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SPECIAL JOINT WORKSHOP MEETING
WALLINGFORD TOWN COUNCIL AND PLANNING AND ZONING COMMISSION
October 27, 2008 1

SPECIAL JOINT WORKSHOP MEETING
OF THE
WALLINGFORD TOWN COUNCIL
AND
WALLINGFORD PLANNING AND ZONING COMMISSION

Monday, October 27, 2008, 7:00 p.m.
Wallingford Senior Center, 238 Washington Street, Wallingford, CT

MINUTES

Town Council Chairman Michael Brodinsky called the meeting to order at 7:02 p.m. He welcomed the members of both the Town Council and the Planning and Zoning Commission, along with Town Attorney Janis Small, Town Planner Linda Bush, Assistant Town Planner Kacie Costello, and 30 members of the public. All the members introduced them themselves:

Town Council – Chairman Mr. Brodinsky and Councilors Mr. Vincenzo DiNatale, Mr. Nick Economopoulos (arrived at 7:06 p.m.), Mr. Jerry Farrell, Jr., Mr. John LeTourneau, Mr. Robert Parisi, Mrs. Rosemary Rascati, Mr. Michael Spiteri, and Vice Chairman Mr. Vincent Testa, Jr. (arrived at 7:06 p.m.).

Planning and Zoning Commission – Chairman Mr. James Fitzsimmons and Regular Members Secretary Mr. David Fritz, Mr. Patrick Birney, Mr. James Seichter (arrived at 7:08 p.m.), and Alternate Members Ms. Stacey Voss and Mr. Jon-Paul Venoit (arrived about 7:20 p.m.).

Chairman Brodinsky said this is likely the first time that the Town Council and the Planning and Zoning Commission have held a joint workshop. In looking for an exchange of ideas on the topics, Chairman Brodinsky asked those present to allow the two groups to spend time on the first five agenda items. Then he would invite public comment under Item #6.

1. Downtown Transit Zone: Discussion and Presentation

Appearing were Attorney Tim Hollister and Attorney Allison M. McKeen of Shipman & Goodwin, LLP, of Hartford, along with Ms. Karen M. Cullen, AICP, Senior Planner from Concord Square Planning & Development, Inc., of Palmer, Massachusetts. Another member of the team, a transportation planner, could not attend tonight. Reference is made to these documents: “The HOMEConnecticut Program and an Incentive Housing Zone for Downtown Wallingford”, which was Attorney Hollister’s PowerPoint presentation dated October 27, 2008 (Att. 1A); the one-page colored rendition of “Potential Incentive Housing Zone – Downtown Wallingford”, as prepared by Concord Square Planning & Development on October 23, 2008 (Att. 1B); and the originating legislation from Attorney Hollister, as found in Connecticut General Statutes Section 8-13m-x, known as Chapter 124b Incentive Housing Zones, enacted in 2008 (Att. 1C). (Note: Copies of all attachments are available from the Planning and Zoning Department.)

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- Only site plans or subdivisions are allowed to be proposed within an IHZ. The object is to increase "as-of-right" residential density in the IHZ by at least 25%. Attorney Hollister noted that age-restricted units can be built, but they do not qualify for State funds.

Ms. Karen Cullen represents a planning and zoning consulting firm that has participated on many similar projects in Massachusetts. She has read the Plan of Conservation and Development, "Envision Wallingford", as adopted in 2005. Her idea of an overlay zone in the downtown would address parking, signage, landscaping, and setback issues. It would encourage development of new housing units plus revitalization of the commercial base. It will likely implement the recommendations of the 2004 Downtown Parking Study. She noted that, during formal discussions on the Plan of Conservation and Development, the concept of "expansion of the commercial district" was considered but rejected. That was in recognition of the residential character of areas close to downtown Wallingford. The colored map shows about 15 acres in the central downtown. There are 48 identified parcels, three parking lots, and 58 housing units. The study area extends from the Dream Weaver business on South Colony Street to the Checkers Convenience Store on North Colony Street. It goes north on Center Street to Wentworth's Ice Cream and south on Quinnipiac Street and Hall Avenue to intersect with South and North Cherry Streets, and extends along North Cherry to the Connecticut Acoustics and Steel Fabricators buildings. Ms. Cullen showed an aerial image. Holy Trinity Church and rectory and buildings northward on North Colony Street are not included in the study area. The Connecticut Acoustics and Steel Fabricators properties were included in case the Town would want to move the current train station stop northward, so as to reduce traffic delays. PZC Chairman James Fitzsimmons asked to add the Holy Trinity Church parking lot to the study area, since it is possible that that lot could provide weekday shared parking for rail commuters. Attorney Hollister offered to show the plan again, with and without the Holy Trinity Church parking lot.

Ms. Cullen said there are many issues to study: parking; traffic circulation for trains and roadway vehicles; land assembly for logical development; creating the allowable density to meet State regulations; promotion of area commerce; the commuter rail service potential, and others.

Mr. Fritz asked if there could be a publicly-financed parking garage, or if one would have to be developed privately. Could the Connecticut DOT assist? Attorney Hollister said the DOT could be called upon. Having a parking garage would depend on a number of variables. Mr. Testa asked if the minimum density per acre applies to each acre or to the whole zone. Would some areas be more densely developed? Attorney Hollister said the computation is for the zone: total acreage minus certain categories of land that are excludable yields the net developable land. He cited the different housing densities allowed and pointed out that the boundaries are not firm yet. Ms. Bush stated the densities of some existing downtown housing.

Potentially, about \$400,000 could be disbursed to Wallingford through this project. Mr. Farrell wanted to know if State funding could be withdrawn in the future. Attorney Hollister did not think that would happen; but, if the money were withdrawn, then Wallingford would have to decide whether to proceed. Ms. Bush thought, in the absence of State funds, that the overlay zone still could be beneficial to the Town.

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PZC Commissioner Mr. Fritz suggested opening the I-5 zone to light retail and/or restaurant uses. He thought that the Route 68/I-91 interchange area would be appropriate for an Evergreen Walk-type development at that entrance to Wallingford. Mr. Fritz thought that the Town could acquire the Mortgage Lenders property for a senior high school, move a middle school into one vacant high school, put the Police Department into the middle school, and make the other high school into a Vo-Ag school. He said that Wallingford intends at some point to use land on Route 68 across from Leigus Road for a new, improved volunteer fire station.

