

**APPROVAL OF MINUTES:**

- 3 Approval of Minutes – June 13, 2011, July 11, 2011 - APPROVED

**PUBLIC HEARING:**

- 3 1. Special Permit (conversion of garage to residential unit)/Pleasant View Farms  
Development, Inc./1054-1076 Clintonville Road (NO ACTION REQUESTED) #407-11  
3 2. Special Permit (Location of Use)/The Tire Store/340 Quinnipiac Street, Unit 19 #408-11 -  
APPROVED

**NEW BUSINESS:**

- 4 3. Site Plan (parking lot expansion)/Infra-Metals Company/55 Pent Highway #215-11 -  
APPROVED  
5 4. Site Plan Revision/Simpson Village, LLC/Center Street & Martin Avenue #216-11 -  
CONTINUED

**BOND RELEASES AND REDUCTIONS:**

- 7 5. Practical Energy Solutions/2A Research Parkway #218-09 - RELEASED  
7 6. Dibble Edge Realty/Dibble Edge Road #102-06 - RELEASED  
7 7. L&L Wallingford (IHOP)/1040 North Colony Road (#422-06) #217-08 - RELEASED  
7 8. Amaral Associates (Burger King)/888 North Colony Road #219-09 – RELEASED  
7 9. Paradise Hills Vineyard & Winery/15 Windswept Hill Road #220-08 - RELEASED  
7 10. DeMartino Colony Realty/954 South Colony Road #423-06 – RELEASED  
7 11. Maplewood Construction/9 Wojtasik Drive – RELEASED  
7 12. O’Byrne Construction/51 Dibble Edge Road – RELEASED  
7 13. O’Byrne Construction/55 Maple Avenue – RELEASED  
7 14. O’Byrne Construction/57 Maple Avenue – NO ACTION  
8 15. Sheehy/204 Mansion Road – RELEASED  
8 16. Haurly (G&J Auto)/19 Pent Highway #220-09 – RELEASED  
8 17. Ashlar Village, Inc./Ashlar Village (housing units & activity building) #204-05/#204-05R –  
RELEASED  
8 18. Fulton Forbes/High Hill Road #107-07 - RELEASED

**CORRESPONDENCE:**

- 8 19. Baltramaitis (Engineering)/Public Act No. 11-79 – RECEIVED  
8 20. Smith (Yankee Gas, Northeast Utilities)/Yankee Gas Regulating Station at 300 Church  
Street - RECEIVED

**REPORTS OF OFFICERS AND STAFF:**

- 8 21. Administrative Approvals – APPROVED AS NOTED  
a. Site Plan/KGJG, LLC/419 South Cherry Street - #214-11  
b. Change of Use/Valenti/563-565 South Main Street #313-11  
8 22. PA #11-250/An Act Concerning the Sale of Wine with Gift Baskets - RECEIVED  
8 23. July 18, 2011 ZBA Results - RECEIVED  
9 24. August 15, 2011 ZBA Agenda - RECEIVED  
9 25. Workshop Meeting – SEPTEMBER 26, 2011  
a. IHZ  
b. Digital (flashing) Signs  
c. Proposed Driveway Turnarounds (Fire Marshal)

- 9 26. Zoning Violation Log – RECEIVED
- 27. Notes
- 9 Receipts

**PLANNING AND ZONING COMMISSION**  
**Town of Wallingford**  
**REGULAR MEETING**  
**Monday, August 8, 2011**  
**MINUTES**

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, August 8, 2011, at 7:00 p.m. in Council Chambers of the Town Hall Municipal Building, 45 South Main Street, Wallingford, Connecticut.

In attendance were Commissioners: Mr. James Seichter (Chairman), Mr. Patrick Birney (Vice Chairman), Mr. JP Venoit (Secretary), Mr. Jim Fitzsimmons, Ms. Marci Baxter, Mr. Armand Menard (alternate), and Mr. Rocco Matarazzo (alternate).

Absent:

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

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

**Approval of Minutes:**

**June 13, 2011 – Regular Meeting**

Mr. Venoit made a motion to approve the minutes of the June 13, 2011 meeting as submitted. The motion was seconded by Mr. Fitzsimmons and passed unanimously.

**July 11, 2011 – Regular Meeting**

Mr. Menard made a motion to approve the minutes of the July 11, 2011 meeting as submitted. The motion was seconded by Mr. Fitzsimmons and passed unanimously.

**PUBLIC HEARINGS:**

**7:00 p.m.**

1. **Special Permit (conversion of garage to residential unit)/Pleasant View Farms Development, Inc./1054-1076 Clintonville Road #407-11 (NO ACTION REQUESTED)**

Chairman Seichter announced to the public that no action would be taken on this application and it would not be heard.

**7:15 p.m.**

2. **Special Permit (Location of Use)/The Tire Store/340 Quinnipiac Street, Unit 19 #408-11**

Mr. Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated July 19, 2011

(Att. 2A); Kacie Costello, Assistant Town Planner to S.F. Enterprises, Inc. dated July 26, 2011 (Att. 2B); Carmen Rao, Fire Marshal dated July 18, 2011 (Att. 2C).

Presenting the application was Donald Stevens, Jr.

Mr. Stevens is relocating his store from Route 5 to Quinnipiac Street. There will be no outside storage. Mr. Stevens is licensed but does very little sales of used vehicles.

Ms. Costello suggested limiting the number of vehicles that can be displayed for sale on the property. Mr. Stevens agreed to limit the number of vehicles to no more than five at any time to be displayed.

**MR. BIRNEY: MOTION TO APPROVE A SPECIAL PERMIT FOR SF ENT. INC. DBA THE TIRE STORE FOR LOCATION OF USE APPROVAL FOR A USED AUTO DEALER/REPAIR FACILITY AT 340 QUINNIPIAC STREET, UNIT #19, AS SHOWN ON PLANS ENTITLED "MAP SHOWING LEASE AREA TO DONALD J. STEVENS JR., THE TIRE STORE, 340 QUINNIPIAC STREET, WALLINGFORD, CONNECTICUT", DATED JUNE 8, 2011, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. CONDITIONS OF APPROVAL FROM THE WALLINGFORD WATER & SEWER DIVISION JULY 19, 2011.**
- 2. NO MORE THAN FIVE VEHICLES FOR SALE AT ANY ONE TIME.**
- 3. ANY SIGNS INSTALLED MUST BE IN COMPLIANCE WITH SECTION 6.9 OF THE WALLINGFORD ZONING REGULATIONS AND WOULD REQUIRE A SIGN PERMIT FROM THE PLANNING & ZONING DEPARTMENT.**
- 4. SUBJECT TO FINAL APPROVAL FROM THE WALLINGFORD FIRE MARSHAL.**
- 5. NO PERSONAL PROPERTY, INCLUDING BUT NOT LIMITED TO EQUIPMENT OR TIRES UTILIZED BY THE TIRE STORE ARE TO BE STORED OUTSIDE OF THE DWELLING UNIT.**

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

### **NEW BUSINESS:**

**3. Site Plan (parking lot expansion)/Infra-Metals Company/55 Pent Highway #215-11**

Mr. Venoit, Secretary, acknowledged the correspondence received for the record from: Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated July 22, 2011 (Att. 3A); Kacie Costello, Assistant Town Planner to Mark Johnson dated July 27, 2011 (Att. 3B); Carmen Rao, Fire Marshal (Att. 3C).

Presenting the application was Engineer Tom Dailey, Milone & MacBroom, Mark Johnson, Director of Operations, Infra Metals.

Mr. Dailey reviewed the site plan. The existing building is approximately 34,850 sq.ft. and is used for warehouse storage space. The proposal is to renovate the back corner of the existing building for office space. Approximately 10,000 sq.ft. of the overall building would be converted to office space. The remaining portion of the building would remain as warehouse. Access to the new office space would be from down below. There would be no modifications to the parking lot in the front. There would be a net decrease of impervious coverage. The perimeter would be landscaped providing some buffering to the abutting building. There is a new formal parking lot that is proposed that currently is gravel. There would be 43 parking spaces provided where 41 spaces are required. In the rear there will be a small dog run installed for employee's pets.

Mr. Dailey indicated that he had no issues with Staff conditions being attached to any approval.

**MR. BIRNEY: MOTION TO APPROVE A SITE PLAN INFRA METALS FOR PARKING LOT EXPANSION/IMPROVEMENTS AT 55 PENT HIGHWAY, AS SHOWN ON PLANS ENTITLED "INFRA METALS COMPANY OFFICE BUILDING, 55 PENT HIGHWAY, WALLINGFORD, CONNECTICUT, DATED JULY 8, 2011 SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. THE POSTING OF A \$1,000 S&E BOND.**
- 2. CONDITIONS OF THE WALLINGFORD WATER & SEWER DIVISIONS DATED JULY 22, 2011 INCLUDING A WATER & SEWER UTILITY PERFORMANCE BOND.**
- 3. CONDITIONS OF THE WALLINGFORD FIRE MARSHAL**

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

**4. Site Plan Revision/Simpson Village, LLC/Center Street & Martin Avenue #216-11**

Mr. Venoit, Secretary, acknowledged the correspondence received for the record from: Attorney Gennaro Martorelli to Robert Parisi, Chairman, Town Council dated June 7, 2011 (Att. 4A); Residential Mortgage Services, Inc. to Linda Street dated April 12, 2011 (Att. 4B); Carmen Rao, Fire Marshal dated July 18, 2011 (Att. 4C); Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated July 22, 2011 (Att. 4D); Linda Bush, Town Planner to Wallingford Town Council dated July 12, 2011 (Att. 4E); Kacie Costello, Assistant Town Planner to Simpson Village, LLC dated July 28, 2011 (Att. 4F); Attorney Gennaro Martorelli to The Wallingford Planning Commission dated August 5, 2011 (Att. 4G); Town Council Minutes dated July 12, 2011; revised plan August 8, 2011.

Presenting the application was Attorney Gennaro Martorelli and the Applicant Bob LaRosa.

Attorney Martorelli stated that what is in front of the Commission is a modification of the building that fronts on Center Street. The size of the building is very similar but the architectural are very different. The number of units would be reduced from 10 to 7 units. There would be a one-car garage attached to each unit. These units are age restricted and each unit would have a larger first floor which would include two bedrooms. The entire site plan is in compliance with zoning. There are three parking spaces provided above what is required by the regulations.

Mr. Fitzsimmons briefly reviewed the issues discussed at the last Town Council meeting along with the motions made. He referred to the letter dated August 5, 2011 from Attorney Martorelli where it states that the developer believes that the Planning Commission has no legal authority to impose “affordable” requirements on the subject property. Attorney Martorelli clarified that the discussion with the Town Council was about the definition of “affordable”.

Ms. Costello explained that there was a specific condition of approval applied by the Planning & Zoning Commission when the development was approved, that the affordability restriction be applied for 40 years. It is her understanding that part of this application was to modify or remove that requirement. As of today, even though the agreement with the Town Council has been modified, that restriction still stands. Ms. Costello stated that the Council agreed to allow to remove the requirement that the affordable shell had to be built and there was discussion about the reduction in the number of units.

Chairman Seichter asked for clarification about what was being requested of the Planning & Zoning Commission at this time. Attorney Martorelli stated that the request is to eliminate or modify the 40 year requirement of the Planning Commission. He stated that the problem that they are encountering is with obtaining financing for people to purchase the units. He explained that this development is age restricted. The one lending source that is still available is CHFA. The CHFA loans can be done on affordable housing units but are primarily for first time home buyers and that is not the market segment in this case.

Attorney Martorelli stated again that the request before the Commission is to eliminate the 40-year age restricted covenant that was imposed on the plan. Mr. Fitzsimmons pointed out that the original approval was for a Special Permit not a Site Plan. The item is on tonight’s agenda as a Site Plan. Ms. Costello explained that there are two elements to this special permit, one is the removal of the 40-year restriction and the other is the reduction in the total number of units. The reduction in the number of units would typically be considered a minor modification to the plan associated with the permit. The removal of the restriction, the Planning Office determined was also a modification not a new Special Permit and that’s why it was approached as a Site Plan modification as opposed to a new Special Permit with a new public hearing. Ms. Costello stated that if the Commission feels that this item should go to a public hearing that option is available. Mr. Fitzsimmons stated that everyone who applies should have the same set of rules. The Commission briefly discussed the Choate application and how those modifications were handled via a Special Permit Revision. Ms. Costello thinks the difference in that case was that it had a direct impact on abutting property owners. Ms. Costello pointed out that the change to the affordability restriction doesn’t alter the type of use or anything that was allowed by the Special Permit other than how much the units would be sold for. Mr. Birney doesn’t believe that the conditions of the original Special Permit can be modified with a Site Plan. Ms. Baxter feels that if this was a condition to the Special Permit it should be considered a modification of the Special Permit not the Site Plan. Chairman Seichter agreed that this should be noticed as a modification to the Special Permit and would not be considered under a Site Plan Revision as noted on the agenda for this meeting.

Attorney Martorelli asked if the Commission would discuss the site plan aspects at this time. Chairman Seichter indicated that he would view it as a part of the Special Permit. He directed the Applicant to apply as a revision to the Special Permit. Ms. Costello suggested that the Commission allow the Applicant to withdraw this application and re-submit it as a Special Permit for next month. The agenda would note it as a Special Permit and the difference in fees would be calculated.

Mr. Birney asked for further clarification/substance regarding the issue of securing financing for these units. We would like this information provided in time to review for the next meeting. Attorney Martorelli agreed to provide that information.

Attorney Martorelli discussed property rights in general. He stated that there is no authority granted to this Commission to impose restrictions like the one regarding the affordability requirement. He pointed out that the economic situation has changed dramatically since the time the plan was originally approved. Attorney Martorelli stated that it would behoove the developer and the Town to adapt to the changing economic circumstances. This condition now creates a problem for the Applicant so he is coming to the Commission with a new plan to be treated like everyone else. If it is not an 830G application the Commission doesn't have the authority under the zoning ordinance to impose an affordability requirement.

