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**PLANNING AND ZONING COMMISSION  
Town of Wallingford**

**REGULAR MEETING  
Monday, September 14, 2009  
MINUTES**

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, September 14, 2009, at 7:00 p.m. in the Robert Earley Auditorium of the Town Hall Municipal Building, 45 South Main Street, Wallingford, Connecticut.

In attendance were Commissioners Ms. Marci Baxter (Acting Chairperson), Mr. Patrick Birney (Acting Secretary), Mr. James Seichter (Acting Vice Chairman), Mr. Jon-Paul Venoit (alternate). Absent were Mr. James Fitzsimmons (Chairman), Mr. David Fritz (Secretary), Ms. Stacey Voss, and Mr. Chris Smith (alternate).

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

Chairperson Baxter called the meeting to order at 7:07 p.m. The Pledge of Allegiance was given to the Flag. Chairperson Baxter introduced the Commissioners and the Town staff persons to the audience of approximately 7 people.

**APPROVAL OF MINUTES:**

August 10, 2009 - Regular Meeting – Action Minutes

Mr. Seichter made a motion to approve the Action Minutes from the Regular Meeting of August 10, 2009. The motion was seconded by Mr. Birney and passed. Mr. Venoit abstained from voting.

August 10, 2009 – Regular Meeting – Minutes

Mr. Seichter made a motion to approve the Minutes of the Regular Meeting of August 10, 2009. The motion was seconded by Mr. Birney and passed. Mr. Venoit abstained from voting.

August 17, 2009 – Special Meeting

To be taken up at the next meeting.

Voting on the following applications would be: Ms. Baxter, Mr. Seichter, Mr. Birney and Mr. Venoit. All votes taken were roll call unless noted otherwise.

## **RECEIPT AND ACTION REQUESTED:**

### **5. Site Plan – Accessory Apartment / Moore / 157 Cook Hill Road #215-09**

Presenting the application was Robert Moore.

Mr. Moore is proposing to move his daughter and her family into the primary residence and Mr. & Mrs. Moore will be moving to the rear of the property. The addition would be 26' x 30' and connected to the existing structure. There has not been any construction done at this time.

Mr. Moore explained that there was a misunderstanding with the surveyor and the crossed out portion on the plan will not be part of the addition. Ms. Bush indicated that the plans that were submitted were acceptable and she understands the correction that Mr. Moore made.

**MR. SEICHTER: MOTION TO APPROVE A 780 SQ.FT. ACCESSORY APARTMENT FOR MOORE AT 157 COOK HILL ROAD, SUBJECT TO THE FINAL INSPECTION AND APPROVAL BY THE ZONING ENFORCEMENT OFFICIER.**

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

## **PUBLIC HEARINGS:**

**7:00 p.m.**

### **1. Zoning Regulation Amendment / Ahearn / Multi-Family in Tracy Zone #504-09**

Mr. Birney, Acting Secretary, acknowledged the correspondence received for the record from: Daniel Brunet, South Central Connecticut Regional Planning Commission, dated August 14, 2009 (Att. 1A); Joan Molloy, New Section 4.22.D – Revised (Att. 1B).

Present was Attorney Joan Molloy.

Attorney Molloy reminded the Commission that this public hearing was opened last month and continued. The hearing was continued because there had not yet been correspondence received from the Regional Planning Commission. The Commission has since received those comments.

Acting Chairperson Baxter would like to see section b. and section c. be consistent in the wording of the “Three Bedroom units”. Ms. Baxter indicated that the 1 bedroom unit had a larger minimum floor area in the DA District as did the 2 bedrooms. Mr. Seichter agreed that in the current DA 1 bedroom would have a minimum floor area of 500 sq.ft. and the 2 bedrooms would have 575 sq.ft. Attorney Molloy stated that she would not have any issue with making those changes.

Ms. Bush clarified for the Commission that along the Quinnipiac River there is a 50-foot greenbelt in single-family residential areas and 100 feet in commercial and industrial areas. Because this is a residential development the revisions came in with the 50 feet. Ms. Bush stated that those 50 foot and 100 foot distances have been on the books for years and years.

