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**PLANNING AND ZONING COMMISSION
Town of Wallingford**

**REGULAR MEETING
Wednesday, October 13, 2010
MINUTES**

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Wednesday, October 13, 2010, 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. Jim Seichter (Chairman), Mr. Jim Fitzsimmons, Ms. Baxter and Mr. Armand Menard (alternate)

Absent: Mr. Patrick Birney (Vice Chairman), Mr. Jon-Paul Venoit (Secretary), Ms. Stacey Voss (alternate), and Mr. Chris Smith (alternate)

The Town staff persons attending were: Linda Bush, 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 23 people.

APPROVAL OF MINUTES:

September 13, 2010 - Regular Meeting – Minutes

Mr. Fitzsimmons made a motion to approve the Minutes from the Regular Meeting of September 13, 2010 as submitted. The motion was seconded by Mr. Menard and passed. Ms. Baxter abstained.

September 27, 2010 – Workshop Meeting – Minutes

Mr. Fitzsimmons made a motion to approve the Minutes from the Workshop Meeting of September 27, 2010 as submitted. The motion was seconded by Ms. Baxter and passed. Mr. Seichter abstained.

PUBLIC HEARINGS:

7:00 p.m.

- 1. Special Permit (Open-space subdivision)/Toll Brothers/North Farms Road #413-10**

8:00 p.m.

Mr. Menard, Acting Secretary, acknowledged the correspondence received for the record from: Attorney Timothy Lee to Vincent Mascia, Water & Sewer Divisions dated September 23, 2010 (Att. 1A); David Carson, OCC Group to Ms. Linda Bush, Town Planner dated October 4, 2010 (Att. 1B); David Carson, OCC Group to the Town of Wallingford dated October 4, 2010 (Att. 1C); Vincent Mascia, Senior Engineer to Linda Bush, Town Planner dated October 8, 2010 (Att. 1D); Robert

Baltramaitis, Department of Engineering to the Wallingford P&Z Commission dated October 12, 2010 (Att. 1E).

Presenting the application was Attorney Timothy Lee and Dave Carson, OCC Group.

Chairman Seichter stated that this hearing is being continued from the September meeting. There were three key issues that were discussed at that meeting and they were the issue of sidewalks, open space on Lot 1 and outstanding Water & Sewer issues.

Attorney Lee stated that Lot 1 was originally approximately 16,000 sq.ft. with a part of that being deed restricted with a conservation easement. The plan has been revised and the square footage of Lot 1 has been reduced to bring it into compliance. The property that was listed as a part of the conservation easement would now be open space.

Attorney Lee stated that most of the lots in this subdivision are going to be connected through the sewer system that is being constructed as part of the Willows subdivision. As of right now the Willows has not turned the sewer system over to the Town so this subdivision cannot tie into it at this time. Attorney Lee has met with Vincent Mascia, Water & Sewer Divisions, and what the Applicant will be doing is installing a grinder pump system that will pump the sewage into the Town system on a temporary basis. Once The Willows system gets turned over they are committed to tie this subdivision into that system. Mr. Carson explained that both systems would be installed up front. The gravity sewer system is going to be in place and the only thing that would not be done would be the connection to The Willows. The system for this proposed subdivision would be connected to The Willows system at the earliest possible date. Ms. Bush pointed out that Poppy Lane would be developed first and all of those homes would be connected to the Town system immediately because they do not depend on the system through The Willows.

Attorney Lee indicated that the plan has been revised to include sidewalks along the open space areas. He would still like the Commission to reconsider waiving the sidewalk requirement along the open space portion of the property. Toll Brothers did an analysis of what it would cost the homeowners association to maintain the sidewalks along the open space and it would cost each unit owner approximately \$150 extra a year to maintain that portion of the sidewalks.

Chairman Seichter asked for public comment.

Speaking from the public was:

Attorney Joan Molloy who represented VW Homes LLC who developed The Willows subdivision. She made detailed comparisons between the requirements for developing The Willows and the requirements that are being placed upon the development of this parcel. Attorney Molloy stated that she does not believe that the proposed open space complies with the purpose, goals and requirements of Section 6.8 of the regulations. Attorney Molloy submitted a section of the October 13, 2009 P&Z Commission meeting minutes where this issue was discussed (Att. 1F).

