

Wallingford Planning & Zoning Commission
Monday, December 13, 2021
7:00pm
Robert F. Parisi Council Chambers – Town Hall
45 South Main Street
MINUTES

Chairman Seichter called the meeting to order at approximately 7:05 p.m.

Pledge of Allegiance was recited by all.

Roll Call: Present: James Seichter, Chairman; JP Venoit, Vice-Chair; James Fitzsimmons, Regular Member; Steven Allinson, Regular Member; Jaime Hine, Alternate; David Parent, Alternate; Kevin Pagini, Town Planner.

Absent: Jeff Kohan, Regular Member; Armand Menard, Alternate

Chairman Seichter noted that Commissioner Hine will vote for Commissioner Kohan.

Consideration of Minutes –November 8, 2021

Commissioner Venoit: Motion to accept the minutes of the November 8, 2021 meeting of the Planning and Zoning Commission as corrected.

Chairman Seichter noted that Commissioner Allinson is listed in the minutes as Secretary but that election had not yet been held, so it needs to be corrected.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve

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

1. **PUBLIC HEARING Continuation: Zoning Text Amendment/PZC/Data Centers by Special Permit in IX and I-5 Zones #903-21** is continued to the January 10, 2022 meeting. Chairman Seichter noted that the Town Planner, the Corporation Counsel, and the Town Engineer are still researching the issues and have contacted an Acoustical Engineer.
3. **NEW BUSINESS: Site Plan (self-storage facility)/So. Colony 1074 LLC/1074 South Colony Road #220-21** is continued to the February 14, 2022 meeting.

PUBLIC HEARING

2. **Zoning Text Amendment/PZC/Add Section 4.12 – Stormwater Management/Town Wide #904-21**

Commissioner Allinson read the legal notice and noted the correspondence. #904-21 – Zoning Regulation Text Amendment to add new Section 4.12 “Stormwater Management” to the Wallingford Zoning Regulations. Correspondence includes: proposed new section 4.12 Stormwater Management dated December 2, 2021; Inter-Departmental Referral from the Town Sanitarian, dated November 8, 2021; Inter-Departmental Referral from the Fire Marshal dated November 8, 2021; correspondence

from Lauren Rizzo, Naugatuck Valley Council of Governments, received November 12, 2021; correspondence from J.H. Torrance Downes, Lower Connecticut River Valley Council of Governments, received November 22, 2021; correspondence from Eugene Livshits, South Central Regional Council of Governments, received December 3, 2021; correspondence from Kevin Pagini, Town Planner to Town Clerk, Town of Cheshire, mailed November 8, 2021; correspondence from Kevin Pagini, Town Planner to Town Clerk, Town of Durham, mailed November 8, 2021; correspondence from Kevin Pagini, Town Planner, to Town Clerk, Town of Hamden, mailed November 8, 2021; correspondence from Kevin Pagini, Town Planner, to City Clerk, Town of Meriden, mailed November 8, 2021; correspondence from Kevin Pagini, Town Planner, to Town Clerk, Town of Middlefield, mailed November 8, 2021; correspondence from Kevin Pagini, Town Planner to Town Clerk, Town of North Branford mailed November 8, 2021; correspondence from Kevin Pagini, Town Planner, to Town Clerk, Town of North Haven mailed November 8, 2021 and an email from Adelheid Koepfer, dated December 13, 2021.

Allison Kapushinski, Town Engineer, and Kevin Pagini, Town Planner presented the amendment. Mr. Pagini explained that it is required by MS4 requirements to put Stormwater Management regulations in place. They drafted strong regulations reflecting current requirements for water quality and quantity control. The language was reviewed in a workshop on October 5, 2021. In his presentation, he stated that the regulation is not district-specific and that he looked at other Towns' requirements while developing the proposed language. It provides a framework for applicants for the town's expectations and requires an operation and maintenance plan of the stormwater system to be filed on the land records. He outlined the basic components, the documentation requirements, and the certification and maintenance agreements.

Commissioner Fitzsimmons asked if the Water Department had provided input. He also stated that he understands the importance of this regulation and asked how it can be enforced. Mr. Pagini replied that the Water Department did provide input. Ms. Kapushinski replied that the part of the plan focuses on MS4. Within that, there are abilities to restrict discharges that allow testing and issuing violations. There is an ordinance here if discharges are into Town systems there are fines. Commissioner Fitzsimmons clarified that the ordinance is the Town ordinance. Ms. Kapushinski confirmed and added that the Engineering Department would issue fines to the property owners. Commissioner Fitzsimmons asked if Engineering could impose a lien. Ms. Kapushinski added that a lien would depend on the Law Department. Commissioner Fitzsimmons asked about bonding. Mr. Pagini noted that there would be general bonding only as is done now for stormwater management. Ms. Kapushinski noted that that's why they added that the notice of Operations and Maintenance manual be filed on the land records. Commissioner Fitzsimmons asked if other towns require a bond for failure to perform maintenance. Mr. Pagini and Ms. Kapushinski indicated that they did not know. Commissioner Fitzsimmons stated that he supports this amendment, but would like it to be enforceable.

Chairman Seichter asked how a bond would be set up to apply to a future property owner. Commissioner Fitzsimmons replied that it could be included as a separate amount to general S&E and not released for 5 years or so. This would allow the Town to hold money to ensure it will work. Mr. Pagini agreed that the Commission would have that ability and it would not have to be in the regulation.

Ms. Kapushinski added that certain land uses need additional permitting to meet regulatory standards for the State DEEP.

Commissioner Hine stated his concern with enforcement. He asked if the Town will be able to place fines or liens due to unreasonable discharge on private property or if a maintenance plan is not maintained. Ms. Kapushinski replied that if it is a single residence it wouldn't apply to Planning and Zoning unless a zoning permit is involved. If there is a zoning permit, they can do an inspection. Commissioner Hine asked if this proposal would allow people to report their neighbors. Ms. Kapushinski replied in the future these regulations would help the Engineering Department know what was proposed and accepted as potential maintenance. If it is not adequate they can do a zoning violation. Mr. Pagini added that due to conditions of approval, they have taken compliance action against landowners. Commissioner Hine asked what happens after a violation is issued. Mr. Pagini replied that it could go to court or the DEEP depending on the nature of the drainage issue. Commissioner Hine asked who decides if an exemption applies. Mr. Pagini replied that staff already manages exemptions and that he and Erin O'Hare, the Environmental Planner, would look at them to make the determination. He explained that he took the Commission out of the exemptions because it would be too restrictive on smaller applications. Commissioner Hine expressed concern that Exemption #2 is very broad. Chairman Seichter noted that #2 states that the Commission decides if the request meets the standard. Commissioner Hine asked if the Town Planner determines an application doesn't require a storm management plan and the Commission disagrees, can we request it? Mr. Pagini replied yes. Commissioner Hine noted confusion with Exemption #1 and #3 and asked if they could be combined. Mr. Pagini replied that it is general language in stormwater management regulations. You can create a subdivision and not disturb an acre of cumulative property. Mr. Pagini stated that he didn't want to be overly restrictive on residential development. Commissioner Hine asked who decides if the plan meets the standards in Subsection E? Ms. Kapushinski replied that she does. Commissioner Hine noted a concern expressed in an email of a lack of definitive standards. Ms. Kapushinski replied that a lot of the requirements are what she already requires. This puts them on paper so they are completely spelled out.

Commissioner Venoit: Motion to close the Public Hearing for application #904-21, Zoning Text Amendment/PZC/Add Section 4.12 – Stormwater Management/Town Wide.

Commissioner Fitzsimmons: Second

Vote: Hine – yes; Fitzsimmons – yes; Venoit - Yes; Allinson – yes; Chairman Seichter – yes.

Commissioner Venoit: Motion to approve application #904-21 Text Amendment Stormwater Management, Zoning Text Amendment to add Section 4.12 to the Wallingford Zoning Regulations to establish stormwater management regulations in all zones throughout the Town of Wallingford as proposed in language entitled “Stormwater Management” dated 12-2-2021; because:

1. It improves stormwater management and gives improved water management and gives consideration to restore and protect the ecosystem and water quality.
2. It provides a framework to applications for what the Town will expect for stormwater management.

Commissioner Fitzsimmons: Second

Vote: Hine – yes; Fitzsimmons – yes; Venoit - Yes; Allinson – yes; Chairman Seichter – yes.
The amendment is approved.

Chairman Seichter thanked Mr. Pagini and Ms. Kapushinski for their efforts.

NEW BUSINESS

4. Site Plan (707 sq. ft. accessory apartment)/C. Craig/136 Chimney Hill Road #222-21
Commissioner Allinson noted the correspondence. Inter-Departmental Referral from the Fire Marshal, received October 13, 2021; Inter-Departmental Referral from the Environmental Planner, received October 13, 2021; Inter-Departmental Referral from the Town Sanitarian, received October 13, 2021; Inter-Departmental Referral from the Town Engineer, received October 13, 2021; Memorandum from Erin O’Hare, Environmental Planner to Kevin Pagini, Town Planner received December 7, 2021; and site plan, received October 8, 2021.

Charles and Janet Craig presented their request for approval for an accessory apartment above their three-car garage. Mr. Craig stated that they previously received approval for the setback variance from the Zoning Board of Appeals and approvals from the Health Department and the Wetlands and Watercourses Commission.

Mr. Pagini noted a correction in the draft motion wording and stated that the applicant is in full compliance with regulations.

Commissioner Venoit: Motion to approve application #222-21, Site Plan approval request to construct a 707 sq. ft. accessory apartment on plans entitled “Existing Building Location Survey” dated September 22, 2021, subject to:

1. Comments in Interoffice Memorandum from Vanessa Bautista, Registered Sanitarian, Health Department to the Planning and Zoning Department dated October 18, 2021;
2. Comments in Interoffice Memorandum from Erin O’Hare, Environmental Planner to the Planning and Zoning Department dated October 18, 2021; and
3. Final inspection by the Zoning Enforcement Officer.

