

PAGE

INDEX

APPROVAL OF MINUTES:

- 2 Approval of Minutes – November 8, 2010 – APPROVED

PUBLIC HEARING:

- 2 1. Special Permit/Adams Landing Property Development/South Turnpike Road #219-10 – CONTINUED
5 2. Special Permit/Choate Rosemary Hall/Christian Street #415-10 - APPROVED
5 3. Zoning Regulation Amendment/PZC/Section 2.1 Dictionary #913-10 - APPROVED

OLD BUSINESS:

- 6 4. Subdivision/Greene-Woronick/Highland Avenue #102-10 - CONTINUED

NEW BUSINESS:

- 8 5. Site Plan/Worker’s Compensation Trust/Research Parkway #221-10 - APPROVED

BOND RELEASES AND REDUCTION:

- 11 6. Special Permit/Greene-Woronick/Quinnipiac Street & Fern Avenue #403-09 – NO ACTION
11 7. Site Plan/Casertano/Raven Lane #223-01 – NO ACTION
10 8. Goldberg/213 Cheshire Road – NO ACTION
11 9. Subdivision/Maplewood Construction/47 Grove Street #104-07 – NO ACTION
11 10. O’Byrne Construction/51 Dibble Edge Road - NO ACTION
11 11. O’Byrne Construction/55 & 57 Maple Avenue – ONLY 55 MAPLE AVE RELEASED

CORRESPONDENCE:

- 11 12. Milone & MacBroom (Daly)/Pent Highway (Infra-Metals)
11 13. Barberino/Pondside Drive
11 14. State of Connecticut/Dept. of Public Health/SAFER Program
9 15. Thompson/Simpson Village

REPORTS OF OFFICERS AND STAFF:

- 11 16. Administrative Approvals – NOTED AS APPROVED
a. Site Plan Revision/Vertucci/848 South Colony Road #220-10
b. Change of Use/Wood/950 Yale Avenue, Suite 31 #314-10
12 17. ZBA Decisions/November 15
12 18. ZBA Agenda/December 20
12 19. Special Meeting/IHZ/December 20
12 20. Zoning Violation Log
12 21. Notes
Receipts

**PLANNING AND ZONING COMMISSION
Town of Wallingford**

**REGULAR MEETING
Monday, December 13, 2010
MINUTES**

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, December 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. James Seichter (Chairman), Mr. J.P. Venoit (Secretary), Mr. Jim Fitzsimmons, Ms. Marci Baxter, and Mr. Armand Menard (Sitting and voting in place of P. Birney, Vice-Chairman)(alternate)

Absent: Mr. Patrick Birney (Vice Chairman), Ms. Stacey Voss (alternate), and Mr. Chris Smith (alternate)

The Town staff persons attending were: Kacie Costello, Assistant Town Planner, John Thompson, Town Engineer 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 15 people.

APPROVAL OF MINUTES:

November 8, 2010 - Regular Meeting – Minutes

Mr. Fitzsimmons made a motion to approve the Minutes from the Regular Meeting of November 8, 2010 as submitted. The motion was seconded by Mr. Venoit and passed. Mr. Seichter abstained.

PUBLIC HEARINGS:

7:00 p.m.

1. Special Permit/Adams Landing Property Development/South Turnpike Road #219-10

Mr. Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Ichi Ban Properties Inc. to Town of Wallingford Department of Public Utilities dated February 24, 2010 (Att. 1A); Erin O'Hare, Environmental Planner to Richard Couch, Martinez Couch & Associates, LLC dated October 20, 2010 (Att. 1B); Wallingford Fire Marshal Carmen Rao dated October 25, 2010 (Att. 1C); Wallingford Engineering Department to Rima Laukaitiene, Martinez Couch & Associates, LLC dated October 25, 2010 (Att. 1D); Linda Bush, Town Planner to Adams Landing Property Development, LLC dated November 1, 2010 (Att. 1E); Erin O'Hare, Environmental Planner to Linda Bush, Town Planner dated November 1, 2010 (Att. 1F); Wallingford Department of Engineering to Rima Laukaitiene, Martinez Couch & Associates, LLC dated November 2, 2010 (Att. 1G); Wallingford Department of Engineering to Rima Laukaitiene, Martinez Couch & Associates, LLC dated November 4, 2010 (Att. 1H); Vincent Mascia, Senior Engineer to Linda Bush, Town Planner dated November 5, 2010 (Att. 1I); Department of Engineering to Linda Bush, Town Planner dated November