Attorney Lee believes that the application being submitted complies with the Zoning Regulations. He read from Section 6.8-10 of the Zoning Regulations. Attorney Lee stated that this application is required to comply with one of the requirements in that section of the regulation and this proposed subdivision complies with three or four of those requirements.

Ms. Bush, Town Planner, believes that the open space that is being provided protects a large area and is contiguous both to some of the open space of The Willows and to land at Thurston Foods that cannot be developed. There would be a definite open space corridor from Route 68 down, because of the brook and that area is worth protecting. Ms. Bush stated that the open space proposed does comply with the regulations.

Mr. Fitzsimmons discussed the yield calculations for the subdivision pointing out that this is a Special Permit application and there are very specific criteria that must be met. Attorney Lee stated that it is his position that the application submitted complies with Section 6.8 of the Zoning Regulations and the general Special Permit criteria have been met. He briefly reviewed the requirements of a Special Permit as stated in the Zoning Regulations.

Mr. Fitzsimmons stated that his position has not changed on approving a sidewalk waiver. He would be opposed to a sidewalk waiver along the open space. Chairman Seichter agreed that the sidewalks should be required along the open space area.

Chairman Seichter stated that Ms. Baxter was not present at the last meeting and did not have an opportunity to review the tapes so she would not be voting on this application.

MR. FITZSIMMONS: MOTION TO CLOSE THE PUBLIC HEARING.

THE MOTION WAS SECONDED BY MR. MENARD AND PASSED UNANIMOUSLY BY A VOICE VOTE.

MR. FITZSIMMONS: MOTION TO APPROVE A SPECIAL PERMIT FOR A 29-LOT OPEN SPACE SUBDIVISION OF 27.6 ACRES OF LAND ON THE CHIEPPO PROPERTY FOR TOLL BROTHERS AS SHOWN ON PLANS ENTITLED “SUBDIVISION PLAN FOR THE EXTATES AT WALLINGFORD OFF NORTH FARMS ROAD”, DATED MAY 27, 2010, REVISED TO OCTOBER 1, 2010, SUBJECT TO:

- 1. COMMENTS OF THE WALLINGFORD WATER & SEWER DIVISIONS DATED OCTOBER 8, 2010.**
- 2. COMMENTS OF THE WALLINGFORD DEPARTMENT OF ENGINEERING DATED OCTOBER 12, 2010.**
- 3. COMMENTS OF THE FIRE MARSHAL’S OFFICE DATED AUGUST 11, 2010.**
- 4. THE APPLICANT SHALL BE REQUIRED TO INSTALL A TEMPORARY FORCE MAIN GRINDER SYSTEM AS WELL AS CONNECTION TO THE TOWN SEWER SYSTEM THROUGH TWIN PINES ROAD AS SOON AS FEASIBLE THROUGH THE TOWN.**
- 5. MANDATORY CREATION OF A HOMEOWNER’S ASSOCIATION WITHIN THE FIRST YEAR OF 50% OCCUPANCY OF THE ENTIRE OPEN SPACE SUBDIVISION.**
- 6. THE APPLICANT SHALL POST A BOND IN THE AMOUNT OF \$820,000 FOR PROPOSED PUBLIC IMPROVEMENTS.**

7. **THE POSTING OF WATER AND SANITARY SEWER UTILITY PERFORMANCE AND MAINTENANCE BONDS TO COVER THE INSTALLATION OF THE REQUIRED UTILITY EXTENSIONS IN THE TOTAL AMOUNT OF \$100,000 IN ACCORDANCE WITH THE REQUIREMENTS OF THE WATER AND SEWER DIVISIONS.**

THE MOTION WAS SECONDED BY MR. MENARD AND PASSED BY A ROLL CALL VOTE. MS. BAXTER ABSTAINED.

