

**APPROVAL OF MINUTES:**

- 2 Approval of Minutes – September 12, 2011 – NO ACTION

**PUBLIC HEARING:**

- 2 1. Special Permit/Simpson Village/Center Street (WITHDRAWN) #404-06R  
2 2. Special Permit/Pleasant View Farms/Cantonville Road (EXTENSION REQUESTED) #407-11  
4 3. Zoning and Subdivision Regulation Amendments  
2 a. Wallingford Zoning Regulations/I-5 #910-11 – NO ACTION  
4 b. Wallingford Subdivision Regulations/Release/Reduction of Bonds #902-11 - APPROVED  
4 c. Wallingford Subdivision Regulations/Time Frames #903-11 - APPROVED  
4 d. Wallingford Zoning Regulations/Bonds #904-11 - APPROVED  
4 e. Wallingford Subdivision Regulations/Bonds #905-11 - APPROVED  
4 f. Wallingford Subdivision Regulations/Road Connections #906-11 - APPROVED  
4 g. Wallingford Zoning Regulations/Road Access #907-11 - APPROVED  
4 h. Wallingford Subdivision Regulations/Sidewalks #908-11 - APPROVED  
4 i. Wallingford Subdivision Regulations/Existing Streets #909-11 - APPROVED

**OLD BUSINESS:**

- 2 4. Site Plan/D. Rainey/347 Highland Avenue #217-11 – EXTENSION REQUESTED

**NEW BUSINESS**

- 2 5. Site Plan (Accessory Apartment)/Gannon/Southside Drive #219-11 – CONT. TO NOV.

**RECEIPT AND ACTION REQUESTED:**

- 3 7. Site Plan (Accessory Apartment)/Cislo/Mapleview Road #223-11 - APPROVED

**EXTENSIONS REQUESTED:**

- 6 8. Special Permit/Old North Colony Properties, LLC/Old Colony Road #404-09 – APPROVED

**BOND RELEASES AND REDUCTIONS:**

- 6 9. JFC Construction/50 Northfield Road - RELEASED

**CORRESPONDENCE:**

- 6 10. Clear/Land Use Academy Training - RECEIVED  
6 11. NHHS Rail Program Fall Newsletter - RECEIVED

**REPORTS OF OFFICERS AND STAFF:**

- 6 12. Administrative Approvals – APPROVED AS NOTED  
a. Change of Use/St. Pierre/Center Street #315-11  
b. Site Plan/United Concrete/Main Street, Yalesville #221-11  
c. Site Plan/Adam’s Landing/South Turnpike Road #222-11  
7 13. September 19, 2011 ZBA Decisions - RECEIVED  
7 14. October 17, 2011 ZBA Agenda - RECEIVED  
7 15. Zoning Violation Log - RECEIVED  
7 16. Notes

- 2 **WORKSHOP – IHZ (Incentive Housing Zone) - TO BE RESCHEDULED**

**PLANNING AND ZONING COMMISSION**  
**Town of Wallingford**  
**REGULAR MEETING**  
**Monday, October 12, 2011**  
**MINUTES**

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, October 12, 2011, at 7:00 p.m. in Council Chambers of the Town Hall Municipal Building, 45 South Main Street, Wallingford, Connecticut.

In attendance were Commissioners: Mr. James Seichter (Chairman), Mr. JP Venoit (Secretary), Ms. Marci Baxter.

Absent: Mr. Patrick Birney (Vice Chairman), Mr. Jim Fitzsimmons, Mr. Armand Menard (alternate), Mr. Rocco Matarazzo (alternate)

The Town staff persons attending were: Linda Bush, Town Planner, Kacie Costello, Assistant Town Planner and Recording Secretary Sonja Vining.

Chairman Seichter called the meeting to order at 7:05 p.m. The Pledge of Allegiance was given to the Flag. Chairman Seichter introduced the Commissioners and the Town staff persons to the audience of approximately 8 people.