Chairman Seichter asked Mr. LaRosa to have someone knock down the weeds on the open lot on Simpson Court and Martin Avenue.

### **BOND RELEASES AND REDUCTIONS:**

#### **5. Practical Energy Solutions/2A Research Parkway #218-09 (Att. 5)**

Ms. Costello recommended that the bond be released.

#### **6. Dibble Edge Realty/Dibble Edge Road #102-06 (Att. 6)**

Ms. Costello recommended that the bond be released.

#### **7. L&L Wallingford (IHOP)/1040 North Colony Road (#422-06) #217-08 (Att. 7)**

Ms. Costello recommended that the bond be released.

#### **8. Amaral Associates (Burger King)/888 North Colony Road #219-09 (Att. 8)**

Ms. Costello recommended that the bond be released.

#### **9. Paradise Hills Vineyard & Winery/15 Windswept Hill Road #220-08 (Att. 9)**

Ms. Costello recommended that the bond be released.

#### **10. DeMartino Colony Realty/954 South Colony Road #423-06 (Att. 10)**

Ms. Costello recommended that the bond be released.

#### **11. Maplewood Construction/9 Wojtasik Drive (Att. 11)**

Ms. Costello recommended that the bond be released.

#### **12. O'Byrne Construction/51 Dibble Edge Road (Att. 12)**

Ms. Costello recommended that the bond be released.

#### **13. O'Byrne Construction/55 Maple Avenue**

Ms. Costello recommended that the bond be released.

#### **14. O'Byrne Construction/57 Maple Avenue**

Ms. Costello recommended that no action be taken.

**15. Sheehy/204 Mansion Road (Att. 15)**

Ms. Costello recommended that the bond be released.

**16. Haury (G&J Auto)/19 Pent Highway #220-09 (Att. 16)**

Ms. Costello recommended that the bond be released.

**17. Ashlar Village, Inc./Ashlar Village (housing units & activity building) #204-05/#204-05R (Att. 17)**

Ms. Costello recommended that the bond be released.

**18. Fulton Forbes/High Hill Road #107-07 (Att. 18)**

Ms. Costello recommended that the bond be released.

**MR. BIRNEY: MOTION TO APPROVE THE BOND RELEASES IN ACCORDANCE WITH THE ASSISTANT TOWN PLANNER'S RECOMMENDATIONS.**

**THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED. (MR. VENOIT ABSTAINED ON AGENDA ITEM #17, BOND RELEASE FOR #204-05/#204-05R, ASHLAR VILLAGE).**

**CORRESPONDENCE:**

**19. Baltramaitis (Engineering)/Public Act No. 11-79 (Att. 19)**

Ms. Costello stated that this letter is from the Engineering Department to the Law Department regarding bonds for site plans and subdivisions. Once the Town Attorney responds the Commission will be given a copy.

**20. Smith (Yankee Gas, Northeast Utilities)/Yankee Gas Regulating Station at 300 Church Street (Att. 20)**

Yankee Gas will be constructing a regulating station which is exempt from approval from the Planning & Zoning Commission. Ms. Baxter would like to see Yankee Gas work with the Town regarding a work schedule given the traffic congestion at that intersection. Ms. Costello would express to Yankee Gas that the Commission would like them to work with the Town regarding scheduling.

**REPORTS OF OFFICERS AND STAFF:**

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

**a. Site Plan/KGJG, LLC/419 South Cherry Street #214-11**

**b. Change of Use/Valenti/563-565 South Main Street #313-11**

Mr. Birney recused himself from any action on Item 21b.

**22. PA #11-250/An Act Concerning the Sale of Wine with Gift Baskets (Att. 22A, B & C)**

Ms. Costello explained that this Public Act allows gift basket retailers to include wine in their baskets. This would be a new type of permit which would be exempt from the restriction that they cannot be located within 1500 feet of each other. This item would be on the September agenda.

**23. July 18, 2011 ZBA Results (Att. 23)**

Received by the Commission.



**24. August 14, 2011 ZBA Agenda (Att. 24)**

Received by the Commission. The Commission briefly discussed item 11-033 and 11-040 on the agenda.

**25. Workshop Meeting**

a. **IHZ**

b. **Digital (flashing) Signs**

c. **Proposed Driveway Turnarounds (Fire Marshal)**

The Workshop was scheduled for September 26, 2011.

**26. Zoning Violation Log (Att. 26)**

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

**27. Notes**

**Receipts**

1. #217-11 – Site Plan (8-stable horse boarding barn)/D. Rainey/347 Highland Avenue

Mr. Birney made a motion to adjourn. The motion was seconded by Mr. Fitzsimmons and passed unanimously by a voice vote. The meeting adjourned at approximately 8:06 p.m.

Respectfully submitted,

Sonja Vining,  
Recording Secretary

Att. 1 through 26