4. Site Plan/Infra-Metals/Pent Highway #217-10

Mr. Menard, Acting Secretary, acknowledged the correspondence received for the record from: Fire Chief Inter-Departmental Referral dated August 11, 2010 (Att. 4A); Linda Bush, Town Planner to Infra Metals Company dated September 8, 2010 (Att. 4B); Vincent Mascia, Senior Engineer to Linda Bush, Town Planner dated September 7, 2010 (Att. 4C).

Presenting the application was Tom Daly, Milone & MacBroom, Mark Johnson, Infra Metals Facility Manager.

Mr. Daly stated that the parcel is currently occupied by Infra Metals who is a steel distributor. There are two large buildings on the site with several overhead cranes. On the southern end of the parcel there is steel storage. The activity being discussed would take place at the far south end of the property, to the south of the second building. What is proposed is the construction of a small steel building to house a new piece of machinery. The building would be approximately 4,800 sq.ft. and would be consistent with the existing facility. This new building would be used to paint large steel beams, which is an activity that Infra Metals currently subs out. An overhead crane would be constructed adjacent to the building to move the beams through the process. The only thing that would be seen from the outside would be the conveyor belt. An application has already been submitted to DEP who has very strict air quality standards. An air quality permit is required for this activity.

Chairman Seichter asked for public comment. There were no comments from the public.

- MS. BAXTER: MOTION TO APPROVE A SITE PLAN FOR A 4,800 SQ.FT. BUILDING AND TWO (2) NEW OVERHEAD CRANES FOR INFRA-METALS AS SHOWN ON PLANS ENTITLED “SITE PLAN, PROPOSED STEEL FINISHED BUILDING, INFRA-METALS COMPANY, 8 PENT HIGHWAY”, DATED AUGUST 5, 2010, SUBJECT TO:**
1. **THE CONDITIONS SET FORTH IN THE INTEROFFICE MEMORANDUM DATED SEPTEMBER 7, 2010 FROM VINCENT MASCIA, SENIOR ENGINEER TO LINDA BUSH, TOWN PLANNER.**
 2. **THE APPLICANT RECEIVES APPROVAL FROM THE DEP FOR AN AIR QUALITY PERMIT PRIOR TO ISSUANCE OF A BUILDING PERMIT.**

THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE.

8:00 p.m.

2. Zoning Map Amendment/Wallingford PUC/SCR and Meriden Watersheds #910-10
2a. Zoning Regulation Amendment/Wallingford PUC/§4.13 Watershed Protection
District #910-10

Mr. Menard, Acting Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Linda Bush, Town Planner to Eugene Livshits, Regional Planner dated September 8, 2010 (Att. 2A); Peggy Rubens-Duhl, Regional Planning Commission to Linda Bush, Town Planner dated September 17, 2010 (Att. 2B); Geoffrey Colegrove, Midstate Regional Planning Agency to Linda Bush, Town Planner dated October 6, 2010 (Att. 2C).

Presenting the application was Roger Dann, General Manager Water & Sewer Divisions, George Adair, Director of Public Utilities, and Bob Beaumont, Chairman Public Utilities Commission.

Mr. Beaumont apologized for not being able to coordinate a joint meeting with the P&Z and the PUC. He indicated that this issue was discussed at the last PUC meeting.

Mr. Adair gave some history and a brief introduction to the amendments being proposed. He acknowledged the connection between this request and another endeavor, which is the attempt by the PUC to obtain from State agencies an acknowledgement of consistency for a water and sewer service area that would be consistent with the State Plan of Conservation and Development. Mr. Adair explained how important this matter is so that Wallingford does not lose its eligibility for State controlled funding.

Mr. Dann gave some further background on this issue and the dealings with the State. He explained the connection between the Watershed Protection Area Map and the Utility Service Area Boundary Map. Mr. Dann explained how the Meriden Watershed and the South Central Regional Watershed areas have been included in this amended map so they will be afforded the same protection as the Wallingford Watershed area. Mr. Dann showed, using the maps, the comparison between the original service area boundaries that were discussed several years ago and those that they ended up with. The most significant change to the map would be the inclusion of the Meriden Watershed and the South Central Regional Watershed.

Ms. Bush explained that the notice that her office ran in the paper was for the watershed boundaries but not for the utility service boundary map because that is a PUC action not a P&Z action. She still questions how well informed the public is about the utility service boundary map issue.