9, 2010 (Att. 1J); Martinez Couch & Associates to Wallingford Department of Engineering dated November 10, 2010 (Att. 1K); Rima Laukaitiene, Martinez Couch & Associates, LLC to Wallingford Department of Engineering dated November 30, 2010 (Att. 1L); Kacie Costello, Assistant Town Planner to Matt Melici, Adams Landing Property Development, LLC dated December 7, 2010 (Att. 1M); Department of Engineering to Wallingford Planning & Zoning Commission dated December 9, 2010 (Att. 1N); Wallingford Fire Marshal Carmen Rao dated December 9, 2010 (Att. 1O); Vincent Mascia, Senior Engineer to Linda Bush, Town Planner dated December 10, 2010 (Att. 1P).

Presenting the application was Richard Couch and Rima Laukaitiene, Martinez Couch & Associates, Matt Melisi, Adams Landing Property Development, LLC.

Mr. Couch indicated that he has worked with Town staff since the past meeting and he believes that all of the issues have been addressed. He reviewed the plan pointing out that there are wetlands and a stream running through the middle of this property. Mr. Couch presented a plan showing the complete development of the site, which would include both Phase 1 and Phase 2. He then presented a plan showing what would be Phase I of the development. Mr. Couch made it clear to the Commission that Phase I is what the owner is looking to be approved at this time.

Mr. Couch stated that the owner has a tenant committed to Building 1, which is Phase I, south of the stream. Phase I would include the construction of a 4,800 sq.ft. footprint building, which would be a three-story building. The first story would be offices, the second floor would contain six (6) two-bedroom apartments, and the third floor would have six (6) two-bedroom apartments. There will be an accessway in basically the same location as the existing driveway. Parking around Building 1 would be included in Phase I as well as parking to the north of the stream. There will be a total of 52 parking spaces provided for Building 1. The regulations require 45 parking spaces for Building 1. There is an existing bridge on the site that will remain and will be used as a walkway to connect the parking area and Building 1. There will also be a connecting walkway that will go to the south of Building 1 and connect to the Ichi Ban Properties site.

Mr. Couch discussed the proposed curb cuts. He stated that if the driveway were to come out at Cook Hill Road it would require signal improvements and modifications. Mr. Couch stated that there are no tenants waiting for the two buildings proposed in Phase II but there is one waiting for the Phase I building. They don't want to present a plan for Phase II until they know what type of tenants would be in those buildings and what type of configuration they would need. The Applicant stated that if a tenant were to move into the northern most building proposed in Phase II that required an exit at the light at Cook Hill Road then those tenants would absorb the cost of whatever it would take to develop that building. Ms. Costello clarified that if and when tenants are found for the Phase II buildings the Applicant would be required to submit a new site plan and would most likely require a new Special Permit. At that time the Applicant would have to address any issues with the curb cut and parking associated with that phase.

Ms. Baxter asked if the issue of separate ownership of Halcyon Park and this parcel has been resolved. Mr. Thompson stated that it has not been fully resolved. He discussed his memorandum dated November 9, 2010 (Att. 1J). Mr. Thompson is comfortable with Phase I as proposed. Mr. Couch stated that the attorneys have determined that there is a uniquely different ownership for Adams Landing and Halcyon. Mr. Melisi stated that he is the owner of Ichi Ban Properties, formerly Halcyon Office Park and the other property, Adams Landing, is in a trust for his son.

There was some discussion of the sewer system. Mr. Couch stated that the residential units can be framed but cannot be used as residential until the sewer upgrades are completed which are tentatively scheduled for 2012.

Chairman Seichter asked if the Applicant had any renderings of what the proposed building would look like. He would like to see the elevations of the proposed building. Chairman Seichter asked that the renderings be presented at the next meeting.

Mr. Couch stated that one of the small existing buildings is going to remain and be used as a storage building for maintenance items.

Mr. Thompson, Town Engineer, discussed the sidewalk issue. He believes that there is an alternative plan, using internal connections that could work to get pedestrians safely to South Turnpike Road. Mr. Thompson stated that as long as pedestrians can get from one point to another safely the sidewalk does not necessarily have to be running parallel to the street.