Chairman Seichter announced that the following items would not be heard this evening:

1. **Special Permit/Simpson Village/Center Street (WITHDRAWN) #404-06R (Att. 1)**
2. **Special Permit/Pleasant View Farms/Clintonville Road (EXTENSION REQUESTED) #407-11 (Att. 2)**  
**Wallingford Zoning Regulations/I-5 #910-11**
4. **Site Plan/D. Rainey/347 Highland Avenue #217-11 (Att. 4)**  
**Workshop Meeting - IHZ (Incentive Housing Zone)**

**Approval of Minutes:**

**September 12, 2011 – Regular Meeting**

Chairman Seichter stated that the minutes would be approved at the next meeting.

**NEW BUSINESS:**

5. **Site Plan (Accessory Apartment)/Gannon/Southside Drive #219-11**

Mr. Venoit, Secretary, acknowledged the correspondence received for the record from: Vincent Mascia, Senior Engineer Inter-Departmental Referral dated August 25, 2011 (Att. 5A).

Presenting the application was Attorney Jim Loughlin and the Applicant Kelly Gannon.

Attorney Loughlin stated that the accessory apartment is already in place. He understands how the Commission feels about “after the fact” applications but he feels this application should be approved for several reasons. Attorney Loughlin stated that the apartment is fully compliant with the existing

regulations, Ms. Gannon is appearing before the Commission on her own volition, and the Gannon Family has been present and active in the Town of Wallingford for many generations.

The accessory unit was originally constructed in approximately 1985 to house Ms. Gannon's grandparents. Attorney Loughlin pointed out that the unit fits in well with the neighborhood and is fully compliant in size and use. When the unit was built the Gannon Family had to apply for a sideline variance, which was granted. Ms. Gannon realized after looking at the assessor's card that the house was noted as a single family unit and that was not right. Ms. Gannon then went to see Attorney Loughlin and decided to appear before the Commission to get the property appropriately permitted.

Ms. Gannon stated that her family assumed that the contractor filed the proper paperwork with the Town when the unit was constructed. Attorney Loughlin stated that it is his understanding that no permits were actually pulled at that time. Ms. Bush stated that in mid 1984 the Planning & Zoning Commission decided to rewrite the zoning regulations, which included a section on accessory apartments. She stated that the Planning & Zoning Commission asked the ZBA to stop granting variances until the regulation was in place so they did. Ms. Bush stated that it is possible that when the unit was constructed they assumed that a variance would be granted because everyone got them. Ms. Bush could not say for sure but it is possible that this all happened in that time frame when the ZBA was waiting for the accessory apartment regulations to go on the books.

Ms. Baxter explained that she has consistently had issues with accessory apartments that have been installed without permits. She stated that it would be very difficult for her to approve of this unless the Applicant could provide some more details and information showing that there was some attempt made by the Applicant to get approval from the Town.

Chairman Seichter asked that the Applicant provide the field card for the Commission to look at. Attorney Loughlin would have that information for the next meeting.

**MS. BAXTER: MOTION TO CONTINUE HEARING #219-11 TO THE NOVEMBER 14<sup>TH</sup> MEETING.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**RECEIPT AND ACTION REQUESTED:**

**7. Site Plan (Accessory Apartment)/Cislo/Mapleview Road #223-11**

Mr. Venoit, Secretary, acknowledged the receipt of the application and the drawing from Juliano Assoc.

Presenting the application was John and Michelle Cislo.

Mr. Cislo is proposing to add an accessory apartment and a one bay garage onto the existing house. The apartment has not been constructed yet.