Mr. Dann stated that he has spoken about this issue at many different meetings and workshops. The PUC has held workshops and also discussed this issue at its public meetings. Mr. Dann stated that he has appeared in front of the Conservation Commission, the P&Z and the Town Council speaking about these issues. He feels the public has had ample opportunity to gather information and participate in these discussions.

Mr. Dann indicated that he has had contact with both Regional and Meriden and they are agreeable to getting together to begin the process of reviewing and consolidating the Watershed Protection Regulations. They are in the process of trying to find some dates that will work for an initial meeting.

Chairman Seichter asked for public comment.

Speaking from the public was:

Attorney Joan Molloy, who read into the record a statement prepared by Elizabeth Verna representing the CT Home Builders Association. Attorney Molloy went on to discuss issues and concerns that she has for this amendment. She shared the concern of Linda Bush that the public is really not aware of what is going on in this case. Attorney Molloy discussed what could happen if someone were in the South Central Regional Watershed and wanted to develop a piece of property. She stated that there could be recommendations from the South Central Regional that could potentially conflict with the regulations of the Wallingford Watershed. Attorney Molloy feels that a potential applicant could be put in a very difficult position.

Attorney Molloy gave some history on and discussed the State Plan for Conservation and Development.

Attorney Molloy encouraged the Commission to not be in a big rush to adopt this amendment at this time. She suggested that it wait to see what regulations they want changed to be sure that people being affected understand what is happening and any potential conflicts are resolved before the amendment is adopted.

Mr. Dann stated that the public knows today what the Watershed Regulation requirements are and if there are changes to those regulations that would be subject to a very public process. The public would have every opportunity to voice their opinions as to whether the proposed modifications make sense or not.

Mayor William Dickinson stated that this has not been a pleasant process but it is a serious issue when Wallingford's eligibility for State grants could be at risk if this map is not approved. He stated that this amendment would reduce this risk and put the Town in a position to plan for its future in a logical way.

The Commission discussed the possibility of adopting the map amendment and the amendment of Section 4.13 separately.

Mr. Dann stated that the areas are being delineated on the map and the language needs to afford the equal protection. The Meriden Watershed and South Central Regional Watershed need to be included in the language of that section to afford them the protection that is afforded to the Wallingford Watershed.

Ms. Baxter still has concerns that the public may not be aware of what is actually happening in this case. Chairman Seichter feels that this application has been handled the same as all other applications and the proper notice was given. He believes that the public has had ample opportunity to comment.

Mayor William Dickinson stated that there is a time issue that the Town is dealing with. He feels that the map and the regulations need to be amended at the same time to make it count with the State.

**MR. FITZSIMMONS: MOTION TO CLOSE THE PUBLIC HEARING ON THE MAP
 AMENDMENT #910-10.**

THE MOTION WAS SECONDED BY MR. MENARD AND PASSED UNANIMOUSLY BY A VOICE VOTE.

MR. FITZSIMMONS: MOTION TO APPROVE AN AMENDMENT TO THE ZONING MAP BY ADDING THE BOUNDARIES OF THE WATERSHEDS OF THE SOUTH CENTRAL REGIONAL WATER AUTHORITY AND THE CITY OF MERIDEN, BECAUSE:

- 1. IT IS CONSISTANT WITH WALLINGFORD'S WATERSHED REGULATIONS.**
- 2. IT IS CONSISTANT WITH THE STATE'S PLAN OF CONSERVATION AND DEVELOPMENT.**
- 3. IT IS IN SUPPORT OF THE TOWN'S PLAN OF CONSERVATION AND DEVELOPMENT.**

THE MOTION WAS SECONDED BY MR. MENARD AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE.

MR. FITZSIMMONS: MOTION TO CLOSE THE PUBLIC HEARING ON THE REGULATION AMENDMENT #910-10.

THE MOTION WAS SECONDED BY MR. MENARD AND PASSED UNANIMOUSLY BY A VOICE VOTE.