Ms. Costello stated that the only way a sidewalk could be required as an improvement, would be if the Commission felt that it was a vital safety, public health or welfare issue.

Ms. Costello stated that a new parking table, landscaping schedule and zoning table must be supplied just in association with Phase I.

Mr. Couch discussed the issue of sidewalks. He indicated that toward the southern boundary of this property the topography is very steep going down into this site from the street. Mr. Couch indicated that placing a sidewalk along the street in that area would be extremely limited and extremely problematic. For that particular area of this site there really isn't an opportunity for a sidewalk. Mr. Thompson agreed with what Mr. Couch stated. South of the proposed driveway for Phase I it would be nearly impossible to place a sidewalk along the street. Mr. Couch stated that there is internal passage for pedestrians to travel safely from site to site. To the north of the proposed entrance to Phase I sidewalks would be more feasible.

Ms. Costello stated that she is comfortable with the plans for Phase I with the exception that the Applicant breaks out the parking and landscaping for Phase I. She recommended that the Commission approve the Phase I packet only as it was received this evening.

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

Chairman Seichter would like to see architectural renderings of what the proposed building would look like before he approves the application. Mr. Fitzsimmons would like clarification on the physical address of the proposed Phase I before the application is approved.

**MR. FITZSIMMONS: MOTION TO CONTINUE APPLICATION #210-10 / ADAMS
LANDING PROPERTY DEVELOPMENT TO JANUARY 10, 2011
AT 7:00 P.M.**

**THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY WITH A
VOICE VOTE.**

Ms. Baxter stated that she would like to see where sidewalks would be possible clearly marked on the plans for the next meeting.

7:30 p.m.

2. Special Permit/Choate Rosemary Hall/Christian Street #415-10

Mr. Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Kacie Costello, Assistant Town Planner to David Terrell dated December 6, 2010 (Att. 2A); Wallingford Fire Marshal Inter-Departmental Referral dated October 28, 2010 (Att. 2B); Revised plan (Att. 2C); Vincent Mascia, Senior Engineer to Linda Bush, Town Planner dated December 9, 2010 (Att. 2D).

Presenting the application was David Terrell, Choate Rosemary Hall and Steve Lazarus, Lazarus & Sargeant.

Mr. Terrell stated that the plan is to make two small additions onto the Porter House, which is a single-family residence. The existing house is approximately 5,300 sq.ft. One of the additions would be a half bathroom on the first floor. The second addition would be to the master bedroom on the second floor, which would add living space below that on the first floor. The front of the house currently has two shed dormers, which would be removed and replaced with one full size dormer.

Mr. Lazarus reviewed the site plan and the proposed elevations. He indicated that the addition of the bathroom would be to the rear of the house and would not be seen.

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

MR. FITZSIMMONS: MOTION TO CLOSE THE PUBLIC HEARING.

THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY BY A VOICE VOTE.

MR. FITZSIMMONS: MOTION TO APPROVE A SPECIAL PERMIT FOR CHOATE ROSEMARY HALL FOR AN ADDITION TO A HOUSE (THE PORTER HOUSE) AT 205 NORTH ELM STREET, AS SHOWN ON PLANS ENTITLED "TOPOGRAPHIC SURVEY OF 'THE PORTER HOUSE', 205 SOUTH ELM STREET, WALLINGFORD, CONNECTICUT", DATED AUGUST 9, 2010, SUBJECT TO:

- 1. COMMENTS FROM THE WATER & SEWER SENIOR ENGINEER DATED DECEMBER 9, 2010.**

THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE.

7:45 p.m.

3. Zoning Regulation Amendment/PZC/Section 2.1 Dictionary #913-10

Mr. Venoit, Secretary, read the Legal Notice.

Ms. Costello stated that any term not defined in the regulations should be defined via the dictionary definition. The dictionary that used to be used is no longer in print so the dictionary now being used would be "The American Heritage College Dictionary". This change would be to update the regulations.

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

MR. FITZSIMMONS: MOTION TO CLOSE THE PUBLIC HEARING.

THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY BY A VOICE VOTE.

