

PLANNING AND ZONING COMMISSION  
TOWN OF WALLINGFORD  
May 11, 2009

MINUTES

A Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, May 11, 2009, at 7:00 p.m. in the Robert Earley Auditorium of the Town Hall Municipal Building, 45 South Main Street, Wallingford, CT. In attendance were Regular Members \*Mr. James Fitzsimmons, Chairman; \*Mr. David Fritz, Secretary; \*Mr. James Seichter; and \*Mr. Patrick Birney (arrived as noted below). Also present were Alternate Members \*\*Mr. Armand Menard and \*\*Mr. Jon-Paul Venoit (until as noted below). Absent were Commissioner Ms. Marci Baxter, Vice Chairperson, and Alternate Member Ms. Stacey Voss. The Town staff persons attending were Ms. Linda Bush, Town Planner; Ms. Kacie Costello, Assistant Town Planner; Mr. John Thompson, Town Engineer; and Ms. Kathleen Burns, Recording Secretary. Notes: One \* indicates the voting Members; two \*\* indicate the voting Alternate Members. All votes taken were by roll call unless noted otherwise.

Chairman Fitzsimmons called the meeting to order at 7:08 p.m. The Pledge of Allegiance was given to the Flag. Chairman Fitzsimmons introduced the Commissioners and the Town staff persons to the audience of 16 persons. He asked Mr. Venoit to participate and vote as Alternate for Commissioner Birney until his arrival and Mr. Menard to participate and vote as Alternate for Commissioner Baxter.

APPROVAL OF MINUTES:

Approval of Action Minutes – April 13, 2009, Regular Meeting:

MOTION: A motion was made by Mr. Seichter, seconded by Mr. Venoit, to approve the Action Minutes as submitted for our April 13<sup>th</sup>, 2009, meeting.

The motion was approved unanimously in a voice vote by Mr. Seichter, Mr. Venoit, Mr. Menard, Mr. Fritz, and Mr. Fitzsimmons.

Approval of Minutes – April 13, 2009, Regular Meeting:

MOTION: A motion was made by Mr. Seichter, seconded by Mr. Venoit, to approve our full Minutes of our April 13<sup>th</sup>, 2009, meeting as presented.

The motion was approved unanimously in a voice vote by Mr. Seichter, Mr. Venoit, Mr. Menard, Mr. Fritz, and Mr. Fitzsimmons.

PUBLIC HEARINGS – Chairman Fitzsimmons announced that Agenda Items #1 and #2 would be heard concurrently.

1. Zoning Regulation Amendment/DiGiuseppe/Sec. 4.5.B/Classic Cars - #502-09

Secretary Mr. Fritz read the 7:00 p.m. public hearing legal notice. He acknowledged the correspondence received for the record from: Proposed Zoning Regulation Amendments to Section 2.2 and Section 4.5.B (Att. 1A); Town Planner Linda Bush to Mr. Vincent DiGiuseppe, c/o Joan C. Molloy, Esq., dated 05/06/09 (Att. 1B); Fire Marshal Joseph Micalizzi dated 04/16/09 (Att. 1C); Water & Sewer Divisions Senior Engineer Vincent Mascia to the Town Planner dated 05/08/09 (Att. 1D).

2. Zoning Map Amendment/DiGiuseppe/R-6 to CA-6/North Colony & Meadow Streets – #503-09

This application had the concurrent 7:00 p.m. public hearing legal notice. Commissioners received correspondence for the record from: Attorney Joan C. Molloy to Mr. James C. Fitzsimmons, Chairperson, Planning & Zoning Commission, dated 04/06/09 (Att. 2A); Fire Marshal Joseph Micalizzi dated 04/16/09 (Att. 2B); Water & Sewer Divisions Senior Engineer Vincent Mascia dated 05/08/09 (Att. 2C).

Appearing for both applications were Attorney Joan Molloy of Wallingford and applicant Mr. Vincent DiGiuseppe.

Attorney Molloy: I appreciate to hear them together. When we submitted for the zone change, I requested a waiver of the submission of an A-2 survey. It's extensive. We did provide a map. If this is approved, we'll come back with a site plan and the survey. The purpose of the CA zone is to allow general commercial and office development in designated areas, especially along major streets, including "Stores and shops where goods are sold and services are rendered primarily at retail . . .". The proposed classic car sales would be an enhancement to the uses in the CA zone. We proposed a definition of "classic car" per the Department of Motor Vehicles, and they have since updated their classifications for "rare" and "antique" cars. This is a specific class of cars that have been maintained or restored. We proposed restrictions: no outside display of vehicles; repairs to take place within the building; and that the lot would be 20,000 square feet. The Water & Sewer Division commented about not having this take place in either an Aquifer or a Watershed area. We have no objection, if the Commission would add an additional restriction that classic car operations are not allowed in those areas. When the warm months hit, people go to drive-in restaurants where they show classic cars. The Connecticut Street Rod Association has its main office on Woodhouse Avenue in Wallingford.

Note: Commissioner Patrick Birney entered the meeting. He began participating and voting on both these applications.

Attorney Molloy continued: Mr. DiGiuseppe will speak to that. Wallingford has the third highest number of classic cars in the state. The building has large glass windows to display three or four cars. It might encourage pedestrian traffic and bring business to him and to downtown. If you were to act favorably on the regulation change, we're asking you to extend the CA zone by two properties. On the map, it's 65 North Colony—actually, the front half of it is in the CA zone. In the late 1980s, Wallingford did a major change to the Zoning Regula-

tions and adopted a new zoning map in 1986. Prior, the whole property was in the CA zone. But in 1986 the rear portion was rezoned to R-6. So you have a parcel that's half CA-6 and half R-6. We contacted the nearby owner about the rear of their parcel, and that owner agreed to request that the zone be extended for the two parcels. So I don't think it's spot zoning. It's two properties. It housed Wallingford Auto from 1915 to 1978, Buick, and then Wallingford Dodge from 1978 to 1981, which moved farther south. If the Commission were to act favorably, we'd come back with this automotive use and an application.

Attorney Molloy continued: Linda's letter has a concern that there's auto sales and auto repairs being done. I don't think this is the time or place to resolve that. A court action was instituted. But we're here with the knowledge and consent of both the court and the Corporation Counsel. We're here to get the zone change and the map change and then come in with a site plan. Linda also asked why it was necessary to extend the CA zone to the rear of the parcel. The auto dealerships have auto service done at the rear of the building, with the access there. The current zoning would restrict access to that part of the building. On the site plan, we'd comply in terms of buffers. If we cut the property in half, that restricts it further. Before a change, we have to meet certain standards: to meet your Comprehensive Plan as to existing uses and your Zoning Map. The intent is to avoid spot zoning, so we're bringing the line of those two properties. Retail uses are already permitted in the zone and also in the immediate area. We believe that expanding permitted commercial uses in the zone is appropriate. In your Plan of Conservation and Development are your future recommendations. In the Economic Development section: "by encouraging new businesses to locate there." Under Priorities: ". . . to encourage the commercial re-use of vacant Route-5 and Downtown buildings". In General Recommendations: ". . . continue to encourage more business development". In the Economic Development section, it says the regulations should be amended to "encourage a good business climate . . . ." At General Recommendation: "to re-establish the Downtown as a component of Wallingford's economic base". We believe the zone change and the Zoning Regulation change will be in compliance with your Plan of Conservation and Development.

Secretary Mr. Fritz acknowledged tonight's receipt of Att. 1E, the letter from Mr. Steven Lazarus, A.I.A., of Wallingford Center, Inc., to Wallingford Planning and Zoning Commission dated 05/11/09.

Mr. DiGiuseppe: I own "The Old Car Warehouse". Good evening. A few historical facts that you may not know about Wallingford. The earliest association with automobiles was in 1908 when W. J. Hodges and his son operated the first garage in Wallingford. They produced five automobiles. Wallingford's history with automobiles and dealers began over 100 years ago. Many of the dealers and service companies today were at one time auto dealers. Lewin Plumbing was the DeSoto dealership. Checkers Convenience Store was the Rambler location. Cerrito Auto sales was Hudson. AT&T Cellular was Colony Ford. My building was Wallingford Buick and then Wallingford Dodge, which moved to the Total Performance building. Cheap Auto Rentals was the Studebaker dealer. I counted that Wallingford has 11 new car dealerships, 12 used, 11 repair shops, 11 body shops, three tire stores, three parts stores, three car rental stores, and 18 gas stations, but not one business catering to the classic

car market. It's my intent to fill that niche, both in terms of new and restoration parts for classic cars. It's a fairly low-volume business, not a bustling dealership. It's a small hobby, compared to normal car repairs. We do very little business, but there's a need for it. We're serving not just Wallingford. It would be beneficial to the Town and the area. People come in to buy parts. It harkens back to the time when downtown Wallingford was the place to buy cars. I think it will work great.

Mr. Venoit: Classic cars—are these going to be street-legal vehicles? What hours of operation?

Mr. DiGiuseppe: Yes. Nine to five, sometimes 12 hours a day. Probably not beyond 9:00, unless it's something of my own.

Mr. Birney: Joan, I wasn't able to follow the issue that involved your client and the Corporation Counsel and how this was going to resolve that.

Attorney Molloy: I'm not prepared about that issue. But I informed Attorney Mantzaris that I have been retained by Mr. DiGiuseppe for this, and they were able to delay the proceeding. So, if the Commission were to approve a zone change, and subsequently we obtained an approval. I understand that Mr. DiGiuseppe was selling vehicles on the site without proper zoning approval.