MR. FITZSIMMONS: MOTION TO APPROVE AN AMENDMENT TO SECTION 4.13 OF THE ZONING REGULATIONS TO ADD THE WATERSHEDS OF THE SOUTH CENTRAL REGIONAL WATER AUTHORITY AND THE CITY OF MERIDEN TO THOSE AREAS COVERED BY THE WATERSHED PROTECTION DISTRICT REGULATIONS, BECAUSE:

- 1. IT PROVIDES A CONSISTANT APPLICATION OF WALLINGFORD'S REGULATIONS TO ALL WATERSHED AREAS.**

THE MOTION WAS SECONDED BY MR. MENARD AND PASSED WITH A VOICE VOTE. MR. FITZSIMMONS – YES, MS. BAXTER – NO, MR. MENARD – YES AND CHAIRMAN SEICHTER – YES.

(The Commission took a 5-minute break)

OLD BUSINESS:

3. Site Plan (New & Used Car Dealership)/Valenti/South Colony Road #216-10

Mr. Menard, Acting Secretary, acknowledged the correspondence received for the record from: Eloise Hazelwood, Director of Health to Linda Bush, Town Planner, dated September 15, 2010 (Att. 3A); Carmen Rao, Fire Marshal to Joan Molloy dated September 16, 2010 (Att. 3B); Robert Baltramaitis to Wallingford P&Z dated October 12, 2010 (Att. 3C).

Presenting the application was Attorney Joan Molloy, the Applicant Fred Valenti and Engineer Steven Pustola.

Chairman Seichter stated that there were three main areas of concern from the last meeting. One issue was the comments from the Department of Health. There was clarification needed about the requirement of a sprinkler system and there were concerns about the roof drains on the existing service building.

Attorney Molloy indicated that she did contact the Health Department and got clarification in a memo that was forwarded to the Commission (Att. 3A). She also spoke to the Fire Marshal who indicated that the final decision about what would be required would not take place until there were building plans (Att. 3B). Attorney Molloy spoke to the Engineering Department who said that conceptually the Town is still talking about installing the catch basin near the site being discussed. Mr. Baltramaitis did not make a definite commitment. Attorney Molloy understood that if the Town does not install that catch basin it would be the responsibility of the Applicant to take care of the storm drainage on site. Attorney Molly reported that the Applicant did receive preliminary DOT approval.

Voting on this application would be Mr. Menard, Mr. Fitzsimmons, and Mr. Seichter.

MR. FITZSIMMONS: MOTION TO APPROVE A SITE PLAN FOR A 5,490 SQ.FT. ADDITION TO THE VALENTI PORSCHE/AUDI DEALERSHIP AT 800 SOUTH COLONY ROAD AS SHOWN ON PLANS ENTITLED “PROPOSED BUILDING ADDITION PREPARED FOR FRED M. VALENTI, 800 SOUTH COLONY ROAD (ROUTE 5)”, DATED AUGUST 5, 2010, SUBJECT TO:

- 1. COMMENTS FROM THE WALLINGFORD ENGINEERING DEPARTMENT DATED OCTOBER 12, 2010.**
- 2. COMMENTS FROM THE WATER & SEWER DEPARTMENTS DATED 9/7/2010.**
- 3. A POSTING OF A \$5,000 UTILITY AND PERFORMANCE BOND AS DIRECTED BY THE WATER & SEWER DIVISIONS.**

THE MOTION WAS SECONDED BY MR. MENARD AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE.

RECEIPT AND ACTION REQUESTED:

5. Site Plan (Storage Warehouses)/Barberino/South Broad Street #203-10R

Mr. Menard, Acting Secretary, acknowledged the correspondence received for the record from: Vincent Mascia to Linda Bush, Town Planner, dated October 6, 2010 (Att. 5A); Inter-Departmental Referral from the Fire Marshal dated October 6, 2010 (Att. 5B); Original Barberino Comments (Att. 5).

Presenting the application was Attorney Robert Reeve and Engineer Ken Hrica.

Attorney Reeve gave some history on this application. In March this Applicant was approved for a self-storage facility that is identical to this application. The Staffordshire Condominium Association appealed the decision of the PZC. The court has not yet decided that appeal. Attorney Reeve stated that it was a site plan application and not a special permit. It was the position of the Staffordshire Condo Association that there was not sufficient notice given. Attorney Reeve stated that he discussed the issue with the Town Attorney and decided to file a new identical application. He made sure that the Condo Association was aware of the proceedings.