MR. FITZSIMMONS: MOTION TO APPROVE AN AMENDMENT THE ZONING REGULATIONS TO CHANGE REFERENCE DICTIONARY IN SECTION 2.1, DEFINITIONS – GENERAL TERMS, FROM "WEBSTER'S NEW COLLEGIATE DICTIONARY" TO "THE AMERICAN HERITAGE COLLEGE DICTIONARY," BECAUSE IT CLARIFIES THE TOWN'S PZC REGULATIONS TO BE CONSISTANT WITH A CURRENTLY PUBLISHED DICTIONARY.

THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY BY A ROLL CALL VOTE.

OLD BUSINESS:

4. Subdivision/Greene-Woronick/Highland Avenue #102-10

Mr. Venoit, Secretary, acknowledged the correspondence received for the record from: Erin O'Hare, Environmental Planner Inter-Departmental Referral dated October 8, 2010 (Att. 4A); Department of Engineering to Planning & Zoning Commission dated October 22, 2010 (Att. 4B); Wallingford Fire Marshal dated October 25, 2010 (Att. 4C); Linda Bush, Town Planner to Greene-Woronick Builders, LLC dated October 29, 2010 (Att. 4D); Wallingford Fire Marshal dated November 3, 2010 (Att. 4E); Department of Engineering to Wallingford Planning & Zoning Commission dated November 3, 2010 (Att. 4F); Erin O'Hare, Environmental Planner to Linda Bush, Town Planner dated November 4, 2010 (Att. 4G); Vincent Mascia, Senior Engineer to Linda Bush, Town Planner dated November 4, 2010 (Att. 4H); Erin O'Hare, Environmental Planner to IWWC dated November 24, 2010 (Att. 4I); Erin O'Hare, Environmental Planner to Linda Bush, Town Planner dated December 6, 2010 (Att. 4J); Department of Engineering to Planning & Zoning Commission dated December 13, 2010 (Att. 4K).

Presenting the application was Land Surveyor Rosalind Page and Dave Woronick, Greene-Woronick.

Ms. Page stated that the parcel is 5.3 acres zoned R-18. The existing house would remain. There is water and sewer available to the property. What is proposed is an 11-lot subdivision. One house will access on Meadows Edge Drive, two lots would access Highland Avenue and the remaining eight lots would access Evergreen Drive, the proposed cul-de-sac. All of the lots would be connected to the town sewer system.

Ms. Page reviewed the stormwater management plan. What is being proposed is an underground system. This system has an underground infiltration system, which would include a 48" underground perforated pipe. The underground system would access the storm sewer in the street. There would be a sediment chamber at the lowest point of the storm sewer system. Ms. Page stated that as long as the town maintains the sediment chamber at the beginning of the system there should be no issues with the underground system. The topography of this site did not lend itself to creating a large typical detention basin system as seen in other subdivision. The basin would have been located in the front of the site and would have to have a fence around it since it is so close to the school. In this case, since the lots are so small, they are using the underground system to give the homeowners the maximum lawn area and still achieve the stormwater drainage needs of the town.

Ms. Page indicated that at this time they are proposing sidewalks as per the regulations on both sides of the cul-de-sac and no sidewalks along Highland Avenue. She is open to discussing eliminating the sidewalks on one side of the cul-de-sac and adding sidewalks along Highland Avenue.

Ms. Page stated that an additional fire hydrant has been placed at the entrance of Evergreen Drive and that is shown on the revised plan.

Mr. Woronick stated that he has met with the abutting neighbor and they have signed a legal document. Mr. Woronick has installed a new chain link fence on the property line, which the neighbors have agreed to.

Mr. Thompson stated that there is a downstream property owner that has claimed that the town has allowed development to take place upstream causing damage to her property. Mr. Thompson stated that underground stormwater systems are typical on large commercial sites. The reason they work well in those cases is because the site is under a single ownership and it is in their best interest to maintain the system. In this case there are three separate lots and there would be three separate owners. The maintenance in this type of situation could be an issue since it is on private property. Mr. Thompson stated that the reality is that catch basins in town frequently fill up and create flooding issues. If this underground basin were to fill up, which inevitably will happen, it will fail and then the question will be who is responsible. Mr. Thompson stated that at some point down the road there would be issues with this system that would result in problems downstream. He feels that since the basin would be across three properties there would be finger pointing when problems occur with the underground system and inevitably it would come back to the town because they approved it. Mr. Thompson doesn't feel that this is the best system for this residential development. The system being proposed has some long-term problems associated with it. Mr. Thompson stated that his office just received these revised plans today and they have not had a lot of time to look them over. He feels that there are some issues that still need to be looked at and the proposed drainage system is one of them.