Acting Chairperson Baxter asked for public comment. There was no public comment.

**MR. SEICHTER: MOTION TO CLOSE THE PUBLIC HEARING.**

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

**MR. SEICHTER: MOTION TO APPROVE A NEW SECTION 4.22D OF THE ZONING REGULATIONS TO MAKE MULTI-FAMILY DEVELOPMENT A PERMITTED USE IN THE TRACY ZONE WITH A MODIFICATION TO THE PROPOSED SECTION BEING 9C. WHERE THE MINIMUM FLOOR AREA FOR A 1 BEDROOM WOULD BE 500 SQ.FT. FOR 2 BEDROOMS IT WOULD BE 575 SQ.FT. AND 3 BEDROOMS WOULD BE 650 SQ.FT. MAKING IT BECAUSE IT CREATES ADDITIONAL HOUSING AND DEVELOPMENT OPPORTUNITIES IN THIS ZONE AS WELL AS IT IS CONSISTANT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT.**

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

**RECEIPT AND ACTION REQUESTED:**

- 3. 8-24 / Purchase of 112, 114 & 118 Dibble Edge Road**
- 4. 8-24 / Property Line Adjustment / 116 & 118 Dibble Edge Road**

Mr. Birney, Acting Secretary, acknowledged the correspondence received for the record from: Janis Small, Town Attorney to Linda Bush, Town Planner, dated August 28, 2009 (Att. 3A); Resolution Approving the Dibble Edge Road Land Purchase in the Town of Wallingford (Att. 3B).

Linda Bush, Town Planner, reminded the Commission that it approved this subdivision a number of years ago and it was never built. The Town owns open space around these lots so the Town Council had a special meeting to purchase this land. Under 8-24 the Council is asking the P&Z Commission to approve the purchase and land swap. To make the Town land continuous the Town has arranged a swap.

**MR. SEICHTER: MOTION FOR AN 8-24 PURCHASE OF LAND / DIBBLE EDGE ROAD. THE PLANNING AND ZONING COMMISSION OF THE TOWN OF WALLINGFORD, EXERCISING THE AUTHORITY OF THE PLANNING AND ZONING COMMISSION PURSUANT TO**

**SECTION 8-24 OF THE GENERAL STATUTES, HAVING  
REVIEWED THE PROPOSAL FOR THE DIBBLE EDGE LAND  
PURCHASE, HEREBY APPROVES SUCH PROPOSAL.**

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

**MR. SEICHTER: MOTION FOR AN 8-24 ADJUSTMENT / TRANSFER OF PROPERTY  
BETWEEN 118, 116 & 112 DIBBLE EDGE ROAD. THE PLANNING  
AND ZONING COMMISSION OF THE TOWN OF WALLINGFORD,  
EXERCISING THE AUTHORITY OF THE PLANNING AND ZONING  
COMMISSION PURSUANT TO SECTION 8-24 OF THE GENERAL  
STATUTES, APPROVE THE ADJUSTMENT / TRANSFER OF  
PROPERTY BETWEEN 118, 116 AND 112 DIBBLE EDGE ROAD.**

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

**6. Change of Use / KGJG, LLC / South Cherry Street #317-09**

Mr. Birney, Acting Secretary, acknowledged the correspondence received for the record from: Jeffrey Raup received September 8, 2009 (Att. 6A); Linda Bush, Town Planner, to KGJG, LLC dated September 10, 2009 (Att. 6B).

Presenting the application was Jeffrey Raup, KGJG, LLC.

Mr. Raup is applying for a change of use although he will not be deviating from what it has been used for in the past. He expects to have several tenants rather than one tenant as was previously in the building. The use will be similar to what was there before, being automotive use, repair and retail. He expects to have as many as four tenants with that use. The building is ideally suited for large truck repair and sale down to regular car sales.

Linda Bush, Town Planner, attached to her notes the conditions of the last approval. She stated that those conditions were clearly for an auto auction and not a regular auto repair. She feels that what Mr. Raup is proposing is better for the street than an auto auction. Ms. Bush stated that the conditions go with the land. She explained that on the application from the State her office has to list any conditions attached. She doesn't feel that those conditions apply for the use of multiple dealers and repairers.