Attorney Reeve stated that he understands that the Condo Association has counsel representing them at this meeting and she plans on asking for a continuance. Attorney Reeve stated that these plans have been on file since February 2010. He feels that the Association has had plenty of time to review the plan and put together any objections they might have.

Attorney Reeve clarified that Mr. Barberino has the absolute legal right to use the private roadway called Stephen Barberino Way for the purpose of accessing this site and for utilities. He submitted copies of Easements and Covenants (Att. 5C & 5D). Attorney Reeve stated that the Condo Association provided him with a list of concerns and things they would like addressed. One item on that list was the issue of the access way from Stephen Barberino Way.

Mr. Hrica reviewed the plan. The site was last used as a construction staging area for the Staffordshire Condos. Access from Stephen Barberino Way is being proposed to provide a safe access to the site. The entire site will sheet flow toward the rear of the site and run through a filter strip. That water eventually flows into a bio-filtration basin. There is a brook between this site and the Staffordshire Condo Association property. There is some minor erosion taking place along that brook on this site. The erosion will be repaired as requested by the IWWC.

The site will be protected by a decorative metal fence. There will be nine parking spaces. A lighting plan has been included in the plan package. The lighting does not spill over onto any other property. The lights will be mounted at 9 feet high and will be full cutoff lighting.

Mr. Hrica read the conditions of approval from the last approval of this application. He would agree with those same conditions for the approval of this application.

Ms. Bush provided the Commission with a copy of the site plan for the Condominiums that was filed in 1986, which shows a clear easement in favor of Stephen Barberino, Jr. off of Stephen Barberino Way (Att. 5E).

Mr. Hrica provided a brochure at the previous meeting showing the basic style of building proposed. Ms. Bush pulled it from the original file and circulated to the Commissioners (Att. 5G). Mr. Hrica pointed out that the buildings would be one story.

Mr. Hrica stated that there would be no parking off site. There are two building signs proposed which are the same as on the original plan. The signs will be wall signs both 1' x 4'. There will be no outside storage.

Mr. Hrica stated that the Applicant did not do a traffic study but the site is not expected to generate a large amount of traffic. Ms. Bush looked up the traffic figures using the ITE book and submitted them to the Commission (Att. 5H).

Mr. Hrica indicated that these units are designed to be strictly storage units. The units are not intended to be used as offices or a commercial type of warehouse. They are intended to be used by homeowner's who are looking for more storage space or by people in transit that need temporary storage. Attorney Reeve stated that he would be agreeable to a condition that there not be any independent businesses run out of any of the storage units.

Mr. Hrica stated that it has not been decided yet if the facility will have regular hours or if the facility will have card key access.

Chairman Seichter asked for comments from the public.

Speaking from the public was:

Attorney Beth Critton spoke representing the Wallingford Staffordshire Commons Condominium Association. She stated that the original appeal was brought because the notice in the agenda was inadequate to describe what was going to happen with enough specificity for people to prepare and attend the meeting. Attorney Critton submitted for the record the verbatim minutes from the March 2010 PZC meeting (Att. 5I). She stated that the application was incomplete under the regulations. She noted that the plans and the application documents have different addresses. Attorney Critton stated that the documents should be consistent and conform to one another.

Mr. Hrica explained that the surveyor used the Assessor's office to get the address for the site. The address at the Assessor's office for this site is different than the address that the Building Department has.

Attorney Critton doesn't feel that the Applicant has fulfilled all of the requirements included in the site plan regulations. She briefly reviewed the regulations pointing out the areas where she feels the Applicant has not met the requirements. Attorney Critton read a statement prepared by the Association President who had to leave the meeting early. Attorney Critton submitted and reviewed photos of the site (Att. 5J).

Attorney Critton would like to see the application re-noticed and continued to give her clients enough time to respond individually. She listed conditions of approval that she would like to see if the Commission chooses to approve the application.

Ms. Bush stated that this is a site plan and the proper notice was given for this application.