Ms. Page regrets the fact that these comments didn't come from the Engineering Department earlier in the process. She believes that if they were to go back and design an above ground system they might still need to have some sort of detention basin and swale system due to the topography of the site. Due to the small size of the lots that above ground system might stretch across several lots just like the underground system. Ms. Page pointed out that the property owners would be aware of their maintenance responsibilities as part of their deeds. She stated that if the Commission were not comfortable making a decision on this plan she would ask that the application be continued so they can go back and work with the Engineering Department. Chairman Seichter feels that would be the best thing to do at this time. He encouraged the Applicant to meet with Mr. Thompson and resolve the issue.

Ms. Costello understands that whether the system is above ground or underground the Town does not wish to maintain them. There needs to be some resolution about who will maintain the system and how they will maintain it. Ms. Costello suggested some type of homeowner's association or deed restriction be put in place with the system proposed so the homeowners would be responsible for maintenance rather than the Town. Mr. Thompson believes that Ms. Costello's suggestion is a good one. He thinks there could be language crafted that would offer the Town some assurance that the maintenance would be done and the system would work properly. He feels that all parties involved could work together to develop language that could resolve the issue.

Ms. Page asked that the application be continued to the January PZC meeting.

MR. FITZSIMMONS: MOTION TO CONTINUE APPLICATION #102-10 GREENE-WORONICK TO JANUARY 10, 2011 AT 7:30 P.M.

THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY BY A VOICE VOTE.

NEW BUSINESS:

5. Site Plan/Worker's Compensation Trust/Research Parkway #221-10

Mr. Venoit, Secretary, acknowledged the correspondence received for the record from: CT Department of Public Health received November 3, 2010 (Att. 5A); Wallingford Fire Marshal dated November 15, 2010 (Att. 5B); Robert Baltramaitis, Department of Engineering to IWWC and PZC dated November 19, 2010 (Att. 5C); Erin O'Hare, Environmental Planner to Linda Bush, Town Planner dated December 2, 2010 (Att. 5D); Kacie Costello, Assistant Town Planner to Workmen's Compensation Trust dated December 6, 2010 (Att. 5E); John Schmitz, BL Companies to James Seichter, Chairman dated December 10, 2010 (Att. 5F); Vincent Mascia, Senior Engineer to Linda Bush, Town Planner dated December 10, 2010 (Att. 5G); Department of Engineering to Wallingford PZC dated December 10, 2010 (Att. 5H);

Presenting the application was Attorney Dennis Ceneviva and John Schmitz, BL Companies.

Attorney Ceneviva stated that this is a five-acre parcel of land located in the IX Zone. The proposal is to develop the site with a two story, 25,600 sq.ft. office building. There are 174 parking spaces proposed. The access to the site is primarily from a common driveway. There will be one curb cut for the two lots. Emergency access is proposed from Thorpe Avenue.

Mr. Schmitz, BL Companies, reviewed the existing site and the proposed plan. Currently the stormwater flows from the north toward the south and from the west to the east. The storm flows today end up in Research Parkway and Rte 68 and are discharged at the Muddy River. The proposed design mimics the existing conditions and reduces the post development peak flows to be below existing conditions. This has been done by adding a detention pond. There will be an underground infiltration trench located behind the building for the roof water. There will be an oil/grit separator and a sand filter basin included in the system.

All utilities are available on site. There will be a 10-foot sanitary sewer easement along Research Parkway where they can allow the northerly property owner to tie into the sewer line without going into the street.

Mr. Schmitz briefly reviewed the erosion control plan and the landscaping plan. There will be anti tracking aprons, hay bales, temporary diversion swales during construction and siltration fences around the perimeter of the site. There will be a 60-foot setback from the roads on three sides, which will remain green space.