PZC Chairman Fitzsimmons said, if the Town Council is interested, the Planning and Zoning Commission is open to holding a workshop meeting on the IX or I-5 zones. He noted that soon there will be four hotels opened up in the I-5 zone and that there is no restaurant in the vicinity. Also, water and sewer issues in that area have contributed to a lack of development activity in the I-5 zone. Chairman Brodinsky said he would be willing to talk about changing the conditions in the zone in order to bring about additional development but not uncontrolled development.

PZC Commissioner Birney asked about the last application for the I-5 zone and the position of the Economic Development Commission. Ms. Bush said a number of property owners had asked for a regulation change that would permit two-story development with first-floor retail stores and second-floor offices. Their property is next to the new Hilton Garden Inn. At the time, the Economic Development Commission was opposed to a change in the zone. Mr. Fritz thought that the EDC is looking for Class A office development, similar to development in Shelton. But he pointed out that Wallingford has about 400,000 square feet of open Class A office property, including the Mortgage Lenders building at 302,000. Councilor DiNatale cautioned about the possibility that small restaurants, rather than larger, full-service restaurants, would come in and use up the intended Class A office-zoned, potentially higher-use and higher-revenue land. Councilor Testa said it is desirable to have all the entries to Wallingford look well. He did not want to refuse a particular use just because it may not look well. The workers in office buildings still need to eat. He has traveled elsewhere, where office parks have housing nearby plus restaurants in the area. That makes sense and convenience for travelers. The Marriott hotel has a restaurant that is open to the public. But he did not want to see all the potential development go to restaurants and retail outlets: There needs to be some control to achieve a mix of development. Chairman Fitzsimmons stated that restaurants are permitted within an office building, up to a certain percentage of the square footage. Ms. Bush said the Workstage/Mortgage Lenders building can have a food venue inside, but primarily to serve the workers. Right now, the hotels are permitted to have restaurants within them. Chairman Fitzsimmons said the PZC could have a workshop meeting to review the present zone along with the views of the Economic Development Commission. So far, he does not think the Commission has had significant applicant interest in changing the regulations.

Councilor Mr. Economopoulos said he has organized sports tournaments, here and elsewhere, for years—basketball, soccer, the annual Wallingford TWIST soccer tournament. Visitors ask where they can go in between games for meals and shopping. Frequently, visitors are directed to the I-91 corridor to more distant locations because it is more convenient than directing them down Route 68 to Route 5 and local destinations. But Mr. Economopoulos thought that the

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tions. Also, Mr. Fitzsimmons suggested waiving application fees, to encourage people to be more creative in their approach to downtown revitalization. The PZC has listened to input from Wallingford Center, Inc., in its workshops. One workshop dealt with the permitted uses that should be encouraged or discouraged. One discussion was whether to allow tattoo parlors or spas downtown. Also, a lot of time was spent on downtown signage.

Councilor Mr. Testa wanted to know whether the current zoning hinders downtown revitalization. He did not think so. There's a lot of parking. People would like more. At a mall, people have to park and walk a quarter mile to the store. He thought that people go to malls because of the variety of the stores. Ultimately, Mr. Testa said he is interested in the psychology of how to attract people to the downtown.

Mr. LeTourneau said he has been a downtown retailer for eight years. There is two-hour parking, but cars are parked there all day. There are parking spaces in the rear lot for the apartment tenants, but many of them park in front on the street. But the types of businesses downtown seem to fit into the two-hour parking plan. Municipal lots are behind the Center Street businesses, but some lots can only be accessed by a one-way street. William Street should be two-way access. It should be done. Chairman Fitzsimmons said it may be time to bring back parking meters on Center Street, whereas the free spaces would be in the rear lots.

Mr. Brodinsky thought that revitalization of the downtown should be a stated, high goal for the Town. Second, there should be short-term goals for signage, parking, etc., that could be accomplished faster. An option is to use zoning to make sure that retail development is contiguous downtown, window after window on the first level, with offices upstairs. Right now, there is a mix of retail and offices. Office or residential uses could be upstairs. Maybe the Incentive Housing Zone will help.

5. Do we need to improve the way we enforce zoning regulations?

Mr. Seichter stated that the Planning and Zoning Commission has had workshops over the last three years about having a citation ordinance for zoning enforcement. Some Town Council members did attend the workshops. Corporation Counsel Adam Mantzaris has assisted greatly in developing the draft citation ordinance. It sets out the steps for zoning enforcement notification when a violation continues. For example, there are problems with chronic violators, such as dealers who display cars for sale on the landscaped front yard on Route 5. They comply for a while and then resume the violation. Separately, Attorney Mantzaris has been helpful in taking violators to court.

Chairman Fitzsimmons said the citation ordinance proposal is with the Ordinance Committee of the Town Council. Ms. Bush said the Planning and Zoning Office has been in favor of having an ordinance. The PZC staff would rather have the enforcement power reside with the Planning and Zoning Commission, so the violations would have to go to the PZC for action. PZC member Mr. Birney thought that citations—fines—could be effective, if permitted by ordinance. Councilman Mr. Parisi agreed. He said that people know that the Zoning Enforcement Officers do not have any real enforcement power, as it is now.

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Attorney Joan Molloy said she represents some of the property owners in the I-5 zone. They are receptive to, even supportive of regulation change for the I-5 zone, as discussed earlier. A lot of owners cannot do anything with their properties. There is vacant office space. Attorney Molloy asked the PZC, the Economic Development Commission and the Town Council to see what is productive for the Town as well as the owners.

Ms. Carol Ringrose Perrotta, an owner of about 50 acres in the I-5 zone near I-91, said she has paid taxes on that land for over 40 years. She liked the exchange of ideas that occurred tonight, and she called for an open dialogue to continue, so as not to ignore companies and businesses that could be good for the Town. She referred to Dr. Gillespie's letter, which was received as noted in Item #2.

Ms. Bush reminded the downtown property owners in attendance tonight about the December 15th Planning and Zoning Commission Workshop Meeting on the Incentive Housing Zone for the downtown area.

This Joint Workshop Meeting was adjourned at 9:00 p.m. by Council Chairman Michael Brodinsky.

Respectfully submitted,

Kathleen L. Burns
Planning and Zoning Commission
Recording Secretary

Atts. 1A-6

*HH - A
Received
10/27/08*

THE HOMEConnecticut Program
and an
Incentive Housing Zone for Downtown Wallingford
October 27, 2008

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PURPOSES OF HOMEConnecticut

A voluntary, collaborative process for municipalities across Connecticut to create:

- a surplus of land
- zoned as-of-right for residential development
- at densities that will allow lower-priced market-rate housing and deed-restricted moderate income housing



SUMMARY: HOW HOMEConnecticut WORKS

A municipality:

- submits to the Office of Policy and Management ("OPM") a "Project Plan" for a potential Incentive Housing Zone ("IHZ")
- receives technical assistance grant, up to \$50,000, to evaluate IHZ
- prepares a draft zoning regulation for IHZ, with design standards, meeting minimum density requirement; housing plan
- applies to OPM for IHZ approval
- after receiving OPM approval, receives \$2,000 per potential unit in IHZ
- adopts the zone regulation
- approves site or subdivision plan application
- issues building permits, collects \$2,000 per building permit from OPM

KEY ELEMENTS OF INCENTIVE HOUSING ZONES

1. "Eligible location": EITHER
 - near transportation, or
 - "area of concentrated development," or
 - area with "existing, planned, or proposed infrastructure" to support required IHZ densities
2. Minimum IHZ densities on NET developable land in eligible location:
 - 6 / acre, single-family detached
 - 10 / acre, townhome or duplex
 - 20 / acre, multi-family(NOTE: may zone for one type, two, or all three)
3. Approval by site plan or subdivision only – *non-discretionary standards*; no special permits or special exceptions



KEY ELEMENTS OF INCENTIVE HOUSING ZONES (continued)

4. Set aside of lower-cost units: minimum 20 percent for 30 years for households earning 80 percent or less of AREA (not statewide) median income; higher set asides allowed
5. "Consistent with State Plan of Conservation and Development"
6. Zone adoption must increase as-of-right residential density within zone boundary by *at least 25 percent*
7. Mixed uses allowed
8. Subzones (for example, part single-family, part multi-family) allowed

KEY ELEMENTS OF INCENTIVE HOUSING ZONES (continued)

9. May be located in (but does not override) historic district / designation
10. Design standards allowed / encouraged, so long as they will not "unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities required by the Act"



OTHER INCENTIVE HOUSING ZONE FEATURES



1. No incentive *payments* for age-restricted units (but units allowed in zone)
2. Preliminary workshops allowed
3. Limits on conditions of site plan approval
 - to ensure compliance
 - to mitigate extraordinary impacts on other properties
4. Incentive payments go to General Fund – no restrictions

**CONN. GEN. STAT. §§ 8-30g
EXEMPTION**

Within an incentive housing zone finally approved by OPM, incentive housing zone applicant "may not make such an application utilizing the provisions of [Conn. Gen. Stat.] § 8-30g"

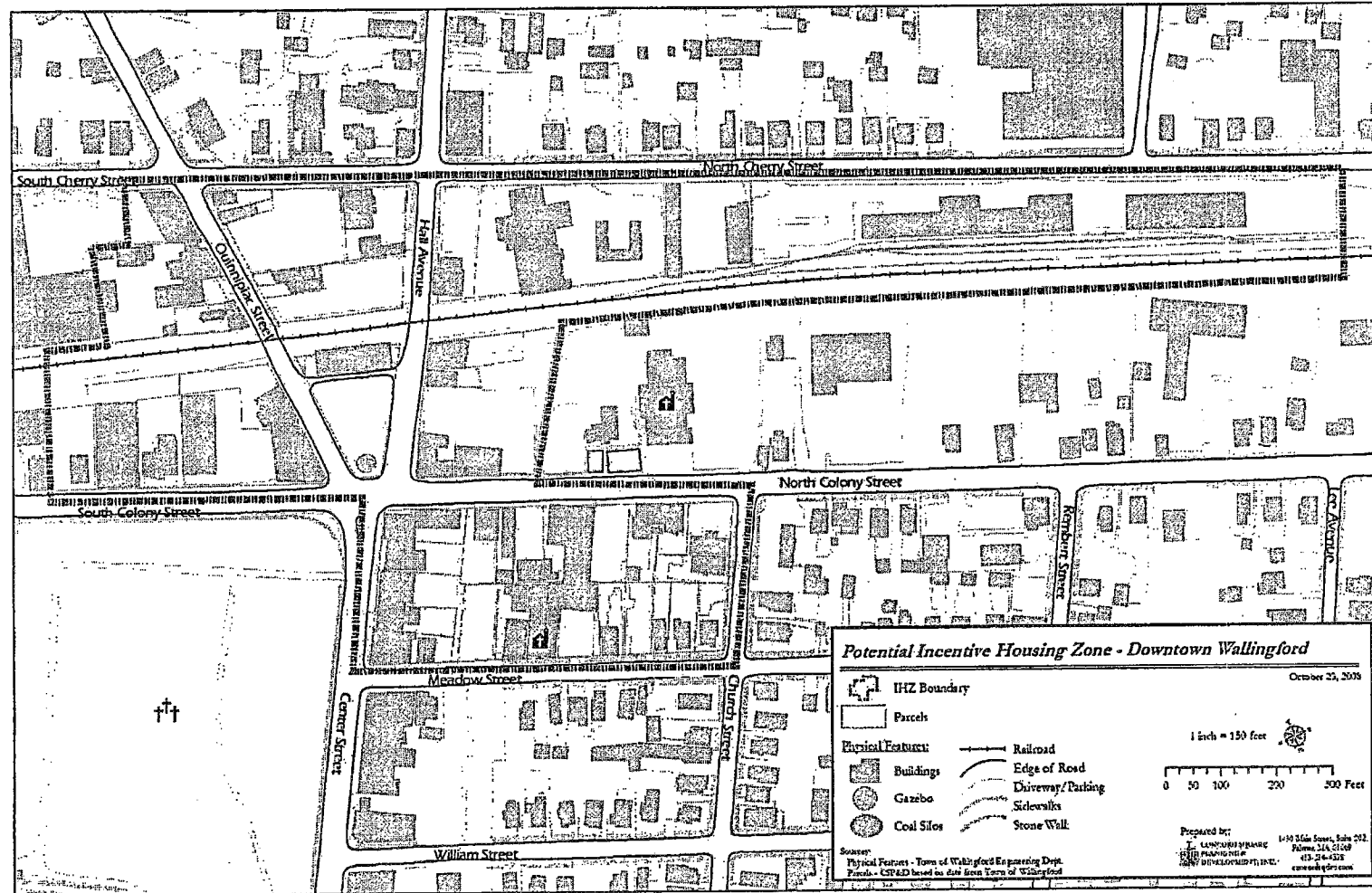
BACKGROUND: DOWNTOWN WALLINGFORD

- Envision Wallingford (2005)
 - Adopt overlay zoning district
 - Encourage new housing units in appropriate locations
 - Implement recommendations of 2004 parking study
- Expansion of commercial district studies and rejected

STUDY AREA

- All or portions of six downtown blocks
- Railroad and railroad station
- 15 acres in 48 parcels; 4 municipally-owned
- 244,000 square feet non-residential building space
- 58 housing units
- Average valuation is \$288,000, but . . .
 - 53 percent of properties valued at less than \$250,000
 - 76 percent are below the average

STUDY AREA





ISSUES

- Parking
- Traffic circulation
- Land assembly
- Density
- Reinvigorating the commercial base
- Rail service

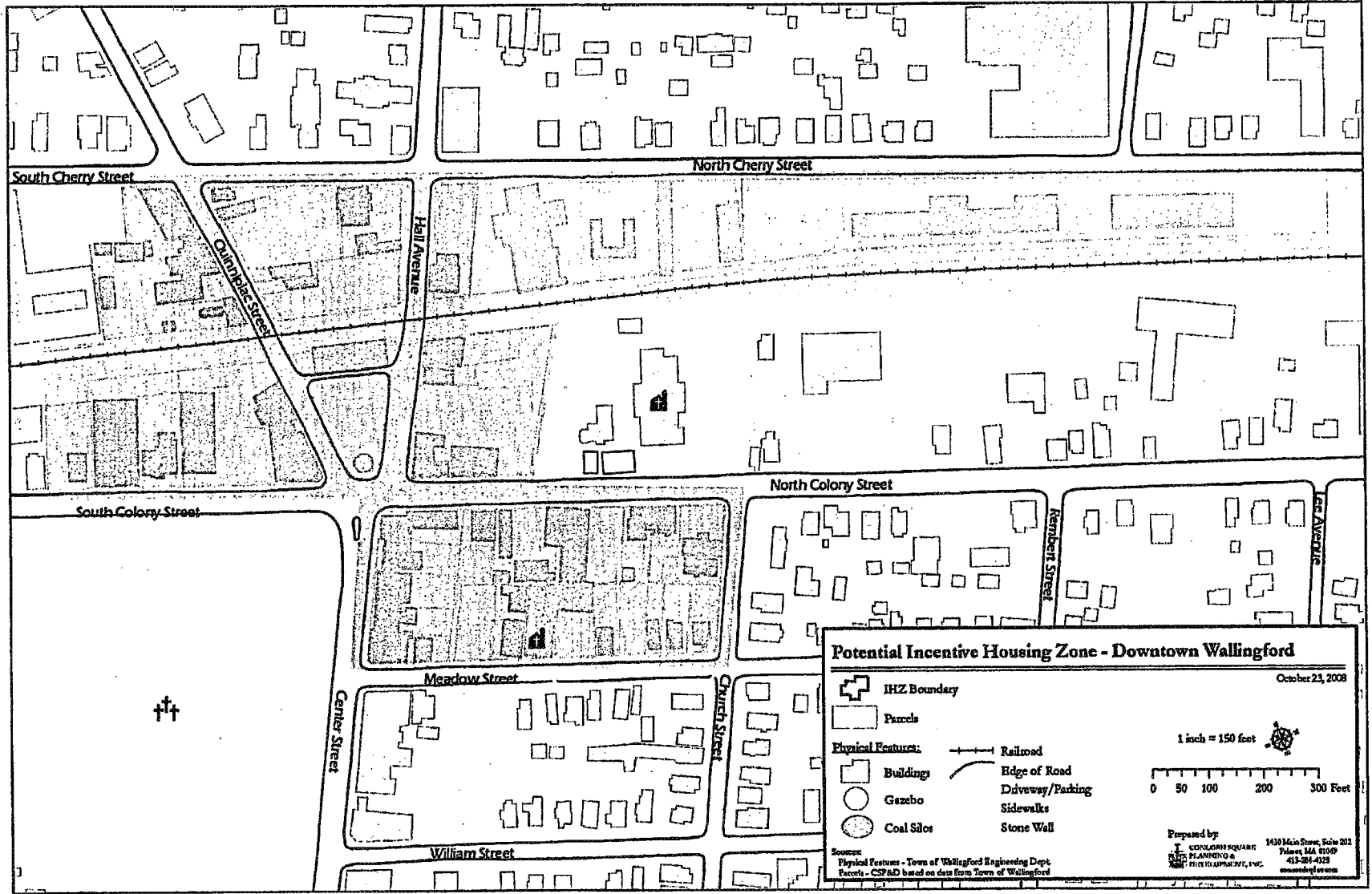
PROJECT TIMEFRAME

- Public workshop mid-December
 - Input from attendees on design issues, land use issues, potential obstacles
- File application for preliminary determination of eligibility with OPM in February 2009
 - IHZ zoning regulations and district boundaries
 - Design standards
 - Housing plan

LOOKING FORWARD

- Situated ideally between I-91 and Route 15, with rail / train station
- By creating an IHZ, Wallingford can:
 - encourage redevelopment of the downtown for commercial and residential uses
 - create development incentives through regulations
 - control development and design
 - move forward in a win-win situation

Att: B
 received
 10/27/08



Att. 1 C.
received
10/8/08

CHAPTER 124b INCENTIVE HOUSING ZONES

Sec. 8-13m. Definitions.

Sec. 8-13n. Requirements for incentive housing zones.

Sec. 8-13o. Design standards.

Sec. 8-13p. Application for preliminary determination of eligibility for zone adoption payment.

Sec. 8-13q. Preliminary determination of eligibility for financial incentive payments. Letter of final approval of ...

Sec. 8-13r. Incentive housing zone certificate of compliance.

Sec. 8-13s. Zone adoption payments. Building permit payments.

Sec. 8-13t. Application process for incentive housing development.

Sec. 8-13u. Report on incentive housing zone program to Governor and General Assembly.

Sec. 8-13v. Repayment by municipality of payments or reimbursements. Regulations.

Sec. 8-13w. Technical assistance grants for incentive housing zones.

Sec. 8-13x. Grants for housing development.

(9) "Incentive housing zone" means a zone adopted by a zoning commission pursuant to this section and sections 8-13n to 8-13x, inclusive, as an overlay to one or more existing zones, in an eligible location.

(10) "Incentive housing zone certificate of compliance" means a written certificate issued by the secretary in accordance with this section and sections 8-13n to 8-13x, inclusive.

(11) "Letter of eligibility" means a preliminary or final letter issued to a municipality by the secretary pursuant to section 8-13q.

(12) "Median income" means, after adjustments for household size, the area median income as determined by the United States Department of Housing and Urban Development for the municipality in which an approved incentive housing zone or development is located.

(13) "Mixed-use development" means a development containing one or more multifamily or single-family dwelling units and one or more commercial, public, institutional, retail, office or industrial uses.

(14) "Multifamily housing" means a building that contains or will contain three or more residential dwelling units.

(15) "Open space" means land or a permanent interest in land that is used for or satisfies one or more of the criteria listed in subsection (b) of *section 7-131d*.

(16) "Secretary" means the Secretary of the Office of Policy and Management or the designee of the secretary.

(17) "Townhouse housing" means a residential building consisting of a single-family dwelling unit constructed in a group of three or more attached units, in which each unit extends from foundation to roof and has open space on at least two sides.

(18) "Zone adoption payment" means a one-time payment, made pursuant to section 8-13s.

(19) "Zoning commission" means a municipal agency designated or authorized to exercise zoning powers under chapter 124 or a special act, and includes an agency that exercises both planning and zoning authority.

HISTORY: (June Sp. Sess. P.A. 07-4, S. 38.)

NOTES:

June Sp. Sess. P.A. 07-4 effective July 1, 2007.

(7) The land area of an incentive housing zone shall not exceed ten per cent of the total land area in the municipality. The aggregate land area of all incentive housing zones and subzones in a municipality shall not exceed twenty-five per cent of the total land area in the municipality.

(c) A zoning commission may modify, waive or delete dimensional standards contained in the zone or zones that underlie an incentive housing zone in order to support the minimum or desired densities, mix of uses or physical compatibility in the incentive housing zone. Standards subject to modification, waiver or deletion include, but shall not be limited to, building height, setbacks, lot coverage, parking ratios and road design standards.

(d) If a zoning commission adopts a regulation for an incentive housing zone that permits single-family detached homes on subdivided lots, requiring subdivision approval under the subdivision regulations of the municipality, the zoning commission shall make a written finding that the applicability of such subdivision regulations will not unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and subject to an incentive housing restriction as required in sections 8-13m to 8-13x, inclusive. If housing on subdivided lots is proposed in an incentive housing zone, the zoning commission shall use its best efforts to adopt or encourage the planning commission to adopt subdivision standards that will ensure consistency of the single-family detached housing with the purposes of sections 8-13m to 8-13x, inclusive.

(e) The regulations of an incentive housing zone may allow for a mix of business, commercial or other nonresidential uses within a single zone or for the separation of such uses into one or more subzones, provided that the zone as a whole shall comply with the requirements of sections 8-13m to 8-13x, inclusive, and that such uses shall be consistent with as-of-right residential uses and densities required under this section.

(f) An incentive housing zone may overlay all or any part of an existing historic district or districts, and a municipality may establish an historic district within an approved incentive housing zone, provided, if the requirements or regulations of such historic district render the approved housing incentive zone not in compliance with the provisions of sections 8-13m to 8-13x, inclusive, the secretary shall deny a preliminary or final letter of eligibility, deny or revoke a certificate of compliance, or deny any financial incentive payments set forth in section 8-13s.

(g) An applicant for site plan or subdivision approval to construct an incentive housing development within an approved zone may, through an incentive housing restriction, exceed the minimum requirements for such a development as follows: (1) More than twenty per cent of the total proposed dwelling units may be subject to the restriction; (2) the maximum annual income of qualifying households may be less than eighty per cent of the area median income; or (3) the duration of the restriction may be longer than thirty years. An application for approval of an incentive housing development may not be denied on the basis that the proposed incentive housing restriction contains one or more of the provisions set forth in this subsection.

(h) The provisions of this section shall not be construed to affect the power of a zoning commission to adopt or amend regulations under chapter 124 or any special act.

HISTORY: (June Sp. Sess. P.A. 07-4, S. 39.)

NOTES:

June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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LEXISNEXIS (TM) CONNECTICUT ANNOTATED STATUTES

*** THIS DOCUMENT IS CURRENT THROUGH THE 2008 SUPPLEMENT ***
*** ANNOTATIONS CURRENT THROUGH JANUARY 2, 2008 ***

TITLE 8 ZONING, PLANNING, HOUSING, ECONOMIC AND COMMUNITY DEVELOPMENT AND HUMAN
RESOURCES
CHAPTER 124b INCENTIVE HOUSING ZONES

GO TO CONNECTICUT STATUTES ARCHIVE DIRECTORY

Conn. Gen. Stat. § 8-13p (2008)

Sec. 8-13p. Application for preliminary determination of eligibility for zone adoption payment.

On or before June 30, 2017, a municipality may file with the Secretary of the Office of Policy and Management an application for preliminary determination of eligibility for a zone adoption payment pursuant to subsection (a) of section 8-13s. Such application shall:

- (1) Identify and describe the boundaries of the proposed incentive housing zone or zones;
- (2) Identify, describe and calculate the developable land within the proposed incentive housing zone or zones;
- (3) Identify and describe existing and potential residential development and the potential for reuse of existing or underutilized buildings within the zone or zones;
- (4) Calculate the number of residential units that may be constructed in the zone or zones if the proposed regulations are approved based on developable land and the minimum as-of-right densities set forth in subdivision (3) of subsection (b) of section 8-13n;
- (5) Include a housing plan that describes the anticipated build-out of the zone or zones, including information on available and proposed infrastructure, compatibility of proposed incentive housing development with existing and proposed buildings and uses, and efforts that the municipality is making or intends to make to support and promote the residential construction permitted by the proposed regulations;
- (6) Include the text of the proposed incentive housing zone regulations and design standards and, if applicable, the text of the subdivision regulations; and
- (7) Include the text of the proposed incentive housing restriction and a plan for administering and enforcing its requirements and limitations.

HISTORY: (June Sp. Sess. P.A. 07-4, S. 41.)

NOTES:

June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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TITLE 8 ZONING, PLANNING, HOUSING, ECONOMIC AND COMMUNITY DEVELOPMENT AND HUMAN
RESOURCES
CHAPTER 124b INCENTIVE HOUSING ZONES

GO TO CONNECTICUT STATUTES ARCHIVE DIRECTORY

Conn. Gen. Stat. § 8-13r (2008)

Sec. 8-13r. Incentive housing zone certificate of compliance.

(a) Each municipality whose zoning commission has received a final determination of eligibility and has adopted an approved incentive housing zone shall annually, in accordance with procedures established by the Secretary of the Office of Policy and Management, apply to the secretary for an incentive housing zone certificate of compliance. To receive a certificate, the municipality shall verify within the time specified by the secretary that:

(1) The zoning commission of the municipality has not amended or repealed any portion of the regulations or design standards in the incentive housing zone without approval of the secretary as required by sections 8-13o and 8-13q;

(2) The approval of the incentive housing zone has not been revoked by the secretary;

(3) The municipality is making reasonable efforts to assist and promote approval of incentive housing development and construction of housing within the approved zone or zones; and

(4) The zoning commission has not unreasonably denied any application for site plan or subdivision approval, or other necessary coordinating permits or approvals, and has only denied applications in a manner consistent with the provisions of section 8-13t.

(b) If the information required pursuant to subsection (a) of this section has been submitted by a municipality in a timely manner, and the secretary makes a determination that the municipality has met the requirements of sections 8-13m to 8-13x, inclusive, the secretary shall issue compliance certificates by October first annually. If the secretary determines that the municipality is in material noncompliance with the requirements of sections 8-13m to 8-13x, inclusive, the secretary, after notice and hearing pursuant to chapter 54, may revoke certification. Any revocation of certification, or other sanctions imposed by the secretary under section 8-13v, shall not affect the validity of the incentive housing zone regulations or the application of such regulations to a pending or approved development application within the incentive housing zone, but shall render the municipality ineligible for financial incentive payments set forth in section 8-13s.

HISTORY: (June Sp. Sess. P.A. 07-4, S. 43.)

NOTES:

June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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CHAPTER 124b INCENTIVE HOUSING ZONES

GO TO CONNECTICUT STATUTES ARCHIVE DIRECTORY

Conn. Gen. Stat. § 8-13t (2008)

Sec. 8-13t. Application process for incentive housing development.

(a) A zoning commission shall prescribe, consistent with the provisions of sections 8-13m to 8-13x, inclusive, the form of an application for approval of an incentive housing development. The time for and procedures for receipt and processing of applications shall be as provided in chapters 124 and 126, as applicable. A zoning commission or its agent may, to the extent allowed by the Freedom of Information Act, conduct one or more preliminary or preapplication planning or workshop meetings with regard to an incentive housing zone or development. A zoning commission shall conduct a public hearing in connection with an application for site plan or subdivision approval of an incentive housing development.

(b) The regulations of an incentive housing zone may require the applicant for approval of an incentive housing development to pay the cost of reasonable consulting fees for peer review of the technical aspects of the application for the benefit of the zoning commission. Such fees shall be accounted for separately by the municipality from other moneys and used only for expenses associated with the technical review of the application by consultants who are not otherwise salaried employees of the municipality or the zoning commission. Any amount in the account remaining after payment of all expenses for technical review, including any interest accrued, shall be returned to the applicant not later than forty-five days after the completion of the technical review.

(c) The regulations of the incentive housing zone may provide for the referral of a site plan or subdivision application to other agencies, boards or commissions of the municipality for comment. If a site plan or subdivision application is referred to another agency, board or commission, such agency, board or commission shall provide any comments within the time period contained in *section 8-7d* that is applicable to such application. The provisions of this section shall not be construed to affect any other referral required by the general statutes.

(d) An incentive housing development shall be approved by the zoning commission subject only to conditions that are necessary to (1) ensure substantial compliance of the proposed development with the requirements of the incentive housing zone regulations, design standards and, if applicable, subdivision regulations; or (2) mitigate any extraordinary adverse impacts of the development on nearby properties. An application may be denied only on the grounds: (A) The development does not meet the requirements set forth in the incentive housing zone regulations; (B) the applicant failed to submit information and fees required by the regulations and necessary for an adequate and timely review of the design of the development or potential development impacts; or (C) it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of conditions acceptable to the applicant.

(e) The duration and renewal of an approval of an incentive housing development shall be governed by subsection (i) of *section 8-3*, subsection (j) of *section 8-3*, *section 8-26c* or *section 8-26g*, as applicable. The time to complete the work approved shall be extended (1) by the time required to adjudicate to final judgment any appeal from a decision of the commission on an incentive housing development site plan or subdivision plan or any required coordinate permit; (2) by the zoning commission if the applicant is actively pursuing other permits needed for the development; (3) if there is other good cause for the failure to complete such work; or (4) as provided in an approval for a multiphase development.

1 of 1 DOCUMENT

LEXISNEXIS (TM) CONNECTICUT ANNOTATED STATUTES

*** THIS DOCUMENT IS CURRENT THROUGH THE 2008 SUPPLEMENT ***
*** ANNOTATIONS CURRENT THROUGH JANUARY 2, 2008 ***

TITLE 8 ZONING, PLANNING, HOUSING, ECONOMIC AND COMMUNITY DEVELOPMENT AND HUMAN
RESOURCES
CHAPTER 124b INCENTIVE HOUSING ZONES

GO TO CONNECTICUT STATUTES ARCHIVE DIRECTORY

Conn. Gen. Stat. § 8-13u (2008)

Sec. 8-13u. Report on incentive housing zone program to Governor and General Assembly.

(a) The Secretary of the Office of Policy and Management shall be responsible for the administration, review and reporting on the incentive housing zone program as provided in sections 8-13m to 8-13x, inclusive.

(b) On or before January 1, 2009, and annually thereafter, the secretary shall submit an annual report on the program to the Governor and the General Assembly in accordance with *section 11-4a*. Each municipality shall submit to the secretary any data requested by the secretary on the incentive housing program. The report shall be based on such data and shall be for the period ending the last day of the prior fiscal year. The report shall (1) identify and describe the status of municipalities actively seeking letters of eligibility; (2) identify approved incentive housing zones and the amounts and anticipated schedule of zone adoption and building permit payments under section 8-13s during the prior and current fiscal year; (3) summarize the amount of land area zoned for particular types of development in both proposed and approved zones and the number of developments being reviewed by zoning commissions under section 8-13t, including the number and type of proposed residential units, the number of building permits issued, the number of completed housing units and their type; (4) state the amount of zone adoption and building permit payments made to each municipality; and (5) for the current and immediately succeeding fiscal years, estimate (A) the anticipated number and size of proposed new incentive housing zones over such time period; (B) the number and size of new incentive housing zones that may be approved over such time period; (C) the potential number of residential units to be allowed in such new and proposed incentive housing zones; and (D) anticipated construction of housing over such time period.

HISTORY: (June Sp. Sess. P.A. 07-4, S. 46.)

NOTES:

June Sp. Sess. P.A. 07-4 effective July 1, 2007.

1 of 1 DOCUMENT

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GO TO CONNECTICUT STATUTES ARCHIVE DIRECTORY

Conn. Gen. Stat. § 8-13w (2008)

Sec. 8-13w. Technical assistance grants for incentive housing zones.

Within available appropriations, the Secretary of the Office of Policy and Management may make grants to municipalities for the purpose of providing technical assistance in the planning of incentive housing zones, the adoption of incentive housing zone regulations and design standards, the review and revision as needed of applicable subdivision regulations and applications to the secretary for preliminary or final approval as set forth in sections 8-13m to 8-13x, inclusive. The secretary may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section.

HISTORY: (June Sp. Sess. P.A. 07-4, S. 48.)

NOTES:
June Sp. Sess. P.A. 07-4 effective July 1, 2007.

HW. L.
Rec'd 10/27/08

October 27, 2008

Dear Wallingford Zoning Board and Town Council Members,

I am the trustee in the ownership of twenty-five acres of land on Williams Road in Wallingford's I-5 zone. My adjacent neighbors, Nancy Ringrose and Carol Perrotta, are also the owners of twenty-five acres in the I-5 zone. We have owned our properties for over thirty-five years and have been trying to sell this fifty-acre piece without success for years.

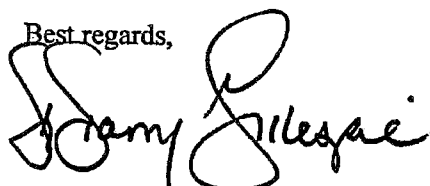
I am not able to attend tonight's meeting, but would like to have my voice heard with the following pertinent points:

1. With the most recent I-5 zoning change rejection, the town's chief argument was that land in the area was being sold and buildings were going up with the present I-5 zoning. Since everything was working as planned, there was no need for change, and the I-5 zoning ruling remained intact. Now the circumstances have dramatically worsened since the 300,000 square foot Mortgage Lender's Network building has failed to attract a single tenant, the Hilton Garden Inn sits uncompleted, and no land sales or new construction has taken place in the area.
2. A secondary rationale that the zoning board gave for its rejection of an amendment to the regulations was that retail development in the I-5 zone would take business away from downtown. The three-mile distance between the two defines two separate and distinct markets – the highway consumers and the local consumers. You will find successful highway/downtown development all over Connecticut and America. Why can't we make it happen successfully in Wallingford?
3. The MLN building has sat empty since completion. The market for office space has vaporized, and the future prospect for the I-5 land to be developed as office buildings, as currently dictated by the town, is zero. We may be entering another 15-year office building hiatus, similar to the one Wallingford experienced from 1991-2006.
4. With the current financial crisis and depressed economy, one can anticipate that Wallingford tax revenues will be down in the near future. Can the town afford not to help develop these interstate-oriented properties that will bring in substantial new tax revenues? In this time of crisis is the town really that well off financially?
5. What happened to the recommendations of the paper: The 2004 – Plan of Conservation and Development – Envision Wallingford 2015? A priority recommendation was, "The town should consider rezoning the Interchange District properties to permit a planned development of office, retail, and light industrial uses." The town also "should consider the possibility of limited retail/restaurant uses in planned developments in IX and I-5 zones." Is anyone in town listening to the professional experts?
6. Why can't Wallingford develop its Route 91 interchange, as the Commission recommended, in a pleasing manner like many of the other towns in Connecticut

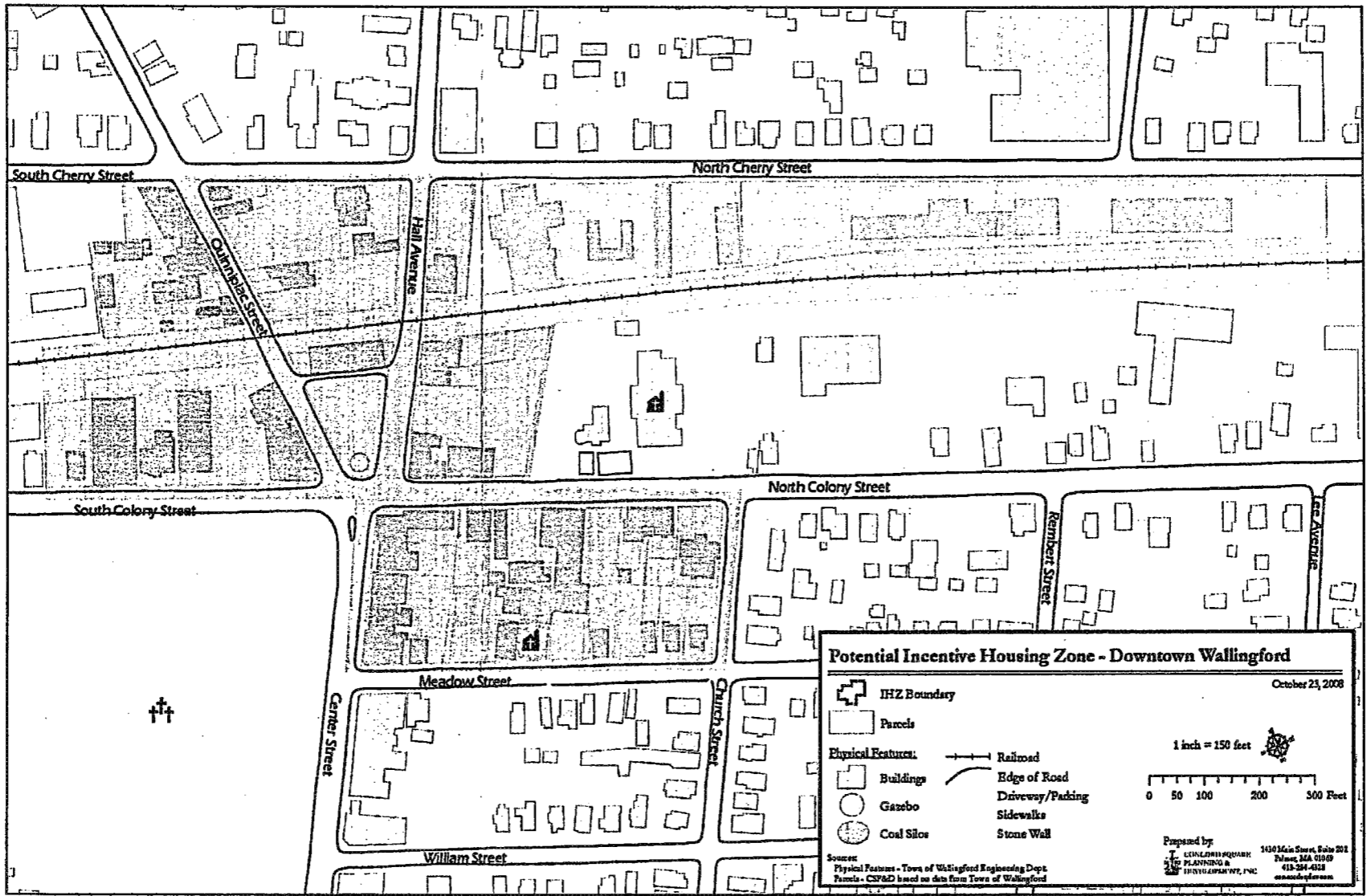
and America have done? A Borders, a Starbucks, some up-scale shopping, some medical offices, and similar aesthetic development can make the town shine and collect some needed tax revenues too – a win-win for everyone.

Thank you for your consideration.

Best regards,

A handwritten signature in black ink that reads "Barry Gillespie". The signature is written in a cursive style with a large, looping initial "B".

Dr Barry Gillespie
Philadelphia



October 23, 2008

att. 6
rec'd 10/27/08

Michael Brodinsky, Chairman
Wallingford Town Council
45 South Main Street
Wallingford, CT 06492

Chairman Brodinsky,

Unfortunately, a previous commitment prevents me from attending this evening's meeting to voice my opinions at this joint meeting of the Town Council and Planning & Zoning Commission, therefore I am requesting that my letter be read into the record.

As a resident of Balsam Ridge Condominium Association, an Open Space Planned Residential Development (OSPRD), I would like an explanation of the reasoning behind the Planning & Zoning Commission's adoption of a regulation that denies the residents of an OSPRD the same right afforded other residential taxpayers in the Town of Wallingford; the granting of a variance to enclose/enlarge pre-existing decks on residential dwellings.

Residents of Balsam Ridge are private property owners and pay the same rate of tax as other residential private property in the Town of Wallingford. Numerous residents make application to, and are granted variances by, the ZBA over the course of a year to enclose and/or enlarge pre-existing decks on their residential dwellings.

Balsam Ridge residents, however, have been denied the same variance afforded others by the ZBA, a variance to enclose their decks, based on a Zoning regulation written specifically to restrict the OSPRD residents' use of their private property adopted two years after Balsam Ridge Condominium Association came into existence.

The decks at Balsam Ridge were constructed flush with the rear walls of the unit at the time of construction and fall within the original building footprint approved by PZC. The decks are surrounded by three full walls and a railing, and access to the deck is gained by way of sliders off the main living areas. The decks offer no access to the rear yards of the units.

The residents of Balsam Ridge have requested a change in the use of the deck space and were denied permission to do so. This is an age-restricted community that plows and maintains its own roads and places no burden on the school system. We feel the Town has denied us opportunities that other residential private property owners enjoy for the same tax dollars in Wallingford.

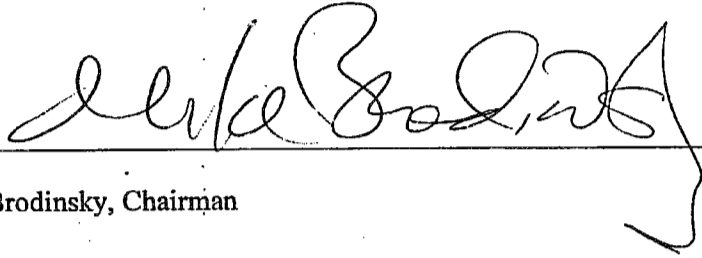
I respectfully request that the Zoning regulation(s) that restricts the use of the residents' private property in OSPRDs be repealed. The use of private property in an OSPRD should be determined by the owners' Association and not the Town of Wallingford.

Very truly yours,

Geno J Zandri, Jr.
Balsam Ridge Circle
Wallingford, CT 06492

Town of Wallingford, CT

SIGNATURE PAGE



12/31/02

Mike Brodinsky, Chairman

Date

Barbara Kapi, Town Clerk

Date