**MS. BAXTER: MOTION TO APPROVE A 760 SQ.FT. ACCESSORY APARTMENT FOR CISLO AT 19 MAPLEVIEW ROAD, SUBJECT TO FINAL APPROVAL FROM THE ZONING ENFORCEMENT OFFICER.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**PUBLIC HEARINGS:**

**7:30 p.m.**

- 3. Zoning and Subdivision Regulation Amendments**
  - a. Wallingford Zoning Regulations/Bonds #904-11**
  - b. Wallingford Zoning Regulations/Road Access #907-11**

Mr. Venoit, Secretary, read the Legal Notice and acknowledged that each amendment was attached to “Notes from Linda” included in the packets sent to each Commissioner.

Ms. Bush gave some background on each proposed amendment. All of the proposed changes are either mandated by changes in state law or by recent court decisions. Ms. Bush stated that the Wallingford Law Department has reviewed these amendments and they include all of the suggested changes made by the Town Attorney.

**MS. BAXTER: MOTION TO CLOSE THE PUBLIC HEARING.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**MS. BAXTER: MOTION TO APPROVE AMENDMENTS TO §8.10 OF THE ZONING REGULATIONS CLARIFYING THE TYPES OF BONDS THAT THE TOWN WILL ACCEPT BECAUSE IT BRINGS THIS SECTION OF THE REGULATIONS INTO CONFORMANCE WITH STATE LAW.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**MS. BAXTER: MOTION TO APPROVE A NEW §6.31 OF THE ZONING REGULATIONS TO REQUIRE A SPECIAL PERMIT FOR NEW ROADS IN WALLINGFORD THAT ARE NOT CONNECTED TO EXISTING TOWN OR STATE ROADS BECAUSE THIS WILL PROTECT FUTURE WALLINGFORD RESIDENTS WHO REQUIRE TOWN SERVICES.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**7:35 p.m.**

- a. Wallingford Subdivision Regulations/Road Connections #906-11**
- b. Wallingford Subdivision Regulations/Bonds #905-11**
- c. Wallingford Subdivision Regulations/Time Frames #903-11**
- d. Wallingford Subdivision Regulations/Release/Reduction of Bonds #902-11**
- e. Wallingford Subdivision Regulations/Sidewalks #908-11**
- f. Wallingford Subdivision Regulations/Existing Streets #909-11**

Mr. Venoit, Secretary, read the Legal Notice and acknowledged that each amendment was attached to “Notes from Linda” included in the packets sent to each Commissioner.

Ms. Bush gave some background on each proposed amendment. All of the proposed changes are either mandated by changes in state law or by recent court decisions. Ms. Bush stated that the Wallingford

Law Department has reviewed these amendments and they include all of the suggested changes made by the Town Attorney.

**MS. BAXTER: MOTION TO CLOSE THE PUBLIC HEARING.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**MS. BAXTER: MOTION TO APPROVE AN AMENDMENT TO SECTION VI A.13 OF THE SUBDIVISION REGULATIONS TO REQUIRE A SPECIAL PERMIT FOR AN APPLICATION THAT PROPOSES A NEW ROAD IN WALLINGFORD THAT DOES NOT CONNECT TO AN EXISTING TOWN OR STATE ROAD IN WALLINGFORD BECAUSE THIS WILL PROTECT FUTURE WALLINGFORD RESIDENTS WHO REQUIRE TOWN SERVICES.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**MS. BAXTER: MOTION TO APPROVE AMENDMENTS TO SECTION IV H OF THE SUBDIVISION TO CLARIFY THE TYPE OF BOND THAT THE TOWN WILL ACCEPT, AND PERMITTING CONSTRUCTION TO BEGIN ON A SUBDIVISION WITHOUT A BOND BEING POSTED BUT PROHIBITING THE SALE OF LOTS UNTIL A BOND HAS BEEN POSTED BECAUSE STATE LAW REQUIRES THESE CHANGES.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**MS. BAXTER: MOTION TO APPROVE AN AMENDMENT TO SECTION VA OF THE SUBDIVISION REGULATIONS CLARIFYING THAT ALL WORK IN APPROVED SUBDIVISIONS MUST BE COMPLETED WITH THE TIME FRAMES ESTABLISHED BY STATE LAW BECAUSE WE WANT TO BE IN COMPLIANCE WITH STATE LAW.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**MS. BAXTER: MOTION TO APPROVE AN AMENDMENT TO SECTION V OF THE SUBDIVISION REGULATIONS TO REQUIRE THAT REQUESTS FOR BOND REDUCTION OR RELEASE BE TAKEN UP WITHIN 65 DAYS OF RECEIPT OF THE REQUEST, AND REMOVE THE REQUIREMENT FOR A MAINTENANCE BOND AFTER PUBLIC IMPROVEMENTS HAVE BEEN ACCEPTED BY THE TOWN BECAUSE RECENT CHANGES TO STATE LAW REQUIRE THESE CHANGES.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**MS. BAXTER: MOTION TO REMOVE THE PROVISION IN SECTION VI A 7 OF THE SUBDIVISION REGULATIONS THAT PERMITS THE COMMISSION TO WAIVE SIDEWALKS IN CERTAIN LOCATIONS AND REQUIRE**

**THEM TO BE BUILT IN ANOTHER LOCATION BECAUSE THIS DOES NOT CONFORM TO STATE LAW.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**MS. BAXTER: MOTION TO AMEND SECTION VI A 5 OF THE SUBDIVISION REGULATIONS TO REMOVE THE REQUIREMENT THAT EXISTING ROADS ABUTTING NEW SUBDIVISIONS BE IMPROVED TO TOWN STANDARDS WITH PAVEMENT WIDENING, STORM DRAINAGE AND SIDEWALKS BECAUSE A RECENT COURT CASE HAS STATED THAT WE CANNOT REQUIRE THESE IMPROVEMENTS.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**EXTENSIONS REQUESTED:**

**8. Special Permit/Old North Colony Properties, LLC/Old Colony Road #404-09 (Att. 8)**  
Ms. Bush stated that this is a fill operation that is looking for another extension.

**MS. BAXTER: MOTION TO APPROVE A ONE YEAR EXTENTION OF THE PERMIT FOR OLD NORTH COLONY PROPERTIES LLC AT 12 OLD COLONY ROAD #404-09.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**BOND RELEASES AND REDUCTIONS:**

**9. JFC Construction/50 Northfield Road (Att. 9)**  
Ms. Bush recommended that the bond be released.

**MS. BAXTER: MOTION THAT THE BOND FOR JFC CONSTRUCTION / 50 NORTHFIELD ROAD BE RELEASED AS RECOMMENDED BY THE TOWN PLANNER.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

**CORRESPONDENCE:**

**10. Clear/Land Use Academy Training (Att. 10)**  
Received by the Commission.

**11. NHHS Rail Program Fall Newsletter (Att. 11)**  
Received by the Commission.

**REPORTS OF OFFICERS AND STAFF:**

**12. Administrative Approvals – APPROVED AS NOTED**

- a. Change of Use/St. Pierre/Center Street #315-11
- b. Site Plan/United Concrete/Main Street, Yalesville #221-11
- c. Site Plan/Adam's Landing/South Turnpike Road #222-11

**13. September 19, 2011 ZBA Decisions (Att. 13)**

Received by the Commission.

**14. October 17, 2011 ZBA Agenda (Att. 14)**

Received by the Commission.

**15. Zoning Violation Log (Att. 15)**

Ms. Costello briefly discussed several items included on the Log.

**16. Notes**

**Receipts**

1. Changes of Use/Patel/Chapel St./Convenience Store #316-11
2. Site plan/Rowland Technologies/Barnes Road/Addition #220-11
3. Special Permit/Kelsey's Property Mgmt/Woodhouse Ave/Convenience Store #401-11

Ms. Baxter made a motion to adjourn. The motion was seconded by Mr. Venoit and passed unanimously by a voice vote. The meeting adjourned at approximately 8:08 p.m.

Respectfully submitted,

Sonja Vining,  
Recording Secretary  
Att. 1 through 14