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

- MR. FITZSIMMONS:** **MOTION TO APPROVE A SITE PLAN FOR WORKER'S COMPENSATION TRUST FOR A 25,680 SQ.FT. OFFICE BUILDING AT 2 RESEARCH PARKWAY, AS SHOWN ON PLANS ENTITLED "LAND DEVELOPMENT PLANS FOR PROPOSED OFFICE BUILDING, 2 RESEARCH PARKWAY, WALLINGFORD, CONNECTICUT", DATED NOVEMBER 2, 2010, REVISED TO DECEMBER 10, 2010, SUBJECT TO:**
- 1. COMMENTS FROM THE TOWN ENGINEER DATED DECEMBER 10, 2010.**
 - 2. POSTING OF A \$150,000 CONSTRUCTION BOND AS RECOMMENDED BY THE TOWN ENGINEER.**
 - 3. FINAL COMMENTS FROM THE FIRE MARSHAL GRANTING FINAL APPROVAL AND SATISFACTION OF ALL CONDITIONS.**
 - 4. POSTING OF A \$5,000 S&E BOND AS REQUIRED BY THE TOWN PLANNING OFFICE.**
 - 5. POSTING OF A \$10,000 WATER & SEWER PERFORMANANCE BOND AS RECOMMENDED BY THE WATER & SEWER SENIOR ENGINEER.**
 - 6. COMMENTS FROM WATER & SEWER SENIOR ENGINEER DATED DECEMBER 10, 2010.**

THE MOTION WAS SECONDED BY MS. BAXTER AND APPROVED UNANIMOUSLY BY A ROLL CALL VOTE.

15. Thompson/Simpson Village (Att. 15A)

Ms. Costello stated that there have been some issues regarding sedimentation and erosion controls on this site. She believes that all of the issues have been addressed at this time. All of the silt fencing has been installed as well as the construction driveways. Ms. Costello does believe that there is a runoff issue or a drainage issue on the site. She stated that she visited the site a week or two ago and did see some issues with the silt fencing being in place as well as the stone in the construction driveway. Prior to this meeting Ms. Costello stated that she called Mr. LaRosa and reminded him that all of the S&E controls need to be in place and functioning as required.

Mr. Thompson indicated that for the past few months the Engineering Department has been actively involved in trying to resolve issues that have come about on this site. They have been in contact with the developer as well as the abutting property owners. Mr. Thompson feels that the Town should not have to be fighting with contractors and developers to make sure that the S&E plan is followed and functioning. He stated that water should not be running off of this site onto an abutting property. There

needs to be a mechanism in place to make sure that the issue is addressed quickly. In this case it has dragged on and on.

There was some discussion about what an S&E bond could be used for. Mr. Thompson stated that the bond is more of an end of the job performance bond to be sure that the lawns are established and there is no runoff from the site. Ms. Costello stated that typically the S&E bond is not used while construction is going on. She spoke with the Town Attorney and was told and it should be used toward the end of the project if there are continuing issues that have not been addressed. Ms. Costello doesn't believe that the major issue here were S&E controls, she feels that it was drainage and runoff issues.

There was general discussion about what can be done in a case like this where abutting property owners are having damage done to their property due to runoff from the construction site.

Chairman Seichter asked for comments from the public:

Speaking from the public was:

Eileen Valentis, 34 Martin Avenue, stated that these problems have been going on for two years. She is very unhappy with the developer who has made many promises but not followed up on them. Mrs. Valentis stated that her yard has flooded and she has gotten water in her basement. She is very upset that no one in the Town holds the developer accountable for anything. Mrs. Valentis submitted photos of the site as well as her property and the water issues.

Carol Shilo, 15 Martin Avenue, has water issues on her property as well as in her basement. Water is coming from this site under the fence that was installed.

Peter Panaroni, brother-in-law of Eileen Valentis, 34 Martin Avenue, witnessed Mr. LaRosa saying that he would try and correct the problem by installing a concrete wall and berm to prevent the water from coming onto the Valentis property. The wall was never installed.

Robert LaRosa, LaRosa Construction, stated that he did talk about installing a retaining wall. He stated that the Valentis property is lower than the construction site. The water has always sheeted down in that direction. He stated that the grass has been planted since September. The roof water is all tied in so they are catching all of the roof water. He believes the amount of water coming from this site and flowing on the Valentis property is minimal. Mr. LaRosa decided against the wall because it was too complicated and he didn't feel it would work. He stated that he has worked with Mrs. Valentis and raised the grade of her property in an attempt to stop the ponding on her property. On the south side of her property there was a drainage line run and the area was never repaired in September. In October Mr. LaRosa stated that sod was put down in that area, although he doesn't believe it took. Mr. LaRosa stated that the site has a bad soil condition. When there is mud on the road he has swept it as best he could. It is a very difficult site and Mr. LaRosa stated that he has done everything he could to control the sediment and water runoff.

Chairman Seichter stated that he would like Mr. LaRosa to be more attentive to the issues that have come up this evening. He doesn't feel that it is the job of Town staff to constantly police the site to be sure the contractor is following the approved plan. Chairman Seichter would like to have some continuing discussion on how to handle situations similar to this where there are violations that could possibly need further action.

BOND RELEASES AND REDUCTIONS:

6. Special Permit/Greene-Woronick/Quinnipiac Street & Fern Avenue #403-09 (Att. 6)

Ms. Costello indicated that no action be taken.

7. Site Plan/Casertano/Raven Lane #223-01

Ms. Costello indicated that no action be taken.

8. Goldberg/213 Cheshire Road

Ms. Costello indicated that no action be taken.

9. Subdivision/Maplewood Construction/47 Grove Street #104-07 (Att. 9)

Ms. Costello indicated that no action be taken.

10. O'Byrne Construction/51 Dibble Edge Road (Att. 10)

Ms. Costello indicated that no action be taken.

11. O'Byrne Construction/55 & 57 Maple Avenue (Att. 11)

Ms. Costello indicated that the bond for 55 Maple Avenue should be released and no action taken on 57 Maple Avenue.

**MR. FITZSIMMONS: MOTION TO RELEASE THE BOND FOR 55 MAPLE AVENUE /
O'BYRNE CONSTRUCTION AS RECOMMENDED BY THE
ASSISTANT TOWN PLANNER:**

**THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY BY A
VOICE VOTE.**

CORRESPONDENCE:

12. Milone & MacBroom (Daly)/Pent Highway (Infra-Metals) (Att. 12)

Received by the Commission. Ms. Costello reported that the original approval was for a 4,800 sq.ft. building and the revised plan is for a 4,500 sq.ft. building. The Commission would like to see this handled with an administrative approval.

13. Barberino/Pondside Drive (Att. 13A & 13B)

Received by the Commission. Ms. Costello reported that a homeowner at Fieldstone Farms would like to widen his driveway. The Planning Department feels that could potentially lead to a violation of the OSPRD regulations because if everyone were to widen their driveway there would not be enough open space. The Planning Office has been made aware that there are two homes in that development that have widened their driveways without approval. Those driveways would have to be approached as zoning violations.

14. State of Connecticut/Dept. of Public Health/SAFER Program (Att. 14)

Received by the Commission.

REPORTS OF OFFICERS AND STAFF:

16. Administrative Approvals – Noted as Approved

a. Site Plan Revision/Vertucci/848 South Colony Road #220-10

c. Change of Use/Wood/950 Yale Avenue, Suite 31 #314-10

17. ZBA Decisions/November 15

Received by the Commission.

18. ZBA Agenda/December 20 (Att. 18)

Received by the Commission.

19. Special Meeting/IHZ/December 20

Received by the Commission: CTNOW (Att. 19A); Linda Bush, Town Planner to Bob Parisi, Chairman, Wallingford Town Council dated November 3, 2010 (Att. 19B); Mayor William Dickinson to Brenda Sisco, Acting Secretary, State of CT dated November 5, 2010 (Att. 19C); Philip Smith State of CT to Mayor William Dickinson dated November 9, 2010 (Att. 19D); Proposed Incentive Housing Zone (Att. 19E); Proposed Zoning Amendments (Att. 19F).

20. Zoning Violation Log (Att. 20)

Received by the Commission. Ms. Costello briefly reviewed several items included in the violation log.

21. Notes

RECEIPTS:

1. Site Plan (Storage Warehouses)/1254 Old Colony Road, LLC/Old Colony Road #222-10
2. Site Plan (Retail/Storage)/Brothers Pool Enterprises, Inc./Main Street, Yalesville #201-11

Mr. Fitzsimmons made a motion to adjourn. The motion was seconded by Mr. Venoit and passed unanimously by a voice vote. The meeting adjourned at approximately 10:30 p.m.

Respectfully submitted,

Sonja Vining,
Recording Secretary
Atts. 1A through 20