Mr. Hrica indicated that the large white pine along Stephen Barberino Way would not need to be removed. He reviewed the planting and screening plan. Mr. Hrica stated that if a sidewalk were installed on this site it would be the only sidewalk on that side of the street. There are no sidewalks within the Condo complex and there are no sidewalks on any of the adjoining properties.

MS. BAXTER: MOTION TO APPROVE A SITE PLAN FOR 13,500 SQ.FT. OF SELF-STORAGE UNITS FOR BARBERINO AS SHOWN ON PLANS ENTITLED "SITE PLAN PREPARED FOR STEPHEN BARBERINO, 1195 SOUTH BROAD STREET, WALLINGFORD", DATED AUGUST 13, 2009, REVISED TO MARCH 2, 2010, SUBJECT TO THE FOLLOWING CONDITIONS:

1. **CONDITIONS OF APPROVAL OF JOSEPH MICALIZZI, FIRE MARSHAL, IN BOTH HIS MEMORANDA DATED 2/9/10.**
2. **A \$5,000 S&E BOND**
3. **CONDITIONS OF APPROVAL OF VINCENT MASCIA, SENIOR ENGINEER, WATER & SEWER DIVISIONS DATED BOTH 2/4/10 AND 10/6/10, INCLUDING BUT NOT LIMITED TO, THE CONDITIONS OF APPROVAL THAT THE APPLICANT SHALL BE REQUIRED TO SUBMIT DOCUMENTATION OF THE PROPOSED UNIT RENTAL AGREEMENTS TO BE UTILIZED AT THE FACILITY WHICH WILL RESTRICT STORAGE OF HAZARDOUS MATERIALS.**
4. **NO EXTERNAL STORAGE OF ANY ITEM.**
5. **SUBJECT TO THE REGULATIONS OF THE AQUIFER PROTECTION DISTRICT AS THE APPLICANT CONSENTED AS A CONDITION OF APPROVAL.**
6. **THAT THE APPLICANT WORK WITH THE FIRE MARSHAL TO DETERMINE THE PROPER LOCATION AND INSTALLATION OF THE CARD READER.**
7. **NO UNIT MAY BE USED AS A PLACE OF BUSINESS.**

THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE.

PERMIT MODIFICATIONS:

6. Special Permit/Sonic of CT/North Colony Road #412-09

Mr. Menard, Acting Secretary, acknowledged the correspondence received for the record from: Rob Baltramaitis, Assistant Town Planner to Linda Bush, Town Planner, dated October 5, 2010 (Att. 6A); Sonic of Connecticut dated October 6, 2010.

Presenting the application was Robert Mesite.

Mr. Mesite discussed the conditions of his original application regarding traffic issues. He indicated that his volume has dropped consistently especially at certain times of the day. He doesn't feel that at the slow times there needs to be the traffic pattern that was originally approved. Mr. Mesite would like to be able to remove the barrier on a temporary basis during slow times and use the right hand slip lane to allow people to go right into the drive-thru. When it gets busy again and traffic could be an issue those barriers would be put back in place. He made it clear to the Commission that that there will be traffic personal on site at all times.

Ms. Bush feels that the Applicant should be trusted to put the barriers up when necessary. If the Town does see continuous problems Ms. Bush feels that Rob Baltramaitis should be authorized to revoke the approval.

The Commission unanimously felt that this would be a minor modification to the site plan.

MS. BAXTER: **MOTION TO APPROVE A MODIFICATION OF CONDITION #4 OF SPECIAL PERMIT #412-09, ISSUED ON FEBRUARY 8, 2010 TO MESITE FAMILY LIMITED PARTNERSHIP TO PERMIT THE OPERATOR OF THE SONIC RESTAURANT TO REMOVE THE TWO (2) TYPE III BARRICADES FROM THE SLIP LANE DURING OFF-PEAK TIMES, SUBJECT TO:**

- 1. IF AN ISSUE ARISES WHERE THE TRAFFIC FLOW BEGINS TO BLOCK THE ENTRANCEWAY WE AUTHORIZE MR. BALTRAMAITIS ON THE BEHALF OF THE PLANNING & ZONING COMMISSION TO SPEAK WITH THE APPLICANT, REVOKE THIS MODIFICATION AND WORK WITH THE APPLICANT TO ENSURE PROPER TRAFFIC FLOW.**

THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE.