Mr. Birney: I thank you for the historical information. I remember Wallingford Buick in that location. One thing you didn't mention was the overlay district, which you're also part of. Can you help me understand the relationships with the overlay district as a restructured Meadow Street, and your efforts to expand the zone onto Meadow Street? I think the overlay district is intended to have residential multi-family, high-density houses.

Attorney Molloy: Correct. When they looked at the overlay district, nobody saw that this parcel was connected to the CA. You can't have two uses on the same property—it's either commercial or residential. So I don't think that precludes development from occurring.

Mr. DiGiuseppe: It actually spans the block of Route 5 to Meadow Street. The line is drawn through the building itself.

Mr. Birney: The religious facility has consented to the expansion?

Attorney Molloy: Yes. Both signed the application.

Mr. Birney: If we're expanding the district to that piece of property which is now zoned residential, which is a permitted use, aren't we minimizing the property along Meadow Street in accordance with the overlay plan?

Attorney Molloy: Correct. I haven't looked at it. I wasn't convinced that the church was included in that overlay incentive zone.

Ms. Bush: The entire block was included in the Incentive Housing Zone. This property and everything else, from Center Street to the edge of this property, is in the IHZ: first-floor retail and two stories of residential. This application wouldn't affect it, one way or another.

Mr. Birney: That's not what my recollection was from the workshops on that zone. If we were not in favor of expanding the zone and you came back with a site plan, what would the site plan entail?

Attorney Molloy: Now the only place he can run the commercial operation is on the front side. On the map, this is 65 North Colony Street. This is the piece of land my client wishes to use for the classic car operation. The zone line is here: this is zoned CA-6, and this is zoned R-6. The building comes a good portion back onto the property. How are customers going to access it? And parking for employees and for customers and any display area or traffic, you need the balance of the property—especially since in the past this whole piece was used for Wallingford Auto and Wallingford Dodge. Plus, for the residential zone, with the buffering requirements, this is too tight. So we don't think it's a major encroachment into the residential area. I don't think it will negatively impact your incentive housing.

Mr. Seichter: Joan, you said the court agreed to your approach but not necessarily to the plan itself. It's perhaps a solution. I appreciate the history that you gave, Mr. DiGiuseppe. We're a very auto-friendly town. I'm sure there's a need for your business, but I have an issue with the location. I don't really believe this is an appropriate use in this zone. I don't think the repair of vehicles is appropriate in this area. You have shown us a definition of "classic car" as over 25 years. I don't know if that's an issue, to have someone going in and checking to see if the cars are 25 years and older. The back of the property is a residential zone. To increase the activity going on there now—making it more of an auto repair or with the entrance to your auto repair—I don't believe that's really compatible. As far as storage of cars, if we take the other property that houses the church—maybe you'll acquire that sometime. There's probably a high demand and a very unique industry. I don't think this is the location for this activity.

Attorney Molloy: But the Commission now is responsible for Location of Use, which is a Special Permit.

Ms. Bush: I realize that it can't be a site plan only—it has to be a Special Permit. To get the DMV repairer's license, we have to show the date of public hearing on the Special Permit. If you amend it, it wouldn't be to 4.5.B but to 4.5.C.7, to make it a Special Permit, Location of Use.

Mr. Seichter: I appreciate those comments, but it doesn't change my opinion on this.

Chairman Fitzsimmons: Linda or Kacie? John?

Ms. Bush: I believe as of today Mr. DiGiuseppe is not complying with the controls he's proposing. My office got the complaint from the Police Department four years ago. In the proposed requirements, it says "no outside display". I went out there, and there were eight

unregistered vehicles behind there. In addition, there were junk vehicles. This is a retail zone, not an auto repair zone. My concern is, if we change the regulations, this is going to be a serious enforcement problem, given the history of this particular application.

Chairman Fitzsimmons: The Commission is hearing a Zoning Regulation Amendment and a Zoning Map Amendment. Is there anyone from the public to address the Commission?

Mr. Warren Kaye, Hamden: Mr. DiGiuseppe is an accomplished man who's done a lot of excellent projects. It's a very low-volume business. He's a meticulous person whose attention to detail is magnificent. He can do things with metal and antique cars that are just amazing. He can take apart a car of 15,000 parts and put it back together and make it look brand new. When people see a classic car coming down the street, they smile. It's a good, family hobby. There's a real need for people who do this work. You'd be amazed at his level of craftsmanship. Whatever needs to be done, he'll do. This is a dream he's got. People are here supporting him. Some of my friends had work done by him. I did, in Hamden. He would be offering people employment to become artisans and learn how to do this. I worked at Waltco Stainless on Quinpiac Street. People used to do things with their hands in this Town, producing something themselves. These are long-term projects. I don't think this is going to be any problem and should not create any traffic at this historic building. I hope you approve his petition.

Chairman Fitzsimmons: In the eyes of zoning, it's not necessarily about the individual but it's about the piece of property and the book. I'd ask the speakers to focus on the Zoning Regulation Amendments. We need to focus on the zoning aspects.

