

**Wallingford Planning & Zoning Commission**  
**Regular Meeting**  
**Monday, August 12, 2024**  
**7:00 p.m.**  
**Robert F. Parisi Council Chambers – Town Hall**  
**Town Hall – 45 South Main Street**  
**MINUTES**

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

The Pledge of Allegiance was recited by all.

**Roll Call:** Present: James Seichter, Chair; 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; Kevin Pagini, Town Planner and Alison Kapushinski, Town Engineer.

Consideration of Minutes July 8, 2024, Regular Meeting

One correction was noted by Commissioner Sanders.

**Commissioner Venoit: Motion to approve the Minutes of Monday, July 8, 2024, Meeting of the Wallingford Planning and Zoning Commission as corrected.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous to approve with Chairman Seichter abstaining.**

**PUBLIC HEARINGS**

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

Chairman Seichter explained that this is a continuation of the public hearing on an 8-30g application.

Commissioner Allinson read the new correspondence into the record. Correspondence included email from Andrea Gomes, Hinkley Allen, to Alison Kapushinski, Town Engineer, dated July 31, 2024; email from Alison Kapushinski, Town Engineer, to Kevin Pagini, dated August 6, 2024; email from Mike Hughes, Chief Sanitarian, to the Planning & Zoning Commission, dated August 6, 2024; email from Brian Schock, Fire Marshal, to the Planning & Zoning Commission dated August 6, 2024; Memo from the Department of Engineering to Planning & Zoning Commission dated August 6, 2024; Memo from Alison Kapushinski, Town Engineer, to Kevin Pagini, Town Planner, dated August 6, 2024; Interoffice Memorandum from Scott Shipman, Senior Engineer, Water & Sewer, to Kevin Pagini, Town Planner, dated August 6, 2024; petition with signatures; Memorandum from Janis Small, Corporation Counsel, to Members of the Planning and Zoning Commission dated August 7, 2024; email from Andrea Gomes, Hinkley Allen to Fire Marshal Schock, dated August 7, 2024; email from Brian Schock, Fire Marshal, to Andrea Gomes, Hinkley Allen, dated August 8, 2024; memo from Acting Fire Chief Wilson, to Planning and Zoning Commission dated August 9, 2024; letter from John Ventura, Chief of Police, to Planning and Zoning Commission, dated August 9, 2024; email from Andrea Gomes, Hinkley Allen, to Kevin Pagini,

Town Planner, dated August 12, 2024, set of plans entitled “Turning Movement Analysis Fire Truck the Cozy Corner and 8-30g subdivision” dated June 28, 2024, and a set of drainage reports.

Chairman Seichter stated that he reviewed the minutes, materials, and the recorded meeting, so will be voting on this application tonight.

Atty. Timothy Hollister, Hinkley Allen & Snider, 20 Church Street, Hartford; Mark Vertucci, PE, Senior Traffic Engineer, Fuss & O’Neill, 146 Hartford Road, Manchester; Christopher Juliano, PE, Licensed Land Surveyor, Juliano Associates, 405 Main Street, Yalesville; and Bob Weidenmann, Sunwood Development presented.

Atty. Hollister asked for copies of two pieces of correspondence that were read into the record, that he had not seen. This included the memos from Janis Small and the Police Chief. Chairman Seichter provided copies.

Atty. Hollister reviewed the proposal for 13 lots off of Durham Road under the 8-30g statute and stated that 30% of the homes will be preserved for moderate-income families for 40 years. He noted that if denied, the Commission will have to prove substantial public health or safety concerns. He reviewed the history of the application. Since July the applicant has consulted with Town staff, including the Town Planner, Senior Engineer, and Police Chief, with Andrea Gomes from his office and Mark Vertucci of Fuss and O’Neill. He reported an exchange in the last couple of days with the Fire Marshal recommending compliance with the International Residential Code. He referenced the Town Engineer’s memo August 6th memo, to which Mr. Vertucci provided a reply this morning. He reported that Mr. Juliano filed the diagram showing how a fire truck could pass through the cul de sac even if cars were parked along the circle. The remaining issue is the safety of the 110-foot separation distance from the entrance of the new road and the intersection of Durham Road and Grieb Road.

