

**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.

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RECEIVED FOR RECORD

AT 0:50 PM

*Kevin Pagini*

AND RECEIVED BY

TOWN CLERK

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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, 2<sup>nd</sup> 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 22<sup>nd</sup>. 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