Commissioner Fitzsimmons: Second

Vote: Hine – yes; Fitzsimmons – yes; Venoit – yes; Allinson – yes; Chairman Seichter - yes.
The application is approved.

5. Site Plan (710 sq. ft. accessory apartment)/D. Watson, Jr./30 Valley View Drive #223-21
Commissioner Allinson noted the correspondence. Site plans received November 5, 2011; Inter-Departmental Referral from the Fire Marshal received November 8, 2021; Inter-Departmental Referral from the Environmental Planner, received November 8, 2021.

Mrs. Margaret Watson noted that she provided a notarized letter authorizing her to present on behalf of her husband and asked for approval for the proposed accessory apartment.

Mr. Pagine stated that the application complies with all regulations.

Mr. Allinson noted he had to abstain. Chairman Seichter asked Mr. Parent to vote in his place.

Commissioner Venoit: Motion to approve application #223-21, Site Plan (710 sq. ft. accessory apartment)/D. Watson, Jr./30 Valley View Drive. Site Plan approval request to construct a 710 sq. ft. accessory apartment on plans entitled "Existing Conditions Map" dated September 16, 2021, subject to:

1. **Comments in Interoffice Memorandum from Vanessa Bautista, Registered Sanitarian, Health Department to the Planning and Zoning Department dated November 9, 2021, and**
2. **Final inspection by the Zoning Enforcement Officer.**

Commissioner Fitzsimmons: Second

Vote: Hine – yes; Fitzsimmons – yes; Venoit – yes; Parent - yes; Chairman Seichter - yes.
The application is approved.

DISCUSSION AND POSSIBLE ACTION

6. Election of Officers

This item is tabled to the next meeting when all voting members will be present.

7. Proposed Revised Fee Schedule – Planning Department Staff

Mr. Pagine stated that the schedule is basically the same as was presented last month. He reported that he looked at special permitting fees in towns within a 50-mile radius. The list is included with the proposed fees. He stated that he doesn't believe that these fees are out of line.

Commissioner Fitzsimmons asked for clarification that we are adding \$100 for each additional variance for ZBA applications. Mr. Pagine replied yes. Commissioner Fitzsimmons stated that he is in full support of the additional fee to correct a zoning violation.

Commissioner Venoit: Motion to approve and remand the proposed and revised Fee Schedule for the Planning Department staff to the Ordinance Committee for their final adoption.

Commissioner Fitzsimmons: Second

Vote: Hine – yes; Fitzsimmons – yes; Venoit – yes; Allinson – yes; Chairman Seichter - yes.

BOND RELEASES AND REDUCTIONS

8. Special Permit/Blichfeldt-Quality Subaru/711 North Colony Road #416-16

Mr. Pagini reported that this bond is ready for release. The As-Builts have been received.

Commissioner Venoit: Motion to approve application #416-21 for Bond Release, Special Permit/Blichfeld Quality Subaru/711 North Colony Road as recommended by the Town Planner.

Commissioner Fitzsimmons: Second

Vote: Hine – yes; Fitzsimmons – yes; Venoit – yes; Allinson – yes; Chairman Seichter - yes.

9. Site Plan/Tractor Supply/801 North Colony Road #203-18

Mr. Pagini reported that performed a site inspection and this bond is not ready for release.

REPORTS OF OFFICERS AND STAFF

10. Administrative Approvals – Noted as approved

- a. Change of Use/O. Sworden/826 East Center Street #320-21
- b. Change of Use/PNA/171 North Plains Industrial Road #321-21
- c. Change of Use/DiFonzo/805 North Colony Road #322-21

11. ZBA Decisions of November 15, 2021 – no comment

12. No ZBA Meeting – December 2021

13. Zoning Enforcement Report

Mr. Pagini noted that the report includes the response to the inquiry about 384 South Colony. He relayed that the Zoning Enforcement Officer replied to the request to return to the old format but stated that this format is not sufficient as a lot of old and irrelevant information remains on the report.

Chairman Seichter asked if the list could be cleaned up. He noted that on the report it looks like nothing has happened with 384 South Colony since 2013. Mr. Pagini replied that it was sent to the Law Department in 2010. Chairman Seichter asked for an update from the Law Department.

Commissioner Fitzsimmons noted that the Commission is not getting traction on zoning enforcement. He asked that the Zoning Enforcement Officer indicate which are referred to the Law Department, which are active, etc. He is concerned because there are illegal dwelling units on the list and the Town is liable. He agreed to ask the Law Department for an update and to revisit some type of penalty to compel corrections. He requested that this be a regular item on the agenda for

the January or February meeting. He wants to support the office. Mr. Pagini agreed that we don't have a way to stop people.

Chairman Seichter suggested prioritizing the list of violations. He agreed that we need to do something more than just issue a violation. He would like to see staff talk to the Law Department to see what actions can be done to get these moving. This is an issue of liability for the Town. We need to be more aggressive on those.

ADJOURNMENT

Commissioner Venoit: Motion to adjourn the Monday, December 13,2021, Wallingford Planning and Zoning Commission meeting at 8:08 pm.

**Commissioner Fitzsimmons: Second
Vote: Unanimous to approve**

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary