

ACTION MINUTES
Wallingford Planning & Zoning Commission Meeting
Monday, March 9, 2009

Call to Order – 7:00 p.m.

Roll Call – A. Menard; J. Seichter; J. Fitzsimmons; D. Fritz; S. Voss (J.P. Venoit, P. Birney and M. Baxter entered the meeting after Roll Call was taken)

Pledge of Allegiance

Approval of Action Minutes – February 9, 2009: **APPROVED:** J. Seichter; A. Menard; J. Fitzsimmons; D. Fritz; S. Voss

Approval of Minutes –February 9, 2009 – February 23, 2009 **APPROVED:** J. Seichter; A. Menard; J. Fitzsimmons; D. Fritz; S. Voss

PUBLIC HEARINGS

7:00 p.m.

1. Special Permit (Multi-Family)/279 Quinnipiac Street, LLC/Quinnipiac St. & Fern Ave. #403-09

APPROVED: J. Seichter; A. Menard; J. Fitzsimmons; D. Fritz; S. Voss

MOTION: A Special Permit for 279 Quinnipiac Street, LLC for 15 multi-family units as shown on plans entitled "Site Layout Plan, 279 Quinnipiac Street, also on Fern Avenue, dated January 8, 2009, revised to January 27, 2009" subject to:

1. The comments of Linda Bush to this Commission dated 2/25/09.
2. The suggested conditions of approval of Vincent Mascia, Senior Engineer of the Water & Sewer Divisions, to this Commission dated 2/6/09.
3. A Water & Sanitary Sewer Utility performance and maintenance bond in the amount of \$25,000.00 as recommended by the Water & Sewer Divisions.
4. Suggested conditions of approval of the Engineering Department provided to this Commission 1/29/09 with the additional comment that all required pavement on Quinnipiac Street be done in one phase and that the trenching is not done multiple times.
5. The posting of a bond in the amount of \$10,000.00 for public improvements, drainage and pavement work within Fern Avenue as recommended by the Engineering Department.
6. The comments of the Fire Marshal to this Commission dated 1/14/09.
7. A sediment and erosion control bond of the amount of \$5,000.00 as recommended by the Town Planner.
8. The applicant stagger the rows of arborvitae on the property to increase the number of arborvitae and final plans to be signed off by the Town Planner.

8:30 p.m.

2. Zoning Regulation Amendment/PZC/§3.1 District Boundaries #901-09

APPROVED: M. Baxter; D. Fritz; J. Seichter; P. Birney; J. Fitzsimmons

MOTION: An amendment to §3.1 of the zoning regulations to update the list of district boundaries because: Of all the things that have been named at the workshops and the recommendation of the Town Planner.

3. Zoning Regulation Amendment/PZC/§4.2.8 Commercial Kennels #902-09

APPROVED: M. Baxter; D. Fritz; J. Seichter; P. Birney; J. Fitzsimmons

MOTION: An amendment to §4.2.8 of the zoning regulations to remove commercial kennels as a permitted use by Special Permit: Based upon the recommendations of the Mayor, Town staff and all the comments and input of our workshops and a more consistent regulation for our residential zones.

4. Zoning Regulation Amendment/PZC/§6.12 Dumpsters, Refuse & Recycling Containers #903-09

APPROVED: M. Baxter; D. Fritz; J. Seichter; P. Birney; J. Fitzsimmons

MOTION: An amendment to §6.12 of the zoning regulations to change the permitted locations of dumpsters because: It recognizes that the present state of dumpsters in commercial and industrial zones and brings conformity to the regulations.

5. Zoning Regulation Amendment/PZC/§8.3 Zoning Permits #904-09

APPROVED: M. Baxter; D. Fritz; J. Seichter; P. Birney; J. Fitzsimmons

MOTION: An amendment to §8.3 of the zoning regulations as amended this evening to require a zoning location survey prior to the issuance of certain Building Permits because: This is an issue that has been raised a number of times in the community, in a number of workshops, addressing this issue with some input from the public and from various professional and I believe this is an effective way to address this concern.

IT IS ADDITIONALLY MOVED: That this amendment become effective on MAY 1, 2009.

6. Zoning Regulation Amendment/PZC/§8.10 Performance Bonds #905-09

APPROVED: M. Baxter; D. Fritz; J. Seichter; P. Birney; J. Fitzsimmons **MOTION:** An amendment to §8.10

of the zoning regulations, as amended by Mr. Birney, to improve the regulations concerning the release or reduction of performance bonds because: It clarifies and codifies our current practice.

7. Special Permit (Location of Use)/Nelson's Automotive/North Colony Road #426-08
DENIED: M. Baxter; D. Fritz; J. Seichter; P. Birney; J. Fitzsimmons

DISCUSSION

8. **7:30 p.m.** – Wallingford Incentive Housing Zone

RECEIPT AND ACTION REQUESTED

9. Change of Use/Holiday Cinemas 10/North Colony Road #303-09
APPROVED: M. Baxter; D. Fritz; J. Seichter; P. Birney; J. Fitzsimmons
MOTION: A Change of Use from retail to theater for Holiday Cinemas 10 at Wallingford Shopping Plaza on North Colony Road subject to:
1. The conditions set forth in the February 26, 2009 memorandum from the Department of Engineering to the Planning and Zoning Commission regarding this application.
 2. The conditions set forth in the interoffice memorandum dated March 6, 2009 from Vincent Mascia, Senior Engineer, Water & Sewer Divisions, to Linda bush, Town Planner concerning this application.

CALLING OF BONDS

10. Special Permit/Baker Residential/Grieb Road - **Continued to April 13, 2009** #409-02

BOND RELEASES

11. Site Plan/R&B Ceramic Tile/Pickett Avenue **No Action** #230-05
 12. Special Permit/Pulte/Gaylord Farm Road **No Action** #413-04
 13. Special Permit/Gaylord Hospital/Gaylord Farm Road **No Action** #405-07

CORRESPONDENCE

14. CT Bar Association Workshop
 15. CFPZC Annual Meeting – **6 Commissioners will be attending**
 16. Affordable Housing Land-Use Appeals List
 17. Corporation Counsel – Utility Verification

REPORTS OF OFFICERS AND STAFF

18. Administrative Approvals
- a. Site Plan Revision/Dvorsky/15 Shady Drive **Noted as approved** #202-09
 - b. Change of Use/Pasciolla/Quinnipiac Street **Noted as approved** #302-09
 - c. Site Plan Revision/BYK-Chemie/South Cherry Street **Noted as approved** #203-09
 - d. Change of Use/Sienko/North Main Street Ext. **Noted as approved** #304-09
19. ZBA Decisions – February 17, 2009
 20. ZBA Agenda – March 16, 2009
 21. Joint Meeting with Town Council – March 23, 2009 **Set**
 22. Notes
 23. Zoning Violation Log

ADDENDUM

REPORTS OF OFFICERS AND STAFF

24. Aquifer Protection Enforcement
APPROVED: M. Baxter; D. Fritz; J. Seichter; P. Birney; J. Fitzsimmons
 Linda Bush, Town Planner and Kacie Costello, Assistant Town Planner appointed Aquifer Protection Enforcement Officers.

EXTENSION REQUESTED (MAP FILING)

- 9a. Subdivision/Docker drive Development/Docker Drive #103-08
APPROVED: M. Baxter; D. Fritz; J. Seichter; P. Birney; J. Fitzsimmons
 The final 90-day extension was approved.

MEETING ADJOURNED: 11:02 p.m.

PLEASE NOTE: After each action, the first two Commissioners named are the Commissioners who (1) made the Motion and (2) Seconded the Motion