

**PLANNING AND ZONING COMMISSION
Town of Wallingford
Regular Meeting
Monday, December 10, 2012**

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, December 10, 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, Secretary, James Fitzsimmons, Acting Secretary, Marci Baxter, Patrick Birney, Vice Chairman, Stacey Voss, and Rocco Matarazzo, Alternate Members. 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 – (Regular Meetings)

Mr. Birney made a motion to approve the minutes of July 9, 2012 and October 10, 2012, as submitted. The motion was seconded by Mr. Venoit and passed unanimously.

NEW BUSINESS:

1. Special Permit (building addition) / Borghesi 10 Technology Drive (Proton) #407-12

No action taken.

OLD BUSINESS:

Subdivision (3 lots) / Cappiello / 1086 Clintonville Road #102-12

Presenting the application was David Carson, Managing Principal, OCC Group, Inc., 2091 Highland Avenue, Cheshire, CT.

Mr. Fitzsimmons acknowledged correspondence received for the record from: Eloise Hazelwood, Director of Health, Town of Wallingford, to David Carson, OCC Group, Inc., dated September 26, 2012 (2A), David Carson, OCC Group to Eloise Hazelwood, Director of Health, dated September 20, 2012 (2B0), Kacie Costello, Acting Town Planner, to Eloise Hazelwood, Director of Health, Dated September 14, 2012 (2C), Eloise Hazelwood, Director of Health to David Cappiello, dated June 27, 2011 (2D), Vincent Mascia, Sr. Engineer, Water and Sewer Division to Kacie Costello, Acting Town

Planner, dated September 4, 2012 (2E), Kacie Costello, Acting Town Planer to Amedeo Cappiello, dated September 4, 2012 (2F), Carmen Rao, Fire Marshal to Amedeo and Rosanna Cappiello, dated August 20, 2012 (2G), Eloise Hazelwood, Director of Health to Planning and Zoning, dated March 20, 2012 (2H), Erin O’Hare, Environmental Planner to Kacie Costello, Acting Town Planner, dated July 24, 2012 (2I), David Carson, OCC Group to Kacie Costello, Acting Town Planner, dated October 8, 2012 (2J), David Carson, OCC Group to Kacie Costello, Acting Town Planner, dated November 12, 2012 (2K), David Carson, OCC Group to Eloise Hazelwood, Director of Health, dated September 10, 2012 (2L), Eloise Hazelwood, Director of Health to Kacie Costello, Acting Town Planner, dated November 16, 2012 (2M), Carmen Rao, Fire Marshal to Planning and Zoning dated November 16, 2012 (2N) and Vincent Mascia, Water and Sewer Division to Kacie Costello, Acting Town Planner, dated November 20, 2012 (2O).

Mr. Carson explained that the plan presented at this hearing is for a straight forward three lot subdivision, a re-configuration of the initial four lot subdivision. Due to issues regarding the location of septic systems, the applicant’s engineer re-designed the proposed subdivision to eliminate a fourth lot. An extensive discussion took place with respect to the new proposed three lot subdivision and the comments submitted from Eloise Hazelwood, Department of Health and notes from Kacie Costello, Acting Town Planner.

Although this was not a public hearing, any persons present either in favor of, or against the application were asked to come forward. No one was present to speak in favor of or in opposition to this application.

MR. VENOIT:

MOTION TO APPROVE A THREE LOT SUBDIVISION FOR CAPPIELLO AT 2086 CLINTONVILLE ROAD, AS SHOWN ON PLANS ENTITLED “SUBDIVISION PLAN OF PROPERTY OF AMEDEO J. AND ROSANNA CAPPIELLO, 1086 CLINTONVILLE – WALLINGFORD, CONNECTICUT, DATED JULY 10, 2012, REVISED TO NOVEMBER 20, 2012, SUBJECT TO:

- 1. GROUND WATER MONITORING DURING WET SEASON, FEBRUARY TO MAY, PER LETTER OF THE DEPARTMENT OF PUBLIC HEALTH, ELOISE HAZELWOOD, DATED NOVEMBER 16, 2012;**
- 2. \$1,500.00 BOND; AND**
- 3. SEPTIC SYSTEMS TO BE APPROVED BY WALLINGFORD HEALTH DEPARTMENT PRIOR TO ISSUANCE OF BUILDING PERMIT.**
- 4. COMMENTS OF VINNIE MASCIA, SR. ENGINEER, WATER AND SEWER, DATED NOVEMBER 20, 2012.**

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

A-2 Survey waiver request / Player / 38 Audette Drive

Presenting the application were Joseph and Debbie Player, 38 Audette Drive, Wallingford.

Mr. Fitzsimmons acknowledged correspondence received from Ricky Cyr dated November 3, 2012, letter from Joseph Player to Planning and Zoning, dated November 7, 2012, letter from Kacie Costello to Joseph Player dated December 4, 2012, letter from Rosalind Page, Land Surveyor, dated August 30, 2011, and some maps.

Mr. Player indicated that he did not realize that a permit was required to build a carport on his property. Photographs of the carport were submitted to the Commission. Kacie Costello indicated that Mr. Player was referred to P&Z by the Building Department to address the issue of a survey. Ms. Costello indicated to the Commission that based on conversations with Mr. Player, the carport is approximately 16 feet from the property line and that the setback requirement for this zone is 20 feet. The ZBA would require a variance for this setback issue. Since the carport is not in compliance with the setback requirements, Ms. Costello indicated that it would be inappropriate to waive the survey requirement. Mr. Player indicated that the carport is free standing and not attached to his house. Ms. Baxter addressed her concerns with the non-compliant structure. Since the matter before the Commission was the issue of a waiver of the survey requirement only, the Commission was not in a position to instruct the applicant to take the carport down. Mr. Player was concerned about next step. He was instructed to be in touch with Kacie Costello for further discussions with regard to his option to resolve this matter.

MR. VENOIT: MOTION TO DENY REQUEST THAT THE COMMISSION WAIVE THE A-2 ZONING LOCATION SURVEY REQUIREMENT TO CONSTRUCT A CARPORT AT 38 AUDETTE DRIVE, FOR THE REASON THAT IT IS OF OUR OPINION THAT THE STRUCTURE HAS BEEN BUILT IN THE 20 FOOT BUFFER AREA AND IT IS OUR OPINION THAT IT IS A VIOLATION.

THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND DENIED UNANIMOUSLY.

BOND RELEASES AND REDUCTIONS

Ms. Costello indicated the following bond reductions:

Greene-Woronick Builders, LLC / Highland Avenue to \$1,500.00
Greene-Woronick Builders, LLC / Highland Avenue #101-10- to \$500.00
Sunwood Development Corp. / 665 North Colony Road #411-11 to \$2,000.00

The other bond releases/reductions were not ready.

MR. VENOIT: MOTION TO APPROVE THE REDUCTION OF BOND #102-10, GREENE-WORONICK BUILDERS, LLC / HIGHLAND AVENUE TO \$1,500.00 AND THE REDUCTION OF GREENE-WORONICK BUILDERS / CENTER STREET, #101-10 TO \$500.00 AND THE REDUCTION OF SUNWOOD DEVELOPMENT CORP. / 665 NORTH COLONY ROAD #411-11 TO \$2,000.00.

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

ROAD ACCEPTANCES:

10. VW Homes / Padens Court and Twin Pines Drive (“The Willows”) – No Action

DISCUSSION:

11. Administrative Approval Procedure: time frame, general, downtown

Ms. Costello discussed with the Commission in great detail the proposed changes to the procedures regarding administrative approvals. Ms. Costello provided the Commission with a Memorandum dated May 25, 2012 from Attorney Janis Small, Corporation Counsel, Town of Wallingford, as well as a draft of the proposed changes regarding the pertinent sections of the Zoning Regulations. Ms. Costello explained each and every section of the regulations to the Commission. Ms. Costello indicated to the Commission that if there are additional changes to be made and things to be modified that can be done prior to the January meeting. The goal would be to have the changes approved by the Commission and Attorney Small in order to schedule the same for the February meeting. Commissioner Birney suggested that if any Commissioners want to submit markups to the red-line changes, Ms. Costello suggested that comments with respect to these modifications be given to her prior to next months meeting.

12. IHZ workshop with the Town Council

Ms. Costello indicated that the IHZ workshop is scheduled for Monday, January 7, 2013. The workshop is to be held at the Senior Center.

MR. VENOIT: MOTION WAS MADE TO SCHEDULE A JOINT WORKSHOP WITH THE TOWN COUNCIL SCHEDULED FOR MONDAY, JANUARY 7th, 2013, AT 7:00 P.M., AT THE SENIOR CENTER.

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

Commissioner Birney asked about the preparation for this meeting. Ms. Costello indicated that she will be sending out to the Commission fresh copies of the proposed amendments with attachments and regulations. The same package will also be sent to the Town Council members. The purpose of the joint workshop would be to iron out any remaining issues and then one more meeting would be a public hearing and that would be the resolution. Commissioner Birney would like to get the past video taped meetings prior to the January 7th workshop, as well as any copies of minutes relating to the IHZ proposed amendments. The large graphs of depicting the area in question are also requested for the January 7th meeting. Ms. Baxter was interested in obtaining a summarization of the issues which have taken place prior to this IHZ issue. Ms. Costello indicated that she has kept a timeline summarization which she will provide to Commissioners.

With respect to the manner in which the workshop will be conducted, Ms. Costello indicated that she has been in touch with Mr. Parisi and it was decided to hold this workshop at the Sr. Center so that it would feel more like an open discussion area. In terms of opening and closing the meeting, Ms. Costello will speak to Mr. Parisi.

REPORTS OF OFFICERS AND STAFF

14. Administrative Approvals – APPROVED AS NOTED

- a. Minor modifications to Site Plan / First United Methodist Church / 941 Old Rock Hill Road #230-12
- b. Zoning Permit (modification to telecommunications facility) / Vertical Development LLC (Sprint) / 945 East Center Street #805-12
- c. Zoning Permit (modification to telecommunications facility) / Vertical Development LLC (Sprint) 10 Toelles Road #806-12

15. November 19, 2012 ZBA Results.

Ms. Costello briefly reviewed the ZBA results.

16. December 17, 2012 ZBA Legal Notice

Ms. Costello briefly reviewed the ZBA agenda. Ms. Costello pointed out to the Commission item #4 on the ZBA Legal Notice, #12-053, indicating that there is a very elaborate garage being proposed at #3 Smoke Rise Road. Ms. Costello also pointed out that item #3 on the ZBA Legal Notice concerns the property on South Main Street of the Wallingford Historical Society for a storage type building where they lack parking.

17. Zoning Violation Log

Ms. Costello indicated that she has finally had the opportunity to review the log extensively. This current report carries violations for three specific categories, unregistered vehicles, construction equipment and a lot of dwelling use violations.

13. 2013 PZC Meeting Schedule – Adoption

**MR. VENOIT: MOTION TO APPROVE 2013 SCHEDULE OF
MEETINGS FOR WALLING PLANNING AND
ZONING COMMISSION.**

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

Mr. Venoit made a motion to adjourn. The motion was seconded by Mr. Fitzsimmons and passed unanimously by a voice vote.

The meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,

Kim Touchette,
Recording Secretary