

PLANNING AND ZONING COMMISSION  
TOWN OF WALLINGFORD  
October 16, 2008

MEETING SUMMARY

A Special Meeting of the Wallingford Planning and Zoning Commission was held on Thursday, October 16, 2008, at 7:00 p.m. in the Robert Earley Auditorium of the Town Hall Municipal Building, 45 South Main Street, Wallingford, CT. In attendance were Regular Members \*Mr. James Fitzsimmons, Chairman; \*Ms. Marci Baxter, Vice Chairperson (arrived at 8:13 p.m.); \*Mr. James Seichter; and \*Mr. Patrick Birney. Also present were Alternate Members \*\*Mr. Armand Menard; \*\*Ms. Stacey Voss; and Mr. Jon-Paul Venoit (arrived at 7:58 p.m.). Absent was Regular Member Mr. David Fritz, Secretary. The Town staff persons attending were Ms. Linda Bush, Town Planner; Ms. Kacie Costello, Assistant Town Planner; Mr. John Thompson, Town Engineer; and Ms. Kathleen Burns, Recording Secretary. Notes: One \* indicates the voting Members; two \*\* indicate the voting Alternate Members. All votes were taken by roll call unless noted otherwise.

Chairman Fitzsimmons called the meeting to order at 7:11 p.m. The Pledge of Allegiance was given to the Flag. He introduced the Commissioners and the Town staff members to the audience of 18 persons.

APPROVAL OF MINUTES: September 8, 2008, Regular Meeting  
September 22, 2008, PZC/ZBA Joint Workshop Meeting

MOTION: A motion was made by Mr. Seichter, seconded by Ms. Voss, to approve the minutes of our meeting of September 8, 2008.

The motion was approved unanimously in a voice vote by Ms. Voss, Mr. Seichter, Mr. Menard, and Mr. Fitzsimmons. Mr. Birney abstained from voting because he had not attended that meeting.

MOTION: A motion was made by Mr. Birney, seconded by Ms. Voss, to approve the minutes of the September 22, 2008, Joint Workshop Meeting of the Planning and Zoning Commission and the Zoning Board of Appeals.

The motion was approved unanimously in a voice vote by Ms. Voss, Mr. Seichter, Mr. Birney, and Mr. Fitzsimmons. Mr. Menard abstained from voting because he had not attended that meeting.

Chairman Fitzsimmons asked Ms. Voss to serve as Acting Secretary tonight and to participate and vote in place of Regular Member Mr. David Fritz, Secretary. Also, Mr. Menard participated and voted in place of Regular Member Ms. Baxter until she arrived.

PUBLIC HEARINGS:

1. Special Permit (Location of Use)/Heritage Truck Sales/Northfield Road - #420-08

Acting Secretary Ms. Voss read the 7:00 p.m. public hearing legal notice. She acknowledged for the record the correspondence received from: Town Planner Linda Bush to Planning and Zoning Commission dated 10/07/08 (Att. 1A); Fire Marshal Joseph Micalizzi dated 09/11/08 (Att. 1B); Environmental Planner Erin O'Hare dated 10/02/08 (Att. 1C); Water & Sewer Divisions Senior Engineer Vincent Mascia to Town Planner Linda Bush dated 10/06/08 (Att. 1D); and from the Town Planner to Heritage Truck Sales, LLC, c/o Joseph Nichols, dated 10/07/08 (Att. 1E). Appearing was Mr. Bob Criscuolo, a licensed engineer, representing Heritage Truck Sales, 4 Northfield Road.

Mr. Criscuolo: All notices were complied with, along with the posting of the public hearing sign at Heritage Truck asking for a dealer's license here. It's in a CB-40 zone on the easel—about one acre. There's an existing industrial building of 3,500 square feet, three existing curb cuts plus front landscaping. The property is fully developed, with a drainage system and a gravel parking area at the rear. This is to obtain your approval for a dealer's license. The site plan shows a 15-truck display area on the east side. Hours of operation would be 9:00 a.m. to 5:00 p.m., Monday to Friday. Heritage would occupy the rear of the building, about 2000 square feet. There's no truck repair, no truck washing—only detailing inside the trucks which would occur within the building. They would have three employees, one in the office in the front and two salespeople. The other business is Eastern Pines Landscaping on the front. They would remain. Improvements are minor in nature. There's to be a wood guardrail set back from the road to delineate the display and storage of vehicles and the proposed 25-foot landscaping in the front. Some new landscaping is proposed on the side.

Mr. Seichter: Does Eastern Pines have any storage on the site for trucks and materials they use?

Mr. Criscuolo: Yes, they do: at the western curb cut and the front portion of the building. There's office space of 472 square feet, a space of 900 square feet of inside storage and some of their vehicles are parked on the side. And they have a few trees and shrubs on the other side.

Mr. Seichter: Any storage bins for mulch or materials that they store? At the western side of the building, where they park their vehicles and landscaping material, would there be any conflict?

Mr. Criscuolo: Their vehicles are in the center with overhead doors. Our vehicles will be displayed along the eastern portion.

Mr. Birney: We've had this type of application in the past and issues pertaining to the number of vehicles to be stored at any one time. Is there any indication of the maximum number to store? Any repair?

Mr. Criscuolo: Mr. Nichols thought 10, and we talked and came to 15. No repair—just detailing of the interior of the vehicles only. They have a repairer's license across the street, and vehicles will be taken there if repairs are necessary.

Mr. Menard: On the dealer's and repairer's license, they will not give you a sales permit unless you have a repair garage on the same property.

Mr. Criscuolo: That's not true. My client checked with DMV and has learned that they are O.K. with the repairer's license across the street. I'd introduce the owner, Mr. Joe Nichols.

Mr. Nichols: I spoke with Motor Vehicle, and they told me that I had to get a license to sell the trucks across the street. I told them I would be doing the repairs at my shop across the road, and they said it was fine. So I need a license to sell vehicles at 4 Northfield Road. We'll have people at each. If we get trucks, we shouldn't have to fix them.

Chairman Fitzsimmons: I'm familiar with the site. You're doing repairs at 3 Northfield Road. We don't want employees crossing the road. You did acknowledge receipt of the correspondence we discussed, including the letter from the Water Department?

Mr. Criscuolo: Yes.

Mr. Nichols: You cannot wash any vehicle unless you have a system. Being that there's no sewers in this, you can't do it.

Chairman Fitzsimmons: Staff comments? None. This is an application for a Special Permit for Heritage Truck Sales at 4 Northfield Road. Does anyone from the public wish to speak on this application? None. We have no Engineering comments.

Mr. Thompson: None.

MOTION: A motion was made by Mr. Seichter, seconded by Ms. Voss, to close the public hearing.

The motion was approved unanimously in a voice vote by Ms. Voss, Mr. Seichter, Mr. Birney, Mr. Menard, and Mr. Fitzsimmons.

MOTION: A motion was made by Mr. Seichter, seconded by Ms. Voss, to approve a Special Permit (Location of Use) for Heritage Truck to permit a new truck dealership at 4 Northfield Road as shown on plans entitled "Site Layout Plan, Joseph Nichols, Heritage Truck Sales, LLC, Property located at 1054 South Colony Road aka 4 Northfield Road", dated 08/11/08, subject to:

1. The comments of Vincent Mascia, Senior Engineer, Water & Sewer Divisions, to this Commission dated 10/06/08.

2. Subject to the comment of the Town Planner with respect to the installation of the two-foot-tall guide rail, that that be one in an extremely timely fashion.

In discussion, Ms. Bush pointed out that the Commission did not make a condition of there being no truck repairs allowed on this site. That would go with the land. Mr. Seichter amended his motion to add a condition #3: "With the condition that there be no truck repairs on this site." Also, Mr. Birney asked to have a condition of a maximum number of vehicle spaces for display.

These conditions were added by Mr. Seichter and seconded again by Ms. Voss:

3. No truck repairs on this site.
4. There be a limit of 15 trucks which would be available for sale or display on the property.

The motion was approved unanimously by Ms. Voss, Mr. Seichter, Mr. Birney, Mr. Menard, and Mr. Fitzsimmons.

2. Special Permit (Warehouse)/Thurston Foods/Thurston Drive - #421-08

Acting Secretary Ms. Voss read the 7:15 p.m. public hearing legal notice. She acknowledged for the record the correspondence received from: Town Planner Linda Bush to Planning and Zoning Commission dated 10/07/08 (Att. 2A); Fire Marshal Joseph Micalizzi dated 09/11/08 (Att. 2B); Assistant Town Engineer Rob Baltramaitis – Dept. of Engineering to the Town Planner dated 08/28/08 (Att. 2C); the Town Planner to Town Engineer John Thompson dated 09/02/08 (Att. 2D); Department of Engineering to the Town Planner dated 09/04/08 (Att. 2E); the Town Planner to Mr. Bob Thurston dated 10/07/08 (Att. 2F); Water & Sewer Divisions Senior Engineer Vincent Mascia to the Town Planner dated 10/07/08 (Att. 2G); Packet of information presented as Att. 2H, being the memorandum from Environmental Planner Erin O’Hare to the Town Planner dated 10/08/08—two pages, a letter from Mr. Roman Mrozinski, Executive Director, Southwest Conservation District, to Town of Wallingford Inland Wetlands Commission dated 09/18/08—six pages and with Appendices SWCD – 10/6/08 IWWC Submittal—eight pages; Assistant General Manager/Electric Michael C. Holmes to the Town Planner dated 10/08/08 (Att. 2I); Mr. David W. Juliano, Juliano Associates, to the Town Planner dated 10/10/08 (Att. 2J); and Department of Engineering to Planning & Zoning Commission dated 10/10/08 (Att. 2K). Appearing were engineer Mr. David Juliano and landscape designer Ms. Tracy Van Rye of Juliano Associates, Yalesville, and applicant Mr. Bob Thurston.