Mr. John Nolan, Hamden: Vincent has done work for me. I'd clarify a word that was mentioned, "junk". In some people's eyes, these look like junk when they aren't used. But when they get finished, they're fine. This business will have vehicles waiting to get worked on. Most often, the vehicles have a cover to protect them from the weather until they get inside. It takes time. You would not have the activity you see at Valenti Chevrolet on Route 5. Their back yard backs up to residential homes with nothing in between. Our daughter lives on Wrinn Street. Delivery trucks come there. This is more in the center of Town, but those two situations seem similar, where you have homes on the same side of the street. Across the street, similar to what you have on the north part of Route 5, there's commercial with old trucks or vehicles parked that haven't moved in quite a while, in plain view of residential homes. That, to me, is something you should look at. Compare this with some of the others going up Route 5. Thank you.

Mr. Nick Sienna, Cheshire Road: What will happen to this property? A residence won't be built in the back lot. It's one ownership. Vinny has to look into the future. This will be a big step for him to get into compliance in Wallingford.

Mr. Bill Healey, 12 Patrick's Court: I'm a classic car owner. A lot of car shops don't want to work on older cars. It's a family hobby. The Town of Wallingford has a car show during the Taste of Wallingford. What can be done with that property if this type of application isn't

approved? It's been sitting and in dilapidated condition. It was a car dealership. It remains with that look on the front. I'd like to see it turned into a vibrant business, employing people. I don't think the services in Town will want it in its current state.

Mr. Steve Lazarus, President, Wallingford Center, Inc.: There's been a lot of talk of history. I know nothing of that. I heard of this as a potential use in our downtown. Wallingford Center, Inc.'s, reaction is very positive, particularly because Route 5 is in a walking area but also a driving area with thousands of cars. People would stop to see these in the big windows. Second, there's no large property downtown. So for you to have a site that's currently commercially zoned and can be enhanced is an asset. If it's in half and enforced as part residential and part commercial, it's a loss for us. Looking at the housing district, on the second, third or fourth floors is to be residential. It's good to get as much retail as we can get downtown. I think this store is more like a bicycle shop. Classic cars are more like bicycles. It would be like Alpha-Lo's. I like Special Permit uses. I almost wish we could do that with the Incentive Housing Zone. I like when you see something and say how it will work. I'd hope that you would approve this change.

Ms. Gail DeLucia, 46 South Cherry Street: I have been a property owner there since 2002. I raised three sons. We walk each year to Barberino's to enjoy the antique car show. It would be great to bring antique cars closer to the center of Town. Many businesses have come and gone in the center of Wallingford, and bars. It's nice to see healthy activity that you can put into there. I thought it was permitted in a CA zone. My sons and I would like to see it. One of my sons would like to be an apprentice there.

Ms. Lisa Morgillo: We have three houses with eight families on Meadow. The street where this activity is being proposed is a one-way street. The neighborhood is starting to pick up and look better. Vin's done cars for my husband. He does a great job. Do I think it belongs in a residential area? No. I'm not happy about it. There's families on this road. We can't just think about the center of Town and the businesses, but also about the families and the kids. It's not to disturb Meadow Street—it's residential.

Chairman Fitzsimmons: Anyone else? None.

Mr. DiGiuseppe: To Mr. Seichter: The lot on Meadow Street—the intent is to divide it in half and fence it off with a stockade fence. I haven't done it yet. I already spoke to Rev. Dibble at the Pentecostal Church. He's agreeable to using the street side of the lot. I'd use the building, and all of it would be invisible to the public, behind a stockade fence, which I'd add landscaping to. It would greatly improve Meadow Street. You wouldn't see the back of the building. And I know absolutely nothing about new cars. I stopped in 1973.

Attorney Molloy: It's difficult to say what or how we'd do it until we can submit an application. Linda said it would be a Special Permit application, and you'd have an opportunity to look at it. This is not a high-volume business. We'd ask you to approve those applications.

Chairman Fitzsimmons: Comments from Commission members? None. J.P., I had asked you to serve as Alternate for Mr. Birney until he arrived. So for this matter Mr. Birney will be voting along with the others. We've some things to discuss: The request letter of the applicant's representative to waive the survey for the zone change application. Any motion on that? This is because the survey would be part of their subsequent application. With zoning, it's not about the people but the parcel of land. I live in the downtown area, and our boys enjoy the car show. But the zone change is a very big deal. I like the idea that you're here trying to correct/resolve a longstanding zoning violation. I do have concerns with the staff on zoning enforcement. But you're requesting a zone change and a map amendment. I'm not opposed to the regulation, I'm opposed to the map change.

Mr. DiGiuseppe: The zoning border is drawn from Center to Meadow Street. It once was the south side of Wallingford Auto's building lot. We're asking that it would be changed to the north side. Thirty feet is in the residential area.

Chairman Fitzsimmons: We've had some unique parcels before, where the parcel is split by the zoning. One speaker compared your application to Valenti's. It's not similar. This would be a new, more active use, where Valenti has been at the same site for a number of years. To add that back in, when the area has gone more residential. The issue I have with this application is the need for you to do auto repair. It's highlighted by Water & Sewer.

Attorney Molloy: With restoration, it's not a person who drives in and gets an oil change every day. It's automotive-related, and that's the similarity. They're required to get a Location of Use. If you're saying Valenti was similar to this site, it's not like they're going to have five cars dropped off on Tuesday that would be picked up on Wednesday. The usage of "repair" can be misleading.

Chairman Fitzsimmons: I talked about Valenti being so close to residential. That's the difference. There were more car dealerships here that have moved farther down Route 5, and it's turned more residential here now.

Ms. Bush: I don't think something's been said. This use is permitted in Wallingford in lots of locations that are not in this particular zone. We do this in Wallingford on most of Route 5, just not on this section of Route 5.

Mr. Seichter: It's not that we're saying that we don't like the use or the business. I'm simply saying I don't think it's an appropriate location for the type of use. We were talking about furthering residential. Probably since a year or so ago, we had an application for Valenti to move his dealership down. I was opposed to that as an inappropriate change. To me, this is not an appropriate location for this use. You're putting classic car sales and service in a CA zone. Yes, I have an issue with that.

Chairman Fitzsimmons: The first motion will be on the regulation amendments. Other Commissioners' comments? None. Anything else?

Attorney Molloy: No.

Chairman Fitzsimmons: I'll ask for a motion to close both public hearings, for the zoning regulation amendment and the zoning map amendment since they were heard concurrently.

MOTION: A motion was made by Mr. Fritz, seconded by Mr. Seichter, to close both public hearings regarding Applications #502-09 and #503-09.

The motion was approved unanimously in a voice vote by Mr. Fritz, Mr. Seichter, Mr. Birney, Mr. Menard, and Mr. Fitzsimmons.

As to Application #502-09 for the Zoning Regulation Amendments:

MOTION: A motion was made by Mr. Fritz, seconded by Mr. Menard, to approve Application #502-09 for Zoning Regulation Amendments for DiGiuseppe:

- In Section 2.2 to make a definition of classic car being "Any motor vehicle 25 years or older."
- and
- To add a new Section 4.5.C.7 for "Classic car and classic car parts sales subject to the following requirements:
  - "a) no outside display of vehicles
  - b) all repair operations are carried on in a building or within an enclosure of suitable height to screen the operation from the street and any nearby residence district
  - c) the lot is at least 20,000 SF in size."

In discussion:

Ms. Bush: Are you saying that it's to be a site plan?

Mr. Fritz: No. I put it in as 4.5.C.7, as a Special Permit.

Mr. Birney: So this change to the Zoning Regulations would allow this type of business that's currently being operated at this facility to continue?

Mr. Fritz: Actually, the second motion would be regarding the location. This is just permitting it within the CA zone.

Chairman Fitzsimmons: Yes. This further defines what is currently allowed and permitted in the zone by approving this motion. The second motion is regarding the Zoning Map Amendment.

Ms. Bush: I'd ask for further clarification. The Water & Sewer comments recommended that it would not be in a watershed or an aquifer area. We have to enforce this.

Mr. Fritz: O.K., to amend the motion by adding:

“d) that the use would not be located in a Watershed Protection District or an Aquifer Protection Area.”

Ms. Bush: Could I ask for clarification from the Commission on outside storage of vehicles? Are parked, unregistered vehicles outside to be “display vehicles”?

Chairman Fitzsimmons: Valenti has outside display of new cars without license plates.

Mr. Fritz: So not allowing unregistered vehicles outside?

Mr. Menard: I’d say “No outside display of vehicles for sale”.

Mr. Fritz: O.K.

Note: Subpart a) of the motion above was amended to read:  
“a) no outside display of vehicles for sale”.

The vote on the motion as amended above was:

YES: Mr. Menard, Mr. Fritz

NO: Mr. Seichter, Mr. Birney, Mr. Fitzsimmons.

By a vote of 2 Yes to 3 No, this motion to approve the Zoning Regulation Amendments failed to pass.

As to Application #503-09 for the Zoning Map Amendment:

MOTION: A motion was made by Mr. Seichter, seconded by Mr. Birney, that we deny a Zoning Map Change to rezone 26 Meadow Street and the rear of 65 North Colony Street from R-6 to CA because it’s inconsistent with our Plan of Development and not compatible with the other uses within that area, particularly on Meadow Street.

The vote on the motion was:

YES: Mr. Birney, Mr. Seichter, Mr. Fritz, Mr. Fitzsimmons

NO: Mr. Menard

By a vote of 4 Yes to 1 No, the motion to deny the Zoning Map Amendment was carried.

### 3. Resubdivision/Maplewood Construction/Grove Street - #101-09

No one appeared for the applicant. This public hearing was not opened. It will be rescheduled. Town Planner Linda Bush will notify the applicant. Attachment 3A was retained in the file.

### RECEIPT AND ACTION REQUESTED:

#### 9. Site Plan – Accessory Apartment/Kushwara/Rhey Avenue - #208-09

The Commissioners received Att. 9A, a drawing of the proposed accessory apartment.

Appearing were Ms. Regina Winters of New Haven and applicant Ms. M. J. Kushwara of 1545 Rhey Avenue.

Chairman Fitzsimmons: What's the total square footage of the accessory apartment?

Ms. Winters: It's 779 square feet. The revised drawing shows the interior of the apartment addition—without the six inches of the exterior walls—to the 1,600-square-foot home on Rhey Avenue.

Mr. Seichter: This has not been built?

Ms. Winters: No.

Chairman Fitzsimmons: There's no one in the audience—is there anyone in the public to speak? Seeing none, back to the Commission. Linda, any staff comments?

Ms. Bush: No.

MOTION: A motion was made by Mr. Fritz, seconded by Mr. Birney, to approve a 779 sq.ft. accessory apartment for Kushwara at 1545 Rhey Avenue, subject to:

- a) Final inspection of the Zoning Enforcement Officer.

The motion was approved unanimously in a voice vote by Mr. Fritz, Mr. Birney, Mr. Seichter, Mr. Menard, and Mr. Fitzsimmons.

PUBLIC HEARINGS (continued):

4. Subdivision Regulation Amendment/PZC/Sec. IV/Sight Distances - #907-09

Secretary Mr. Fritz read the 8:00 p.m. public hearing legal notice. He acknowledged the correspondence received for the record from: copy of memorandum from Department of Engineering to Department of Law dated 03/12/09 (Att. 4A); Proposed Amendment – Wallingford Subdivision Regulations, to amend Section VI. Design Criteria (Att. 4B).

Ms. Bush: This is a recommendation from our Engineering Department. Our Subdivision Regulations had very specific sightline requirements. But DOT has changed them. This would make our sightline requirements in the chart in Section VI. Remove from the motion the reference to “Section 3”. It should say “Appendix C”.

Mr. Thompson: This is not to have to worry about future change that may happen.

MOTION: A motion was made by Mr. Fritz, seconded by Mr. Birney, to close the public hearing on Application #907-09.

The motion was approved unanimously in a voice vote by Mr. Fritz, Mr. Birney, Mr. Seichter, Mr. Menard, and Mr. Fitzsimmons.

MOTION: A motion was made by Mr. Fritz, seconded by Mr. Seichter, to approve Amendments to Section VI – Design Criteria and the removal of Appendix C, both in the Subdivision Regulations, to better reflect the sight distance requirements we want for new roads because the Department of Engineering on March 12, 2009, said so.

The motion was approved unanimously in a voice vote by Mr. Fritz, Mr. Seichter, Mr. Birney, Mr. Menard, and Mr. Fitzsimmons.

OLD BUSINESS:

5. Site Plan/CT Siting Council/CMEEC/Thorpe Avenue – #204-09

There was no correspondence. Ms. Bush said no action was requested on this item.

6. Site Plan/CT Siting Council/CMEEC/Old North Colony Road – #205-09

There was no correspondence. Ms. Bush said no action was requested on this item.

NEW BUSINESS:

7. Site Plan/Lohman/Atwater Place – #206-09

There was no correspondence. Ms. Bush said no action was requested on this item.

RECEIPT AND ACTION REQUESTED:

8. Revisions/Fieldstone Farm/Grieb Road - #409-02

Mr. Fritz acknowledged the correspondence received from Department of Engineering to Planning & Zoning Commission dated 05/11/09 (Att. 8).

Mr. Thompson: After six years, there's a plan and agreement by the applicant to go forward with the work. We have been meeting on this. Water & Sewer has agreed to accept a lesser-standard cover, with installation techniques reviewed by everyone. The recommendation is to accept this. The applicant would like to go forward.

Mr. Birney: There was an issue 60 to 90 days ago about who was going to bear the cost. Were there additional costs borne by the applicant in making these revised plans?

Mr. Thompson: There were costs for the plans. But 100% of the additional cost, including the water main, is being borne by the applicant.

Mr. Seichter: John, on the plans you gave us, what's being done? There's a lot of dips in the road. Are those being taken out?

Mr. Thompson: On the lower portion of the plan is the profile, Sheet #1 of 4. The applicant is proposing lowering of the vertical profile of the road in order to achieve the sightline. The dips and other nobs will be taken out when the Town does the work. We'll match these up to the Water & Sewer plans. But the applicant's improvements specifically relate to the sightlines your Commission just approved for SSD (Stopping Sight Distance) and ISD (Intersection Sight Distance). So this plan incorporates those into a construction contract at the Fieldstone Farms entrance drive.

Mr. Seichter: Then next year the Town will address the dips in the road?

Mr. Thompson: Correct.

MOTION: A motion was made by Mr. Fritz, seconded by Mr. Seichter, to vote to accept Application #409-02 for revisions to Fieldstone Farm/Grieb Road with a map dated 04/13/09, with no conditions.

The motion was approved unanimously in a voice vote by Mr. Fritz, Mr. Seichter, Mr. Birney, Mr. Menard, and Mr. Fitzsimmons.

BOND RELEASES - Ms. Bush said no action was to be taken tonight on Item #10:  
10. Glazewski/68 Grandview Avenue

CORRESPONDENCE:

11. McManus/Metal Containers

The Commissioners received a copy of the letter from Attorney Vincent T. McManus, Jr., to Ms. Linda Bush, Wallingford Town Planner, dated 04/16/09 (Att. 11).

Ms. Bush: I sent Attorney McManus a letter saying that you needed a formal application, and this letter is his response.

Mr. Birney: I wasn't here at last month's meeting. Didn't we say we'd talk about this process in a workshop? That's what he's referring to in this letter.

Mr. Seichter: Was it this specific item? We can take this up in a workshop.

Chairman Fitzsimmons: At the April meeting, he sent the letter because his client had received a Cease and Desist. A while back, we had a request letter from Mayor Dickinson to remove commercial kennels from residential zones. I'll give Attorney McManus a call on this.

Note: Alternate Member Mr. Venoit left the meeting at this time.

12. Mantzaris/Temporary Stockpiles

The Commissioners received a copy of the memorandum from Adam Mantzaris, Corporation Counsel, to Kacie A. Costello, Assistant Town Planner, dated 03/06/09 (Att. 12A).

Ms. Costello: This has to do with conditions placed on a previous application for temporary stockpiling. Adam Mantzaris said it couldn't be revisited because no time limitation had been specified as the "temporary" time period. So the Commission might want to specify what "temporary" is in the future.

13. Mantzaris/Excavation and Filling of Land

The Commissioners received a copy of the memorandum from Corporation Counsel Adam Mantzaris to Mr. James C. Fitzsimmons, Chairman, Planning & Zoning Commission, dated 03/09/09 (Att. 13).

Ms. Costello: On the limited fill permit, Attorney Mantzaris is writing about the apparent conflict between “for as long as the conditions of the permit are complied with” in subsection G and the “one year from date . . .” in subsection F. He’s suggesting some new language for subsection F. It would clarify that the full stockpiling permits are for one year, and that limited stockpiling permits would be allowed to continue unless there’s some violation of the application.

Chairman Fitzsimmons: Kacie, the memo is a draft?

Ms. Costello: This is suggested language.

Mr. Birney: This whole issue came from the workshop we had in February. Can I get those minutes?

Ms. Costello will provide those minutes to Mr. Birney.

#### REPORTS OF OFFICERS AND STAFF:

##### 14. Status/HomeCT Program

Ms. Bush: About 10 days ago, the governor ordered that unexpended funds should be returned to the General Fund. That could affect the \$3.4 million in the HomeCT program. Attorney Tim Hollister and Representative Mary Fritz have spoken in support of the program. So far, Council Chairman Mike Brodinsky and Mayor Dickinson have written letters in support of our application, which is the first. Tim Hollister and we would like to have a response on whether our application complies with OPM’s standards. Even if the State approves it, the money may not be forthcoming.

Chairman Fitzsimmons asked Ms. Bush to keep this discussion item on the agenda for June.

##### 15. Proposed Revisions/Excavation and Stockpiling Regulations

The Commissioners received a copy of the Proposed Amendment, Wallingford Zoning Regulations, for Section 6.10 Excavation, Stockpiling and Filling of Land (Att. 15A—five pages).

Ms. Bush: This draft has “mulch” inserted. Also in here, I talked more about “processing”.

The Commissioners will continue discussing this Zoning Regulation revision draft at the June 8<sup>th</sup> Regular Meeting.

##### 16. Proposed Revisions/Accessory Apartments

The Commissioners received a copy of the Proposed Zoning Amendment – Accessory Apartments for Section 6.15.B. (Att. 16A—one page).

The Commissioners agreed to continue discussing this Zoning Regulation revision draft at the June 8<sup>th</sup> Regular Meeting.

17. ZBA Decisions/April 20, 2009 (See Att. 17.)

This notice of the Zoning Board of Appeals April Decisions was received and noted.

18. ZBA Agenda/May 18, 2009 (See Att. 18.) This agenda was received and noted.

Chairman Fitzsimmons: On #09-020, why does it say “a front yard of less than 40 ft.”?

Ms. Costello: Because the applicant has not had time to have a new survey done. This one is vague. But we’ll go back to the old way of stating it in the future.

18A. Survey Question from Mr. Kirtland H. Crump

The Commissioners received a copy of the letter from Mr. Kirtland H. Crump, POA for Charles G. Crump, to Wallingford Planning & Zoning dated 05/07/09 (Att. 18A, with drawing enclosed).

Ms. Bush: This is a request for a barn. The stone wall is the property boundary, per the property owner. He’s asking for a waiver of the survey.

Mr. Seichter: The note at the bottom says: “Denotes Wire Fence and Stone Wall” for that marking.

Chairman Fitzsimmons: There are 85 acres and two lots, and the Town is an abutter.

Mr. Birney: Did we talk about how we were going to make a decision on this?

Chairman Fitzsimmons: People can make a request to the Commission. To me, this appears to be a reasonable request. It’s a large parcel, and there’s no significant abutter other than the Town. This, to me, is what a waiver should be. Does anyone agree or disagree?

Mr. Fritz: This is pretty cut-and-dried as a waiver.

Mr. Menard: I’ll agree with that.

It was the Commissioners’ unanimous consensus to approve the requested waiver of survey.

19. Zoning Violation Log (See Att. 19.)

The Commissioners received and noted the May 8<sup>th</sup> Zoning Complaint Report from Assistant Town Planner Kacie Costello. Ms. Costello briefly described some of the violations. Some cases will be resolved by June.

20. Notes (See Att. 20.)

The Town Planner's Notes were received for the record.

At this time, Chairman Fitzsimmons spoke to acknowledge Recording Secretary Mrs. Burns's service for Planning and Zoning. He presented her with a gift from the Commissioners.

ADJOURNMENT:

MOTION: A motion was made by Mr. Fritz, seconded by Mr. Seichter, to adjourn the meeting.

The motion was approved unanimously. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

David Fritz, Secretary

/klb

Atts. 1A-20

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APPROVAL OF MINUTES:

- 1 Approval of Action Minutes – April 13, 2009, Regular Meeting - APPROVED
- 1 Approval of Minutes – April 13, 2009, Regular Meeting - APPROVED

PUBLIC HEARINGS:

- 2 1. Zoning Regulation Amendment/DiGiuseppe/Sec. 4.5.B/Classic Cars - #502-09  
- MOTION TO APPROVE FAILED
- 2 2. Zoning Map Amendment/DiGiuseppe/R-6 to CA-6/North Colony & Meadow  
Streets - #503-09 - DENIED
- 10 3. Resubdivision/Maplewood Construction/Grove Street - #101-09 – PUBLIC  
HEARING NOT OPENED; TO BE RESCHEDULED
- 11 4. Subdivision Regulation Amendment/PZC/Sec. IV/Sight Distances - #907-09  
- APPROVED

OLD BUSINESS:

- 12 5. Site Plan/CT Siting Council/CMEEC/Thorpe Avenue - #204-09 – NO ACTION
- 12 6. Site Plan/CT Siting Council/CMEEC/Old North Colony Road - #205-09 – NO  
ACTION

NEW BUSINESS:

- 12 7. Site Plan/Lohman/Atwater Place - #206-09 – NO ACTION

RECEIPT AND ACTION REQUESTED:

- 12 8. Revisions/Fieldstone Farm/Grieb Road - #409-02 - APPROVED
- 10 9. Site Plan – Accessory Apartment/Kushwara/Rhey Avenue - #208-09 – APPROVED  
WITH CONDITION

BOND RELEASES:

- 13 10. Glazewski/68 Grandview Avenue – NO ACTION

CORRESPONDENCE:

- 13 11. McManus/Metal Containers – DISCUSSED; CHAIRMAN FITZSIMMONS  
WILL CONTACT ATTORNEY McMANUS
- 13 12. Mantzaris/Temporary Stockpiles - DISCUSSED
- 13 13. Mantzaris/Excavation and Filling of Land - DISCUSSED

REPORTS OF OFFICERS AND STAFF:

- 14 14. Status/HomeCT Program – DISCUSSED; LETTERS SENT BY TOWN  
OFFICIALS
- 14 15. Proposed Revisions/Excavation and Stockpiling Regulations – TO BE  
DISCUSSED AT THE JUNE 8<sup>TH</sup> REGULAR MEETING
- 14 16. Proposed Revisions/Accessory Apartments – TO BE DISCUSSED AT THE  
JUNE 8<sup>TH</sup> REGULAR MEETING

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- 15 17. ZBA Decisions/April 20, 2009 – RECEIVED AND NOTED
- 15 18. ZBA Agenda/May 18, 2009 – RECEIVED AND NOTED
- 15 18A. Survey Question – UNANIMOUS CONSENSUS TO APPROVE THE  
REQUESTED WAIVER OF SURVEY
- 15 19. Zoning Violation Log – RECEIVED AND NOTED
- 16 20. Notes – RECEIVED FOR THE RECORD

PZC RECEIPTS LIST OF May 11, 2009

Note: There were no new Receipts at this May 11, 2009, Regular Meeting.

/pzc