Ms. Baxter clarified that this property is already approved as dealer and repairer. Mr. Birney and Ms. Baxter were having trouble understanding that four dealers as opposed to one that was there previously would be considered by Ms. Bush as a less intensive use. Linda Bush, Town Planner, explained that there were 200-300 automobiles on that site. She asked if the Commission would feel comfortable is the site were to be limited to 100 vehicles outside the building.

Mr. Raup indicated that the reason he is appearing is because of the limits that were imposed where following the day of the auction only 25 vehicles could be on the lot. He stated that with one license or ten licenses that would be a very difficult condition to abide by for someone who is doing business on a daily basis. Mr. Raup indicated that there would never be the number of cars on this lot that were there when the auction was there. His biggest concern at this time is the condition that limits the number of cars on the site to 25.

Mr. Seichter read the conditions attached from the last approval. Both conditions refer to the auction. He feels that the conditions apply to after an auction and if Mr. Raup is not having an auction he doesn't understand how these conditions would apply. Ms. Bush agreed with Mr. Seichter. Ms. Baxter isn't sure that at this point four dealers and repairers should be permitted on this property. Ms. Bush pointed out on the plan that there is a fence along the entire front of the property so the cars will all be within the fenced in area. She indicated that if the Commission felt more comfortable it could make a condition that all cars for sale and or repair would be behind the fence.

Ms. Baxter asked for public comment. There were no comments from the public.

**MR. SEICHTER: MOTION TO APPROVE THE CHANGE OF USE OF 419 SOUTH CHERRY STREET FROM AN AUTO AUCTION TO A BUILDING AND YARD TO BE UTILIZED BY SEVERAL AUTO REPAIR, AUTO SALES AND AUTO TRANSPORTATION BUSINESSES, SUBJECT TO THE CONDITION THAT ALL CARS FOR SALE OR REPAIR BE LOCATED BEHIND THE CHAINLINK FENCE.**

**THE MOTION WAS SECONDED BY MR. BIRNEY AND PASSED BY A ROLL CALL VOTE. MR. VENOIT – YES, MR. BIRNEY – YES, MR. SEICHTER – YES, AND MS. BAXTER – NO.**

**7:30 p.m.**

**2. Zoning Regulation Amendments / Wallingford PZC  
a. New Section 6.9.C – Temporary Signs #909-09**

Mr. Birney, Acting Secretary, read the 7:30 p.m. public hearing legal notice. He acknowledged the correspondence received for the record from: Proposed Amendment Wallingford Zoning Regulations (Att. 2a); Linda Bush, Town Planner, to Janis Small, Town Attorney dated August 24, 2009 (Att. 2aA); Janis Small, Town Attorney to Linda Bush, Town Planner, dated August 26, 2009 (Att. 2aB); Sal D'Aquila, Carabetta Organization to Wallingford Planning & Zoning Commission dated September 20, 2009 (Att. 2aC); Steven Lazarus, Wallingford Center Inc. to Linda Bush, Town Planner, dated September 3, 2009 (Att. 2aD).

Ms. Baxter stated that the Commission met last month to discuss this issue with members of the public. There was then a special hearing held at the end of August where a number of items were considered, including regulations from the Town of Cheshire.

Linda Bush, Town Planner, indicated that she basically took the Cheshire regulations and modified them slightly. The major modification was that the signs should be placed on the lot, not on any Town or State ROW. She created a new category called signs requiring registration. Ms. Bush stated that she has spoken to Steve Lazarus, Wallingford Center, and WCI does not want to be included. They are going to be working on their own sign program. Ms. Bush stated that DOT will allow sandwich board signs on Center Street so WCI will be working with DOT to come up with a proposal just for downtown.

As discussion went along Linda Bush, Town Planner, realized that the proposed regulation did not exclude having signs in a residential area. She added Item i., which read “Not permitted in R, RU or RM Zones”.

Mr. Venoit questioned Item 2c. which reads, “Only one (1) sign per business may be displayed at any one time”. Mr. Venoit asked about large properties or properties on corner lots or more than one street. Linda Bush, Town Planner, suggested adding another sentence to Item 2c. to read, “Corner lots or thru lots shall be permitted one (1) sign per street”.