Mr. Vertucci explained that he is a Professional Engineer and a Certified Traffic Operations Engineer. He reviewed the material presented so far. He referenced the memos on the separation distance from the new road to the existing intersection. The request for 250 ft. is based on subdivision regulations. Separation distances from a traffic engineering standpoint are dependent on traffic volume and speed. Both are low in that area. Using the 250 ft separation makes the property undevelopable. He stated that he noticed several developments in town with entrances less than 250 ft from an intersection including the Police and Fire Departments and the Town Hall. The proposed realignment of the intersection will make it safe. He referenced the FHWA guidance on access management based on 35 mph and approach queues of 125 ft. The volume at that intersection is low and queues are rare. He doesn’t believe the functional areas of the two intersections are overlapping. He referenced the ConnDOT Highway Design Manual, section 11.8.02, and stated that they are in excess of the requirements in that manual. He noted the Town Engineer’s reference to the highway design manual for 400 ft. of separation distance and stated that it is specific to mainline traffic and roadways. Regarding sight distances, there is sufficient intersection sight distance coming out of Kyle Court with an excess of stopping sight distance on Grieb Road in both directions. He noted that the Town Engineer’s

memo suggested that the sight lines were not sufficient for turning northbound. He stated that the photo provided was not taken at the decision point. The sight distance at the decision point is good. Regarding the concern with turning left onto Grieb Road, the realignment to a T intersection will have a significant safety impact. This will also lower speeds coming out of the intersection. He stated that he is confident that with the realignment, the distance is appropriate. The sight lines and stopping sight distance exceed the criteria for safety.

Atty. Hollister stated that the comments by the neighbors are on the existing dangerous traffic conditions. The applicant doesn't want to build unsafe houses. He stated that Mr. Vertucci is an authoritative voice. The Commission does not have a health or safety basis to deny. He referred to Atty. Small's memo states that the fact that they have a regulation that requires 250 ft. is not dispositive. The Town Engineer's memo addressed conditions of approval. The applicant only questions the video reconnaissance of the drainage pipes and the \$357,000 bond.

Mr. Pagini agreed with the Town Engineer's assessment and stated that the Commission has all the information they need.

Ms. Kapushinski stated her opinions stated in the August 6<sup>th</sup> memo are unchanged.

Chairman Seichter noted the Police Chief's concurrence with the Engineer's memo.

#### **PUBLIC COMMENT**

Mary Canfield, 42 Fairlawn Drive stated that she didn't hear anything tonight about input from the Fire and Police Departments on safety of access. She noted that at the last meeting, the applicant stated that the 110 ft. was adequate. Now they say it's appropriate. It is not appropriate. They don't see the traffic and there are no sidewalks. There have already been several bus and car accidents. She noted that she was in law enforcement for a long time and didn't want to see fatalities. She noted that this intersection is different from intersections downtown. You can't see when you pull out of Killen Road. Safety should not be called adequate. The neighbors are not against development at that property. This is not what should be there. Ms. Canfield also stated that none of the neighbors received notice of this meeting.

Chairman Seichter commented that the Commission has a memo from the Fire Chief. The Town Engineer reviewed her comments with the Police Chief and he concurred with them. Alison Kapushinski, Town Engineer, stated that the Police Chief is the local traffic authority. He sent a memo stating his opinion and he agreed with her findings. Chairman Seichter confirmed with Mr. Pagini that the required notifications were sent out.

Carly Vessino, 42 Fairlawn Drive, and Pieper White, 32 Fairlawn Drive stated that they are scared to go on the road because cars cut through and asked the Commission to think about kids and safety.

Karen Napoletano, 42 Fairlawn Drive stated that the traffic engineer doesn't live there and see the traffic. She asked why the Police Chief and Fire Chief didn't come to these meetings. Chairman Seichter replied that they provided memos with their opinions and the Police Chief consulted with the Town Engineer. Ms. Napoletano stated that she couldn't see how a fire truck would fit down that cul de sac if there was snow. This is a bad safety issue.

Michael Kaib, 38 Fairlawn Drive noted that when the Fairlawn development was completed, traffic shifted onto Killen and Fairlawn Farms. People avoid Grieb because it's narrow. There will be cars on the road for birthday parties and things like that. Assuming only one worker per family is not right. Neighbors compare what they see now to when they will have 13 homes with 26 cars added. Cramping 13 homes into 3.5 acres doesn't fit with the neighborhood.

Michelle Wooding, 1131 Durham Road stated that this neighborhood is in the watershed. They have lots of restrictions. Cramping 13 more houses into the area is a health hazard. Most homes in the area have wells. They are worried about the effect of the development on their wells. She noted that the Inland Wetlands application was originally submitted for administrative approval and the neighbors knew nothing about it. Chairman Seichter noted that this type of application would not be an administrative approval.