Note: A copy of the Engineering Department memorandum of October 10<sup>th</sup> (Att. 2K) was given to Mr. Juliano and Mr. Thurston.

Mr. Juliano: In the late 1980s, Thurston Foods was first relocated from Route 5 to the present location on Thurston Drive. The original building footprint was about 74,000 or 75,000 square feet. Since then, Thurston Foods has gone through two expansions; this is the third. The two others were in 2002 for a 16,000-square-foot expansion on the southwest corner of the building and in 2004 on the west side of the building for warehouse and a cooler addition. This is for dry storage addition on the northern side and a freezer addition on the south side. The current footprint is about 186,000. On site currently is parking for about 100 cars and 19 large trucks. This expansion is to have an increase in parking. With growth, they have outstripped their parking. We’re looking to increase truck parking in this area and increase automobile parking here. Bob and I talked about a 10-year plan. The immediate need is for increased automobile and truck parking. We’re proposing 71 new truck parking spaces here and about another 10, for a total of 96. And we have 159 new spaces here. They will relocate the existing parking farther south, adjacent to the storage building. We’re proposing three stormwater management areas, required by the amount of impervious surface: #1, #2, #3. This stormwater management area currently exists and will be refurbished to handle the changed drainage pattern. The project is bounded by

the highway on the north, various other owners in the industrial park on the south and others here, formerly the Stanley Stegos farm and now The Willows project. The only wetlands on the site are parallel to Padens Brook. At the Inland Wetlands Commission, this was deemed a significant activity because of the amount of impervious area and to have the stormwater management pattern mimic what was happening in the natural state.

Mr. Juliano continued: On sequence of construction: First we'll clear the area for construction, grub it, and install the proper S&E control features to protect Padens's Book and the wetlands, and install the stormwater management facilities, which will act as S&E controls during construction—all rough grading. Then we'd cut on the north end for the truck parking and filling on the south end for the car parking. Second will be construction of the stormwater drainage facilities and the preparation and binder-course paving of the parking lots, with the exception of this part at this time. Also, we'll construct this building addition. In the third phase we'd construct the building and this parking lot. In the entire project, areas will be stabilized, seeded, and mulched. The final phase will be completion of the stormwater management basins—changed from S&E basins—to direct runoff, the removal of the S&E controls, and any final grading and seeding. In the Inland Wetlands approval was a condition that the project would be submitted to the Southwest Conservation District for review of our S&E controls. Our Wetlands permit was granted August 13<sup>th</sup> and received by us on August 26<sup>th</sup>. We received the report from the Southwest Conservation District on October 6<sup>th</sup>. I'd like to have time with the report. There's a lot of good information, and some of which I think is mismarked. I'd like to go over those recommendations with the Engineering Department to incorporate any changes that Engineering feels are necessary to our Inland Wetlands approval. The Inland Wetlands Commission and the Engineering Department have asked that those conditions would be made part of any approval. There are problems. I'd like to go through the comments and address those that are good additions on the S&E controls. As to landscaping, we received Linda Bush's comment, and we submitted revised landscaping drawings. I'd have Tracy Van Rye describe it.

Ms. Van Rye: I am a landscape designer for Juliano Associates. There are landscaping requirements for the two parking areas on the south side. This drawing addresses the parking area along Thurston Drive. We have landscaping on the islands: trees, ground cover, and mulch. Dimensions of the islands and square footage are indicated. Also on this plan is the fixed tree line, which goes around the proposed parking area. It's a heavily wooded, mature area that is a buffer to the adjacent property. This next drawing addresses the landscaping next to the parking, with landscaping on the islands as above. As to the existing parking down here, there's a small number of spaces being added. The existing tree line here is very wooded and will provide a buffer to adjacent property. I also showed the total number of trees and total square footage of the islands in the parking area. Finally, this drawing is a section through the parking area, the property line, and the other parking area. The elevation is 192', and it goes down and slopes up again. We've complied with the 50-foot buffer line. There will be about 80 feet of vegetation between the tree line and the property line, so there should be adequate buffer.

Mr. Juliano: Looking at the Engineering memo of October 10<sup>th</sup>, we have no problem with it. We retained Bubaris Traffic Consultants. They and we talked with Mr. Thompson and the STC. Apparently, Barnes Industrial Park South never filed or obtained an STC certificate. So we're going forward to file for the entire park. We have to contact all the property owners and provide

their addresses, as well as prepare and file the letter. We have to account for intersections: Route 68 at the Route 5 corridor; Route 68 at North Main Street Extension; Route 68 at Barnes Industrial Road; Barnes Industrial Road at the WalMart intersection, and two others. We'll proceed with the STC permit. This is in response to the Engineering memo dated 8/28/08.

Note: Alternate Member Mr. Jon-Paul Venoit arrived at this time, 7:58 p.m.

Chairman Fitzsimmons: Commissioner questions for the applicant or his representative?

Mr. Seichter: Could you explain lighting for the parking area and the building exterior?

Mr. Juliano: Yes. All our lighting is on 25-foot stanchions, all full-cutoff lighting. I can't pick out where the specific lights are. I believe we put the lighting to illuminate the parking lot and to get zero lumens off the property. The building will have full-cutoff wall fixtures.

Mr. Birney: You said three phases. How long will those phases last? Any architectural?

Mr. Juliano: These are boxes, as far as architectural. It will just go off the south side—very vanilla on the outside. I do not have a fixed timeline; I tried to give you a natural progression. I can't say that the two buildings are going to be done in either Phase 2 or Phase 3 because of the economy. What's driving this project is the need for parking. This is going to be our primary phase, and these phases will come along. Right now, this is the only truck parking on the site, here to here, 19 spaces. The new truck parking will be added as 77 spaces here on the north, truck spaces.

Chairman Fitzsimmons: Coming down 68 right now, you see the tip of the building and vegetation. That 77 trucks, are they going to be visible from 68?

Mr. Juliano: I'd think they would be. You have natural landscaping in here.

Ms. Bush: Mr. Fitzsimmons: I was up there the other day. The area for the truck parking has already been cleared. There's a little vegetation left. But the trucks will be visible.

Chairman Fitzsimmons: On the trucks, it's an expansion of an existing use. I'm thinking of the residential area, and you've indicated that there will be no clearing next to the residential area.

Mr. Juliano: By The Willows—it's wetlands. So there's no building in that area. The closest point we measured at 164 linear feet. The trucks will be visible, more than likely. We talked about this. We would have no problem with planting some type of evergreen or screening in this area, even though it's a non-access highway.

Mr. Thurston: Now, if you're coming down 68 and you look, there's a clearing that's State property. It's a buffer. There's a chain-link fence between our property and the highway, and the State has about 100 feet. That's all grown up, except for where the clearing is. We don't have a problem with planting to cover the clearing.

Chairman Fitzsimmons: I understand that. You see a nice building with a nice sign. Will we see it? Yes.

Mr. Birney: In terms of the STC, is that the result of the increases in the number of commercial trucks on this application?

Mr. Juliano: No. It's just the increase in the vehicles, per se. If we had no truck parking whatsoever, we have the 200-vehicle threshold and we'd have to do it. To Mr. Thompson?

Mr. Thompson: The State says: On properties that are adjacent to or having access to a State highway, of 100,000 square feet for 200 parking spaces, the State has jurisdiction for this.

Chairman Fitzsimmons: Any staff comments?

Ms. Bush: No.

Mr. Thompson: We've been provided with storm drainage details and to the Inland Wetlands Commission. We just received the comments from the Southwest Conservation District, which Juliano Associates provided to us Tuesday. We're not prepared to say to amend our conditions. Just say: "That the applicant would work with the Department of Engineering to resolve those conditions." I think we'd be receptive to establishing specifics about what IWWC has done.

Chairman Fitzsimmons: This is an application for a Special Permit by Thurston Foods. Does anyone in the public wish to speak at this public hearing? None.

Mr. Juliano: We'll agree that the condition of approval #2—that we'd adhere to it as long as we can have some input. So I don't want to put aside the work done already by us and the Inland Wetlands Commission.

Chairman Fitzsimmons: Talking about the trees?

Mr. Seichter: As proposed, I would be fine with it. If the applicant is willing to provide some landscaping that would enhance the project—Mr. Juliano, where would you be proposing it? The gentleman indicated a relatively small area that's open because of the State right-of-way.

Mr. Juliano: I'd agree to do landscaping pine trees in this area, but I'd request to leave it open and to have our landscape designer work it out with the Town Planner.

Ms. Bush: I'd request a condition of approval that we need the deed for the end of Alexander Drive, the hammerhead, prior to issuance of a building permit. And Vinnie would like a deed for the relocation of the water main easement.

Mr. Juliano showed it on the drawing: There's a water easement that comes through this south construction area of the new parking lot. We'll relocate the water main so it will be outside of the existing easement, and we'll have to create a new easement and relocate the fire hydrant.

The Electric Division mentioned that a guy to a power pole will be in conflict with the new parking lot.

MOTION: A motion was made by Mr. Seichter, seconded by Ms. Voss, to close the public hearing.

The motion was approved unanimously in a voice vote by Ms. Voss, Mr. Seichter, Mr. Birney, Mr. Menard, and Mr. Fitzsimmons.

MOTION: A motion was made by Mr. Seichter, seconded by Mr. Birney, to approve a Special Permit for two warehouse additions totaling 47,189 sq.ft. and associated parking for Thurston Foods as shown on plans entitled "Freezer and Dry Storage Expansion, Thurston Associates, LLC, 30 Thurston Drive, Wallingford, CT", dated April 1, 2008, revised to 10/14/08, subject to the following:

1. The Suggested Conditions of Approval from Vincent Mascia, Senior Engineer, Water & Sewer Divisions, to this Commission dated 10/07/08.
2. Water & Sewer Utility Performance and Maintenance Bonds in the amount of \$5,000, as recommended by Vincent Mascia.
3. The observations and suggestion from Michael Holmes, Assistant General Manager, Electric Division, to this Commission dated 10/08/08.
4. The Suggested Conditions of Approval from John Thompson to this Commission dated 10/10/08.
5. That the applicant work with the Engineering Department to determine the appropriateness of including all or some of the observations to this Commission from the Southwest Conservation District dated 09/18/08.
6. That the applicant work with the Town Planner to devise an appropriate revision to the Landscaping Plan on the northern boundary of the property on Route 68.
7. That the applicant deed to the Town and that the Town receive a deed for the hammerhead on Alexander Drive and that this be prior to the issuance of a building permit, as recommended by our Town Planner.
8. That the applicant relocate the water easement prior to the building permit, as requested by the Water & Sewer Divisions.

The motion was approved unanimously by Mr. Menard, Mr. Birney, Mr. Seichter, Ms. Voss, and Mr. Fitzsimmons.

Note: Vice Chairperson Ms. Baxter joined the meeting at 8:13 p.m., and she began participating and voting at this time.



Chairman Fitzsimmons acknowledged that the 8:00 public hearing should begin, but he asked the applicant to wait until the next two short agenda items could be heard.

NEW BUSINESS:

6. Site Plan/Massella/North Cherry Street - #226-08

Ms. Voss acknowledged the correspondence received from: Town Planner Linda Bush to Stephen and Deborah Massella, c/o Patrick C. Hughes, Esq., dated 10/07/08 (Att. 6A); Water & Sewer Divisions Senior Engineer Vincent Mascia to the Town Planner dated 10/07/08 (Att. 6B); and Fire Marshal Joseph Micalizzi dated 09/11/08 (Att. 6C). Appearing were Attorney Patrick Hughes of Wallingford and applicant Mr. Stephen Massella.

Attorney Hughes: We're seeking approval of a site plan application to construct a garage at 357 North Cherry Street Extension. It's an I-40 zone. Mr. Massella would use it to store landscaping equipment. We already received side yard variances. I spoke to Linda Bush based on those variances, and I believe we're in compliance. I'd ask you to approve this. I have some photos of before when he was the title owner of the property and what he's done since (photographs shown to the Commissioners but not retained for the file). Also, we have a model of the garage.

Mr. Thompson: There does seem to be some encroachment at the back of the property onto the Amtrak boundary. The applicant should stay within the boundaries of the back of his property.

Chairman Fitzsimmons: This is a site plan application at 357 North Cherry Street for a storage building. Does anyone from the public wish to address the Commission on this? None.

MOTION: A motion was made by Ms. Baxter, seconded by Ms. Voss, to approve a Site Plan for a 1,024 sq.ft. storage garage as shown on plans entitled "Site Plan, Land of Stephen J. & Deborah L. Massella, 357 North Cherry Street Ext., Wallingford, CT", dated July 4, 2008, revised September 4, 2008, subject to the conditions set forth in the 10/07/08 interoffice memorandum from Vincent Mascia, Senior Engineer, to Linda Bush, Town Planner, regarding this application.

The motion was approved unanimously by Ms. Voss, Ms. Baxter, Mr. Birney, Mr. Seichter, and Mr. Fitzsimmons.

RECEIPT AND ACTION REQUESTED:

7. Site Plan (Accessory Apartment)/Cowan/7<sup>th</sup> Ridge Road - #228-08

Ms. Voss acknowledged receipt of Application #228-08 along with three pages of photographs, a sketch, and an area map. Appearing was Mr. Bill Cowan for the applicant.

Mr. Bill Cowan: I took some pictures. I put caution tape out to show you the area. I'm looking to go 38 feet off the low part of the split-level house and make that common space, so I can go from the house to the apartment and also to the deck down from the basement from the common space. The accessory apartment will be 24' x 26' with a door here. This is the main house. This would be the extension for the accessory apartment. I want to stay on one floor.

Ms. Baxter: Is there a requirement for a common wall with the house?

Ms. Costello: There is to be a common wall shared between the accessory apartment and the primary residence. In this case it's somewhat of a unique configuration. It's the Commission's determination whether this shared space is sharing a wall with the accessory apartment, whether you consider that a shared wall.

Chairman Fitzsimmons: It's unusual, but it seems to work for this particular location. I have been out there. I think it does work. It meets the spirit of the regulations to the common wall.

Ms. Costello: I'd ask for exact dimensions on the accessory apartment, because I think they're somewhat different from what we have.

Mr. Cowan: It's 24 feet east and west and 26 feet north and south. The common space would be the 24-foot part. My intent would be to have the end edges of the house and the accessory apartment be parallel. (Mr. Cowan's drawing was received as Att. 7A).

Chairman Fitzsimmons: Does anyone here wish to comment on an accessory apartment for Cowan on 7<sup>th</sup> Ridge Road? None.

MOTION: A motion was made by Ms. Baxter, seconded by Ms. Voss, to approve a 686 sq.ft. accessory apartment for Cowan at 724 7<sup>th</sup> Ridge Road, subject to:

1. The final inspection of the Zoning Enforcement Officer.

The motion was approved unanimously by Ms. Voss, Ms. Baxter, Mr. Seichter, Mr. Birney, and Mr. Fitzsimmons.

PUBLIC HEARINGS (continued):

4. Special Permit (Location of Use)/Hunter's/Church Street, Yalesville (Withdrawn) - #422-08

Chairman Fitzsimmons announced that this public hearing would not be held because this application has been withdrawn. There was no correspondence.

3. Special Permit (Mosque)/Farid Islamic Center/Leigus Road - #412-08

This public hearing was continued from the September 8<sup>th</sup> Regular Meeting. Acting Secretary Ms. Voss acknowledged for the record the correspondence received from: Subpoena Duces Tecum from Vincent T. McManus, Jr., Commissioner of the Superior Court, to Tariq Farid dated 08/26/08 (Att. 3A—one page with one-page Officer's Return); Attorney Vincent T. McManus, Jr., to Ms. Linda Bush, Wallingford Town Planner, dated 09/09/08 (Att. 3B—one page); Ms. Michelle Mislagle to Chairman Fitzsimmons, Planning and Zoning Committee, dated 09/08/08 (Att. 3C—two pages); Attorney Craig C. Fishbein to James Fitzsimmons, Chairman, Wallingford PZC, dated 09/10/08 (Att. 3D—three pages); Department of Engineering to Wallingford PZC dated 09/16/08 (Att. 3E1); Town Planner Linda A. Bush to Wallingford PZC dated 09/19/08 (Att. 3E—one page); Attorney Vincent T. McManus, Jr., to Mr. James Fitzsimmons, Chairman, Wallingford PZC, dated 09/26/08 (Att. 3F—two pages); Alternate Parking Layout A, B, and C – Salma K. Farid Islamic Center, #105 and #109 Leigus Road, Wallingford, Connecti-

cut, all dated 09/17/08 (Att. 3G—three pages); Attorney Craig C. Fishbein to James Fitzsimmons, Chairman, Wallingford PZC, dated 10/05/08 (Att. 3H—two pages, enclosing: Exhibit A – Real Estate Purchase and Sale Agreement for #105 Leigus Road dated 11/05/07 [three pages]; Exhibit B – Business Inquiry [one page]; Exhibit C – Cutter Development Corporation v. Angelo Peluso et al., 212 Conn. 107, 561 A.2d 926, dated 07/11/89 [six pages]; Exhibit D – Purchase and Sales Agreement for #109 Leigus Road dated 06/07/07 [13 pages]); Attorney Craig C. Fishbein to James Fitzsimmons, Chairman, dated 10/10/08 (Att. 3I—three pages, enclosing: Exhibit A – Subdivision Map – Proposed Residential Subdivision, Cherniak Property, 830 Church Street (Route 68) (Yalesville), Wallingford, Connecticut, dated 07/31/05 plus one page of A-1 for lots on Bertini Lane at Route 68; Exhibit B – Correcting Plan – Wallingford Chase at Terrell Reserve, Church Street (Conn. Route #68), Wallingford – Connecticut dated December 2001, Sheet 1 of 7 plus one page of B-1 for lots on Dana Boulevard at Route 68; Exhibit C – Subdivision Map of Property of Heritage Baptist Temple Incorporated, Church Street – Highland Avenue, Wallingford, Connecticut dated 09/06/88 with revisions plus one page of C-1 showing lots at Route 68 and Highland Avenue as approved by Wallingford PZC dated 10/12/88); Mary A. Manning, P.E., Principal Transportation Engineer/Planner II, Fitzgerald & Halliday, Inc., to Mr. John P. Thompson, P.E., Town Engineer, dated 10/10/08 (Att. 3J—two pages); Attorney Vincent T. McManus, Jr., to Mr. James Fitzsimmons, Chairman, Wallingford PZC, dated 10/10/08 (Att. 3K—one page); Attorney McManus to Chairman Fitzsimmons dated 10/13/08 (Att. 3L—one page); Mr. Tariq Farid to James Fitzsimmons, Chairman, Wallingford PZC, dated 10/16/08 (Att. 3M—three pages). Appearing were Attorney Bernard Pellegrino of The Pellegrino Law Firm, New Haven, and Mr. David Juliano of Juliano Associates, Yalesville.

Chairman Fitzsimmons: The Commissioners who will be participating are myself, Ms. Baxter, Mr. Seichter, Ms. Voss, and Mr. Menard. But there is a statement from Mr. Birney.

Mr. Birney: I was not at the September 8<sup>th</sup> public hearing, but I did watch the entire public hearing on the video of the September 8 public hearing. I feel I'm prepared to continue to participate and vote on this.

