

**APPROVAL OF MINUTES:**

- 2 Approval of Minutes – November 14, 2012 and December 10, 2012 – APPROVED

**PUBLIC HEARING:**

- 2 1. Special Permit (building addition)/Borghesi Building & Engineering/10 Technology Drive  
(Proton Energy Systems Inc.) #407-12  
4 2. Special Permit Revision/VW Homes, LLC/Padens Court #413-07R  
2 3. Special Permit (Fill & Excavation)/General Electric Company/358 Hall Avenue #408-12 –  
NO ACTION TAKEN  
2 4. Special Permit (parking/storage building)/Masonicare/73 Masonic Avenue #409-12 - NO  
ACTION TAKEN

**NEW BUSINESS:**

- 5 5. Site Plan (3 dwelling units)/Gouveia/41 South Main Street #231-12  
7 6. Site Plan (Accessory Apartment)/Haerberlen/9 Michaels Way #201-13

**BOND RELEASES AND REDUCTIONS:**

- 7 7. Sala/21 Wisk-Key Wind Road – NO ACTION  
7 8. Valenti/800 South Colony Road #216-10 – NO ACTION  
7 9. Y. Oulette/323 North Cherry Street Ext. #215-07 – NO ACTION  
7 10. Yalesville Vets/322 Church Street, Yalesville #246-06 – NO ACTION

**DISCUSSION:**

- 7 11. Administrative Approval/Site Plan/Special Permit/Procedures – PUBLIC HEARING NEXT  
MONTH  
7 12. Scheduling of IHZ Workshop – SCHEDULED FOR JAN. 28<sup>TH</sup>, 2013

**REPORTS OF OFFICERS AND STAFF:**

- 7 13. Administrative Approvals – APPROVED AS NOTED  
a. Change of Use/126 South Turnpike, LLC/126 South Turnpike Road #321-12  
8 14. ZBA Decisions of December 17, 2012 - RECEIVED  
8 15. ZBA Agenda of January 22, 2013 - RECEIVED  
8 16. Zoning Enforcement Log - RECEIVED  
Receipts

**PLANNING AND ZONING COMMISSION**  
**Town of Wallingford**  
**Regular Meeting**  
**Monday, January 14, 2013**

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, January 14, 2013, 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. Jim Fitzsimmons (Acting Secretary), Ms. Marci Baxter, Mr. Armand Menard (alternate), Mr. Rocco Matarazzo (alternate)

Absent: Mr. J.P. Venoit (Secretary), Ms. Stacey Voss (alternate)

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

Chairman Seichter called the meeting to order at approximately 7:10 p.m. The Pledge of Allegiance was given to the Flag. Chairman Seichter introduced the Commissioners and the Town staff persons to the audience and announced that Mr. Menard would be voting in the absence of Mr. Venoit.

**APPROVAL OF MINUTES:**

**November 14, 2012 – Regular Meeting**

Mr. Birney made a motion to approve the Minutes of the November 14, 2012 Regular Meeting as submitted. The motion was seconded by Mr. Fitzsimmons and passed unanimously. Mr. Birney and Mr. Seichter abstained from voting.

**December 10, 2012 – Regular Meeting**

Ms. Baxter noted that Acting Chairman Birney and Acting Vice Chairman Venoit should be noted in the Minutes. Mr. Birney made a motion to approve the Minutes of December 10, 2012 as amended. The motion was seconded by Mr. Fitzsimmons and passed unanimously. Mr. Seichter abstained from voting.

Chairman Seichter announced that the following items would not be heard at this meeting:

**3. Special Permit (Fill & Excavation)/General Electric Company/358 Hall Avenue (NO ACTION REQUESTED) #408-12 (Att. 3)**

**4. Special Permit (parking/storage building)/Masonicare/73 Masonic Avenue (NO ACTION REQUESTED) #409-12 (Att. 4)**

**PUBLIC HEARING:**

**7:00 p.m.**

- 1. Special Permit (building addition)/Borghesi Building & Engineering/10 Technology Drive (Proton Energy Systems Inc.) #407-12**

Mr. Fitzsimmons, Acting Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Kacie Costello, Town Planner to Gary Capitanio, Borghesi Building dated January 4, 2013 (Att. 1A); memo from Vincent Mascia, Senior Engineer W&S to Kacie Costello, Town Planner dated January 9, 2013 (Att. 1B); Scott Hesketh, Manager of Transportation Engineering to Gary Capitanio, Borghesi Building dated November 27, 2012 (Att. 1C); Carmen Rao, Fire Marshal dated November 20, 2012 (Att. 1D); Carmen Rao, Fire Marshal dated January 9, 2013 (Att. 1E); Erin O'Hare, Environmental Planner to Kacie Costello, Town Planner dated January 11, 2013 (Att. 1F); Carmen Rao, Fire Marshal dated January 9, 2013 (Att. 1G).

Presenting the application was Gary Capitanio, Borghesi Building representing Proton Energy Systems, Inc.

What is being proposed is a 15,516 sq.ft. building addition. The application has received approval from the IWWC. Mr. Capitanio reviewed the plans. Proton Energy manufactures generators and has the need to expand its production facility. The proposed addition would come off the rear of the building. Mr. Capitanio noted the flow of traffic on the plans which would clearly be marked on site. He stated that he is in agreement with the terms and conditions put forth by Vincent Mascia, Senior Engineer W&S. The driveway around the building would be 15 feet wide and have a one-way traffic flow. Mr. Capitanio indicated that there would be approximately 5,500 cubic yards of material that would be cut from the embankment and approximately 2,600 cubic yards would be filled, the remainder of the material would be removed from the site. The updated drawing reflects the accurate amount of parking. 323 parking spaces are required by Zoning. Currently there are 314 parking spaces on site. There are 128 parking spaces of deferred parking on site. Mr. Capitanio indicated that Proton Energy currently occupies approximately 20% of the existing building.

Ms. Costello stated that the Engineering Department verbally recommended a condition of approval that the OSTA certificate be updated or that the Planning Department receive notification from OSTA that the existing certificate is sufficient. Mr. Capitanio would agree to that condition of approval.

Ms. Costello indicated that all of her concerns have been addressed on the revised set of plans dated January 11, 2013 and she recommended a \$10,000 S&E bond. Ms. Costello stated that she has heard from an abutting property owner who would like the Applicant to look into the maintenance of the landscaping between the two properties. Mr. Capitanio agreed to take a look at the area of concern.

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

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

**THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY.**

**MR. BIRNEY: MOTION TO APPROVE A SPECIAL PERMIT FOR BORGHESI BUILDING AND ENGINEERING ON BEHALF OF PROTON ENERGY SOURCES TO CONSTRUCT A 15,516 SQ.FT. BUILDING ADDITION AT 10 TECHNOLOGY DRIVE, AS SHOWN ON PLANS ENTITLED "SITE PLAN, PROTON, 10 TECHNOLOGY DRIVE, WALLINGFORD, CT", DATED 11-06-12, REVISED TO 12-20-12, 12-26-12, REVISED TO 1-11-13 SUBJECT TO:**

1. **TERMS AND CONDITIONS OF VINCENT MASCIA, SENIOR ENGINEER, WATER & SEWER.**
2. **THE CURRENT OSTA CERTIFICATE IS AFFIRMED OR A NEW OSTA CERTIFICATE IS REVISED AS A CONDITION PRECEDENT TO THE ISSUANCE OF A BUILDING PERMIT.**
3. **CONDITIONS OF APPROVAL OF THE TOWN PLANNER DATED JANUARY 4, 2013.**
4. **A \$10,000 S&E BOND.**

**THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY.**

**7:30 p.m.**

**2. Special Permit Revision/VW Homes, LLC/Padens Court #413-07R**

Mr. Fitzsimmons, Acting Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Kacie Costello, Town Planner to VW Homes, LLC dated December 26, 2012 (Att. 2A); Carmen Rao, Fire Marshal dated December 12, 2012 (Att. 2B); Henry McCully, Public Works Department to Kacie Costello, Town Planner dated December 10, 2012 (Att. 2C); Vincent Mascia, Senior Engineer W&S to Kacie Costello, Town Planner dated January 2, 2013 (Att. 2D); Special Permit dated April 22, 2008 (Att. 2E); John Thompson, Town Engineer to Planning & Zoning Commission dated January 10, 2013 (Att. 2F).

Presenting the application was Attorney Joan Molloy and Gerald Verna, VW Homes, LLC.

Attorney Molloy stated that this is a request for the Planning & Zoning Commission to waive a condition of a Special Permit that was granted in September 2007. One of the conditions of approval was that a landscaped island be placed in the cul-de-sac of Padens Court. The condition also said that there had to be sufficient turning radius for all safety vehicles. During the construction process the Applicant was working with Town Staff and it became clear that there would not be enough room to create the island and still have enough turning radius for emergency vehicles. The island was never installed and the Applicant realized that he would have to come before the Commission to have it formally waived.

Mr. Verna stated that the Fire Marshal actually brought a fire truck to the site to see exactly how much room there would be. The Fire Marshal along with Henry McCully, Public Works both told Mr. Verna that they would rather not have the island installed. If the island were to be installed it would not allow adequate room for emergency vehicles or even buses to maneuver properly.

Mr. Fitzsimmons asked if all other conditions of the Special Permit have been met. Attorney Molloy indicated that the school bus stop shelter has not been constructed yet. Mr. Fitzsimmons referred to comments by Vincent Mascia, Senior Engineer W&S regarding the utilities being in place before the discussion of an island. Chairman Seichter asked Ms. Costello that if additional conditions are placed on an application the other town departments have another opportunity to review the plans.

Speaking from the public was:

Bob Pellitier, 9 Twin Pines Drive, asked what the cost of the island would be. Mr. Verna guessed that it would cost approximately \$2,000. Mr. Pellitier is in favor of no island since no one would maintain it and the snow plows would hit it. He would like to see the Applicant put half the cost of the island into the Association fund.

Ms. Costello discussed the snow shelf that was originally going to be included on the island. Mr. Verna indicated that the snow shelf would be located in two different spots on site. Those snow shelves would be indicated on the final plans. Ms. Costello gave some history on the application.

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

**THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY.**

**MR. BIRNEY: MOTION TO APPROVE A REVISION TO A SPECIAL PERMIT FOR AN OPEN SPACE SUBDIVISION ON PROPERTY FORMERLY KNOWN AS 760 NORTH FARMS ROAD FOR VW HOMES, LLC, TO REMOVE THE REQUIREMENT THAT A LANDSCAPED ISLAND BE INSTALLED IN THE CUL-DE-SAC OF PADENS COURT, AS SHOWN ON THE ATTACHED DRAWING INDICATING THE REMOVAL OF THE ISLAND.**

**THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY.**

### **NEW BUSINESS:**

#### **5. Site Plan (3 dwelling units)/Gouveia/41 South Main Street #231-12**

Mr. Fitzsimmons, Acting Secretary, acknowledged correspondence received for the record from: Kacie Costello, Town Planner to Jerry Farrell, Jr. dated December 26, 2012 (Att. 5A); Vincent Mascia, Senior Engineer W&S to Kacie Costello, Town Planner dated January 2, 2013 (Att. 5B); Carmen Rao, Fire Marshall dated December 12, 2012 (Att. 5C).

Presenting the application was Attorney Jerry Farrell, Jr., Joseph Gouveia, and Dan Lyon, Architect.

Attorney Farrell pointed out that before the building became the American Legend it was a private home. Mr. Gouveia is seeking to return it to that residential use. There will be two residential units within the structure. The first unit will occupy the front section, 1<sup>st</sup> floor and 2<sup>nd</sup> floor. The second unit will occupy the rear of the home, 1<sup>st</sup> floor and 2<sup>nd</sup> floor. The basement level will be a two-car garage space with shared storage for both units. The front unit will access through the front door and the basement. The rear unit will access through a door on the south side of the building. A very small section to the rear of the building will be removed. The buildings original front porch will be reconstructed on the front of the building. The Town will grant Mr. Gouveia a License Agreement since the front porch will be partially on Town property. The parking spaces would include two spaces in the garage, one handicap space on Mr. Gouveia's land and the other space would be a shared space on Town property. The License Agreement would include that Town owned parking space. The current driveway is one-way heading into the property. That driveway is the subject of easements between the Town and the Congregational Church and Mr. Gouveia is not going to interfere with that agreement. During construction there will be a dumpster in the rear of the building on Mr. Gouveia's land. When the building is complete each unit will have a garbage can that will be left out for pick up and then go back into the garage space. There is a fair amount of green space between the Town Hall and this house. That area will be left undisturbed. They will attempt to grow grass in that area. Attorney Farrell stated that this is a very low impact project.

Mr. Lyon indicated that each unit would have two bedrooms on the second floor.

Ms. Costello suggested that there be a condition of approval that before the issuance of a Certificate of Occupancy all parking agreements/easements and access easements be put in place.

Attorney Farrell stated that there are issues with the sewer connection on this site. Water & Sewer has not yet been able to determine if the sewer system is functioning. Attorney Farrell stated that the Applicant and the Water & Sewer Division are currently working on solving the problem. Mr. Gouveia is very anxious to put a roof on this house as soon as he becomes the owner. Attorney Farrell asked that if there are conditions attached to the approval they not stop Mr. Gouveia from putting a roof on the house as soon as possible. Mr. Gouveia will obviously have a plan in place for solving the sewer issue before he closes on the property.

Ms. Costello stated that Mr. Gouveia would not be able to get the necessary building permits until the sewer issue is addressed. She suggested that the condition be that no Certificate of Occupancy be issued without the sewer issue being addressed.

There were no comments from the public.

**MR. BIRNEY: MOTION TO APPROVE A SITE PLAN FOR GOUVEIA TO CONVERT THE BUILDING AT 41 SOUTH MAIN STREET INTO TWO (2) RESIDENTIAL UNITS, AS SHOWN ON PLANS ENTITLED "IMPROVEMENT LOCATION SURVEY, PROPOSED SITE DEVELOPMENT PLAN FOR #41 SOUTH MAIN STREET, CURRENTLY OWNED BY TOWN OF WALLINGFORD, WALLINGFORD, CONNECTICUT," DATED JANUARY 17, 2012, REVISED TO 12-4-12, 1-11-13 AND "APARTMENTS PROPOSED FOR 41 SOUTH MAIN STREET, WALLINGFORD, CT, BY JOSEPH GOUVEIA", DATED 12-11-12, 1-11-13 SUBJECT TO:**

- 1. AS A CONDITION PRECEDENT TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY ALL LEGAL AGREEMENTS BY AND BETWEEN THE APPLICANT AND THE TOWN OF WALLINGFORD SHALL BE FINALIZED AND EXECUTED.**
- 2. CONDITIONS OF APPROVAL OF VINCENT MASCIA, SENIOR ENGINEER, WATER & SEWER DEPARTMENT DATED JANUARY 2, 2013. NOTHING IN THOSE CONDITIONS SHALL PROHIBIT OR PREVENT THE APPLICANT FROM OBTAINING A BUILDING PERMIT FOR THE PURPOSES OF INSTALLING A NEW ROOF OR DOING ROOF REPAIR.**
- 3. AN S&E BOND OF \$1,500.00**

**THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY.**

**6. Site Plan (Accessory Apartment)/Haeberlen/9 Michaels Way #201-13**

Mr. Fitzsimmons, Acting Secretary, acknowledged correspondence received for the record from: Kacie Costello, Town Planner to Karen Davis and Veronica Haeberlen dated December 26, 2012 (Att. 6A);

Carmen Rao, Fire Marshal dated December 18, 2012 (Att. 6B); Vincent Mascia, Senior Engineer W&S to Kacie Costello, Town Planner dated December 28, 2012 (Att. 6C); Application for Site Plan – Accessory Apartment dated December 14, 2012 (Att. 6D).

Ms. Baxter abstained from voting on this application. Mr. Matarazzo would be voting in her place.

Presenting the application was Karen Davis.

Ms. Davis purchased the house in 2007 and at the time there was a finished basement. She would like to list the basement as an apartment for rent to Quinnipiac students. There is adequate parking in the driveway plus there is a one car garage.

**MR. BIRNEY: MOTION TO APPROVE A 732 SQ.FT. ACCESSORY APARTMENT FOR HAEBERLEN WITH THE EXISTING WALK-OUT BASEMENT, AS SHOWN ON PLANS ENTITLED “ACCESSORY APARTMENT IN WALK-OUT BASEMENT AT 9 MICHAELS WAY”, SUBJECT TO:**

- 1. FINAL INSPECTION BY THE TOWN OF WALLINGFORD ZONING ENFORCEMENT OFFICER.**
- 2. THE BEDROOM BE LOCATED ADJACENT TO THE SLIDING GLASS DOORS AND THE OTHER ROOM NOT BE A BEDROOM.**

**THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY.**

**BOND RELEASES AND REDUCTIONS:**

- 7. Sala/21 Wisk-Key Wind Road**
- 8. Valenti/800 South Colony Road #216-10**
- 9. Y. Oulette/323 North Cherry Street Ext. #215-07**
- 10. Yalesville Vets/322 Church Street, Yalesville #246-06 (Att. 10)**

Ms. Costello recommended that no action be taken on the items 7 – 10.

**DISCUSSION:**

**11. Administrative Approval/Site Plan/Special Permit/Procedures (Att. 11)**

Ms. Costello stated that the Commissioners received in their packets an updated version of proposed changes to the process of Administrative approvals. She would like to see these revisions scheduled for a public hearing at the February meeting.

**12. Scheduling of IHZ Workshop**

Mr. Birney made a motion to schedule a Workshop meeting to discuss the IHZ on January 28<sup>th</sup>, 2013. The motion was seconded by Mr. Fitzsimmons and passed unanimously. Ms. Costello will look into funds available for a possible traffic study.

**REPORTS OF OFFICERS AND STAFF:**

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

- a. Change of Use/126 South Turnpike, LLC/126 South Turnpike Road #321-12

**14. ZBA Decisions of December 17, 2012 (Att. 14)**

Ms. Costello briefly reviewed the ZBA decisions.

**15. ZBA Agenda of January 22, 2013 (Att. 15)**

Ms. Costello briefly reviewed the ZBA agenda.

**16. Zoning Violation Log (Att. 16)**

Ms. Costello briefly reviewed the Zoning Violation Log pointing out the items that will be going to court.

**Receipts**

- 1. Special Permit Revision (small outdoor go-kart track/Tyrrell/984 North Colony Road #401-13**
- 2. Special Permit (additional display and office space)/Beaumont (for Wallingford Historic Society)/180 South Main Street #402-13**
- 3. Special Permit (retail/deli)/1086 North Colony, LLC/1086 North Colony Road #403-13**
- 4. Zoning Text Amendment/Verna Properties/§6.9 Signs #501-13**

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 8:35 p.m.

Respectfully submitted,

Sonja Vining,  
Recording Secretary