Mr. Birney discussed the current subsection C.4 that talks about where the signs shall be permitted. He suggested the possibility of incorporating the existing C.4 into the new 6.9.C. Mr. Birney would like the regulations be uniform and consistent. Linda Bush, Town Planner, explained that there are some other commercial zones that would benefit from that such as the Tracy District, the LB Zone and the IX and Interchange Zone. Mr. Birney understood why Ms. Bush listed the zones where the signage would not be allowed rather than where they would be permitted.

Ms. Baxter mentioned Item 2d. She would like it to read, “Signs shall be placed on the lot on which the business is located , not on any Town or State ROW”. She also referred to Item 2e where it talks about the signs being removed within forty-eight (48) hours of the last day. Ms. Bush stated that she just copied that from the Cheshire regulations. Ms. Baxter feels that if the permit is for fourteen (14) days it should be for fourteen (14) days or the permit should be made for sixteen (16) days. The first sentence of Item 2d will be revised to read, “Signs may be displayed for up to fourteen (14) days per occasion and shall be removed at the close of business on the last day of the registration”.

Ms. Baxter discussed Item 2g. where it talks about the size of wall mounted banners being no more than ten (10) percent of the total area. She asked that Ms. Bush define what is meant by total area. Linda Bush, Town Planner, stated that, for example, if a building were 20 feet tall by 500 feet wide it would have a 10,000 sq.ft. façade, so based on that the building could have a 1,000 sq.ft. banner. Mr. Venoit suggested that the regulation state that a banner sign could be no larger than the permanent sign on the building. Linda Bush, Town Planner, discussed how permanent signage is calculated according to the regulations. Ms. Costello suggested to Ms. Bush that the word façade be inserted into Item 2g. after the word total. The Commission discussed further Item 2g. There were suggestions that in lieu of the 10% it could read , “Their size may not exceed the total square footage of permanent total signage permitted on the property”. Ms. Costello pointed out some language included in the existing regulation 4a.1 that could be used to keep things consistent. Linda Bush, Town Planner, discussed how it would work if one building has several businesses with individual signs and they want to register for a banner. Ms. Bush pointed out that using the existing regulation 4a.2 would address that issue.



Ms. Baxter feels that with all of these changes it would be too difficult to make a decision on this item at this meeting. She would like to see it all put together before making a decision. Linda Bush, Town Planner, agreed to make all of the suggested changes and get it out to the Commissioners before their packets go out.

Ms. Baxter asked for public comment.

Speaking from the public was:

John Letourneau, 3 Regent Court, felt that this item should go back into another workshop. He suggested that a standard could be set for the signs. Perhaps the town can supply six (6) or eight (8) designs to show people what is permitted and expect them to work within those guidelines. Mr. Letourneau believes that making it more consistent in the design and size may eliminate some of the problems. He thinks that an even bigger issue than these banners are the LED signs that have popped up around town. Mr. Letourneau asked about having banners lit. Ms. Baxter said that banners would not be allowed to be lit. Mr. Letourneau feels strongly that there needs to be another workshop on this issue.

Jim Wolfe, Economic Development, agreed that this issue warrants another workshop. He brought up the issue of residential areas and how these signs can and cannot be used. Linda Bush, Town Planner, explained that signs for work that is being done on your house are already permitted under the current regulations.

Craig Fishbein, Grieb Road, asked where he could get a copy of this proposed language. Linda Bush, Town Planner, stated that it is always available in her office and she would be willing to fax them out if requested. Mr. Fishbein is concerned with the authority of the Commission to do something if people just don't bother to register. He would also like to see another workshop on this issue. Mr. Fishbein suggested that there be some sort of review period for this revised regulation. He discussed, as an example, the Stop & Shop plaza where the actual frontage on Route 5 is the bank. He questioned what happens if all of the businesses attached to Stop & Shop want to put up signs and Bank of America does not want a sign or banner. Mr. Fishbein believes a circumstance like that would cause some real issues. He also is concerned about these signs and/or banners causing site line obstruction. Mr. Fishbein brought up the issue of when a small business owner resides at a residential property and posts a sign for his/her business in the front yard of that property.

Walt Mikowski, Carabetta, feels there needs to be another workshop prior to the regular meeting of this Commission next month. He asked if the Silver Pond Apartments would be excluded from using any temporary signage. Linda Bush, Town Planner, stated that if this regulation is adopted as proposed the answer would be yes.

The Commission discussed the time available to schedule a workshop before the next regular meeting in October. The regular meeting for October is scheduled for Wednesday the 14<sup>th</sup>. Ms. Bush was told by Mr. Fitzsimmons that a couple of Commission Members have conflicts on that day and perhaps Tuesday, the 13<sup>th</sup> might be better.

**MR. SEICHTER: MOTION TO MOVE THE OCTOBER REGULAR MEETING TO A SPECIAL MEETING OF OCTOBER 13<sup>TH</sup>, 2009 AT 7:00 P.M.**

**THE MOTION WAS SECONDED BY MR. BIRNEY.**

Mr. Letourneau requested that the meeting be moved to another night because there is a Town Council meeting that night and he knows there are Councilors that would be interested in attending. Linda Bush, Town Planner, clarified that this change was just for the regular meeting and not a workshop.

**THE MOTION PASSED UNANIMOUSLY WITH A VOICE VOTE.**

Linda Bush, Town Planner, gave September 28<sup>th</sup> and October 5<sup>th</sup> for possible dates for a workshop. Both Mr. Seichter and Mr. Birney would not be able to attend on the 28<sup>th</sup>. The Commission discussed the possibility of having a half hour workshop before the Regular Meeting on the 13<sup>th</sup> of October.

Mr. Parisi, 23 East Main Street, stated that there are Councilors that have an interest in this item and would like to attend the workshop. Linda Bush, Town Planner, pointed out that in October the P&Z would not be able to approve the regulation it would just be a workshop session. Mr. Seichter felt that if it was agreeable with the other Commissioners he would feel comfortable scheduling a workshop for after the regular meeting on the 13<sup>th</sup> of October. Mr. Venoit would like to see a separate workshop meeting scheduled. Mr. Birney had no objection to a separate workshop meeting. Linda Bush, Town Planner, mentioned October 26<sup>th</sup> as a possible date for the workshop. Mr. Birney stated that he would be out of town on that date. Ms. Bush will send out a memo with a bunch on Mondays on them for the Members to review and send back to her within one week. She will take a consensus and the night that the most people can attend she will schedule the workshop.

**MR. SEICHTER: MOTION TO TABLE ITEM 2a. TEMPORARY SIGNS.**

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

**b. New Section 9.1.H.2 – Zoning Location Surveys and Variances #910-09**

Mr. Birney, Acting Secretary, read the public hearing legal notice. He acknowledged the correspondence received for the record from: Proposed Amendment Wallingford Zoning Regulations (Att. 2b).

Ms. Kacie Costello, Assistant Town Planner, discussed what brought about this proposed regulation amendment. The proposed amendment would be added to the section on variances and their requirements.

Ms. Baxter asked for public comment.

Mr. John Thompson, Town Engineer, commented that this issue with the variances seems to be an expanding problem. He stated that what is not being dealt with is the implications of these building additions as they effect the drainage on the adjacent property. He stated that the zoning compliance drawing does not give any indication of what the implications of building the building would be on the drainage pattern on the adjacent property. The Department of Engineering has been put in the position of being the Drainage Enforcement Entity. The Department has been getting a lot of requests to go out and deal with these issues. Mr. Thompson is hoping that this can be dealt with at the administrative level before a building is built instead of dealing with the implications afterwards. Mr. Thompson stated that all his office receives is a listing of the ZBA applications. His office does not see any drawings.

Linda Bush, Town Planner, feels that her office needs to meet with the Law Department to discuss the storm water issue. She stated that just because someone is asking for a variance doesn't mean that they are more apt to cause drainage problems with their addition than someone who is doing an addition that does not require a variance. It is not the variance that triggers the water complaint, it is the construction on a neighboring property that is done improperly. Ms. Bush stated there would be an administrative meeting to discuss this issue and how to handle it. She indicated that she did not realize that Mr. Thompson wanted copies of the ZBA applications. Her office would be happy to supply him the same copies that the Board Members get.

Ms. Baxter asked for public comment.

Speaking from the public was:

Craig Fishbein, Grieb Road, stated that he has handled some water trespass cases. He stated that during the appeal period the abutting neighbor does not know the effect of the water because construction has not begun yet. The construction can take six months and then at that point it becomes a civil issue that ends up being very costly.

**MR. SEICHTER: MOTION TO CLOSE THE PUBLIC HEARING.**

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

**MR. SEICHTER: MOTION TO APPROVE A NEW SECTION 9.1.H.S TO CLARIFY WHEN ZONING LOCATION SURVEYS ARE NECESSARY TO APPLY TO THE ZBA BECAUSE IF FURTHER CLARIFYS THEIR ZONING REGULATIONS.**

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

- c. Amend Section 7.3F – Site Plan Requirements #911-09
- d. New Section 7.5.E – Special Permit Requirement #912-09

Mr. Birney, Acting Secretary, read the legal notice. He acknowledged the correspondence received for the record from: Proposed Amendments Wallingford Zoning Regulations (Att.2c + 2d).

Linda Bush, Town Planner, indicated that both Sections 7.3.H and 7.5.F were amended to specify that all special permits shall be developed and used in accordance with the plans approved by the Commission. She explained that it has always been in the regulations but it has a separate section.

Ms. Baxter asked for public comment. There were no comments from the public.

**MR. SEICHTER: MOTION TO CLOSE THE PUBLIC HEARING.**

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

**MR. SEICHTER: MOTION TO APPROVE THE AMENDMENT TO SECTION 7.3F TO CLARIFY THAT SITE PLANS MUST BE BUILT IN ACCORDANCE WITH THE APPROVED PLANS BECAUSE IT REMOVES ANY AMBIGUITY WITH RESPECT WITH THE SUBJECT MATTER BEING DISCUSSED.**

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

**MR. SEICHTER: MOTION TO APPROVE A NEW SECTION 7.5E TO CLARIFY THAT ALL SPECIAL PERMITS MUST BE BUILT IN ACCORDANCE WITH THE APPROVED PLANS BECAUSE THIS REMOVES ANY AND ALL AMBIGUITY WITH RESPECT WITH THE SUBJECT MATTER BEING DISCUSSED.**

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

**EXTENSIONS REQUESTED:**

**7. Subdivision / Maplewood Construction / Grove Street #101-09**

Mr. Birney, Acting Secretary, acknowledged the correspondence received for the record from: Vincenzo Perretta, Maplewood Construction to Linda Bush dated August 21, 2009 (Att. 7)

Linda Bush, Town Planner, explained that the permit has not yet expired. The extension would be a 90-day extension.

**MR. SEICHTER: MOTION TO APPROVE A 90-DAY EXTENSION FOR MAPLEWOOD CONSTRUCTION FOR FILING OF THE MYLAR FOR 47 GROVE STREET.**

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

**8. Special Permit / R.L. Rogers / Hall Avenue #414-00**

Mr. Birney, Acting Secretary, acknowledged the correspondence received for the record from: Robert Rogers, RL Rogers & Sons to Linda Bush, Town Planner, dated July 31, 2009 (Att. 8).

Linda Bush, Town Planner, explained that this would be for a one-year extension and it would take it to ten years from when it was originally approved. It would be a one-year extension of the special permit to convert to residential.

**MR. SEICHTER: MOTION TO APPROVE A ONE-YEAR EXTENSION FOR RL ROGERS & SONS, 237 HALL AVENUE, FOR THE SPECIAL PERMIT FOR THE CONVERSION TO RESIDENTIAL.**

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

**BOND RELEASES AND REDUCTIONS:**

9. Special Permit / Riverwood, LLC / Danny's Way #409-00 (Att. 9)
10. Special Permit / Baker Residential / Grieb Road #409-02 (Att. 10)
11. Special Permit / 279 Quinnipiac Street, LLC / Fern Ave. #403-09 (Att. 11)
12. Special Permit / Ceruzzi (Home Depot) / North Colony Rd. #427-97 / 427-97R (Att. 12)
13. Subdivisions / Shweky / Dibble Edge Road #109-03
14. Special Permit / 1070 North Farms Road / Northrop Road #241-06 (Att. 14)

Linda Bush, Town Planner, recommended that the bonds for Riverwood , LLC, and Ceruzzi (Home Depot) be released. She recommended no action to be taken on Baker Residential and that the bond be reduced to \$5,000 on 279 Quinnipiac Street, LLC. Ms. Bush stated that the Shweky / Dibble Edge Road was the subdivision that the Town bought and she recommended that the bond be released with the condition that the Town files a boundary mylar on the land records. She stated that the subdivision was originally approved in 2004 and it would expire in January 2010. She also recommended that the bond on 1070 North Farms Road be released even though some of the shrubs that were shown on the approved site plan were not installed. Ms. Bush clarified that the regulations of the P&Z did not require shrubs. They require landscaping and grass is landscaping. The Commission would like to have Ms. Bush ask the Applicant to install some shrubs since they were shown on the approved plan.

**MR. SEICHTER: MOTION TO RELEASE THE FOLLOWING BONDS: RIVERWOOD, LLC / DANNY'S WAY, CERUZZI (HOME DEPOT) / NORTH COLONY ROAD AS RECOMMENDED BY THE TOWN PLANNER. RELEASE THE BOND FOR SHWEKY / DIBBLE EDGE ROAD CONDITION UPON THE TOWN FILING A BOUNDARY MYLAR ON THE LAND RECORDS AND ALSO TO REDUCE THE BOND TO \$5,000 FOR 279 QUINNIPIAC STREET, LLC / FERN AVENUE AS RECOMMENDED TY THE TOWN PLANNER.**

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

**CORRESPONDENCE:**

**15. CFPZA Newsletter (Att. 15)**

The Commission received the newsletter.

**16. J. Molloy, Esq. / I-5 Zoning Regulation (Att. 16)**

Ms. Bush stated that Attorney Molloy would like the Commission to schedule a workshop. She has been working on revising the I-5 regulations. Attorney Molloy has submitted a revision that she would like the Commission to review and discuss at a workshop session. The Commission would like to see a separate workshop to discuss this regulation. After the date is set for the workshop on the signs then a date can be set to discuss this regulation change. Linda Bush, Town Planner, will put it back on the agenda for October.

**17. OPM / State Plan of Conservation and Development (Att. 17)**

Ms. Bush and the Mayor feel that the P&Z is well informed in this area and there is no point in having a public hearing unless the Commission feels strongly that it should.

**REPORTS OF OFFICERS AND STAFF:**

**18. Aquifer Protection Area Inspection Form (Att. 18)**

The Commission received the inspection form.

**19. Administrative Approvals**

- a. **Site Plan / Catholic Cemeteries Assoc. / Christian Street (St. John Cemetery) #212-09**
- b. **Change of Use / Islamic Center of Wallingford / Yale Avenue #314-09**
- c. **Zoning Permit / Youghioghny Communications / Gaylord Farm Road #801-09**
- d. **Change of Use / Acord, Inc. / Yale Avenue #313-09**
- e. **Change of Use / Bourgeois / Center Street #315-09**

**20. ZBA Decisions / August 17, 2009 (Att. 20)**

The Commission received and noted the decisions of the Zoning Board of Appeals made at the August 17, 2009 meeting.

**21. ZBA Agenda / September 21, 2009 (Att. 21)**

The Commission received and noted the Agenda for the September 21, 2009 Zoning Board of Appeals meeting.

**22. Notes**

**23. Zoning Violation Log (Att. 23)**

The Commission received and noted the Zoning Violation Log. Kacie Costello, Assistant Town Planner commented briefly on several items included in the log.

Mr. Seichter made a motion to adjourn. The motion was seconded by Ms. Baxter and passed unanimously by a voice vote. The meeting adjourned at approximately. 9:00 p.m.

Respectfully submitted,

Sonja Vining,  
Recording Secretary

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