documents to Mr. Benben.

Mr. Pagini noted that a meeting with the Police Chief, Fire Marshall, and Town Engineer is being scheduled to assess the next steps.

Commissioner Fitzsimmons asked that between now and the next meeting the applicant give the Town Staff time to review documents and respond before the next meeting.

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

**Commissioner Fitzsimmons: Motion to continue the public hearing for application #102-24 Re-subdivision (8-30g) Sunwood Development Corp/1136 Durham Road to the August 12, 2024 meeting.**

**Commissioner Sanders: second  
Vote: Unanimous**

The application is continued.

**3. Zoning Text Amendment/Zoning Map & Zoning Text of YLB #901-24**

Commissioner Allinson read the legal notice and noted the correspondence. Application 901-24 – PZC = Zoning Text & Zoning Map Amendments to Section 4.4(B) – Yalesville Limited Business District. Correspondence included a letter from the Economic Development Commission to the Planning and Zoning Commission dated May 8, 2024, and an Inspection Report from the Wallingford Fire Department, dated June 18, 2024.

Joseph Mirra, Chair, Economic Development Commission (EDC), and Don Crouch, Economic Development Specialist presented.

Mr. Crouch used a PowerPoint presentation to review the YLB and how it came about. He noted there was a workshop with Planning & Zoning held in May on the expansion of the zone and text changes. They held a community conversation last week at the Wallingford Public Library that was well attended. The Yalesville Limited Business District was created in 1991 to revitalize Yalesville’s Main Street and Chapel Street as part of the POCD. He reviewed the purpose, including promoting it as a Village Center,

Mr. Mirra reviewed what’s allowed and not allowed in the district. He stated that this expansion gives residents options. People can stay in their homes or sell them for a business. The personality of the property will stay the same. Residents seemed satisfied with the community conversation.

Mr. Crouch showed the map of the expanded area and noted that this will also fix the properties that are currently split into two districts.

Mr. Pagini reviewed the text changes proposed to 4.4(B). The biggest change is to allow new office and multifamily units. The requirements for lot size and setback stay the same. This impacts a small number of properties. He stated that he has been discussing this with the EDC for a while. We can consider adding more uses in the future, for example, salons are not allowed. The goal is to maintain a village feel.

**PUBLIC COMMENT**

Kevin McNally, 376 Church Street, thanked the Commission and the EDC and stated that a lot of these homes are right next to the street which lends to commercial uses. He thanked the Commission and the EDC for this proposal.

Jim Wolf, 396 Church Street, stated that he talked to his neighbors and there is a generational change. Most of them won't do anything immediately. This will enhance the area.

Commissioner Fitzsimmons stated that he supports the expansion of the YLB. Limited is the keyword. He believes the area has developed appropriately.

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

**Commissioner Fitzsimmons: Motion to close the public hearing for application # 901-24 Zoning Text Amendment/Zoning Map & Zoning Text of YLB.**

**Commissioner Parent: second**

**Commissioner Allinson recused.**

**Vote: Kohan – yes; Fitzsimmons – yes; Sanders – yes; Parent– yes; Vice Chair Venoit – yes.**

**Commissioner Fitzsimmons: Motion to approve application #901-24 – Zoning map and zoning text amendments to Section 4.4(B) – Yalesville Limited Business District on the enclosed packet from the Economic Development Commission dated May 8, 2024, because it makes good planning sense for Wallingford to expand the YLB as recommended and requested.**

**Commissioner Parent: Second**

**Commissioner Allinson recused.**

**Vote: Kohan – yes; Fitzsimmons – yes; Sanders – yes; Parent– yes; Vice Chair Venoit – yes.**

The application is approved.

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

5. **Administrative Approvals – noted as approved**
  - 448 North Colony Rd, Change of Use, Naresh Komal #306-24
  - 85 Chapel St, Accessory Apartment, Megan Heidenis #211-24
6. **ZBA June Decisions – no comment**
7. **ZBA Notice of July 15, 2024 – no comment**
8. **Zoning Enforcement Report – no comment**

Mr. Pagini noted that the office is in the process of getting an Ordinance Committee meeting to expand its enforcement ability.

Mr. Allinson proposed a letter from the Commission to the Ordinance Committee in support of this change.

**Commissioner Fitzsimmons: Motion that the Planning & Zoning Commission send a letter to the Wallingford Town Council Ordinance Committee similar to the one sent by the EDC supporting the amendment to the Town Ordinances enhancing zoning enforcement.**



**Mr. Parent: Second**  
**Vote: Unanimous**

**ADJOURNMENT**

**Commissioner Fitzsimmons: Motion to Adjourn the Wallingford Planning and Zoning Commission for Monday, July 10, 2024, at 9:05 pm.**

**Commissioner Parent: Second**  
**Vote: Unanimous**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary

