

PLANNING AND ZONING COMMISSION
Town of Wallingford
Regular Meeting
Wednesday, November 14, 2012

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Wednesday, November 14, 2012, at 7:00 p.m. in Council Chambers of the Town Hall Municipal Building, 45 South Main Street, Wallingford, Connecticut.

In attendance were Jon-Paul Venoit, Acting Chairman, James Fitzsimmons, Marci Baxter and Stacey Voss, Acting Secretary. The Town staff persons attending were: Kacie Costello, Acting Town Planner and Recording Secretary, Kim Touchette.

Acting Chairman Venoit called the meeting to order at 7:10 p.m. The Pledge of Allegiance was given to the Flag. Acting Chairman Venoit introduced the Commissioners and the Town staff persons to the audience.

APPROVAL OF MINUTES:

July 9, 2012 and October 10, 2012 – No action taken.

PUBLIC HEARING:

1. Special Permit – temporary office – Z/A Corporation (BYK), 425 South Cherry Street - #406-12

Stacey Voss, Acting Secretary acknowledged the following correspondence received for the record from: Edward McNaught, Sr. MEP Project Manager, A/Z Corp., dated November 2, 2012, (1-A); John P. Thompson, Town Engineer to Kacie Costello, Acting Town Planner, dated November 7, 2012, (1-B); John Thompson, Town Engineer to Kacie Costello, Acting Town Planner, dated October 19, 2012, (1-C); Carmen Rao, Fire Marshal to Wallingford Planning and Zoning, dated October 19, 2012 (1-D); Edward McNaught, Sr. MEP Project Manager to Kacie Costello, Acting Town Planner, dated October 2, 2012 (1-E); Kacie Costello, Acting Town Planner to Ed McNaught, dated September 26, 2012 (1-F); John Thompson, Town Engineer to Kacie Costello, Acting Town Planner, dated September 17, 2012 (1-G); and Vincent Mascia, Sr. Engineer, Water and Sewer Division to Kacie Costello, Acting Town Planner, dated October 1, 2012 (1-H).

Presenting the application was Ed McNaught, Project Manager, A/Z Corp.

Mr. McNaught explained the intent of the space to be used for the temporary trailer site by way of a diagram and explained that all of the requirements for the project were incorporated into the design plan provided to the Planning Department. This most recent design drawing was received by the Planning and Zoning Department November 5, 2012. Mr. McNaught reiterated that the all of the requirements and concerns outlined in correspondence from John Thompson, Town Engineer have been met and the purpose of

the meeting tonight was to seek the Commission's approval to begin the project. Mr. McNaught indicated that he would like to start the project as soon as the approval from Planning and Zoning is obtained and expected to last approximately 18 months. The trailers are rented for 21 months. Mr. McNaught was agreeable to making the time table a condition of approval for the Special Permit, suggesting that perhaps a cushion of time, possibly 24 months would be more than helpful. Mr. McNaught also pointed out the construction fencing area on the most recent site plan explaining a hold harmless agreement was executed to cover the area of encroachment and that the fence along the street has been addressed with the Town Engineer, John Thompson. Mr. McNaught also indicated that the only utility service to the trailer would be electric, indicating that there would be portable bathroom facilities with bottled water being brought in, thereby eliminating the need for any utility service but electric. Kacie Costello also explained that the hold harmless agreement was not something that needed to be included as a condition for the approval and she had a conversation with the Town Attorney regarding this subject. The hold harmless agreement is required by the Town as part of the work performed within the Town's right-of-way; the applicant and A/Z were kind enough to cooperate with the Town on providing this as part of the Special Permit application.

At the suggestion of Acting Town Planner, Kacie Costello, it was also pointed out to the Commission that any Commissioners that were not present at the last meeting should seek the consent of Mr. McNaught to participate in voting on the application, indicating that they feel knowledgeable and comfortable with the facts presented to make an informed vote on the application. Both Commissioners Baxter and Voss indicated that they were not present at the previous meeting but felt knowledgeable and comfortable with the issue to make an informed vote. Mr. McNaught was agreeable to voting by both Commissioners.

No one from the public spoke in favor of or opposed the application.

Mr. VENOIT: MOTION TO CLOSE THE PUBLIC HEARING.

THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY.

MR. FITZSIMMONS: MOTION TO APPROVE A SPECIAL PERMIT FOR A/Z CORPORATION ON BEHALF OF BYK TO ALLOW TEMPORARY MOBILE OFFICES AT 425 SOUTH CHERRY STREET, AS SHOWN ON PLANS ENTITLED "SITE LOGISTICS PLAN, DRAWING NO. AZ-001, REV. NO. A", DATED 9/7/12, REVISED TO OCTOBER 29, 2012, SUBJECT TO THE FOLLOWING CONDITIONS:

1. TIME PERIOD FOR SPECIAL PERMIT TO BE NO LATER THAN 24 MONTHS FROM EFFECTIVE DATE OF SPECIAL PERMIT, NOVEMBER 16, 2012.

2. APPLICANT SHALL PROVIDE FENCING AS DESCRIBED AND DOCUMENTED AND DISCUSSED AT TONIGHTS MEETING.

3. ALL COMMENTS SPECIFICALLY DISCUSSED AND REVIEWED, SHOULD BE IN CONFORMANCE SPECIFICALLY WATER AND SEWER DATED 10/1/12, THE ACTING TOWN PLANNER MEMO DATED 9/26/12, SPECIFICALLY ITEM #4, AND THE COMMENTS FROM THE TOWN ENGINEER DATED 11/7/12, ADDRESSED TO THE ACTING TOWN PLANNER.

THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY.

Prior to moving on to agenda #14 (Discussion – Proposed Zone Changes – YLB), the Acting Town Planner requested that the Commission acknowledge item #3 on the agenda under Old Business – Subdivision (4 lots) Capiello, 1086 Clintonville Road, #102-12 was postponed to next month.

DISCUSSION:

#14. Proposed Zone Changes – YLB

Present was Joe Mirra of the Wallingford Economic Development Commission. He indicated that the EDC has recommended and endorsed the suggestion that the Commission consider expanding the YLB zone to some of the immediate adjacent properties along Route 68, Church Street area, to encourage their maintenance and allow more reasonable use of those properties. A review of an attached map and spreadsheet prepared by Kacie Costello was provided for review and consideration. (Attachments 14A and 14B). A copy of the YLB Regulations was also provided in the packet for a quick reference. Ms. Costello pointed out that the section of Church Street which this proposed zone change would govern is a major thoroughfare. The properties in this section are older homes in various states of repair. Some of the properties have been kept up, while others are in need of repair. This zone change would still require the maintenance of the character of the original structure. Ms. Costello indicated that tonight she was looking to see if the Commission was willing to consider this change and if additional information was desired. A brief discussion was held with regard to the area to be affected by this change. The discussion also covered the overlay zone issue versus the YLB zone change. The value of properties was also briefly discussed with respect to this prospective zone change. Ms. Costello also indicated that any hearings on the zone change would be made very public so that everyone in this area would have an opportunity to be present for discussion and have a question and answer session in a very open fashion.

It was agreed with the Commission members that a workshop be scheduled perhaps sometime early in the upcoming year. Prior to any workshop for the YLB zone change, Commissioner Fitzsimons requested that Kacie Costello provide a map of the current zone as an exhibit for the next meeting as this would be helpful for future discussions.

RECEIPT AND ACTION REQUESTED:

4. Site Plan (Accessory Apartment / Ginter / 150 Williams Road - #229-12

Presenting the application was Mary-Ellen Ginter.

The following attachments were provided for the review of the Commission: Application for Site Plan – Accessory Apartment, Application #229-12 (2-A); Planning and Zoning Inter-department Referral dated 11/6/12 signed by Carmen Rao, Fire Marshal (2-B); and Interoffice Memorandum from Vincent Mascia, Sr. Engineer, Water and Sewer Division to Kacie Costello, dated 11/7/12 (2-C). There was also an additional attachment provided from Eloise Hazelwood, Director of Health to Kacie Costello, dated 11/14/12.

There was a review of attachments by the Commission and a brief discussion regarding the look of the home as the existing garage will be converted into the accessory apartment. The applicant indicated that the layout of the accessory apartment was designed so that the home would not look like a two-family home. Ms. Costello explained that the applicant has been informed that if they should decide to build a garage in the future they would need to check with the Health Department as this property has septic service.

MR. VENOIT: MOTION TO APPROVE A 650 SQ. FT. ACCESSORY APARTMENT WITHIN THE EXISTING GARAGE AND OVERHANG, AS DESCRIBED ON THE APPLICATION AND DEPICTED ON THE ATTACHED DRAWING, SUBJECT TO:

- 1. A FINAL INSPECTION BY THE TOWN ZONING ENFORCEMENT OFFICER.**
- 2. COMPLIANCE WITH TOWN OF WALLINGFORD COMMENTS FROM THE DEPARTMENT OF WATER AND SEWER DATED 11/7 AND DEPARTMENT OF HEALTH DATED 11/6.**

THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY.

NEW BUSINESS:

2. A-2 Survey Waiver Request / Player / 38 Audette Drive

A letter from Mr. Player to the Planning and Zoning Commission dated 11/7/12. Acting Town Planner, Kacie Costello, explained that she has had discussions with Mr. Player regarding the construction of a carport. Ms. Costello indicated that she was in touch with Mr. Player and told him that the Commission would require more information before considering an A-2 survey waiver and is still waiting for it. Ms. Costello suggested that

this matter be on the agenda for next month. The violation is that the carport was constructed without a survey or building permit. The survey will tell us whether or not there are any other violations. Mr. Player indicated to Ms. Costello that he was unaware of the fact that he would need either of these items. Ms. Costello indicated that he was not issued a violation letter or a cease and desist yet as the complaint came through the Building Department, and that the matter is not yet on the violation log. It was suggested to Ms. Costello by the Commission that this matter be tabled to next month, with the requirement that Mr. Player be present.

BOND RELEASES AND REDUCTIONS:

Ms. Costello requested that the following bonds be released: : #8, Sunwood Development Corp., 86 North Whittlesey Avenue and #10, Segneri, #4 Dover Trail (house).

MR. FITZSIMMONS: MR. CHAIRMAN, I MOVE THE COMMISSION, ACTING ON THE RECOMMENDATION OF THE ACTING TOWN PLANNER TO RELEASE THE BOND FOR #8, SUNWOOD DEVELOPMENT CORP., 86 NORTH WHITTLESEY AVENUE AND #10, SEGNERI, 4 DOVER TRAIL, AS SUGGESTED BY THE ACTING TOWN PLANNER.

THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY.

ROAD ACCEPTANCES

11. VW Homes / Padens Court and Twin Pines Drive (“The Willows”) #413-07

Ms. Costello, Acting Town Planner indicated to the Commission that this matter is still in review by some of the other Town Departments.

DISCUSSION

12. Administrative Approval Procedure: Time frame, general downtown

Ms. Costello pointed out to the Commission members present that she provided in their individual packets some suggested language changes. It was suggested that since Commissioner Birney was involved in these changes and the prior discussions that this matter be taken up when Commissioner Birney is present. Ms. Costello also indicated that she would share these proposed changes with Town Attorney prior to the next meeting.

13. IHZ workshop with Town Council

Ms. Costello shared with the Commissioners dates suggested for scheduling a workshop with the Town Council. The date decided upon would be January 7, 2013.

REPORTS OF OFFICERS AND STAFF

15. Administrative Approvals - Approved as Noted

- a. Change of Use (distillery) Elm City Distillery, LLC (Kotowski) / 53 Capitol Drive #317-12
- b. Change of Use (office/manufacturing/wholesale distribution) / North Farms Road LLC (Orsini) / 6 Northrop Industrial Park Road West #318-12
- c. Change of Use (Indoor Recreation – softball training facility) / USA Elite Training / 60 Church Street, Yalesville #319-12
- d. Zoning Permit (Modification to telecommunications facility) / Vertical Development LLC (Sprint Nextel) / 80 Gaylord Farm Road #803-12
- e. Zoning Permit (modification to telecommunications facility) / Vertical Development LLC (Sprint Nextel) / 35 Thorpe Avenue #804-12
- f. Site Plan (minor parking expansion) / 350 North Charry Street LLP / 350 North Cherry Street Extension #228-12.

16. October 15, 2012 ZBA Results

Ms. Costello briefly reviewed the ZBA results.

17. November 19, 2012 ZBA Legal Notice

Ms. Costello briefly reviewed the 2012 ZBA Legal Notice.

18. Zoning Violation Log

Ms. Costello briefly reviewed the Zoning Violation Log

MEETING SCHEDULE

19. 2013 PZC Meeting Schedule

January 14, 2013 may be MLK holiday.

Mr. Fitzsimmons made a motion to adjourn. The motion was seconded by Ms. Baxter and passed unanimously by a voice vote. The meeting adjourned at approximately 8:15 p.m.