John Wooding, 1131 Durham Road read the statement of Sarah Gorman, 12 Trail Side Drive. Sarah stated that the area is zoned rural for a reason. Cars can't pass on Grieb because the road is not wide enough. No one follows the speed limit. There is poor visibility getting onto Grieb from Killen. The developer is using 8-30g as a loophole and is providing the minimum to meet the regulation. She noted that a week after the property was sold, she called Sunwood and was assured that they would be building 3 or 4 colonials. Growth and development are good when done safely.

John Wooding, 1131 Durham Road thanked the Commission for their service to the Town. He noted that his father's construction company built many of the homes and businesses in downtown Wallingford. Integrity was important to him. This proposal is an example of using 8-30g to cram 13 houses into 3.5 acres and provide the bare minimum to meet the regulation. He quoted from a memo from the engineer hired by the neighbors that there is a substantial difference between a road with 25-40 cars and a driveway. The assumption that cars are doing less than 25 mph and traffic volume is low is wrong. They did their traffic measurement before Tilcon opened for the season. Cars coming over the Rt. 91 bridge are traveling well over 40 mph. This area is not comparable to the center of town. He stated that Fire Truck access to Kyle Court was not discussed. He added that Mr. Wiedenmann purchased the property knowing what the regulations are. He asked the Commission to vote for the sake of the residents.

Gary Kasilowski, 1110 Durham Road stated a safety concern. He reported accidents happen all the time. Wells are also a big concern. This development doesn't fit into the area.

Brian Delaney, 1191 Durham Road, asked about the effect on their wells when construction starts. He also stated concern with traffic speed.

Scott Gray, 14 Oxford Trail stated that he likes Wallingford and the rural feel. He doesn't like irresponsible development, pollution, congestion, and proposals that don't make sense. Cramming over a dozen houses on this property is ridiculous. He asked if the proposal makes sense.

Kim Math, 49 Fairlawn Drive, agreed with the safety concerns. She stated that exiting traffic from Kyle and Killen would crash. Safe enough is not good enough. She also suggested assuming more than two cars per family.

Atty. Hollister stated that he had heard the neighbors say that the proposal was inappropriate. He welcomed ideas of what would be appropriate. The applicant's position is that it is not unsafe. Traffic can be assessed objectively. The Traffic Engineer's opinion is that it is safe.

Commissioner Kohan stated that the issue is safety as well as the discrepancy between the opinions of the Traffic Engineer and the Town Engineer. He noted some of the references used in the traffic study. One is the National Association of City Transportation Officials which has a mission to build cities with safe and sustainable transportation choices. The number one issue in their urban street design guide is that intersection is visibility and sight distance for intersections, driveways, and other potential confluence. The applicant's memo states that the intersection was designed using a 15 mph speed. So 110 ft. is sufficient. The Police Department did a stat box for Grieb Road. The NACTO specifications are to use target speeds for intersections rather than design speeds. The 15 mph is a design speed. The graph provided by the Police Department shows an 85th percentile speed of 29 mph and an average speed of 33.7 mph. Assuming the average speed over the limit is the target speed, even using the 85<sup>th</sup> percentile is still twice the speed used in the study. Is the 110 ft enough at 29 mph?

Mr. Vertucci stated that the automatic traffic counter was installed just north of the new proposed intersection. This was to determine adequate sight distance. The 85<sup>th</sup> percentile was 25 mph. That is the industry standard used to measure sight distances. This proved they have an excess of sight distance. When the intersection is realigned, the maximum turn speed will be 15 mph. There is adequate sight distance in both directions. He is confident that the distance is enough. He used the industry standard. They recommend that the intersection be reconstructed.

Commissioner Kohan asked the Town Engineer if the data supported the 110 ft. sight line visibility. Ms. Kapushinski replied that the 110 ft. is the proposed intersection spacing. They also have plans that show the sight lines for cars leaving Kyle Court. These are separate things. The required sight line is about 225 ft. They do have that looking left. For right turns, they do need to cut through lot 13. A sight line easement is required. She stated that her memo outlines the public safety hazard of 110 ft. intersection spacing. It is not the sight lines. Commissioner Kohan stated that the target speed is still a safety question.

Commissioner Fitzsimmons stated that this is the second meeting on this application. It is clear that Wallingford needs more nonmarket rate housing. The Town put in regulations for housing and rentals to increase the diversity of Wallingford's housing stock. He believes that this development will compromise safety and health. He stated concern with emergency vehicle access. He paraphrased the Police Chief's memo stating he agreed that the deficiency does pose a vehicular safety issue ...and poses a detriment to the safety conditions in the area. The memo from the Acting Fire Chief referred to Federal fire regulations. The question is does the need for nonmarket rate housing outweigh the public safety. He believes it does not. Part of the challenge is that none of the town officials are in agreement on this application. He quoted from a memo, including that the separation distance is well short of the Town standard ...and presents a safety hazard. The close proximity ....does not allow drivers to safely maneuver a right turn onto Grieb Road immediately followed by a left turn onto Kyle Court. The proposed intersection doesn't encourage safe usage of the road. There is not adequate time to see a stopped car. The applicant asked us to treat the road as a private driveway. Commissioner Fitzsimmons stated that he believes this proposal poses a significant risk to health and safety.

Commissioner Allinson noted that the traffic site box numbers vs. the ATR numbers for total vehicle count. The Applicant's count says 483 cars per day while the site box says 950 per day. That is a drastic difference in sample size. Ms. Kapushinski noted that there was a spike overnight on April 11 & 12 and she discounted that data in her vehicle count. Commissioner Allinson thanked Mr. Juliano for the plan with the turning radius for emergency vehicles. He appreciates the Fire Marshal's review of this analysis. It is helpful to know that the Police Chief and Town Engineer also reviewed this. He stated that 8-30g is extremely restrictive. We can't decide based on what makes sense but only whether public safety outweighs the need for affordable housing. In several documents, town experts say that it is not safe. Our job is to balance the risk versus the benefit of the four houses. Looking at all the data, he concludes that it is not safe.

Commissioner Rivard agreed. He stated that this would be a disproportionate increase in people living on that property, going from one house to 13. There is no adjustment to the site plan to resolve the concerns of Town staff. This doesn't feel like enough margin of safety.

Chairman Seichter stated that the Town has provided opportunities for non-market rate housing and is receptive to it. He noted that under the regulations, a project can be proposed at any location. He asked why they can't make the term in perpetuity instead of 40 years, since there will always be a need for affordable housing. Atty. Hollister replied that the original statute said 20 years. It became 40 after a Blue Ribbon Commission determined not to make it into perpetuity. Chairman Seichter added that he has concerns with traffic and speed on the narrow road. He thanked the public for their input. He stated that he emphasizes what the Town staff says. They indicated that it is not a safe intersection. He believes public safety overrides the need for housing so he can't support the application.

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

Atty. Hollister asked what would be safe and appropriate on this site. Chairman Seichter replied that the proposal doesn't present a safe situation. A proposal for this site needs to address the public safety issue.

**Commissioner Venoit: Motion to close the public hearing for application #102-24 Re-Subdivision (8-30g) Sunwood Development Corp./1136 Durham Road.**

**Commissioner Fitzsimmons: second**

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

**Commissioner Venoit: Motion to deny application # 102-24, for Sunwood Development Corp. at 1136 Durham Road for the request for a re-subdivision and site plan approval from Sunwood Development Corporation for a 13-lot residential subdivision located at 1136 Durham Road on plans entitled "The Cozy Corner an 8-30g Subdivision" dated 1/24/2024 and revised to 7/1/2024 because of the public health and safety concerns regarding the intersection separation distance as outlined in a memo from the Town Engineer dated 8/6/2024 and memo from the Chief of Police dated 8/9/2024, because it is necessary to protect substantial public interest in the health and safety of the community.**

**Commissioner Fitzsimmons: second**

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

The application is denied.

## **2. Special Permit for Excavation & Filing of Land/Lost & Found Ventures, LLC/8 Mansion Road #407-24**

Commissioner Allinson read the legal notice and noted the correspondence. Application #407-24 - Special Permit request Lost & Found Ventures, LLC for Excavation & Filling of Land - 8 Mansion Rd. – DD-40 (Commercial) District. Correspondence included email from David Parent, Commissioner to the Kevin Pagini, Town Planner, dated June 10, 2024; Inspection Report from the Wallingford Fire Department dated June 17, 2024; email from Joe Flamini, to Kevin Pagini, Town Planner, dated July 2, 2024; letter from Romeo Valentin, Juliano Associates, to Kevin Pagini, Town Planner, dated July 1, 2024; On-site Soil Investigation and Wetland Delineation Report by REMA Ecological Services, LLC, dated November 25, 2022; two photos of the Zoning Hearing Notice; Memorandum from Erin O'Hare, Environmental Planner, to Kevin Pagini, Town Planner, dated August 2, 2024; Certificates of mailing to abutters; email from Christopher Juliano, Juliano Associates, to Kevin Pagini, Town Planner, dated August 6, 2024; letter from Kevin Pagini, Town Planer to Lost & Found Ventures, LLC, dated June 27, 2024; email from Scott Shipman, Senior Engineer, Water & Sewer, to the Planning & Zoning Commission, dated August 7, 2024; email from Brian Schock, Fire Marshal, to Planning & Zoning, dated August 6, 2024; letter from Romeo Valentin, Juliano Associates, to Kevin Pagini, Town Planner, dated August 7, 2024; memo from the Department of Engineering, to Planning & Zoning Commission, dated August 7, 2024; email from Erin



O'Hare, Environmental Planner, to Planning & Zoning Commission, dated August 7, 2024; letter from Save Mansion Creek LLC, to Planning & Zoning Commission, dated August 9, 2024; letter from Steven Trinkaus, P.E., Trinkaus Engineering, to Planning & Zoning Commission, dated July 25, 2024; and letter from Timothy Lee, Esq., Fasano, Ippolito, Lee & Florentine, LLC, to Chairman James Seichter, Planning & Zoning Commission, dated August 12, 2024.

Christopher Juliano, PE, Licensed Land Surveyor, Juliano Associates, 405 Main Street, Yalesville noted that he was unaware of a couple of the documents read into the record. Specifically, the Town Engineer's report from August 7<sup>th</sup>, something from Save Mansion Creek dated August 9<sup>th</sup>, and something from July 25<sup>th</sup>. Chairman Seichter confirmed that all but the memo received today was sent to the applicant. He gave Mr. Juliano a copy of that memo. Chairman Seichter asked Mr. Pagini to ensure that all documents are provided to the applicant.

Mr. Juliano explained that the fill and excavation permit is to allow the applicant to develop the property. He reported that Wetlands gave their approval for the filling, retention wall, and an extension of the drainage pipe. He noted that their original zoning change request to make the two properties commercial was denied. The property at 8 Mansion Road needs to be leveled in order to be developed. Regardless of what happens on this property, this work needs to be done. He reported that he responded to the Environmental Planner's memo. He stated that the IWWC chair agreed that this work was part of what they approved. Once the property is up to a rough grade, they can determine what the property can be used for. He referenced a memo from Atty. Lee claimed that these plans differ from what was approved by the IWWC. Yet the IWWC chair says this work is already approved. He showed on the map where the discharge will be into the existing ravine and where the wall will be. The wall will be a little longer than originally proposed. He explained how the fill would be done. The change from the original plan is the removal of the building, parking lot, and underground storage.

Mr. Pagini asked about the construction process and length. Mr. Juliano replied that the scope was provided in the July 1<sup>st</sup> memo. He explained the sequence of activities. It will be about a 2 – 2.5 week process.

#### **PUBLIC COMMENT**

Sharon Potrillo, 164 Mansion Road spoke on behalf of the citizen's group and asked that the application be denied. They are confident that the eastern ravine is the outsource of Nod Brook which is a permanent regulated watercourse. The IWWC decision of 10/4/2023 was based on incomplete or inaccurate information. She stated that these plans are significantly different from those submitted to Wetlands. The issue is not the use, but the need for careful re-evaluation of the site impact. She asked if he needed to propose a use. The IWWC approval is pending an appeal at the Superior Court. Consideration should be given to neighbors. There is a potential for major water issues for property owners. She quoted from a memo from Gaborney Benoit, Ph.D. in the Environmental Department at Yale who examined the area. Based on his review and his experience he judged this to be Nod Brook, a natural watercourse.



Chairman Seichter reminded the audience that this is a fill application. Jurisdiction of the brook belongs to the Wetlands Commission. They approved the application. Ms. Potrillo replied that they were not allowed onto the property and were not allowed to present evidence to Wetlands. She stated that they have a massive amount of evidence. She suggested waiting until the lawsuit is settled before filling in the ravine.

Rep. Mary Mushinsky, 188 South Cherry Street stated that she was not allowed on the property but did see water flowing off the property after a rain. She researched the history of the stream. She believes that the IWWC was approved in error. Filling this ravine with 37,896 cubic feet of fill will cause flooding downstream. There are already many water issues downhill from this area. This is a mistake and will cause downstream impacts.

George Messier, 12 Nod Brook Road, asked the Commission to think about the quality of life of the neighbors. He is not convinced that they don't have a plan for the property beyond filling this ditch.

Robert O'Connor, 53 Brentwood Drive stated that this is not an interrupted waterway. It never stops running. All that fill will hurt the wetlands. The neighbors don't want the trees cut down. People want to know what will happen there.

Mary Cimino, 145 Brentwood Drive, asked what the purpose of the fill is. They can't build on the commercial piece due to the rock. They have enough land on the residential piece to build something. The neighbors don't mind housing. Think of the effect on wildlife. The neighbors have a right to know the applicant's motive.

Mr. Juliano stated that there is a bit of disinformation. They are not cutting down all the trees. He agreed to flag the trees they intended to cut down so Mr. Pagini could come out and see. The property is both residential and commercial. In order to do something on the commercial side, they need to create a flat area. Regarding Nod Brook, he pointed out on the map that the culvert is not at the ravine. The ravine is run off from Mansion Road. This is not a running brook, as determined by Wetlands. He noted that no one asked to go onto the property. He stated that the proposal was reviewed by the Environmental Planner and the Chair of the IWWC. Without this work the property is useless.

Commissioner Kohan stated that he doesn't have enough information to make a decision. He would like to see the delineation between 8 and 10 Mansion Road. He would like to see the intrusions from across the street. He acknowledged that they received Wetlands approval but there are concerns. Another Soil Scientist stated that there is an intermittent watercourse where they are filling in. He is not sure the IWWC had that information. If there is an intermittent watercourse, it will impact wetlands.

Mr. Juliano replied that extending a pipe is not de-watering the wetlands. He showed where the existing catch basins are and the location of the discharge pipe for road drainage. The wall across the ravine will keep the soil from the wetlands. He stated that they had two Soil Scientists and they did not

meet the criteria the IWWC uses to determine if it's a watercourse. It has been a drainage ditch for years.

Commissioner Allinson stated that this application is not a review of what the IWWC decided. Mr. Pagini confirmed that this is a separate application. Commissioner Allinson clarified that IWWC decisions are outside the authority of this Commission. He stated that he knows this is not what the public wants to hear. He added that the Commission appreciates the comments and the passion.

Chairman Seichter stated that we are not here to re-litigate Wetlands. He stated that he met with the Town's Corporation Counsel. The Wetlands Commission has control of Wetlands and they acted on the application. It's their responsibility to monitor what's going on at the property.

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

**Commissioner Venoit: Motion to close the public hearing for application #407-24 Special Permit for Excavation & Filing of Land/Lost and Found Ventures, LLC/8 Mansion Road.**

**Commissioner Kohan: second**

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

**Commissioner Venoit: Motion to approve application #407-24 for a Special Permit request for excavation and filling of land at 8 Mansion Road on plans entitled "Grading Plan Land of Lost and Found Ventures, LLC" dated 6/6/2024 subject to:**

- 1. Comments from the Town Planner dated 6/27/2024;**
- 2. Comments from Environmental Planner, Erin O'Hare dated 8/2/2024;**
- 3. Comments from Town Engineer, Alison Kapushinski dated 8/7/2024;**
- 4. Notification to the Town Planner and Environmental Planner prior to commencement of work;**
- 5. Erosion and sediment control bond in the amount of \$10,500.00; and**
- 6. Six (6) copies of the final plans forwarded to the Planning and Zoning office**

**Commissioner Kohan: Second**

**Vote: Kohan – no; Fitzsimmons – no; Allinson – yes; Venoit – no; Chairman Seichter – yes.**

The application is denied.

**3. Special Permit for a carwash to a dealer/tow yard /One Source Towing and Repair/Komal/130 Dudley Ave #408-24**

Commissioner Allinson read the legal notice and correspondence into the record. #408-24- Special Permit request to convert a car wash facility to a dealer/tow yard located at 130 Dudley Ave – I-20 (Industrial) District. Correspondence included Inter-Departmental Comments from Program Planning

dated June 17, 2024; Inspection Report from the Wallingford Fire Department, dated June 18, 2024; email from Scott Shipman, Senior Engineer, Water & Sewer, to the Planning and Zoning Commission, dated August 6, 2024; email from Brian Schock, Fire Marshal, to the Planning and Zoning Commission, dated August 6, 2024.

Yamin Rivera, 89 Elm Street, North Haven explained that he has a business in East Haven and wants to expand his business into Wallingford. He plans to open a car dealership with U-Hauls and a tow company. The dealership would be small with 5 or 10 cars. He can't predict how many towed cars will be stored on the property. He submitted a site plan outlining how the space will be used.

Chairman Seichter suggested that he come back next month with a detailed plan including how the business will operate. He apologized but explained that the Commission has a bad history with similar proposals. He encouraged Mr. Rivera to meet with the Town Planner.

Commissioner Kohan asked how many cars would be in the impound lot. Mr. Rivera stated that it will depend on how quickly they are picked up. Overflow can be stored in his East Haven lot. He believes this lot can hold up to 10 impounded cars.

**Commissioner Venoit: Motion to continue application #408-24 Special Permit for a carwash to dealer/tow yard for One Source Towing and Repair for Komal at 130 Dudley Ave to the September meeting.**

**Commissioner Kohan: Second**

**Vote: Unanimous**

The application is continued.

#### **4. Zoning Text Amendment/Water Quality Volume Section 4.13.B 1 b #902-24**

Commissioner Allinson read the legal notice and noted the correspondence. #902-24 – PZC Text Amendment to update language in Section 4.13.B.1.b. of the Town of Wallingford Zoning Regulation – WI (Watershed Interchange) District. Correspondence included Interoffice Memorandum from Scott Shipman, Senior Engineer, Water & Sewer to Kevin Pagini, Town Planner, dated June 20, 2024; Inspection Report from the Wallingford Fire Department, dated July 19, 2024; and correspondence from South Central Regional Council of Governments dated August 9, 2024.

Scott Shipman, Senior Engineer, Wallingford Water & Sewer, explained the change that is needed to the Watershed Interchange District regulations to meet the revised State Storm Water Quality Manual. The Water Quality Volume needs to change from 1 inch of rainfall to 1.3 inches.

Commissioner Kohan noted that the SCRCG approved the amendment and that Mr. Shipman received accolades for being one of the first to incorporate the change into town zoning regulations.

Mr. Pagini added that he supports the amendment.

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

**Commissioner Venoit: Motion to close the public hearing for application #902-24 Zoning Text Amendment/Water Quality Volume Section 4.13.B.1.b.**

**Commissioner Fitzsimmons: second**

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

Chairman Seichter commended Mr. Shipman’s initiative to bring Wallingford into compliance.

**Commissioner Venoit: Motion to approve application #902-24 Zoning text amendment to Water Quality Volume Section 4.13.B.1.b Watershed Protection Overlay District on memo dated June 20, 2024, because this puts us in compliance with the State Statute.**

**Commissioner Fitzsimmons: Second**

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

The application is approved.

## **CGS 8-24**

### **5. Town Purchase of 4 Fairfield Boulevard**

Commissioner Allinson noted the correspondence for the record. Correspondence included a letter from Vincent Cervoni, Mayor, to Wallingford Planning & Zoning Commission, dated July 25, 2024; email from Linda Lavelle to the Planning & Zoning Commission dated August 12, 2024; Map and Memo from Danielle Bellizzi, Superintendent, Wallingford Public Schools, to Planning & Zoning Commission, dated August 7, 2024.

Dominic Barone, Business Manager for the Board of Education explained that they intend to move three key components of the Board of Education into this building from leased space. This includes Adult Education, Wallingford Transition Academy, and central office functions. They are currently all in different areas.

Chairman Seichter clarified that the intent is to consolidate services, get out of an expensive lease, and provide space for programs. Mr. Barone confirmed.

Commissioner Rivard stated that he supports this move. He asked about access and transportation for the Adult Education program. Mr. Barone replied that it was being discussed.

Commissioner Sanders asked if the current facility will still be used. Mr. Barone replied that the move should be close to the end of the lease.

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

**Commissioner Venoit: Motion to approve Connecticut General Statute 8-24 request for the Town of Wallingford to purchase the property at 4 Fairfield Boulevard because it will be used by the Board of Education to better serve the community.**

**Commissioner Fitzsimmons: Second**

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

**6. Air Right Easement request from Choate Rosemary Hall for Proposed Pedestrian Bridge**

Commissioner Allinson noted the correspondence for the record. Correspondence included letter from Vincent Cervoni, Mayor, to Wallingford Planning & Zoning Commission, dated July 25, 2024; letter from Alison Cady, Chief Communications Officer, Choate Rosemary Hall, to Mayor Vincent Cervoni, dated July 15, 2024; PowerPoint presentation on Proposed Pedestrian Bridge at Christian Street Crossing, prepared by SLR Consulting, dated July 8, 2024; letter from John Ventura, Chief of Police, to Planning & Zoning Commission, dated August 9, 2024; and email from Kevin Pagini to the Wallingford Planning & Zoning Commission, dated August 12, 2024.