BOND RELEASES AND REDUCTIONS:

7. Gagliardi/54 Williams Road (Att. 7)

Ms. Bush recommended that the bond be released.

8. Special Permit/DiNatale/Harrison Road #424-06 & 203-07 (Att. 8)

Ms. Bush recommended that the bond be released.

9. Site Plan/Stevens/Technology Drive #213-03 (Att. 9)

Ms. Bush recommended that the bond be released.

10. Site Plan/Scozzari/North Colony Street #233-05 (Att. 10)

Ms. Bush recommended that the bond be released.

11. Subdivision/Maplewood Construction/Grove Street #101-09 (Att. 11)

Ms. Bush recommended that the bond be reduced to \$115,000.

12. Subdivision/Greene-Woronick/Center Street #101-10 (Att. 12)

Ms. Bush recommended that the bond be reduced to \$1,500.

13. Special Permit/Greene-Woronick/Bull Avenue #411-09 (Att. 13 & 13B)

Ms. Bush recommended that the bond be released.

14. Special Permit/Greene-Woronick/Quinnipiac Street #403-09 (Att. 14)

Ms. Bush recommended that the bond not be released.

15. Subdivision/Greene-Woronick/Tuttle Avenue #101-08 (Att. 15)

Ms. Bush recommended that the bond be reduced to \$2,500.

16. Founders Construction/99 Maplevue (Att. 16)

Ms. Bush recommended that the bond be released.

17. Special Permit/Salinas/South Colony Street #401-09 (Att. 17)

Ms. Bush recommended that the bond be released.

MS. BAXTER: MOTION TO RELEASE THE FOLLOWING BONDS AS RECOMMENDED BY THE TOWN PLANNER: GAGLIARDI/54 WILLIAMS ROAD, #424-06 & #203-07, #213-03, #233-05, #411-09, FOUNDERS CONST./99 MAPLEVIEW, AND #401-09.

THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY BY A VOICE VOTE.

MS. BAXTER: MOTION TO REDUCE THE FOLLOWING BONDS AS RECOMMENDED BY THE TOWN PLANNER: #101-09 TO BE REDUCED TO \$115,000, #101-10 TO BE REDUCED TO \$1,500, AND #101-08 TO BE REDUCED TO \$2,500.

THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY BY A VOICE VOTE.

CORRESPONDENCE:

18. Tim Hollister/IHZ (Att. 18)

Ms. Bush reported that the town's application was resubmitted and it looks like it is going to be approved.

19. Greater New Haven Transit District (Att. 19)

REPORTS OF OFFICERS AND STAFF:

20. Hartford Courant/Road Abandonment (Att. 20)

21. Administrative Approvals - NOTED AS APPROVED

a. Zoning Permit/Clearwire/46 South Cherry Street #805-10

22. ZBA Decisions/September 20, 2010 (Att. 22)

Received by the Commission.

23. ZBA Agenda/October 18, 2010 (Att. 23)

Received by the Commission.

24. Zoning Violation Log (Att. 24)

Received by the Commission.

25. Workshop Meeting/I-5 Zone

The workshop was scheduled for January 24, 2011.

26. Notes

RECEIPTS:

1. Re-subdivision (2-lots)/Fusco Assoc./Research Parkway #103-10
2. Re-subdivision (2-lots)/S. Hazelwood, Jr./High Hill Road #104-10
3. Special Permit (Environmental Education Center) Choate Rosemary Hall/East Main Street (Christian Street to Old Durham Road) #414-10
4. Subdivision (11-lots)/Greene-Woronick Builders/Highland Avenue #102-10
5. Site Plan/Adams Landing Property Development LLC/South Turnpike Road #219-10

Mr. Fitzsimmons made a motion to adjourn. The motion was seconded by Ms. Baxter and passed unanimously by a voice vote. The meeting adjourned at 11.50 p.m.

Respectfully submitted,

Sonja Vining,
Recording Secretary
Atts. 1A through 24