Chairman Fitzsimmons: So to participate will be: Mr. Birney, Mr. Seichter, Ms. Baxter, Ms. Voss, and myself. This is the last meeting on this particular application, based upon the State Statutes and the calendar that has run out. We're at the 62<sup>nd</sup> or 63<sup>rd</sup> day, and we have to close the public hearing within 65 days. We have to take some action: to vote or close the public hearing and vote at another time. I'd ask the applicant to speak. Thank you, Mr. Pellegrino, for allowing us to take care of some smaller agenda items.

Attorney Pellegrino: My recollection was that we had public comment and there had been additional information submitted, and it was thought best to continue the public hearing. We knew that tonight would be our final rebuttal and conclusion. If the public is going to speak, then we'd speak after that. We do not have any new information, other than what's been submitted into the record.

Chairman Fitzsimmons: At the meeting last month at the end we talked about the need to review additional information, and I specifically asked the traffic peer reviewer to comment about the

traffic information. We did request to review any written documents or letters that the Commission could receive in advance of this public hearing so that the Commission could review it. We did receive a number of letters and exhibits and comments from other parties, as the Acting Secretary said, and additional drawings from Mr. Juliano (Att. 3G). We have a letter from the applicant today (Att. 3M). You're talking about what's new and then I'd open it up to our peer reviewer for additional comment and then go to the public.

Attorney Pellegrino: Mr. Juliano prepared a plan which is in the record. It depicts additional parking that could be constructed on the side in the area shown as remaining landscaped area. The plan also shows the total number of parking that could be constructed on that site. An additional 24 spaces could be constructed, for a total of 120 parking spaces for the site. Mr. Farid submitted a letter that he prepared (Att. 3M). It's essentially concluding remarks. I'd remark on it in my final conclusion. One of the most important items in that letter is: We've gone back and forth in discussing relative to parking and attendance. And as I look at the application, in my mind, the plan meets all of your site plan regulations, Wetlands have been approved; the traffic is, I don't think, an issue. It really comes down to the issue of parking and attendees; and we have stated repeatedly what our intentions are, what the anticipated mosque attendance. We have even prepared site plans and floor plans of what we believe would be the maximum, maximum attendance, as you asked us to try and anticipate what that would be.

Attorney Pellegrino continued: The neighbors in opposition have pointed toward other sites, where attendance exceeded representations made at hearings and showed plans, even though we have pointed out that those plans were ill-fated from the start in the Town of Berlin. Either you're going to believe us or not going to. Our representations are accurate, and we're standing by that. As stated in Mr. Farid's letter, we're willing to accept a condition of approval that the capacity/stated attendance/legal occupancy in the building would be 115. That would be because I don't think that anyone, Mr. McManus, objects to the ratio we've used, 1.3 persons per automobile. If you were to agree to a condition of approval to limit to 115, you would have protection, the neighbors would have protection, and we would be, because we think that's more than adequate for there. I hope that it would take a lot of issues of the square footage and how many go to Berlin and West Haven off the table. Even the peer reviewer said that's sufficient parking for that number of people. Those are the two new things that we have.

Chairman Fitzsimmons: Would you review your parking layouts, A, B, and C?

Mr. Juliano: The "A" is the existing plan, and expanding shows parking into that green area. "B" and "C" are other versions we have to configure the parking and add to the number of spaces.

Chairman Fitzsimmons: Mr. Pellegrino, from the minutes of our September 8<sup>th</sup> meeting, yourself and Mr. Seichter had a discussion on attendance and the number of people per vehicle. I thought that tonight we were going to discuss them. You talked about the analysis of the West Haven and Berlin. Mr. Seichter said that we'd have to have an analysis of "apples to apples". You're talking about three different plans. I understood that you would be prepared to discuss the difference in the analysis between what's already been presented and what information you came up with.

Attorney Pellegrino: I'm not sure it shows vehicles per person. I think it was vehicles in view of looking at the square footage of the facility versus attendees, versus whether we were discussing "apples to apples". We did look at that. The difficulty we found was with tying to these actual counts, people. The only thing we have in West Haven is a website that says "400". Even though that building is much smaller, Mr. Seichter is correct: It would result in a much smaller person per square footage than our analysis. In the end, rather than trying to make an analysis of space on a square-footage basis. And looking at comparison in Berlin, we disagreed on which buildings should be included in the analysis; and, based on the overriding concern that we could go around and around on that, we thought the best way to deal with this issue was to just agree to cap the attendance at 115—because I don't believe there was a dispute as to the 1.3 persons per vehicle. The concern was how many people are going to West Haven or to Berlin—trying to do analyses based on square footage, where it may be difficult to determine who's up in a balcony, who's downstairs, who's in the building next door, while the services were in progress. I think this is a way to cut to the quick and just say we're going to keep the attendance at 115 and you'd make it a condition of approval, and we have more than enough parking for 115.

Chairman Fitzsimmons: Thank you. I'd welcome our peer reviewer, Mary Manning of Fitzgerald and Halliday. We did receive a letter from her over the weekend (Att. 3J).

Ms. Manning: I'm a traffic engineer with Fitzgerald & Halliday. The purpose of me being here tonight is to help really answer three questions: Will the development have a traffic impact? Is the site plan appropriate from a design traffic standpoint? And is the parking sufficient? Based on the studies, we have concluded that there will not be a traffic impact with this development. Their peak hour is Friday from 1:00 to 2:00, and surrounding traffic is a lot lighter then. That doesn't mean that you're not going to notice the traffic. They will all arrive and depart in a short time. Because of the way the road is designed, it can accommodate that. There's comments on the sight line. We have not seen that they have achieved the sight line on Route 68. They believe that they can. The big question really is, Is the parking sufficient? We have grappled with that. We have seen a written materials, videos. We heard about seven different mosques in Connecticut. If we discounted the most recent one, where data was collected a year after, half or three out of six have parking problems. It's a hard thing to get right. The Zoning Regulations don't provide a good estimator for the parking. This facility is trying to accommodate a Friday afternoon prayer time. Typically, people come from their places of work and return there. So vehicle occupancy is very low. They never really demonstrated 1.3, but that was used as an estimate. At the Meriden site, only about five vehicles arrived. I did get close to 1.3. But it was only five vehicles, with three people versus the singletons. Since last time, I got some of the testimony and the videos at Hamden, etc. If you watch traffic arriving, it's predominantly one person per vehicle.

Ms. Manning continued: Parking can be based on a lot of things, so we can only estimate parking at this point on attendance. Attendance has been at seven mosques, with a range of attendance from seven to over 300. The higher attended ones seem to have better highway access. The applicant said that this will be a "family mosque" and that attendance will be similar to Meriden and Hamden. I did research on the Meriden mosque. In the Meriden Record-Journal about the opening, they said that the intent was to serve all people of Connecticut and that they would welcome all religions. So I'm not sure that I understand the difference between a "family

mosque” and a “regional mosque”. This parcel has great highway access, 2/5 of a mile from I-91, and close to Routes 5 and 15. Those corridors serve large office employers. Mr. Farid has done some estimates on attendance. It has not been substantiated. From two to five years, 30 to 90 attendees. He believes it will serve Wallingford families. So we took his 90 and we added my highway access combined and I came up with 90-plus. The mosque doesn’t have to be their home one. So there’s also some transients that the mosque would serve. Others have tried to estimate how many people would fit in the square footage of this building. The Wallingford Fire Marshal gave me some estimates that he uses. For standing it’s about five square feet. If sitting, seven square feet. Sitting at a table is 15 square feet. At 10 square feet, you come up with a 290 to 300 capacity. I think, with the history of other mosques that started out small and grow over the years. So we could underestimate the initial activity. There’s no control over attendance. You don’t have to be a member. You don’t have to pay admission to get in. Will the 96 spaces work? I think over the years the 96 is going to fall short in the two-to-five-year time frame. That would accommodate 135 if you used 1.1 or 1.2. Our attendance, 90-plus, is about 50 from regional. So we’re getting closer. We keep getting better. There’s really no contingency if demand exceeds capacity. That’s the summary of the concerns and the things that have been presented. Having trouble with the 96 and putting an increased amount, it’s getting there.

Chairman Fitzsimmons: Thank you very much. Ms. Manning, in your fourth paragraph of your letter: This I had questioned Mr. Mess several times about, the shift of green time. I never received a clear, concise answer. Your letter discusses that: “. . . a result of some shifting of green time. In the background condition, the westbound left turn received 9.5 second of green and in the combined; it received 22 seconds of green time. The cycle length is 75 seconds for both the background and combined. . . . The applicant has not indicated that these signal changes are permitted with the closed loop system parameters and nor have they coordinated with the Connecticut Department of Transportation on this.” You’re saying it doesn’t appear that they’ve received permission to use that.

Ms. Manning: They have not indicated that.

Chairman Fitzsimmons: Is Mr. Mess here? No. Did he contact the State about changing the green time in the closed-loop system we have out there?

Ms. Manning: I don’t know that that would be a change. It’s a range of time. It could be demand-responsive. They haven’t shown if that’s an acceptable range or not.

Chairman Fitzsimmons: Do Commissioners have any questions?

Mr. Birney: Ms. Manning, in terms of the assignment that you were charged with when you were retained by the Town Engineer, what exactly was the charge? What was your assignment?

Ms. Manning: It was to review the traffic impact study. We have a contract. I don’t have a copy here—and a scope of services.

Mr. Birney: In terms of the information that you covered, both in your written comments and then your oral comments, at the September 8<sup>th</sup> hearing and your comments tonight, do you believe that that information was within the purview of your assignment?

Ms. Manning: Yes, I do.

Chairman Fitzsimmons: Linda, do you have any staff comments at this time?

Ms. Bush: No. You have the letter and the three attachments that were handed out tonight.

Chairman Fitzsimmons: Yes, it was acknowledged and read into the record. Mr. Thompson?

Mr. Thompson: Nothing beyond what Mary Manning said. I gave you some Suggested Conditions of Approval at the last meeting. The only other issue is what Mr. Juliano raised about the sidewalk across the frontage. There's only two properties in between that do not have sidewalk at Fairlawn Farms.

Chairman Fitzsimmons: This is a public hearing. I'd ask to see a show of hands from the public who wish to address the Commission. We'll start on the left.

Mr. Bob Canny, 29 Fairlawn Drive: On the traffic study that Mary just stated, two points. 1) Was this study done taking into account the building across the street that at lunchtime, when the traffic will be peak for this mosque, 500 to 700 will be coming and going between 12:00 and 2:00 for lunch? Does it take into account cars being parked across the street, as for a party on a Saturday, if only one lane is open and it's hard to pass? Those are very key points. Coming and going at lunch when that building is occupied at lunch. Or if you do park across, there's nothing to stop any visitor from parking in that area. 2) The applicant agreed to 115 or 120 people. What recourse do we have if they see 150 or 200 people coming? What recourse do we have at that point? The police or a civil matter? With the Berlin cars parked there and cars being towed, I think that's not saying that you're not going to have more than 115 people.

Mr. Jim Forte, 5 Promontory Drive: I have a question to ask through you to Ms. Manning. At the 96 spots, she was concerned about the parking maxing out at the five-year time. Given the new parking that the applicant has already, up to 100 or 124 spots—given the growth at three to five years, in how many has the parking maxed out? What recourse do we have? I'd like that information.

Attorney Vincent T. McManus of Wallingford: Just to recap: This is the third application. This application has changed its spots and colors like a chameleon. Mr. Farid comes and says we'll limit it to 115, so there's no way that you can enforce that. Do you send Linda Bush out there on a Friday afternoon to count 115 and at 116 you say "Stop"? Nobody does that. That's why he has made that offer. If you buy that, we may as well throw the process out. The only way you can guarantee that you serve the regulations you administer, things do change. Use Section 6.11 and size the parking to the size of the building. With his phony arithmetic analysis, you do not have an analysis if it has 40 to 50 spaces but using their own numbers, vehicle occupancy, 10 square feet per worshipper, and look at the floor plans inside. We have no way of knowing that

he's actually got to build that. There are no parking and no support for the size of his building. If you don't size the parking to the building, you're creating a parallel to West Haven, with people parking down Leigus Road and across the street. That is lousy planning. The only thing is you size parking to the size of the building. He does not need the 115, either. You're going to create a Berlin, a West Haven, if you buy any of this. And you would not have done your job. But this is a Planning Commission. You have all been doing this. The applicant still hasn't addressed the problem with the regulation itself. 1) Who is your applicant here? The Salma K. Farid Islamic Center? Who is the contract party that I subpoenaed last time? The Farid Foundation. In 4.2, it allows religious uses to a tax-free corporation. The Farid Foundation is not a party to the contract to buy. Salma K. Farid Islamic Center claims to have an option on the property. You've got the contracts as a part of your record. They have no relationship to the contract. When this application was taken, it shouldn't have been received. They haven't the standing to file. I demonstrated that by showing you the contract on the Farid Charitable Trust. Your applicant is a stranger to that contract. 2) In addition, my colleague Mr. Fishbein will explain in greater detail that this is still a corner lot. If you look at this on a corner lot regulation, of their 96 spaces, almost 40 of them can't go where they're going based on the setback on your corner lot. So they're possibly 80 spaces short. They're at least 44 spaces short. And that's in my letter of September 29th. I'm asking you to deny this. As I said before, good planning is nondiscriminatory. Why this applicant has insisted on trying to sell this type of application, you have to deny this application. If you don't, people out on Leigus Road will have to deal with the same things they are with in Berlin, Windsor, and West Haven.

Mr. Craig Fishbein, Grieb Road: I have a handout for the Commission (received as Att. 3N). I maintain that the number of the planned parking spaces are inadequate for this site. I also believe that a portion of the parking is prohibited by the regulations. A "Corner Lot" is: "A lot at the intersection of the abutting on two or more streets where the angle of intersection is not more than 120 degrees." Map "A" is a map of the site in #4603 on the Wallingford Land Records. It shows Leigus Road on the east and Route 68 on the north. The angle is not more than 120 degrees. So this is a corner lot. Further, a "Yard, Front" is "A yard between a principal building and an adjacent street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all adjacent streets are 'front yards'." Because the subject parcel is a corner lot, then it has two front yards, one on Leigus Road and the other on Route 68. In 5.1.A, in an RU-40 zone, the minimum front yard is 50 feet. In 6.14.C.1. the regulation is stated: "In all single family residential districts, required front yards, except for the driveway, shall be landscaped with grass or other suitable ground cover, trees, and/or shrubs." There's a requirement to have a grassed area of 50 feet, at least. In this case the applicant asked to asphalt this area. Regulation 6.11.B. says: ". . . In single family residential districts, no parking shall be allowed in front yards, except on driveways or on turn-arounds in side yards." The applicant is asking for substantial parking. The setback shown on their map is for a side yard 30 feet, and they plan parking in that area. We're of the position that close to half of the proposed parking, almost 50 spaces, is prohibited by your regulations because it's in the front yard. In the Town Planner's memo to the Commission at 09/19/08 (Att. 3E), so these highways in Wallingford include 91, 15 and a portion of Route 68. She concludes that the land at Route 68 is a side yard. The Town ". . . does not consider the yard abutting Rte 68 to be a front yard . . ." From the beginning of this, I have defended her. But to use this space as designed here, that should be a front yard. I submitted a letter dated 10/10 (Att. 3I) showing Bertini Lane, Dana Boulevard, and



Highland Avenue all intersect 68. Those corner lots have front yards on Route 68 as well as the crossing street, like Leigus Road. Referring back to the packet, on Map B, #4786 from the Wallingford Land Records, it's small. The map shows that 1303 Barnes Road, which abuts Barnes Road which is Route 68, doesn't have a driveway on Route 68. What happened is, they don't have a 50-foot setback based on 5.2, and there's another 50-foot setback on the property based on 5.1, saying that it's a front yard. Map "C" is #3307B, which shows Chalet Drive, Miles Drive, to the east of the Mortgage Lenders property, in between Leigus Road and I-91. When that was approved, you wanted two front yards on both sides on the Route 68 side. Map "D" is the latest map for Mortgage Lenders. It was just approved by this Commission last January or February. I highlighted certain portions on all the maps. This is right across the street from the subject property. It has front yard on Leigus Road and Route 68. Because it's a different zone, it's a 100-foot setback there. I can't understand how we have no examples from the Town Planner, no maps. The residents have to spend time to find these examples that are on point. I don't know how this Commission could find that there is no front yard on 68 and that the property along Route 68 is a merely a side yard. About half the parking in the front yard is prohibited by the regulations. I don't know how this Commission could approve this application.

Mr. Joe Celotto, Coventry Court: I have a number of handouts (copies given to Ms. Manning, the applicant, and the Commission of photographs and a chart, received as Att. 30). The first section of two pages is from the New Haven mosque that's on George Street. There was a comment on the disk that the applicant provided you showing that there wasn't overcrowding. We visited this site a ways back. It's now very orderly; before, it wasn't. So it looks good, especially for the tape. In the back street, the houses in the background we noticed parking all along those streets last Friday. People walk there from Saint Raphael's. They close the gate after a point. But we noticed on page 2 there were worshippers praying outside. They were very close together, even outside. In the bottom picture they were selling food. We'd request if you'd ask the applicant if they would not have prayer outside and if they would not sell food outside. They did that in Berlin, also. We noticed to ask if there's to be a loudspeaker on the building or the house. Where we were in New Haven, there was not only a call to prayer but the entire ceremony was broadcast to the streets. Ask the applicant that. Next, on Prospect Street in Waterbury there's a parking lot across the street from the mosque and parking next to the building. The next picture, there's some more empty lots in the area. Going to the third page, it starts filling up. I believe the lot across was a State-owned lot, and it's vacant now, so they use that parking across the street. They park on the streets, double park, block the driveways. The final picture shows it emptied out. I have personally visited each mosque in Connecticut that's listed on the front. I realize that the Berlin mosque is right on Route 15, so it's very busy. The New Haven Islamic is on the Boston Post Road, one mile from I-95, very good access. United Muslim Church is on Prospect, less than half a mile from the highway. And they have decided to build a large mosque. The Islamic Center on Connolly in Hamden, which was also shown in their video, showed how well that parking went. That's actually in a commercial zone in a commercial park. It's almost a triangle parking lot. At the top to the right is the entire lot, is pretty much access for parking. I don't know how big the prayer area is. So it's a bad comparison. It's hard to tell how many people go there and how many cars. Windsor, it's about one mile from 91. It has many parking spaces, and there's two different accesses to 91. It's a rural area, there's no traffic at all. The one on George Street is 1.68 miles from the 91/95 merge. And it's across the street from Saint Raphael's. The traffic concerns around there show why they

don't go to it. It would probably take 15 minutes to get to the highway. The Dixwell Avenue, that's 2.07 miles to Route 15. Where the people, they'll go to the Connolly and are probably not going to drive to the Dixwell Avenue one. That's why there's not that many there. In Meriden it's 3.1 miles from Route 15, furthest. It has the least amount of attendance. I noticed, the better the location, the more people went to it. Ms. Manning brought that up. Location, that's what we have noticed. Everywhere, if there's good location, good access, it's been overcrowded. That's what this shows. Ours is .2 of a mile to 91. That's a great location. Based on all the information we gave you before and back to the regulations, there's no way you can accept to approve what they're proposing. It must be denied. Also, I think a letter was given at one point: Mr. McManus received a message on his answering machine about the possibility of 200 Muslims working at Bristol-Myers. I believe a letter was sent to the Commission. I'd remind you.

Chairman Fitzsimmons: We have that (within Att. 3F).

Mr. Celotto: So it's not three to four years. It's day one, possibly.

Mr. Dave Rybacki, 6 Coventry Court: I have been to all of these sessions. I listened to the questions that have been brought up by the panel and by the townspeople. I haven't heard the applicant or his lawyers answer any of those. They just presented a process and an application without any answers. That should be taken into consideration. I'd reiterate that 115 people—keeping the number to that, who's going to pay to make sure that happens? Are we going to pay our taxes to put Wallingford police and townspeople to be sure that it's only 115? And should there be a fine for over 115? I think Mr. Farid should pay a \$10,000 fine. Then I believe he would try to keep it to 115. Last, I'd implore the panel to deny the application. If not, I'd ask you to put a sign on Leigus Road that says, "This is the neighborhood that Wallingford forgot."

Chairman Fitzsimmons: Back to the Commission and back to the applicant.

Ms. Bush: I have to address what Attorney Fishbein said about the right-of-way. If you look at all the maps he submitted, the only one that's on the non-access portion of Route 68, the Bellemead. Bertini Drive is not non-access. The subdivision on Barnes Road is not non-access. There's only non-access from the Route 68 bridge over Route 5 all the way to 91. Chalet Drive is not non-access. They have a road and access. If you look at the Map A that Mr. Fishbein gave, I believe that explains why the Planning and Zoning Commission has never considered that a front yard. It's over 100 feet from the edge of the property to Route 68, on a non-access highway. I think the State buys up property and what's left over is part of the right-of-way but not necessarily part of the road. I didn't put any maps into the record. You had a map tonight. Mr. Thurston pointed out there's 100 feet from his property. That's the way the Planning and Zoning Commission made decisions, before I got here. Attorney Fishbein did find the one exception, Bellemead. When Workstage came in, I know they used old Bellemead surveys. When Bellemead came in, they wanted to break the non-access line. They wanted to have a boulevard entrance onto Route 68, even though we and the State told them they couldn't. So all of the subdivisions they submitted showed a front yard. It starts at Stop and Shop and ends at 68. You'll notice the only driveway that there is is a driveway to an apartment complex that was there for 50 years. This is the non-access, from the Route 5 bridge to 91.

Mr. Seichter: Attorney Fishbein referred to it as a residential zone. It's a Rural Residential zone.

Ms. Bush: The section that Attorney Fishbein was quoting about no parking on the front yard: That was only changed by us by other than in the context of single-family homes or multi-family. I have never pulled out the site plans for schools to see if there's parking in the front yard. The intent is for a single-family house, you can't pave your front yard. I'm not going to say it's clear, but that's why it was adopted.

Ms. Baxter: Not to argue this point with you, but I'm looking at the regulations, and that regulation seems quite clear.

Ms. Bush: I'm not arguing that. As a matter of practice—I'm not saying that's what the regulation says.

Ms. Baxter: I have to look at the regulations, and I don't know how to take the comments that you're saying and reconcile that with what I'm reading in the regulations.

Ms. Bush: I'd agree with you—other than the last application you acted on tonight, which wasn't an issue. It was Thurston. If you'd like us to start pointing out the front yards, we would. I'm saying what the Commission has customarily done, based on the Commission actions in the past. It's not our comments.

Chairman Fitzsimmons: Linda, I think it's unfair to compare this application to the Thurston application. I think the issue is it's a different zone, a different use. It's different. And I think that Craig Fishbein has documented in volumes the position he has staked out regarding our own regulations. I'd be on the record: We have had those discussions in the past. There's a staff function and a Commission function. It's a Commission function to draft and enact regulations, interpret them. It sometimes comes down to the decision of the Commission. I don't think it's fair to compare this to the Thurston application.

Ms. Baxter: Section 6.11.B. refers to a single-family residential district, and Thurston isn't, where this one is.

Chairman Fitzsimmons: I'd ask the applicant to comment based on comments from the public.

Mr. Juliano: I have one comment on the traffic consultant's report. We did submit a sight-line analysis in one of the drawings packages as part of one of the boards. It is of record, has been.

Attorney Pellegrino: On issues that were raised: Your regulations only require that the owner of the property sign the application. On this issue of standing, which is an issue not for today. It could be an issue if litigation ensues. But as far as what needs to be signed and filed, you have an applicant's signature and you have an owner's signature. Both of those are there. Notwithstanding Mr. McManus' arguments and subpoenas, as far as standing for you to act, you have in the conditions of approval, in the future conditions of approval for Special Permits. Conditions have been passed on many applications that have restricted hours of operation, restrictions on parking, number of students who can live in a certain dormitory building. Those

are typical conditions you have passed. And that's enforceable. A condition of approval that would limit the occupancy of this building is enforceable. You have many powers of enforcement, including the revocation of the Special Permit and violation of conditions of a Special Permit. Attorney Small and I were at a seminar today on conditions. Attorney McManus would argue that plans, drawings, and floor plans submitted should be disregarded because we're not telling the truth. You're charged with looking at the application before you, plans that have been submitted. Conditions can be placed on it that are enforceable, and there's teeth under Connecticut law. In conclusion, thank you for your time and request you to consider with regard to this application. You have a voluminous record and testimony of the public hearing added to that. I believe we have submitted a complete application that meets your regulations with qualified, expert testimony to address questions that were raised by the Commission, staff, and the peer review. We have attempted to openly and honestly address those concerns and questions and provide you with information upon which we hope you will approve the application. I think the crux of the issues before you go back to what I said a moment ago: The application is based on certain facts. That's the application you're charged to approve or deny. I think it would be wrong to speculate or conjecture as to facts three, five, or ten years from now. Reasonable assumptions can be placed—not speculation, conjure—within your realm. Therefore, I'd ask you to look at the application that's before you. There are practices that you can put, safeguards. If in the future the applicant would look to expand, they would have to come back to you for further approvals. So I think this is the application before you, one where I think we've repeatedly stated that the approved attendance would be between 30 and maybe 90. We have built in additional safeguards tonight, I think. We've give you adequate protection as far as total occupancy, to give you the additional comfort level. We'd hope that you would look favorably upon the application.

Chairman Fitzsimmons: I'll bring it back to the Commission for comments.

Mr. Birney: Two questions. Attorney Pellegrino, is it your position that the user of this facility will be a nonprofit organization?

Attorney Pellegrino: Yes.

Mr. Birney: Ms. Manning, you talked about a 290 to 300 person capacity.

Ms. Manning: Not capacity. It's based on square feet. I'm told the floor area is 2,550 square feet and that it could hold 2,900 square feet. I thought we could divide by 10. It's based on different numbers shown to me.

Mr. Seichter: If I recall, when we started this application, June or July, we indicated it's for the applicant to meet our Zoning Regulations. Early on, I came to the conclusion that I didn't have a problem with traffic. My issue was with respect to parking. Additionally, when you look at this building of about 3,500-3,600 square feet on 6 1/2 acres, and 96 parking spaces, they've indicated, what's the problem? The applicant made their case to limit the capacity of the building to 115. That's reasonable. But there's a lot more here. I look at the 115 people, and I don't think that that's enforceable. I think it would be an issue for enforcing it, but it would be an issue for Mr. Farid if additional people wanted to attend the mosque. We did receive a letter indicating

that at Bristol-Myers there might be 200 Muslims employed at that facility. I think that would be a facility from which they would want to attend. It would be hard for Mr. Farid to turn those potential worshippers away. I know that Mr. Mess when he presented on traffic and the parking mechanism, he said it's a family mosque, not a regional mosque. And we relied on that type of data. I haven't seen any information with respect to a "family mosque" or a "regional mosque". Also, if the use of the facility increases or if they want to expand the facility, they have to come back to the Commission. I see the 115 not enforceable. But if we're talking about an expansion—not an expansion of the building—an expansion of the number of people attending the service—so we now have a potential parking problem. Ms. Manning talked about Route 68, a major highway with good access to this property. When looking at the parking from the last meeting, you were going to provide some information as to square footage and parking. If we look at one parking space for every 50 square feet, that's inadequate. In the regulations at 7.5.B., because it's a Special Permit, then we can in fact look for a more strict parking requirement. I know that they talked at the last meeting about the size of the mosque in Berlin. But in all fairness, you had discussed that four different times because you provided four different sizes of the facility to us. And coming back to how many people can the prayer area in the mosque accommodate, I believe it was 2,550 square feet and 115 worshippers. To compare this information presented as to other facilities similar to this seems to be very low numbers, and it changes. I think it would be good to find out the first time around. It doesn't give a lot of confidence to me about a building like this and a reasonable capacity. While you've expressed testimony and you're referring to parking lots and number of people, I'd disagree that I don't think you've shared expert testimony on these issues. At this point, you've provided me a lesser confidence level that the parking you're providing is adequate for this building.

Mr. Birney: I'd thank the applicant in terms of the information that you provided. Also, to the members of the public, Mr. Craig Fishbein, and Attorney McManus, thank you for the information you provided. And Mr. Thompson, Ms. Manning, Ms. Bush, thank you for the information you provided. In the September 8<sup>th</sup> meeting, Attorney Pellegrino, you said, "Berlin blew it." Attorney McManus agreed with you, saying that we've been educated by Berlin. No one thought the mosque would be as successful as it is. I believe that this mosque will be very successful, as well. Because of the close proximity to Route 68 and I-91, there's a strong likelihood that the participant members of the mosque will grow over time. But it's for us to analyze the information that's been presented, State statutes, our regulations and the Plan of Development. We can't speculate, but we do have to look at the impact and effect the application will have on the current zone, the RU-40 zone. Many of the same people who were in the audience for the Mortgage Lenders application are in the audience here tonight. But Mortgage Lenders application was not in an RU-40 zone. Section 4.2.C.1 allows us to consider an application for a use by a non-profit corporation. Section 7.5 presents us the criteria for evaluation for a Special Permit. And the criteria are a minimum, meaning that we can look at other things. The purpose of the RU-40 zone is "To allow single-family residences at low density while recognizing and encouraging the continuance of agricultural operations." Moreover, the Plan of Development says, pertaining to RU-40: "Maintain and improve the historical and cultural resources important to Wallingford and recognize the uniqueness of the various neighborhoods in Wallingford and use the land as policies apply." I know in the Special Permit criteria 7.B. that we're looking "to preserve the character of the neighborhood". I've got grave concerns with the effect that the mosque will have. In terms of the appropriateness of the mosque, the size and

intensity of this use, and the effect on the compatibility with the adopted Plan of Development and the RU-40 zone and the neighborhood within which the RU-40 zone fits. In light of what Mr. McManus says, there's a possibility that this motion could be the subject of a suit. A successful mosque there could easily draw 250 to 300. That's not to be ashamed; it's to be excited about. But the fact that it's in an RU-40 zone is what we're commanded to do here. I don't know if I agree with Attorney Pellegrino's point that we can impose the enforceability. I think I can argue that we could. But we go over the Zoning Enforcement Log at every single Planning meeting. I see the number of hours spent in this, here and in executive session. Our Corporation Counsel spends countless hours in New Haven reviewing our zoning violations. I will not support a maximum cap here because I do not want to be forced to waive the regulation down the road. The people in the audience are the ones who would have to live with us enforcing 250 or 300 people, based on our log and our experience. It's not something that I can live with or approve.

Ms. Voss: I'm happy that you brought this before us. I think that the Town does need a mosque. My concern is it's going to be hard to enforce 115 people. There are a lot of Muslims in the community that will come, and it's a very easy access. You're open to everybody, and that's the wonderful thing about it. I do have concerns about the parking, as everybody else has said. One of my issues is I agree but I disagree with the other Commissioners that traffic is not an issue. With the Mortgage Lenders, we approved it, but part of their application was to include making some improvements to Leigus Road. They were going to widen it so the traffic is not going to be an issue. So you're going to have more of an access. I think it's going to be heard for you to see 115 people and tell the next ones to go away. If you have to have all these people come and your parking is not adequate, the only places I can see people parking is on the street. There are no "No parking" signs. The street is narrow. If people park on both sides of the street, there's a concern for safety if there's a fire on Grieb Road. The closest Fire Department is on North Farms, and I feel that they would not be able to get through the parked cars. If everybody is double-parking and triple-parking in the parking lot, then you might have a concern about your own building or the homes. In our 7.5.B.1.c. it says: "The capacity of adjacent streets to handle peak traffic loads and hazards created by the use." I think that there would be a hazard created by this use. Also, 7.5.B.1.g. says that if there's an issue with "fire or police protection"—it's a possibility. Like Mr. Birney said, we can't rule out possibility. Although I commend you for wanting to do this, and I hope that you will be able to do this, I just don't think that this is the appropriate place.

Ms. Baxter: This is a particularly difficult application. We've been hearing testimony for a number of nights from a number of people. However, the issue is an application for a Special Permit. Our Special Permit applications are governed by the Zoning Regulations to see if the application is in compliance with them. We have to go back to traffic. I know it's debatable whether traffic is an issue. Our peer reviewer has indicated that Mr. Mess's analysis of the traffic showed no issue with the traffic. I'm still not comfortable with the basis for the assumptions. Was it a supportable basis of some of these assumptions? I don't know if we got enough information. I never felt that we got everything we could have or should have received. I'm not a traffic expert. I was hoping to hear something that was more of a basis. Parking is still an issue. The numbers have changed many times for the proposed parking. At this moment, I don't know even which parking configuration the applicant is asking us to consider. There are three

before us, maybe four, with the last plans that were presented to us. As also mentioned, the access to this property is superb. I can't get past the feeling to bridge the understanding from what's been presented to becoming a more regional facility. Whether it would be more a major facility, I don't think that really matters here. It will be a regional facility and a major draw, given its proximity. Also, I understand why the applicant offered tonight to limit it to 115, for the reasoning already stated. I don't see how we can efficiently and effectively enforce that. Mr. Birney indicated that we maybe don't have that authority to enforce. We have so many violations that we're trying to enforce. It's a difficult process. We have to turn to our regulations. The issue of the front yard regulation sticks with me. Why can't we apply that? Section 6.11.B. says: "In single family residential districts, no parking shall be allowed in front yards . . ." "Adjacent streets"—I'd turn to the customary definition: "Ones having a common border." The property has a common border, both with Route 68 and with Leigus Road. I don't think we allow that. I don't think our Special Permit Regulations have been complied with, with this application.

Chairman Fitzsimmons: I'd thank the members of the staff, the applicant, and the public for the time and information that's been brought. I think, based on the totality of the record, in reviewing it, I too have some concerns. The Commission considers the impact of the uses on the surrounding neighborhood, and the public health and welfare. Although the Commission has some discretion on whether the proposed use is consistent with the regulations, I do not believe that we're holding this application to a higher standard. I believe we're holding it, as all others, to our regulations. The application for a Special Permit is to seek permission to vary the use as of right within a district. I think, as to the information presented during the application for a Special Permit, the burden of proof is on the applicant. And I don't think that the applicant's testimony has adequately addressed our Special Permit criteria. The traffic information, I think, was inadequate to help us evaluate that. From meeting to meeting, the numbers changed, and we did not get consistent information. I believe that Mr. Mess believes what he told us. But the information was presented as changing and definitely contributed to a problem. In contrast, the information we received from the public was very voluminous and consistent, outlining for the Commission and the public record, citing dates, facts, and specifics why they opposed the application. I think the information we received from the public is very substantiated. I don't think the applicant's sufficiently addressed it to my satisfaction. From the last meeting to this meeting, I had time in Berlin, and I saw firsthand what I saw on the DVD. I was there on a Friday afternoon. It was eye-opening, and it was consistent with what I saw on the DVD multiple times. I think it's unfair to compare an in-town church with a Residential Rural zone. I lived four homes away from the synagogue. At the first meeting or the second, I concluded that the parking needs had been addressed. I do not believe that this evening. Based on the totality of the record, I think it's difficult to quantify and qualify some of the applicant's representations. I would call for a motion to close the public hearing.

**MOTION:** A motion was made by Ms. Baxter, seconded by Ms. Voss, to close the public hearing.

The motion was approved unanimously by Ms. Voss, Ms. Baxter, Mr. Seichter, Mr. Birney, and Mr. Fitzsimmons.

MOTION: A motion was made by Ms. Baxter, seconded by Ms. Voss, to deny a Special Permit for a 3,868 sq.ft. mosque for the Salma K. Farid Islamic Center at 105 & 109 Leigus Road as shown on plans entitled "Salma K. Farid Islamic Center, 105 and 109 Leigus Road", dated June 6, 2008,

1. Because, based on the totality of the evidence presented the applicant has failed to show the application satisfies the criteria for a special permit as set forth in section 7.5.B, specifically:

a. 7.5.B.1.a-the applicant has failed to show that the size and intensity of the proposed use would be compatible with the neighborhood and our adopted Plan of Development

b. 7.5.B.1.c-the applicant has failed to show that the capacity of the adjacent streets to handle traffic loads

c. 7.5.B.1.f-the applicant has failed to show that the extent of the parking facilities is appropriate for the use

d. 7.5.B.1.h-the applicant has failed to show that the proposed use is appropriate for the preservation of the character of the neighborhood

e. The application violates Section 6.11B of our regulations which provides that in single family residential districts, no parking shall be allowed in a front yard, except in drive-ways or in turnarounds in side yards, that is supported by the definitions of both corner lot and front yard in section 2.2 of our regulations.

In discussion on the motion:

Mr. Birney: In terms of the reference to 7.5.B.1.a, I don't believe the motion specifically referenced the effect of the application on the compatibility of our adopted Plan of Development.

Ms. Baxter: That's correct, and I would amend the motion to include that (inserted in a. above).

Chairman Fitzsimmons: You amended your motion. Is there a second to that?

Ms. Voss: Second.

The vote on the motion to deny was:

YES: Ms. Baxter, Ms. Voss, Mr. Seichter, Mr. Birney, Mr. Fitzsimmons.

NO: None.

By a vote of 5 Yes to 0 No, the motion to deny was carried.

OLD BUSINESS:

5. Site Plan/Paradise Hills Vineyard/Windswept Hill Road - #220-08

No action was requested on this Item #5 tonight.



DISCUSSION AND POSSIBLE ACTION:

8. Appointment of Aquifer Protection Agency Enforcement Officers

The Commission received Att. 8, "Wallingford Aquifer Protection Agency Inspection Procedures", as revised 09/15/08.

Ms. Bush: We met during last month. I was supposed to invite Mr. Fitzsimmons. This is the detail of the Inspection Procedures. Both Kacie and I will be the enforcement officers, and we're asking that the Water Division inspectors can assist us. The Water Division inspectors will have to contact and visit the businesses. We have had this law in effect for over one year, and we haven't done enforcement because we haven't had enforcement officers. I'm hoping you'll be appointing us as enforcement officers. We'll be writing the letters if there are problems. That's the difference.

Mr. Menard: The Water Division people that they want to do these inspections have no qualifications whatsoever. All they know about is water quality. They don't know, and they're going to come into my business and tell me what's going on. If they're going to enforce this, show me their qualifications. They came into my shop and told me false information twice.

Ms. Bush: It's a new law, and nobody's qualified. Kacie and I are not qualified. It will be a learning process for everybody. I have the right to dispute the decisions of the Aquifer Enforcement inspectors. If we're putting something in a letter, it's got to be an actual violation of the rules.

Mr. Birney: What kind of training program is there for Aquifer Protection officers?

Ms. Bush: Training is administrative, not for enforcement. Kacie and I have gone to training only to understand the law, not to know how to enforce it. This training is not for them.

Mr. Birney: I'd suggest, Mr. Chairman, that we'd add that Aquifer Protection inspectors would have to go to training.

Ms. Costello: I went to it. It's more how to get the regulations up and running when you have a newly protected aquifer area, rather than how to enforce them.

Chairman Fitzsimmons: I'd be happy to express our concerns to Roger and the need for enforcement of this type. Maybe we can table this. Frenchy is very passionate about this. I agree. We can't have someone enforcing it if they aren't qualified.

Ms. Bush: Please call Adam and arrange a time to have the meeting again with Roger and you.

Chairman Fitzsimmons: Maybe I know of some training in Massachusetts.

This discussion Item #8 was tabled.

DISCUSSION:

9. Joint PZC/Town Council Workshop – October 27, 2008

Ms. Bush said this joint meeting is held at the request of Town Council Chairman Brodinsky. There will be a short presentation by the consultant who is drafting the regulation for the proposed Downtown Transit District (IHZ). The Commissioners said they would also like to discuss the proposed citation ordinance, various planning and zoning topics, and zoning enforcement activity. The meeting will probably be held at the Senior Center, and the public can attend.

#### BOND RELEASES AND REDUCTIONS:

No action was taken on these items:

- 20. Greene-Woronick/Tuttle Avenue - #101-08
- 22. North Plains Realty/North Plains Industrial Road - #253-01
- 23. MDT Realty/North Plains Highway - #213-05 & #251-05
- 24. DiNatale/226 North Plains Industrial Road - #239-03R

Ms. Bush recommended releasing these bonds because these sites have been inspected and the work has been completed:

- 10. Lyons/1042 North Farms Road (See Att. 10.)
- 11. Bodey/3 Windswept Hill Road (See Att. 11.)
- 12. BJG/22 & 24 North Street (See Att. 12.) - To release both bonds.
- 13. Housewright/3 Templeton Road (See Att. 13.)
- 14. Pisani/6 Stoney Brook Road (See Att. 14.)
- 15. Kindercare/Miles Drive - #246-04 (See Att. 15.)
- 16. Masonicare/North Plains Industrial Road - #237-04 (See Att. 16.) - This is for the parking lot at #23.
- 17. Scannell Properties/Toelles Road - #263-04 (See Att. 17.) - This is for the FedEx building. (See Att. 18.) - This is for Executive Honda.
- 18. Orsini/North Colony Road - #212-05 (See Att. 18.)
- 19. Greene-Woronick/Northfield Road - #108-07 (See Att. 19.) - This is for #47 and #49.
- 21. Verna/Ortense Drive - #105-03 (See Att. 21.)
- 25. Geremia/4 North Lane (See Att. 25.)

MOTION: A motion was made by Ms. Baxter, seconded by Ms. Voss and Mr. Seichter, to release the following bonds for: Lyons at 1042 North Farms Road; Bodey at 3 Windswept Hill Road; BJG at 22 & 24 North Street; Housewright at 3 Templeton Road; Pisani at 6 Stoney Brook Road; Kindercare at Miles Drive; Masonicare on North Plains Industrial Road; Scannell Properties on Toelles Road; Orsini on North Colony Road; Greene-Woronick on Northfield Road; Verna on Ortense Drive; and Geremia at 4 North Lane, as recommended by the Town Planner.

The motion was approved unanimously by Ms. Voss, Ms. Baxter, Mr. Seichter, Mr. Birney, and Mr. Fitzsimmons.

#### CORRESPONDENCE:

- 26. Zoning Bulletin/Barry vs. Historic District (See Att. 26.)

The description of this court case was received and noted.

- 27. CLEAR/Land Use Training/November 15, 2008 (See Att. 27.)

Mr. Birney may attend this workshop. Any Commissioner who wishes to register should contact the Planning Department office.

28. Smith/St. John the Evangelist Thrift Store

The Commissioners received the letter from Ms. Sandra M. Smith, Treasurer of Saint John the Evangelist Church, Yalesville, to Planning & Zoning dated 10/02/08 (Att. 28).

Ms. Bush explained that the requested thrift shop would be located in the empty rectory building next door to the church. The Commissioners' consensus was that this matter would have to be taken up as a Special Permit item. Ms. Bush will advise Ms. Smith about the Commission's position.

29. OPM/Plan of Conservation and Development

Chairman Fitzsimmons received a letter dated 09/26/08 from Mr. W. David LeVasseur, Undersecretary, State of Connecticut Office of Policy and Management (Att. 29). Ms. Bush will notify OPM that the Wallingford PZC adopted its most recent Plan of Conservation and Development in 2005.

REPORTS OF OFFICERS AND STAFF:

30. Administrative Approvals – With no comment from the Commissioners, these Administrative Approvals stand effective:

- a. Change of Use/Good News Christian Church/Dudley Avenue - #308-08
- b. Site Plan/Wall/Northrop Road - #227-08
- c. Zoning Permit Youghiogheny Communications/North Main Street - #803-08
- d. Site Plan/Masonicare/South Turnpike Road - #224-08

31. Zoning Violation Log (See Att. 31.)

The Commissioners received the October monthly report from Assistant Town Planner Kacie Costello. Ms. Costello explained that four or five cases will be removed from the log by November. Ms. Bush described Corporation Counsel Adam Mantzaris' assistance in obtaining a court injunction against a violator.

32. ZBA Decisions/September 15, 2008 (See Att. 32.)

This record of ZBA decisions from September was received and noted.

33. ZBA Agenda/October 20, 2008 (See Att. 33.)-The upcoming agenda was received and noted.

34. Timetable – Wallingford Incentive Housing Zone (See Att. 34.)

This timetable for the proposed Downtown Transit District (IHZ) regulation was provided to the Commissioners. Chairman Fitzsimmons asked if the consultant could provide color copies for the Commissioners.

35. Notes (See Att. 35.) – Ms. Bush's staff Notes were received for the record.

The next Regular Meeting of the PZC is on Monday, November 10<sup>th</sup>.

ADJOURNMENT:

MOTION: A motion was made by Ms. Baxter, seconded by Mr. Birney, to adjourn the meeting.

The motion was approved unanimously in a voice vote. The meeting was adjourned at 10:43 p.m.

Respectfully submitted,

Stacey Voss, Acting Secretary

/klb  
Atts. 1A-35

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- 4 2. Special Permit (Warehouse)/Thurston Foods/Thurston Drive - #421-08  
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- 10 3. Special Permit (Mosque)/Farid Islamic Center/Leigus Road - #412-08 - DENIED
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- 9 7. Site Plan (Accessory Apartment)/Cowan/7<sup>th</sup> Ridge Road - #228-08 –  
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- 25 8. Appointment of Aquifer Protection Agency Enforcement Officers - TABLED
- DISCUSSION:
- 25 9. Joint PZC/Town Council Workshop – October 27 – DATE CONFIRMED
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- 26 12. BJG/22 & 24 North Street – RELEASED
- 26 13. Housewright/3 Templeton Road - RELEASED
- 26 14. Pisani/6 Stoney Brook Road – RELEASED
- 26 15. Kindercare/Miles Drive - #246-04 – RELEASED
- 26 16. Masonicare/North Plains Industrial Road - #237-04 – RELEASED
- 26 17. Scannell Properties/Toelles Road - #263-04 – RELEASED
- 26 18. Orsini/North Colony Road - #212-05 – RELEASED
- 26 19. Greene-Woronick/Northfield Road - #108-07 – RELEASED
- 26 20. Greene-Woronick/Tuttle Avenue - #101-08 – NO ACTION
- 26 21. Verna/Ortense Drive - #105-03 – RELEASED
- 26 22. North Plains Realty/North Plains Industrial Road - #253-01 – N.A.
- 26 23. MDT Realty/North Plains Highway - #213-05 & #251-05 – N.A.
- 26 24. DiNatale/226 North Plains Industrial Road - #239-03R – N.A.

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26 25. Geremia/4 North Lane – Released

CORRESPONDENCE:

- 26 26. Zoning Bulletin/Barry vs. Historic District – RECEIVED AND NOTED  
26 27. CLEAR/Land Use Training/November 15 – RECEIVED AND NOTED  
27 28. Smith/St. John the Evangelist Thrift Store – COMMISSIONERS CONSENSUS  
TO ASK FOR SPECIAL PERMIT APPLICATION  
27 29. OPM/Plan of Conservation and Development – PZC HAS COMPLIED IN 2005

REPORTS OF OFFICERS AND STAFF:

- 27 30. Administrative Approvals – ALL TO STAND EFFECTIVE:  
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27 31. Zoning Violation Log – RECEIVED AND NOTED  
27 32. ZBA Decisions/September 15, 2008 – RECEIVED AND NOTED  
27 33. ZBA Agenda/October 20, 2008 – RECEIVED AND NOTED  
27 34. Timetable – Wallingford Incentive Housing Zone – RECEIVED AND NOTED  
27 35. Notes – RECEIVED FOR THE RECORD

WALLINGFORD PLANNING AND ZONING COMMISSION  
RECEIPTS LIST OF OCTOBER 16, 2008

1. Special Permit/Town of Wallingford (DPW)/ Oak Street, Yalesville (Pragemann Park - #423-08
2. Resubdivision/S. Lupkas/ Chimney Hill Road - #105-08
3. Zone Change/Greene-Woronick/Quinnipiac Street & Fern Drive (R-6 to R-6 & DA Overlay) - #505-08
4. Special Permit (Fill & Excavation Renewal)/Majestic Mulches/North Plains Highway - #424-08

/pzc