Patrick Durban, CFO for Choate Rosemary Hall, 333 Christian Street, explained that he presented the proposal for the pedestrian bridge to the Town Council. The school considered other options including tunnels. They are trying to provide a safe crossing. He stated that it will be accessible.

Janis Small, Corporation Counsel, stated that this application is for an air easement over Christian Street. The entire proposal will come back to the Commission. This decision will go to the Town Council for their consideration. The school is not building the structure yet. The air easement is important because the bridge's structural support has to be on their property.

Commissioner Allinson asked if it would be open to the public. Mr. Durban replied yes.

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

**Commissioner Venoit: Motion to approve Connecticut General Statute 8-24 request for the Town of Wallingford to grant an air rights easement to Choate Rosemary Hall for a proposed pedestrian bridge over Christian Street because it will improve pedestrian safety.**

**Commissioner Fitzsimmons: Second**

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

**EXECUTIVE SESSION**

8. Executive Session pursuant to Connecticut General Statutes §1-225(f) and §1-200(6)(B) to discuss pending litigation in the matter of Carlson v. Planning and Zoning Commission.

Chairman Seichter called for a Motion to close the public Planning & Zoning Commission Meeting of August 12, 2024, and go into Executive Session.

**Commissioner Venoit: Motion to close the public Planning & Zoning Commission Meeting of August 12, 2024, and move to Executive Session at 10:22 pm.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous**

Chairman Seichter asked public attendees to leave the room during the Executive Session.

**Commissioner Venoit: Motion to close the Executive Session of the Planning & Zoning Commission Meeting of August 12, 2024, and resume the Planning & Zoning Commission Meeting of August 12, 2024, at 10:35 pm.**

**Commissioner Fitzsimmons: Second**

**Vote: Unanimous**

#### **PUBLIC DISCUSSION**

9. Consider and approve the settlement in the Carlson v. Planning and Zoning Commission matter.

**Commissioner Venoit: Motion to approve the settlement in the Carlson v. Planning and Zoning Commission matter with the stipulated judgment based on the discussion during the Executive Session.**

**Commissioner Fitzsimmons: Second**

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

Chairman Seichter noted that Commission Fitzsimmons left the meeting and Commissioner Rivard will vote in his place.

#### **10. Discussion of sign regulations.**

Chairman Seichter explained that this has to do with the regulation of political signs. Corporation Counsel indicates that we can't enforce this regulation. The proposal is to remove this language from the sign regulations because it is inconsistent with Federal regulations.

Mr. Pagini stated that he should have a draft of updated sign regulations to give to the Law Department soon. He confirmed that he will have a draft for Commission review next month.

#### **BOND RELEASE**

##### **11. 524 South Cherry St., BYK-USA /Anton Vorsteveld./\$4,500.00 Surety Bond #216-22**

Mr. Pagini reported that they have completed the site work and the bond can be released.

**Commissioner Venoit: Motion to approve the Bond Release for application 216-22 524 South Cherry St. BYK-USA/Anton Vorsteveld/\$4,500.00 Surety Bond.**

**Commissioner Kohan: Second**

**Vote: Unanimous**

**REPORTS OF OFFICERS AND STAFF**

**12. Administrative Approvals - no comments**

1284 Durham Rd, Accessory Apt., Gina & Louis Scoppetto #213-24  
1248 South Broad St, Change of use, retail store to nail salon, Duy Do #307-24  
520 North Elm St., Reasonable Accommodation, Marek W. Nowak #RA24-2  
139 South Whittlesey Ave, Accessory Apartment, Cherise D. Hughes #214-24  
440 North Main St., Survey Waiver, Ralph & Rachel Mesite #806-24

**13. July ZBA Decisions – no comments**

**ADJOURNMENT**

**Commissioner Venoit: Motion to Adjourn the Wallingford Planning and Zoning Commission for Monday, August 12, 2024, at 10:40 pm.**

**Commissioner Kohan: Second**

**Vote: Unanimous**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary