



Town of Wallingford, Connecticut

JAMES SEICHTER
CHAIRMAN-PLANNING & ZONING COMMISSION

KACIE A. HAND, A.I.C.P.
TOWN PLANNER

WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2090
FAX (203) 294-2095

FINAL AGENDA
Wallingford Planning and Zoning Commission Meeting
August 10, 2020
7:00 p.m.

The following Public Hearings and other agenda items will be heard at the Wallingford Planning and Zoning Commission's meeting of Monday, August 10, 2020 at 7:00 p.m. REMOTELY ONLY. The meeting can be accessed through:

<https://global.gotomeeting.com/join/979581381>
YOU CAN ALSO DIAL IN USING YOUR PHONE:
United States (Toll Free): 1-646-749-3112
United States +1(786)535-3211
Access Code: 979-581-381

Live Stream of the meeting will also be available on the Town of Wallingford You Tube Channel:
<https://www.youtube.com/c/wallingfordgovernmenttelevision>

Materials for this Public Hearing will be posted on the Town's website: www.town.wallingford.ct.us

Call to Order
Pledge of Allegiance
Roll Call
Consideration of Minutes: July 13, 2020

PUBLIC HEARINGS

- | | | |
|----|--|---------|
| 1. | Special Permit (Location of Use)/S. Abdelsalam/1191 North Colony Road | #406-20 |
| 2. | Special Permit (Location of Use)/New England Truck Equip./4 Barker Drive | #407-20 |
| 3. | Special Permit (Location of Use)/C. Malave/3 Buel Street | #408-20 |

NEW BUSINESS

- | | | |
|----|---|---------|
| 4. | Site Plan/W. Ulbrich / 71 Curtis Avenue (WITHDRAWN) | #207-20 |
| 5. | Site Plan/D.T. Warren Family Trust/809 North Main Street Ext. (NO ACTION) | #210-20 |
| 6. | Revocation of Notice of Nullification of Subdivision/1345, 1411, 1443 Durham Road | #118-86 |

BOND RELEASES AND REDUCTIONS

- | | | |
|----|--|---------|
| 7. | Subdivision/DiNatale/605 North Elm Street | #101-17 |
| 8. | Site Plan/NERP Holdings/801 North Colony Road | #203-18 |
| 9. | Site Plan/John Gargano Limited Partnership/9 & 11 First Street | #226-16 |

REPORTS OF OFFICERS AND STAFF

- | | | |
|-----|---|---------|
| 10. | Administrative Approvals | |
| | a. Change of Use/145 Prince Street, LLC/145 Prince Street | #304-20 |
| | b. Survey Waiver/Ahsan/54 Washington Street | #807-20 |
| | c. Survey Waiver/Losi/21 Valley View Drive | #808-20 |
| | d. Survey Waiver/Baldarelli/5 Hamlin Avenue | #809-20 |
| 11. | ZBA Decisions – July 20, 2020 | |
| 12. | ZBA Notice – August 17, 2020 | |
| 13. | Zoning Enforcement Log | |

Individuals in need of auxiliary aids for effective communication in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five (5) days prior to meeting date.

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RECEIVED

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JUL 20 2020

Wallingford Planning & Zoning Commission

WALLINGFORD
PLANNING & ZONING

Monday, July 13, 2020

Remote Meeting

MINUTES

Chairman Seichter called the meeting to order at approximately 7:05 p.m.

Pledge of Allegiance was recited by all.

Roll Call: Present: James Fitzsimmons, Regular Member; Jeff Kohan, Regular Member; Rocco Matarazzo, Secretary; JP Venoit, Vice-Chair; Jim Seichter, Chairman; Steven Allinson, Alternate; Jaime Hine, Alternate.

Staff: Kacie Hand, Town Planner; Tom Talbot, Planner.

Absent: Armand Menard, Alternate.

Chairman Seichter explained how the meeting would be conducted in the remote environment.

Approval of Minutes – June 8, 2020

Commissioner Venoit: Motion to accept the minutes of the June 8, 2020 meeting as submitted, seconded by Commissioner Fitzsimmons: Second

Vote: Unanimous

Chairman Seichter noted that the following applications will not be heard this evening.

5. Site Plan (Multi/Family Conversion)/W. Ulbrich/71 Curtis Avenue. No action

8. Site Plan/D.T. Warren Family Trust/809 North Main Street Ext. No action.

PUBLIC HEARING

#1 Zoning Text Amendment/\$4.24 Rental Housing Opportunity District/Sunwood Dev. #502-20

Commissioner Matarazzo noted all new correspondence pertaining to this application for the record. Inter-Departmental Referral dated May 11, 2020, from the Town Engineer; Correspondence dated June 29, 2020, from Tom Talbot, Planner to Sunwood Development Corp.; Memorandum dated May 14, 2020, from Alison Kapushinski, Town Engineer to Tom Talbot, Planner; application for zoning regulation change dated March 27, 2020.

Bob Wiedenman, Jr. of Sunwood Development reported that he had mailed the public hearing notice to all abutting properties last week as required. This included all the residents in the Towers. There are two changes to the current RHOD zone one being Section 2.1 referring to the maximum size of the parcel and raising it from 3.5 acres to 4 acres. They are in the process of acquiring abutting property which would add about a half-acre to this project. The second section to be modified is Section D6d referring to the setback requirements. These are currently for 30 foot rear yard setback. They are requesting a reduction to 20 feet, but only in the areas where the property abuts other open space or another multifamily community, in this case, the Towers condominium property.

~~it needs to be posted on the town website or sent by regular mail is acceptable and due to an Executive~~
Order, no signature is required. If it was sent by regular mail, it meets the requirement. Mr. Talbot noted that he has a copy of the list the mailing went to. Mrs. Hand asked if the time frame still applies and Mr. Talbot indicated he didn't know. Mr. Wiedenman stated that the time frames did not change. There was an Executive Order in January or February on this because of the concern with hand delivery and visiting the post office. Mrs. Hand agreed that the applicant met the requirement for mailing

Commissioner Venoit: Motion to close the public hearing for application 503-20 a Zoning Map Amendment (R-18 to RHOD)/Sunwood Dev/52 Woodhouse Avenue

Commissioner Fitzsimmons: Second

Vote: Fitzsimmons – yes; Kohan – yes; Matarazzo – yes; Venoit – yes; Chair Seichter – yes

Commissioner Venoit: Motion to approve application 503-20 a Zoning Map Amendment to the official zoning map of the Town of Wallingford for Sunwood Dev from R-18 (single-family residential) to RHOD (Rental Housing Opportunity District) for a .5 acre parcel located in the eastern portion of the property located at 52 Woodhouse Avenue as shown on the map entitled Property and Topography Survey lot line revision land of Mario R and Stella Moutinho of 52-56 Woodhouse Avenue Wallingford, CT dated 1/16/20, effective date 7/17/20 because it fits within the character of the zoning regulations.

Commissioner Fitzsimmons: Second

Vote: Fitzsimmons – yes; Kohan – yes; Matarazzo – yes; Venoit – yes; Chair Seichter – yes

#3 Special Permit/TC Realty, LLC/122 Center Street #405-20

Commissioner Matarazzo noted all new correspondence pertaining to this application for the record. Inter-Departmental Referral dated May 18, 2020, from Fire Marshal; correspondence dated June 16, 2020, from Tom Talbot, Planner, to Angelo and Catherine Casablanca Irrevocable Trust dba TC Realty, LLC; Inter-Departmental Referral dated May 18, 2020, from Fire Marshal; correspondence dated June 24, 2020, from Steven Lazarus, Lazarus & Sargeant to Thomas Talbot, Planner; Memorandum dated June 30, 2020, from Department of Engineering to Planning and Zoning Commission; Correspondence dated July 8, 2020, from Steven Lazarus, Lazarus & Sargeant to Thomas Talbot, Planner; Site Plan dated 7/9/20 for Apartment Conversion, 122-128 Center Street, Wallingford, CT; Interoffice Memorandum dated July 9, 2020, from Erik Krueger, Senior Engineer to Tom Talbot, Planner.

Steve Lazarus of Lazarus & Sargeant of Wallingford presented for Anthony Capobianco. The property is above Wallingford Lamp & Shade and The Hubcap. It is currently vacant and technically currently office use. The use of second-floor space in the downtown area for residents is a very desirable use and the owner decided that that would be the best use for his property. Because the new Town Center Regulations require a change of use when there is a change from any use to residential. It also requires the entire site to be brought into compliance with the current parking regulations. There are elaborate formulas for ways that those parking regulations might be reduced. The property is a test for how well the new regulations can be applied to an existing very difficult and very tight situation. The parking requirements drive this project. By regulation, 15.7 spaces are required, and right now there legitimately isn't a single designated parking space on the property. He stated that the Town records

Chairman Seichter complimented Mr. Lazarus on taking full advantage of the new Town Center regulations to make the project work.

Commissioner Venoit: Motion to close the public hearing for application 405-20, Special Permit for TC Realty, LLC to permit two second-floor apartments in an existing structure at 122 Center Street zoned Town Center District.

Commissioner Fitzsimmons: Second

Vote: Fitzsimmons – yes; Kohan – yes; Matarazzo – yes; Venoit – yes; Chair Seichter – yes

Commissioner Venoit: Motion to approve application 405-20, a Special Permit for TC Realty, LLC to permit two second-floor apartments in an existing structure at 122 Center Street as shown on plans entitled Apartment Conversion 122 to 128 Center Street, Wallingford, CT dated 4/30/20 revised to July 8, 2020, subject to the following conditions:

- 1. Comments from Thomas Talbot, Planner to TC Realty LLC, dated 6/16/20 as applicable**
- 2. Comments and recommended conditions of approval and interoffice memorandum from Erik Krueger, Senior Engineer, Water & Sewer Divisions to Thomas Talbot, Planner updated 7/9/20**
- 3. Comments of Allison Kapushinski, Town Engineer to Planning and Zoning, dated 6/30/20**
- 4. Comments from Fire Marshal dated 6/10/20**
- 5. Final plans will have impervious pavers where represented**
- 6. The dumpster will be screened**
- 7. Designation of parking spots and appropriate signage to be acceptable by the Planning Department**
- 8. Recommendation of the cross easements to be approved by the Planning Department**

Commissioner Fitzsimmons: Second

Vote: Fitzsimmons – yes; Kohan – yes; Matarazzo – yes; Venoit – yes; Chair Seichter – yes

NEW BUSINESS

4. Site Plan/Sunwood Development/52 and 88 Woodhouse Avenue #204-20

Commissioner Matarazzo noted all new correspondence pertaining to this application for the record. Correspondence dated June 29, 2020, from Tom Talbot, Planner to Sunwood Development Corp.; Interoffice Memorandum dated July 8, 2020, from Erik Krueger, Senior Engineer, Water & Sewer Divisions to Tom Talbot, Planner; correspondence dated April 16, 2020, from Paul Mozzicato, CT Department of Transportation to Christopher Juliano, Juliano Associates, LLC; Memorandum dated May 27, 2020, from Alison Kapushinski, Town Engineer to Inland Wetlands and Watercourses Commission; Memorandum dated April 17, 2020, from Alison Kapushinski, Town Engineer to Christopher Juliano, Juliano Associates; correspondence dated July 9, 2020, from Alison Kapushinski, Town Engineer to Kacie Hand, Town Planner; Site Layout Plan Proposed Residential Development Land of Fairway Apartments LLC #88 Woodhouse Avenue, Wallingford, CT.

Mr. Talbot read into the record a letter dated July 7, 2020, to Tom Talbot, Planner from Bob Wiedenman. This is a series of responses to Mr. Talbot's earlier correspondence with Mr. Wiedenman. Mr. Talbot read the letter. "Comment 1, no variance information will be added to the plans. Comment

The next available unit would become an affordable unit. So the affordable units may change location, but they will maintain the number.

Mrs. Hand agreed with his interpretation and asked for verification that there are no affordable units in building C. Mr. Wiedenman confirmed and stated that it is because those units are elevated and have parking underneath. But if the next available unit for affordable is in building C, it would be used as affordable

Mr. Wiedenman reviewed the site lighting and stated that all the units have front porches with reset down lighting that would be full cut off and comply with regulations. He pointed out some pole lighting in the lot in the South East Corner with full cut off. Details will be provided. He stated that the light does not intrude on adjoining properties. Mr. Wiedenman noted that one requirement is that at least 1500 sq ft of land be available for passive recreation. He explained that they are well in excess with close to 20 or 30,000 square feet. He noted that the green space behind the units is common space not private backyards for the units.

Chairman Seichter asked if there is a time period for the affordability. Mr. Wiedenman replied there has been no change from the original plan which had a 50 year affordability period. He noted that this is in excess of the 830G requirement. Chairman Seichter asked for a brief overview of the affordability plan. Mr. Wiedenman explained that the original proposal was for a single 3 story building with 36 units. A single-family house was also on the property that has been torn down. The originally proposed affordability component was similar. The biggest difference is that the units are larger. One change was that a private for-profit company was managing the affordable units. Sunwood Development is working on an agreement with the Wallingford Housing Authority, who manages other 830G properties. He will provide that agreement when it is finalized. If it doesn't work out, they will find another suitable 3rd party to oversee the plan compliance. He noted that there are calculations dated from 2013 that were not updated because the units won't be available for rent until 2021. He stated that the figures will be updated but the same formulas will be used to calculate the maximum rent at both the 60 and 80 percent levels. Chairman Seichter clarified that the date doesn't drive the income numbers. Mr. Wiedenman agreed, stating that the regulations call for the Median income amount based on the day the lease is signed. That's how it's written in the affordability plan. It's a HUD calculation, not something we create. 10 of the affordable units will be 2-bedroom and one 3-bedroom.

Mr. Talbot noted that most of his comments were addressed. He asked about the designated common space and stated that he is uncertain if it complies with the spirit of the original RHOD regulation. The regulation mentions a specific area and includes the language of picnic tables, benches, etc. The Commission needs to determine what they want to see. Mr. Talbot asked about lighting referred to in the plan for the southwest lot as 'typical'. There were no details on the lighting in the plan. He noted that the final plan needs to clearly show the five parking spaces dedicated to 90 Woodhouse Ave. Mr. Wiedenman replied that the recreation areas are big enough for picnic tables, benches, etc. and that they could provide some. There is more than enough green space. As for lighting, he agreed to provide details on the pole lights in the southwest lot. Regarding the five spaces for 90 Woodhouse, he explained that the easement referenced 5 spaces in the previous site plan. He noted that the southwest

Chairman Seichter noted that building B has 12-foot arborvitae and suggested the same for Building D. Mr. Wiedenman stated that the fence will be replaced with a vinyl or wood 6 ft fence and he agreed that tall plantings would be added. Chairman Seichter referred to the July 9, 2020 memo from the Town Engineer regarding the easement for the proposed drive for Moutinho and asked if it was addressed. Mr. Wiedneman replied that he understood that this is not a formal easement. Because this was a paper street, all the properties had certain rights. When the property deed was deeded to the prior owner the rights were not extinguished. He stated that there is no intent to take away these rights. They will now improve and maintain the driveway. Chairman Seichter asked Mrs. Hand if she concurred with the lack of need for an easement?. Mrs. Hand stated that it is more of a legal question. She stated that we will accept as long as there is some sort of legal perpetual right to access. Christopher Juliano of Juliano Associates replied that the deeds go back to Katherine Street and Edward Street that were never built. The rights were deeded to various parties subject to the use by any abutting property owner. Those who have frontage on that road, or access, continue to have access. The deed continues to be subject to the rights of others to use these paper streets for access. This is similar to the neighbor on the eastern side, who has access on Captain Street down to Florence. That landlocked property has the right to continue to use and build a driveway to get to Florence Street. We cannot extinguish those rights. To satisfy the Town Engineer, we can create an easement for the property at 52 to legitimize the access. Their right to access is in our deed. Mr. Wiedenman stated he'd be happy to do that. Chairman Seichter mentioned the communication from DOT dated April 16, 2020. He suggested making those comments a condition even though Mr. Wiedenman claims addressed.

Mr. Talbot suggested adding a requirement that the affordable units be shown on the final site plan; add parking for 90 Woodhouse to be clearly designated on final site plan; lighting details to be shown on the plan; provision for snow shelves on the final plan; the provision of a 1500 sq ft common open space as discussed; Town Planner's conditions regarding final affordability plan to be approved by the planning office prior to the issuance of a Certificate of Occupancy; include the written responses from Mr. Wiedenman to Mr. Talbot's comments dated July 7, 2020; creation of a formal easement for 52 Woodhouse as discussed; and include the comments for DOT dated April 16, 2020, concerning access onto Woodhouse Avenue.

Commissioner Venoit: Motion to approve application 204-20 site plan for Sunwood Development to construct 36 dwelling units in four buildings on 3.19 acres at 88 and portions of 52 Woodhouse Avenue as shown on plans entitled Site Layout Plan Proposed Residential Development, Land of Fairway Apartments LLC, 88 Woodhouse Avenue, Wallingford CT, dated 3/23/20 revised t 7/10/20 subject to the following conditions:

1. Letter from Thomas Talbot, Planner, to Sunwood Development, dated 6-29-20 as applicable
2. Comments and recommended conditions of approval in Inter-office memorandum from Erik Krueger, Senior Engineer, Water & Sewer Division to Thomas Talbot, Planner, dated 7/8/20.
3. Comments from Allison Kapushinski, Town Engineer, to Inland Wetlands and Watercourse Commission dated 4/17/20 and 5/27/20
4. Sediment and Erosion Control Bond to be set by Town Planner and posted before the commencement of work
5. Final plan with a snow shelf shown on plans

~~for that property. There is no relationship with any of the adjoining properties. Mr. Lazarus noted that Wallace Avenue is more a parking access lane and not really treated as a street, so backing out into the street is not a problem in this neighborhood. Mrs. Hand noted that the Commission will have to determine if that is a pre-existing condition and we know that there is no formal access. She stated that this is a reminder that when we write regulations we need to bear in mind that representations being made at the time for specific properties might not be what we actually end up have come before us. We did write regulations designed for what we'd like to see happen in the Town Center that was not based on any particular property.~~

Mr. Talbot stated that the Commission has to make a determination whether the proposed location of the dumpster complies with zoning regulations regardless of any other considerations. He noted the engineering comments from June 30th on the extension of the sidewalk across the driveway/parking area. The Town Engineer is concerned. It looks more like a pull through to get back behind 357. If it's going to be turned into a driveway, you need to extend the sidewalk across the front of this existing property.

Chairman Seichter asked how the dumpster is accessed if there is parking in front of it. Mr. DiNatale stated that whether the sidewalk is raised or lowered, they are agreeable with whatever the Commission wants. They expect low-frequency use of the dumpster with designated pick up times. The alternative is to move it to the lawn area or use canisters that move. This way it is out of sight and screened. Chairman Seichter asked for information on the fencing around property lines and the dumpster. Mr. DiNatale replied that it would be vinyl and consistent with the adjacent property, as well as covering all four sides of the dumpster. He noted that he is aware of issues with refuse companies damaging gates.

Commissioner Fitzsimmons noted the June 30 memo and asked if the staff is in favor of the driveway apron and heavy-duty concrete sidewalk. Mr. Talbot and Mrs. Hand replied yes if it is becoming parking spaces. Commissioner Fitzsimmons stated the applicant is making a good effort to provide parking. It's not ideal but he supports the driveway apron and concrete sidewalk. He supports engineering and P&Z effort for driveway apron and heavy-duty concrete sidewalk.

Commissioner Kohan echoed Commissioner Fitzsimmons's comments and stated that he supports the application.

Commissioner Matarazzo stated that he supports the application. He also suggested replacing the dumpster with the bins that are brought to the curb manually. He supports the parking apron and sidewalk.

Chairman Seichter agreed with the recommendation for bins instead of the dumpster as it eliminates the problem of broken gates and access to the dumpster. Mr. DiNatale agreed. Chairman Seichter indicated they would still need the vinyl fencing. Mr. DiNatale agreed that there would still be a corral for the bins.

Commissioner Venoit: Motion to release the bond for 3G Construction/344 Grieb Road.

Commissioner Fitzsimmons: Second

Vote: Unanimous to approve

REPORTS OF OFFICERS AND STAFF

12. Administrative Approvals There were no questions.

Noted as approved:

- a. Change of Use/Constitution Real Estate/91 South Main Street #303-20
- b. Survey Waiver/M. Desjardins/713 7th Ridge Road #804-20
- c. Survey Waiver/D. Behun/289 North Airline Road #805-20
- d. Survey Waiver/Gaetano's Home Improvement/111 Grandview Avenue #806-20

13. ZBA Decisions June 15, 2020, There were no questions.

14. ZBA Notice for July 20, 2020, There were no questions.

15. Zoning Enforcement Log There were no questions.

Commissioner Venoit: Motion to approve adjourn at 10:03 pm.

Commissioner Fitzsimmons: Second

Vote: Unanimous

Respectfully Submitted,

Cheryl-Ann Tubby

Recording Secretary

408-20A

**PLANNING & ZONING
INTER-DEPARTMENTAL REFERRAL
NOTICE OF PROPOSED DEVELOPMENT**

APPLICATION: #408-20

RECEIVED

DATE OF SUBMISSION: July 9, 2020

JUL 28 2020

DATE OF RECEIPT: July 13, 2020

WALLINGFORD
PLANNING & ZONING

SCHEDULED MEETING: August 10, 2020

NAME & APPLICATION OF PROPOSED DEVELOPMENTS: Special Permit (Dealers & Repairers License)/Carlos Bodas/3 Buel Street

LOCATION: 3 Buel Street

REFERRED TO:

- ELECTRIC
- HEALTH
- BUILDING
- ENGINEERING
- INLAND WETLANDS
- OTHER
- FIRE
- WATER & SEWER

DEPARTMENT COMMENTS: OK WITH SITE
REQUIRE MORE DETAIL & INFO
ON BUILDING PLAN

SIGNED BY: [Signature], FMO
 DATE: 7/24/20 (Title)

RECEIVED
[Signature]

RECEIVED

TOWN OF WALLINGFORD
DEPARTMENT OF PUBLIC UTILITIES
WATER AND SEWER DIVISIONS

JUL 30 2020

WALLINGFORD
PLANNING & ZONING

ENGINEERING SECTION
PHONE 203-949-2672
FAX 203-949-2678

INTEROFFICE MEMORANDUM

408-20B

TO: KACIE HAND, WALLINGFORD TOWN PLANNER; TOM TALBOT, PLANNER

FROM:  ERIK KRUEGER, SENIOR ENGINEER, WATER AND SEWER DIVISIONS

SUBJECT: SPECIAL PERMIT – LOCATION OF USE – #408-20
3 BUEL STREET – C. MALAVE – DEALER & REPAIRERS LICENSE

DATE: JULY 29, 2020

CC: N. AMWAKE, P.E.; R.C.VANSKI; D. SULLIVAN; S. CIVITELLI, HEALTH DIRECTOR; C. MALAVE

This office in general has no objections to the request for the special permit for a dealers and repairers license at the subject location.

The existing property is currently served by water only; no sanitary sewer service is available. The water service consists of a 1" copper service line and a 3/4-inch meter.

The applicant is advised that discharges of vehicle maintenance and/or vehicle washing wastewater to surface water (either directly or via a storm drain) or to the ground water (via a septic tank, leaching field or drywell) or to the ground surface (paved or unpaved) are not allowed.

Per my discussion with the applicant on July 29, 2020 there will be no vehicle washing performed at the site. In order to comply with the requirements of the CT DEEP requirements we request that the following be made conditions of approval:

1. No washing of vehicles will be performed at the facility.
2. The applicant shall use a dry method of cleaning fluids from the vehicle service area floor with proper disposal. No floor wash-down will be allowed. Also, please note that since the facility is connected to an on-site septic system no fluids or vehicle service area floor mopping water shall be discharged to a sink or drain connected to the septic system.



Town of Wallingford, Connecticut

408-20C

JAMES SEICHTER
CHAIRMAN-PLANNING & ZONING COMMISSION

KACIE A. HAND, A.I.C.P.
TOWN PLANNER

WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2090
FAX (203) 294-2095

August 6, 2020

Mr. Carlos Malave
3 Buel Street, Unit 2
Wallingford, CT 06492

RE: Special Permit Application (Location of Use) #408-20
New Vehicle Dealers License, 3 Buel Street

Mr. Malave:

This office has no comments on the proposed application.

Please see attached comments from the Water and Sewer Division.

Regards,

Thomas Talbot
Planner

207-20 F



Subject Re: 71 curtis ave multi family conversion
From Chris DeMorais <cdemo1216@gmail.com>
To <kacie.hand@wallingfordct.gov>
Reply-To <chrisd1@remax.net>
Date 2020-07-27 12:20 pm

Hi Tom,

After discussing it thoroughly, we will be withdrawing our application for the 71 Curtis multi family conversion. We hope to revisit the matter next year. Thank you.

Chris DeMorais

On Mon, Jul 27, 2020 at 12:11 PM Chris DeMorais <cdemo1216@gmail.com> wrote:
Good Afternoon,

I was hoping that you could share Alison from the engineering departments email? Going to send her a sketch of the proposed driveway entrance change. Thank you

Chris D

On Mon, Jul 13, 2020 at 10:17 AM Chris DeMorais <cdemo1216@gmail.com> wrote:
Great. I will reach out. Thank you

On Mon, Jul 13, 2020 at 9:20 AM Kacie Hand <kacie.costello@wallingfordct.gov> wrote:
Chris
The n elm street driveway might work better. You may want to talk to the Engineering Dept before you revise plans . Alison's # is 2032942035

Kacie A. Hand, AICP
Town Planner
Town of Wallingford
203-294-2090
Fax: 203-294-2095
kacie.costello@wallingfordct.gov

On 2020-07-10 4:06 pm, Chris DeMorais wrote:

> Hi again,
>
> Figured I should get something in WiFi thing to you guys regarding our
> conversion application being pushed to August. We are onboard and look
> forward to August 10th. Thanks

> Chris D

> Sent from my iPhone

>> On Jul 8, 2020, at 1:36 PM, Kacie Hand
>> <kacie.costello@wallingfordct.gov> wrote:

>> Call from parking lot 2032942090 Today. Do you want me to look at
>> them with you?

>> ---

>> Kacie A. Hand, AICP
>> Town Planner
>> Town of Wallingford

Winterbourne

Land Services

Rosalind C. Page
Professional Land Surveyor

604 Center Street
Wallingford, Connecticut 06492
203-264-0392
Fax: 203-264-9933
Email: rcpwls@att.net
www.winterbournelandservices.com

210-20A

August 4, 2020

Mr. James Seichter, Chair

Planning and Zoning Commission

Town of Wallingford

45 So Main Street

Wallingford, CT. 06492

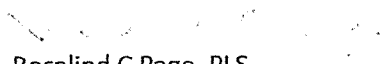
Email: Kacie.hand@wallingfordct.gov

RE: Site Plan Application #210-20. #809 North Main Street Ext.

Dear Mr. Seichter,

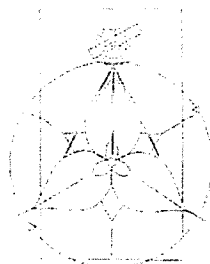
Please be advised that on behalf of the Applicant we are respectfully requesting that the above referenced application be tabled to the September meeting of the PZC. We have recently been advised by the Environmental Planner that since they do not have a meeting in August, we will not be heard by the IWWC until their September meeting

Thank you


Rosalind C Page. PLS

cc. David MacDonald

Michael Ott PE





Town of Wallingford, Connecticut

MEMORANDUM

TOWN ATTORNEY
GERALD E. FARRELL, SR.
ASSISTANT TOWN ATTORNEY
GEOFFREY T. EINHORN
CORPORATION COUNSEL
JANIS M. SMALL
DEPARTMENT OF LAW
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TELEPHONE (203) 294-2140
FAX (203) 294-2112
lawdept@wallingfordct.gov

118-860A

TO: Kacie A. Hand, Town Planner
FROM: Janis M. Small, Corporation Counsel
RE: Durham Road Subdivision – Pelatsky
DATE: July 29, 2020

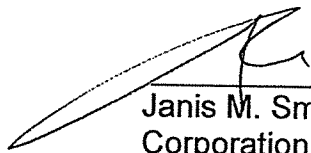
RECEIVED
JUL 30 2020
WALLINGFORD
PLANNING & ZONING

Our offices have reviewed the information provided by Attorney Fishbein, reviewed the files and the relevant law. After discussing this matter, we both agree that it should be forwarded to the Commission for their consideration. (I did not say, as asserted in Fishbein’s letter that the lots in question were illegal. I indicated that the matter can only be resolved by the Commission.)

There are several legal arguments supporting the reinstatement of this subdivision and its three lots. *Buttermilk Farms, LLC v. Planning & Zoning Commission*, 292 Conn. 317 (2009), made clear that the Commission has no authority to require road improvements on an existing road where it does not intersect with an existing or proposed road. While this decision was issued years after the notice was filed on the land records, the failure to make the town-requested improvements on an existing street was not a proper basis for revoking the subdivision approval.

Also, Durham Road is a state road. The state released the bond and indicated that work it required was completed. The Commission could not require additional improvements to the state road. Further, once the state released the bond upon completion of the work, there was nothing further to be done.

Based upon the facts of this case, this office supports reinstating the subdivision by vote of the Commission and the filing of a notice on the land records.



Janis M. Small
Corporation Counsel

JMS/bjc



118-86-B

Fishbein Law Firm LLC

100 South Main Street, P.O. Box 363, Wallingford, Connecticut 06492

Telephone: 203-265-2895 • Fax: 203-294-1396

www.fishbeinlaw.com

Norman F. Fishbein
nff@fishbeinlaw.com

Craig C. Fishbein
ccf@fishbeinlaw.com

May 11, 2020

Corporation Counsel, Janis M. Small
45 South Main Street
Wallingford, CT 06492

Zoning Enforcement Officer
45 South Main Street
Wallingford, CT 06492

In re: 1443 Durham Road, Wallingford

Dear Attorney Small and Zoning Enforcement Officer of Wallingford:

This letter is sent due to the fact that there is a question that has been raised by the Corporation Counsel's office regarding the status of 1443 Durham Road. The undersigned represents 1443 Durham LLC, the owner of the same. The nature of the issue is that, although the Town has been assessing the property as a building lot, the Corporation Counsel's office has taken the position that it is not a valid building lot.

The facts of the situation are as follows:

1. On 8/11/86, the Planning and Zoning Commission (PZC) approved a 3 lot subdivision known as "Subdivision Plan Wilbur Pelatzky Durham Road Route 68" as shown on map #3707. (Exhibit A)
2. On 8/12/86 by memo from John Costello it was stated that he "would like to get" plans with respect to the road widening and drainage before any building permits were issued.(Exhibit B)
3. On 4/13/87, the subdivision was re-approved to correct the fact that the approved map was not filed within 90 days of approval.
4. On 6/1/87 by memo from John Costello to Linda Bush it was stated that the Town did not need a bond other than the usual bond as the property fronted a state road. (Exhibit C)
5. On 6/4/87, Pelatzky transferred 2 of the lots to Anthony T. Pelloni in volume 607 page 316 (Exhibit D)
6. On 1/28/88 a letter was sent from the Building Department to stop work on Lot 2. (Exhibit D-1)
7. On 1/29/88 by memo from John Costello it was stated that as this is state road the bond should be posted with the state. (Exhibit D-2)

RECEIVED

MAY 13 2020

DEPT. OF LAW



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8. On 3/14/88 letter was sent that on 3/14/88 PZC had denied request to waive road improvements submitted by Frank Barta, owner of Lot 2 (Exhibit E)
9. On 3/24/88 a letter of credit was issued for Anthony Pelloni (owner of Skye Building, Inc) from CBT to the State in the amount of \$35,000.00 (Exhibit F)
10. On 11/30/88 Lot 2 was transferred to Barta and, despite the fact that his request as item 8 above was denied on 3/14/88, a building permit was issued sometime in 1989 and a house was constructed on Lot 2 (see field cards – Exhibit O)
11. On 11/8/88 the map filed showing the highway improvements shows that a small portion of the widening is required in front of Lot 3 (1443), as opposed to the amount required in front of Lots 1 and 2. (Exhibit G)
12. On 11/22/90 a letter from Linda Bush acknowledged that the bond had been posted with the State. (Exhibit G-1)
13. On 2/27/92 the bond was returned to Pelloni by the State with a letter that all work was done (Exhibit H)
14. On 4/17/95 Lot 3 was transferred to Lauren Scarpa by Pelatzky (Exhibit I).

As of that date, all of the lots had been transferred and no notice of any purported action of PZC had been taken under C.G.S. Section 8-26c.

Since 4/17/95 the following has occurred:

1. On 5/19/95 a memo was sent by Linda Bush to Adam Mantzaris requesting help with the issue. The memo admits that the Town allowed a house to be built on Lot #2 (Barta) even though the road improvements on the State road were never done. Apparently, the Town at that time did not prevent a house from being built as it was on a State road and the bond had been returned to Anthony Pelloni that the work was completed as set forth in item #13 above. (Exhibit J)
2. On 5/26/95 a memo was sent from Adam Mantzaris to Linda Bush questioning the authority of the Town to require improvements on a state road (Exhibit K). There is no record of a response from Adam Mantzaris as to this inquiry.
3. Despite having no response from Adam Mantzaris as to the legality of any action in this matter, on 6/10/96, a PZC meeting was held and the minutes state that the reason that the vote was taken "to null and void the subdivision" was that the improvements were not done. (Exhibit L)
4. A notice was filed by PZC on the land records dated 6/14/96 that under section 8-26c the approval had expired and gave the reason as being that the work was not completed (Exhibit M)
5. On 7/18/11 a memo (Exhibit N) was sent from Linda Bush to Attorney Janis Small reciting the history and noting that the road improvements were not done but that the State had released the



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bond. The memo also inquires into whether the Town can use the Lot 1 Durham Road problem with the Pelloni to leverage him to deed open space at another development on the other side of town (Countryside East). It made no mention of any difficulty with Lot 3 (1443 lot) and was an improper attempt by the then Town Planner to have the PZC trade approval of Lot 1 in exchange for Mr. Pelloni doing something on Countryside East.

LEGAL ARGUMENT:

There are several reasons why Lot 3 (1443 Durham Road) should be declared as a building lot:

1. Section 8-26c (Exhibit P) does not give a Town authority to void a subdivision after lots have been transferred. It allows authority to prevent transfers after the notice was filed and, if improvements have not been completed, the remedy is to call the bond. In this case, all the lots were transferred prior to the filing of the notice, leaving the only remedy to the Town to be calling a bond.
2. The work required for highway purposes is significantly less in front of Lot 3 (1443 Durham) than in front of Lot 2 (Barta) and said requirement did not prevent Mr. Barta from obtaining a building permit and constructing a house on the property. The Town allowed Mr. Barta to build and did not require that any road widening be done in front of his property.
3. The field card for Lot 1 (Pelloni) specifically denotes that this is not a building lot and the assessment is nominal. The field card for Lot 2 (Barta) validates the fact that a building permit was issued long ago and the assessment is for a house and building lot among other things. There is no such notation that it is not a building lot on the card for Lot 3 (1443 Durham) and the assessment is the calculated as a building lot. The result is that the Barta lot in the middle of the three is an accepted building lot while the lot belonging to 1443 is being taxed as a building lot but denied legal status as such. (Field cards Exhibit O) The Pelloni lot is on the other side of the Barta lot so that the net effect is that Pelloni is "not a building lot" and has a low assessment, Barta is a building lot and 1443 is not a building lot but is assessed as such

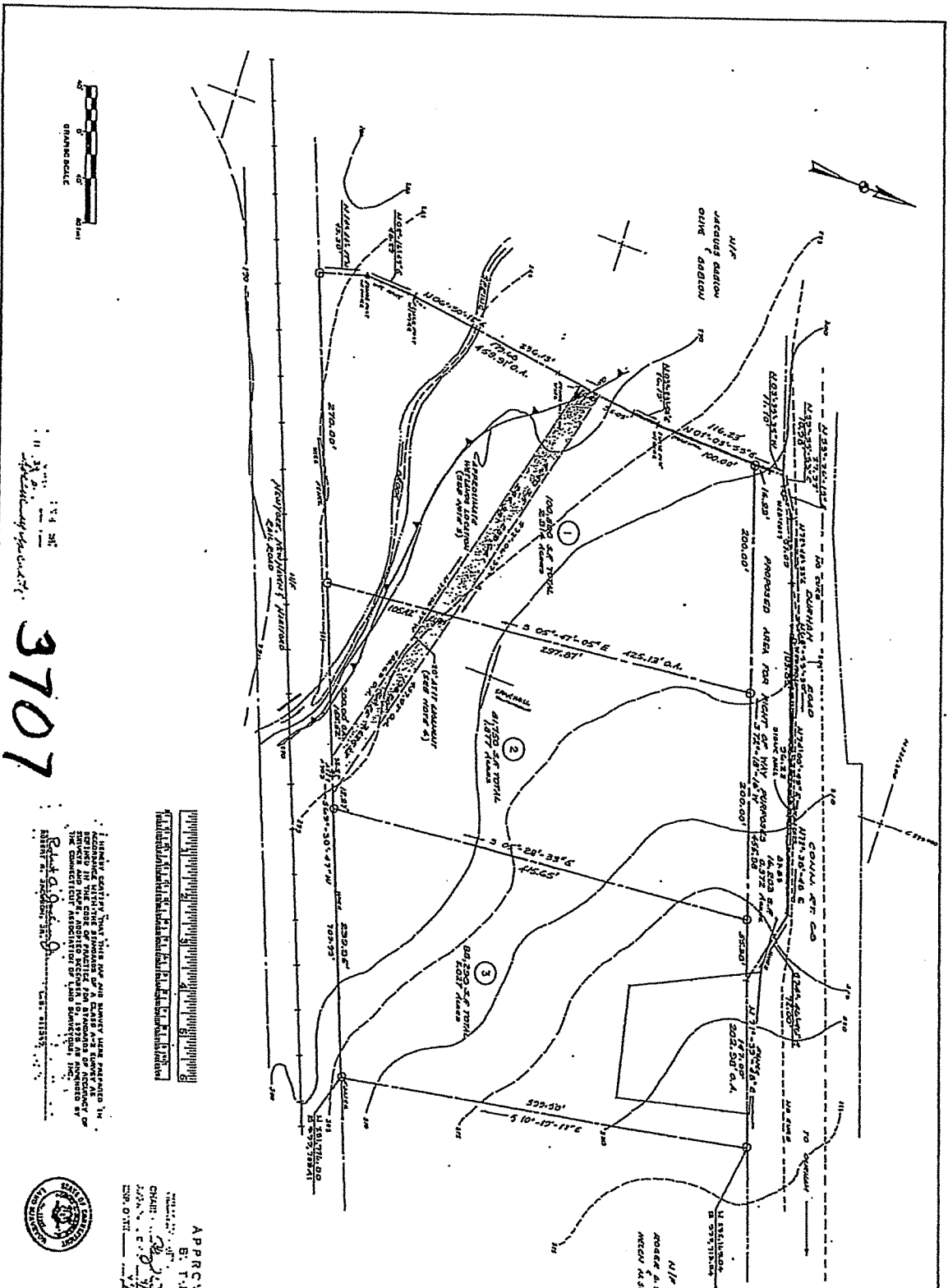
Kindly advise if your office has changed its position with respect to the status of this lot. By sending this letter, I am requesting an opinion from the Zoning Enforcement Officer as to whether or not this is a building lot. If you require any additional information, kindly advise.

Very truly yours,

Norman F. Fishbein

NFF:fn C. client by e-mail – Cert. Mail to recipients

Cassello – nff quiet title folder



3707

PLANNING CONSULTANTS, INC. HAS BEEN EMPLOYED TO PREPARE THIS PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION ACT OF THE STATE OF NEW YORK. THE CONSULTANT ASSURES THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.



APPROVED
 BY: [Signature]
 DATE: 11/23/73
 ENGINEER

- NOTES:
- 1) THIS PLAN IS SUBJECT TO ALL RECORDING AND RECORDING REQUIREMENTS OF THE STATE OF NEW YORK.
 - 2) ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 - 3) THE AREA OF THIS SUBDIVISION IS 1.14 ACRES.
 - 4) THE TOTAL AREA OF THE LOTS IS 1.14 ACRES.
 - 5) THE TOTAL AREA OF THE COMMON AREAS IS 0.00 ACRES.

LEGEND

- THICK LINE: PROPERTY LINE
- DASHED LINE: APPROXIMATE METRIC LINE
- SOLID LINE: VINE FENCE
- DOTTED LINE: STONE WALL
- SOLID LINE: CASHEM LINE
- DOTTED LINE: CONTROL LINE
- SOLID LINE: WATER COURSE
- CIRCLE WITH CROSS: ABANDONED LOT OR LOTS TO BE LEFT

SUBDIVISION PLAN

LOT	OWNER	ACRES	AREA
1	WILBUR P. PELATZKY	0.40	10,800
2	DORIAN ROAD, ROUTE 68	0.40	10,800
3	WALLINGFORD, GUNNINGBOLT	0.34	9,300
4	THE CENTER FOR ENGINEERING, INC.	0.00	0
5	RESERVED FOR FUTURE DEVELOPMENT	0.00	0

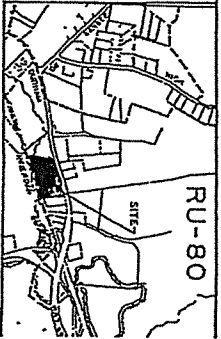


EXHIBIT A

Speed Message

To Linda Busch
Town Planner

From John J. Costello
Town Engineer

Subject Pelatzky Subdivision - Durham Road - Rte 68

Date August 12, 1996

We reinspected the subject subdivision this date. There are 2 catch basins in front of lot 3, one in front of lot 1, and 2 about 110' south and downhill of lot 1. To meet our requirements, all they have to do is add a basin in the ^{southern} eastern curbline of widened Durham Road and discharge it into the existing basin on the north side opposite pole #2028. This is very minor and does not require a change in bond estimate. We would like to get 40 scale plans of the roadway widening and drainage before any building permits are issued.

Signed JJC

EXHIBIT B

Speed Letter 44-902P

Grayline

Standard Form

Speed Letter

To Linda Bush
Team Planner

1987 JUN -

From: John V. Costello
Team Engineer

Subject

Relataky Subdivision - Durham Road - rfe 68

Message

We have recommended a \$35,000 bond for the subject subdivision, primarily to cover road improvements; however, this is a state highway and the state will require a bond for improvements on their highways. Therefore, we do not need a bond other than the standard \$1,000 bond per lot.

Date 6/1/87 Signed [Signature]

Reply

-No. 9 FOLD

-No. 10 FOLD

Date _____ Signed _____

EXHIBIT C

If the Note shall be fully paid in accordance with its terms, and if all of the covenants and agreements contained in this mortgage are performed, and if you shall be fully reimbursed for all sums of money which you may have paid under this Mortgage, then this Mortgage is void; otherwise it is to remain in full force and effect.

In Witness Whereof, I have executed this Mortgage as of this 29th day of May, 19 87

Signed, sealed and delivered in the presence of

[Signature]
Leon O. Gross

[Signature] Joseph Wassel (Seal)
Joseph Wassel

[Signature]
Lesley G. Murphy
STATE OF CONNECTICUT

[Signature] Annelo Stimpson (Seal)
Annelo Stimpson

COUNTY OF NEW HAVEN ss: Wallingford

On the 29th day of May, 19 87, before me the undersigned officer, personally

appeared Joseph Wassel and Annelo Stimpson, known to me to be the person(s) whose name is/are subscribed to the within instrument and acknowledged that he/they executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand.

RECEIVED FOR RECORD JUN 4 1987

AT 10:42 AM AND RECORDED BY

[Signature] TOWN CLERK

[Signature]
Leon O. Gross, Commissioner of the Superior Court

FORM 173A CONNECTICUT - WARRANTY-DEED
REV. 8/81

TUTTLE BLANK REGISTERED U. S. PAT. OFFICE
TUTTLE LAW PRINT. PUBLISHERS, BURLINGAME, CA 94010

To all People to Whom these Presents shall Come, Greeting:

Know Ye, That WILBUR P. PELATZKY and DOROTHY J. PELATZKY of the Town of Wallingford, County of New Haven and State of Connecticut

for the consideration of ONE HUNDRED FIFTY THOUSAND (\$150,000.00) DOLLARS

received to our full satisfaction of ANTHONY T. PELLONI of the Town of Wallingford, County of New Haven and State of Connecticut

\$165.00 Conveyance Tax received

\$ 675.00 CRS Conveyance Tax received

[Signature]
Town Clerk of Wallingford

[Signature]
Town Clerk of Wallingford

do give, grant, bargain, sell and confirm unto the said ANTHONY T. PELLONI, and unto his heirs and assigns forever,

See attached Schedule A for description.

The above premises are subject to the following encumbrances:

1. Any and all provisions of any ordinance, municipal regulation or public or private law.
2. Taxes list of 10/1/86.
3. Water & sewer current charges.
4. ~~Such as are set out in Schedule A or otherwise shown on the plat or map.~~
5. Easement in favor of the American Telephone and Telegraph Company dated February 3, 1966 and recorded in volume 337, page 267 of the Wallingford Land Records as superseded and supplemented by instrument dated March 13, 1968 and recorded in volume 349, page 621 of the Wallingford Land Records.

2 P
D.P.

EXHIBIT D

EXHIBIT D

SCHEDULE A

THOSE THREE certain pieces or parcels of land together with the improvements thereon situated in the Town of Wallingford, County of New Haven and State of Connecticut, shown on a certain map entitled, "Subdivision Plan Wilbur P. Pelatzky Durham Road, Route 68 Wallingford, Connecticut Date: 6-6-1986 Scale: 1"=40'" certified substantially correct by Robert A. Jackson, Jr., Registered L.S. #11347 on file, or to be filed, in the Wallingford Town Clerk's Office, reference to which may be had.

FIRST PIECE - shown as "Proposed Area For Right of Way Purposes" on said map, bounded and described as follows:

NORTHERLY: by Durham Road, being an irregular line and having segments of 10.98 feet, 27.32 feet, 57.09 feet, 109.85 feet, 96.22 feet and 87.83 feet, as shown on said map, a total distance of 389.29 feet;

NORTHEASTERLY: by Durham Road, as shown on said map, 72.00 feet;

SOUTHERLY: by Lot No. 1 in part; Lot No. 2 in part and a portion of Lot No. 3 in part, as shown on said map, 455.98 feet; and

WESTERLY: by land now or formerly of Jacques Bablon and Olive Bablon, being an irregular line and having segments of 16.23 feet and 11.10 feet, as shown on said map, a total distance of 27.33 feet.

SECOND PIECE - shown as Lot No. 1 on said map, bounded and described as follows:

NORTHERLY: by a portion of land designated "Proposed Area For Right of Way Purpose", as shown on said map, 200.00 feet;

EASTERLY: by Lot No. 2, as shown on said map, 425.13 feet;

SOUTHERLY: by land now or formerly of New York, New Haven & Hartford Rail Road, as shown on said map, 270.00 feet; and

WESTERLY: by land now or formerly of Jacques Bablon and Olive Bablon, being an irregular line and having segments of 49.30 feet, 48.29 feet, 179.68 feet, 20.40 feet, 36.05 feet, 26.19 feet and 100.00 feet, as shown on said map, a total distance of 459.91 feet.

THIRD PIECE - shown as Lot No. 2 on said map, bounded and described as follows:

NORTHERLY: by a portion of land designated "Proposed Area For Right of Way Purposes", as shown on said map, 200.00 feet;

EASTERLY: by Lot No. 3, as shown on said map, 415.65 feet;

SOUTHERLY: by land now or formerly of New York, New Haven & Hartford Rail Road, as shown on said map, 200.00 feet; and

WESTERLY: by Lot No. 1, as shown on said map, 425.13 feet.

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto him the said grantee his heirs, successors and assigns forever, to him and their own proper use and behoof.

And also, We the said grantors do for ourselves and our heirs, executors and administrators, covenant with the said grantee his successors, heirs and assigns, that at and until the ensembling of these presents, we are well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as hereinbefore mentioned.

And Furthermore, we the said grantors do by these presents bind ourselves and our heirs, executors and administrators forever to WARRANT AND DEFEND the above granted and bargained premises to him the said grantee his successors, heirs and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

In Witness Whereof, we have hereunto set our hands and seals this 3rd day of June in the year of our Lord nineteen hundred and eighty-seven Signed, Sealed and Delivered in presence of

WILBUR P. PELATZKY
DOROTHY J. PELATZKY
MAY D. WARDLOCHA
Notary Public seal and signature

Please execute this document in the presence of two witnesses and a Notary Public who should complete the acknowledgment and affix his or her impression seal and the date upon which his or her commission expires. Under the signatures of the witnesses and the Notary, their names should be either printed or typed in. The Notary may serve as one of the two witnesses if you so desire.

State of Connecticut, County of New Haven. ss. Wallingford, June 3, A. D. 19 87

Personally Appeared Wilbur P. Pelatzky and Dorothy J. Pelatzky

Signers and Sealers of the foregoing Instrument, and acknowledged the same to be their free act and deed before me.

Notary Public signature and title: Norman F. Fishbein, Commissioner of Superior Court

Latest address of Grantee: No. and Street Pond Hill Road, City Wallingford, State CT Zip 06492

RECEIVED FOR RECORD JUN 4 1987 AT 11:00 AM AND RECORDED BY Rosemary Bascale TOWN CLERK



BUILDING DEPARTMENT
TOWN OF WALLINGFORD
370 CENTER STREET WALLINGFORD, CONNECTICUT 06492

CARMEN T. SPITERI
BUILDING OFFICIAL
(203) 265-0909

CERTIFIED MAIL

January 28, 1988

Skye Building, Inc.
288 Pond Hill Road
Wallingford, CT. 06492

Dear Mr. Pelloni:

I am giving you notice to STOP WORK immediately at Lot #2 Durham Road. Under Section 118.1 of the Boca National Building Code 1984.

Because of a lack of a Building Permit, I can not accept your Building Permit Application of December 17, 1987. As I do not have a Certificate of Compliance from the Planning and Zoning Department.

Sincerely,

C. T. Spiteri

Carmen T. Spiteri
Building Official

CTS/lc

CC: Linda Bush

EXHIBIT D-1

1987 JAN 28 PM 2:22

37E

INTEROFFICE MEMO

DEPARTMENT OF ENGINEERING

RECEIVED

JUN 10 1996

WALLINGFORD
PLANNING & ZONING

TO: Linda Bush, Town Planner

FROM: John J. Costello, Town Engineer

SUBJECT: Pelatzky Subdivision - Durham Road - Route 68

DATE: January 29, 1988

My original recommendations and comments on this subdivision were contained in a memo dated June 30, 1986. In order to meet the requirements of our subdivision regulations, I recommended that the southern edge of the roadway fronting this subdivision be widened to match the previously widened roadway in front of lot 3 and that curbing be added. I also requested that the existing storm drainage system in Durham Road be indicated on the topographic plan so that I could determine the need for storm drainage improvements or additions, as also required by the regulations.

At the public hearing for this subdivision, the developer's engineer stated that there were no drainage facilities fronting this property. As a result, I reinspected the area and discovered 2 catch basins in front of lot 3, one in front of lot 1, and an additional 2 catch basins 110' south and downhill of lot 1. To meet the regulations, we recommended the installation of one catch basin in the southern curbline of widened Route 68 to discharge into an existing basin on the north side of the roadway near utility pole #2028. I considered this to be a minor change to previous requirements which did not require any increase in the recommended bond amount, \$35,000. This was reported to you in my speed message of August 12, 1986 in which I also requested that 40 scale plan/profile drawings of the roadway widening and drainage improvements be submitted for my review prior to the issuance of any building permits.

At the request of the Town Assessor, I made another inspection of this area. As indicated in my memo of April 13, 1987, my bond estimate remained at \$35,000. until more detailed engineering plans are submitted to substantiate a lower figure. Since this section of Durham Road is actually a State highway, Route 68, I indicated in my speed message of June 1, 1987 that the bond for roadway improvements should be posted with the State rather than the town. In summary then, I have consistently

EXHIBIT D-2



Town of Wallingford, Connecticut

CERTIFIED LETTER

HENRY E. TOMAN
CHAIRMAN-PLANNING & ZONING COMMISSION

LINDA A. BUSH
TOWN PLANNER

THOMAS M. TALBOT
ASSISTANT TOWN PLANNER

MUNICIPAL BUILDING ANNEX
370 CENTER STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 265 - 0413

March 18, 1988

Mr. Frank Barta
P.O. Box 1784
Wallingford, CT 06492

RE: . Revision to Pelatsky Subdivision

Dear Mr. Barta,

The Wallingford Planning and Zoning Commission, at their March 14, 1988 meeting, voted to deny your application for a revision to the Pelatsky Subdivision on Durham Road to allow the waiving of Section VI 5b, Road Improvements.

Enclosed is a copy of the Legal Notice. If you have any questions, please contact this office.

Sincerely,

Linda A. Bush
Town Planner

kps
Enclosure

EXHIBIT E

IRREVOCABLE LETTER OF CREDIT NO. 008215

State of Connecticut
 Department of Transportation
 P.O. Draw L
 New Haven, CT 06525
 Attn: Mike Rielly - Highway Maintenance

March 24, 1988

Gentlemen:

We hereby establish our Irrevocable Letter of Credit in your favor for the account of Skye Building, Inc., 15 West Dayton Hill Road, Wallingford, CT 06492 for an aggregate amount of THIRTY FIVE THOUSAND U.S. DOLLARS (USD35,000.00) available at sight by your drafts drawn on The Connecticut Bank and Trust Company accompanied by the following documents:

1. Original Letter of Credit.
2. Beneficiary's signed statement "These funds are due us as Skye Building Inc. failed to comply with terms outlined in Form PMT-1 of said Permit application dated _____."

It is a condition of this Letter of Credit that it shall be automatically extended without amendment for one year periods from the current expiration date, or any future automatically extended date, unless at least thirty (30) days prior to any such expiration date we notify you by certified mail that we elect not to extend this Letter of Credit for any such additional period. Upon receipt of such notice, you may draw hereunder. Ultimate expiry date is March 24, 1993 and is not subject to 30-day notification.

Each draft drawn hereunder must bear the following clause "Drawn under the Connecticut Bank and Trust Company, Irrevocable Letter of Credit No. 008215 dated March 24, 1988."

We engage with you that all drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored upon presentation to us at the International L/C Dept. A07Z, Hartford, CT 06115 on or before March 24, 1989 on which date this Letter of Credit expires.

Except so far as otherwise expressly stated, this Letter of Credit is subject to the Uniform Customs (1983 Revision), International Chamber of Commerce Publication No. 400.

Very Truly Yours,

Julie B. Hill

Authorized Signature

JULIE HILL (MRS.)

EXHIBIT F

Memo

To: Janis Small, Town Attorney
From: Linda A Bush, Town Planner ^{AB}
Date: July 18, 2011
Re: Old lot on Durham Rd

In 1987, the Planning and Zoning Commission approved a three lot subdivision on Durham Road for Anthony Pelloni. In accordance with our Subdivision Regulations, the Commission required road improvements on Durham Rd. The applicant posted a bond with the State, and the map was filed. One lot was sold to Frank Barta, who built his home on it. Another was conveyed to someone named Lauren Scarpa. Pelloni owns the third lot. There are no houses on either the Pelloni or Scarpa lots.

The road improvements were never done, but the State released the bond. Barta came before the PZC in 1988 and requested a waiver of the road improvements. The Commission denied it. In 2001, Pelloni requested a waiver of the road improvements. It was denied.

In 1996, the PZC authorized this office to place a notice on the land records stating that the approval had expired. Enclosed is a copy of that notice.

The Pelloni lot is now assessed at about \$10,000. The Scarpa lot is assessed as a building lot, at about \$92,000.

Based on Buttermilk, should the Planning and Zoning Commission vote to remove the notice from the land records and permit building permits on both lots?

As an aside, Anthony Pelloni never created the required Homeowners Association for his Countryside East Subdivision. The Association should own the 22 acres of open space. It is still in Pelloni's name. Adam worked on this problem for some time, and was not able to resolve it. I am planning on writing the Conservation Commission and the Land Trust to see if either might be interested in the land. Can we use this new building lot of Pelloni's as leverage to get him to deed over the open space to someone?

EXHIBIT N

LOT 1

REGOR D O F OWNERSHIP		REGOR D O F OWNERSHIP		REGOR D O F OWNERSHIP		REGOR D O F OWNERSHIP		REGOR D O F OWNERSHIP		REGOR D O F OWNERSHIP		REGOR D O F OWNERSHIP		REGOR D O F OWNERSHIP		REGOR D O F OWNERSHIP		REGOR D O F OWNERSHIP		REGOR D O F OWNERSHIP	
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Supplemental Data		Supplemental Data		Supplemental Data		Supplemental Data		Supplemental Data		Supplemental Data		Supplemental Data		Supplemental Data		Supplemental Data		Supplemental Data		Supplemental Data	
Alt Prcd ID 208003001P		Alt Prcd ID 208003001P		Alt Prcd ID 208003001P		Alt Prcd ID 208003001P		Alt Prcd ID 208003001P		Alt Prcd ID 208003001P		Alt Prcd ID 208003001P		Alt Prcd ID 208003001P		Alt Prcd ID 208003001P		Alt Prcd ID 208003001P		Alt Prcd ID 208003001P	
Census: 1760		Census: 1760		Census: 1760		Census: 1760		Census: 1760		Census: 1760		Census: 1760		Census: 1760		Census: 1760		Census: 1760		Census: 1760	
Old MBLU		Old MBLU		Old MBLU		Old MBLU		Old MBLU		Old MBLU		Old MBLU		Old MBLU		Old MBLU		Old MBLU		Old MBLU	
TC MAP #		TC MAP #		TC MAP #		TC MAP #		TC MAP #		TC MAP #		TC MAP #		TC MAP #		TC MAP #		TC MAP #		TC MAP #	
IND PARK		IND PARK		IND PARK		IND PARK		IND PARK		IND PARK		IND PARK		IND PARK		IND PARK		IND PARK		IND PARK	
Record Lot		Record Lot		Record Lot		Record Lot		Record Lot		Record Lot		Record Lot		Record Lot		Record Lot		Record Lot		Record Lot	
WALLINGFORD, CT		WALLINGFORD, CT		WALLINGFORD, CT		WALLINGFORD, CT		WALLINGFORD, CT		WALLINGFORD, CT		WALLINGFORD, CT		WALLINGFORD, CT		WALLINGFORD, CT		WALLINGFORD, CT		WALLINGFORD, CT	
6148		6148		6148		6148		6148		6148		6148		6148		6148		6148		6148	
VISION		VISION		VISION		VISION		VISION		VISION		VISION		VISION		VISION		VISION		VISION	

Year	Code	Description	Amount	Code	Description	Number	Amount	Code	Description	Number	Amount	Code	Description	Number	Amount	Code	Description	Number	Amount	Code	Description	Number	Amount
2019	5-1	Assessed	10,800	2018	5-1	Assessed	10,800	2017	5-1	Assessed	10,800	Total	10800	10800	10800	Total	10800	10800	10800	Total	10800	10800	10800
This signature acknowledges a visit by a Data Collector or Assessor																							

Total		10800		10800		10800		10800		10800		10800		10800		10800		10800		10800		10800	
Appraised Bldg. Value (Card)		0		Appraised Xf (B) Value (Bldg)		0		Appraised Ob (B) Value (Bldg)		0		Appraised Land Value (Bldg)		15,500		Special Land Value		0		Total Appraised Parcel Value		15,500	
Valuation Method		C		Valuation Method		C		Valuation Method		C		Valuation Method		C		Valuation Method		C		Valuation Method		C	

Nbhd		Nbhd Name		Nbhd		Nbhd Name		Nbhd		Nbhd Name		Nbhd		Nbhd Name		Nbhd		Nbhd Name		Nbhd		Nbhd Name	
180		B		180		B		180		B		180		B		180		B		180		B	
Batch		Batch		Batch		Batch		Batch		Batch		Batch		Batch		Batch		Batch		Batch		Batch	

THIS IS A NON-BUILDABLE LOT, SUBDIVISION APPROVAL WAS REVOKED. 10/7/09 WOODS/FOREST

Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpose/Result
									09-03-2015	V			29	Field Review
									06-25-2010	SR			29	Field Review
									03-23-2010	KC		06	7	Map Correction-No Value
									10-07-2009	ESF			99	Vacant Lot Insp
									02-26-2003	SJ			32	Hear-Deer
									04-10-2001	JD			99	Vacant Lot Insp

B Use Code	Description	Zone	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment	Adj Unit P	Land Value	
1	1320 Vacant Unb Lnd	RUB	RUB	43,560 SF 1,320 AC	2,761 10,000	1,00000 1,00000	5 0	0.10 0.25	185 185	1,100 1,100	UNBLD TOPO	TF2	1,0000 1,0000	0.27 2,750	11,900 3,600
Total Card Land Units				2,320	AC	Parcel Total Land Area				2,3200	Total Land Value		15,500		

EXHIBIT D - 1345 LOT #1

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONNUED)		
Element	Cd	Description	Element	Cd	Description
Style: 99 Grade: 00 Occupancy: Vacant Land					
Exterior Wall 1			CONDO DATA		
Exterior Wall 2			Parcel Id	C	Owne
Roof Structure:			Adjust Type		Code
Roof Cover			Condo Fir		Description
Interior Wall 1			Condo Unit		Factor%
Interior Wall 2			CONTRACT MARKET VARIATION		
Interior Fir 1			Building Value New	0	
Interior Fir 2			Year Built		
Heat Fuel			Effective Year Built	0	
Heat Type:			Depreciation Code		
AC Type:			Remodel Rating		
Total Bedrooms			Year Remodeled		
Total Bathrms:			Depreciation %	0	
Total Xtra Fixts			Functional Obsol	0	
Total Rooms:			External Obsol	0	
Bath Style:			Trend Factor	1	
Kitchen Style:			Condition		
Whirlpool Tub			Condition %		
Fireplaces			Percent Good		
			RCNLD	0	
			Dep % Ovr		
			Dep Ovr Comment		
			Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		
CONSTRUCTION SUMMARY					
Code	Description	LB	Units	Unit Price	Yr Bilt
					Cond. Cd
					% Gd
					Grade
					Grade Adj.
					Appr. Value
TII Gross Liv / Lease Area					
			0		0
			0		0
			0		0
			0		0

No Sketch

BARTA CHRISTINE ANN		3 Below Street		2 Public Water		1 Paved		2 Suburban		RES LAND		RES EXCES DWELLING		RES OUTBL		WALLINGFORD, CT	
Alt Prcl ID	208003002P	P/Z MAP #	ENG MAP	Essement	Town Line	IND PARK	Assoc Pld#	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed	6148
Census:	1760	ENG MAP	ESSEMENT	TOWN LINE	IND PARK	Assoc Pld#	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed	6148	
Record Lot		IND PARK					2019	1-1	79,000	2018	1-1	79,000	2017	1-1	79,000		
GIS ID	13440						2019	1-2	3,400		1-2	3,400		1-2	3,400		
							2019	1-3	127,500		1-3	127,500		1-3	127,500		
							2019	1-4	5,200		1-4	5,200		1-4	5,200		
							Total		215,100	Total		215,100	Total		215,100		

REGOR/D/O OWNERSHIP

KEY/VRP/AGE/SALE/DATE/QU/VI/SA/RE/AGE/IVG

BARTA CHRISTINE ANN 0669 0753 09-28-1989 0

EXEMPTIONS

Year	Code	Description	Amount	Code	Description	Number	Amount
			0.00				
TOTAL							

ASSESSING NEIGHBORHOOD

Nbhd 180 Nbhd Name B Trading Batch

NOTES

1ST=0.5B,LR,K,DR,OTHER-1
2ND=2BED,2B
ECO = RR
EXTERIOR FURNACE, PLAYHOUSE = NV

BUILDING PERMIT RECORD

Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments
13502	10-26-2000	AD	Addition (8x12)	500	04-11-2001	100	04-11-2001	
3463-1	12-10-1990			2,000				

LANDLINE VALUATION SECTION

Date	Id	Type	Is	Cd	Field Review	Map Correction	No Response	1st Callback	Measured	Change
09-08-2015	V	SR		29	Field Review					
06-25-2010	V	SR		29	Field Review					
03-23-2010	KC			19	Map Correction	No Value				
02-01-2010	V			10	Letter Sent	No Response				
12-05-2009	ESF			02	1st Callback					
09-16-2009	DW			01	Measured					
12-18-2001	SB			41	Change					

APPRAISED VALUE SUMMARY

Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
2019	1-1	79,000	2018	1-1	79,000	2017	1-1	79,000
2019	1-2	3,400		1-2	3,400		1-2	3,400
2019	1-3	127,500		1-3	127,500		1-3	127,500
2019	1-4	5,200		1-4	5,200		1-4	5,200
Total		215,100	Total		215,100	Total		215,100

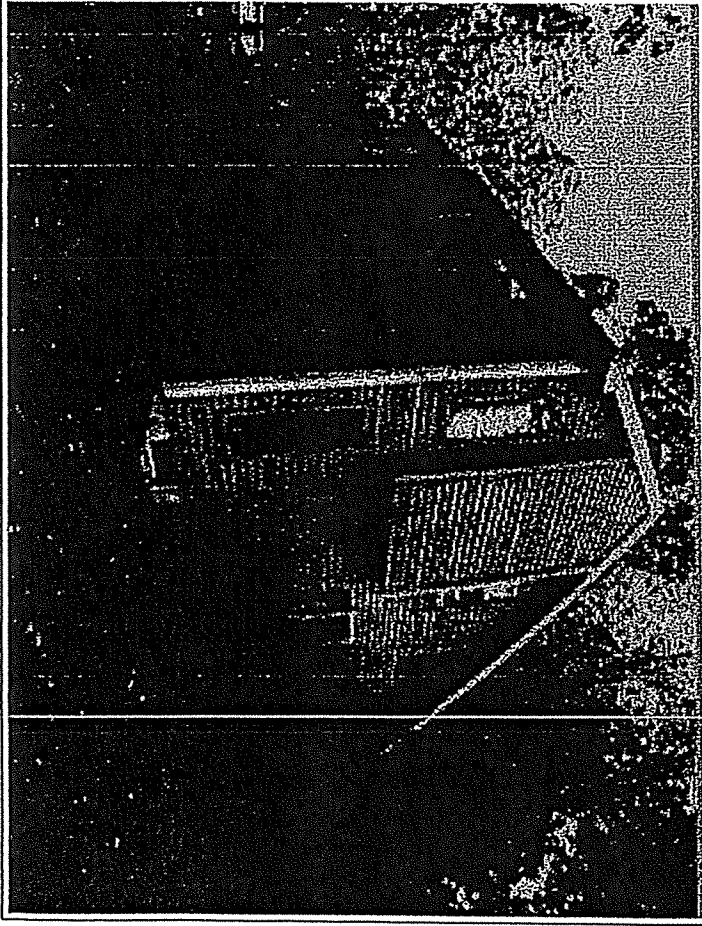
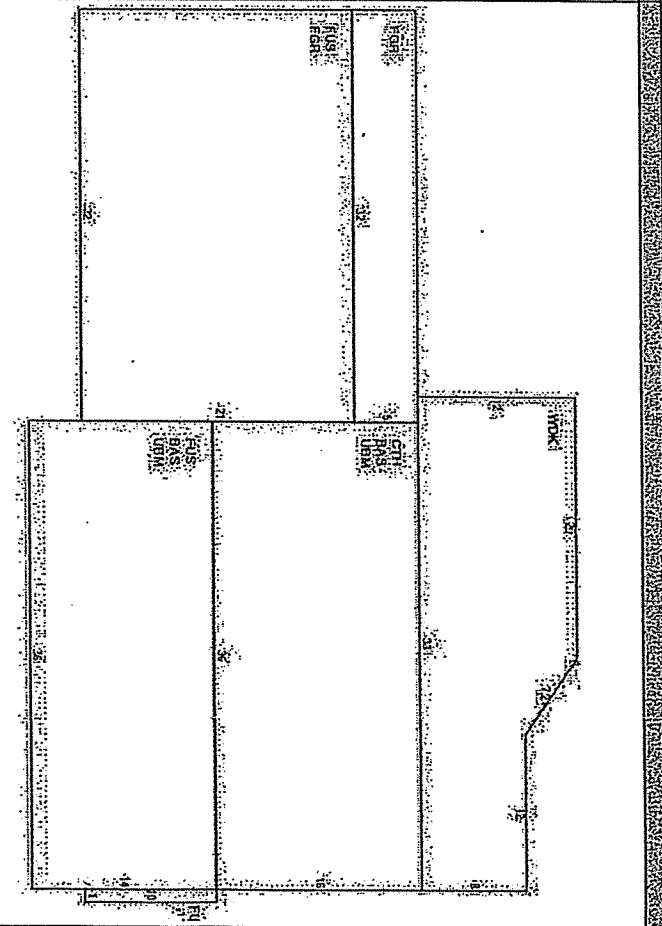
APPRaised Bldg. Value (Card) 179,600
APPRaised Xf (B) Value (Bldg) 2,600
APPRaised Ob (B) Value (Bldg) 7,300
APPRaised Land Value (Bldg) 117,700
Special Land Value 0
Total Appraised Parcel Value 307,200
Valuation Method C

EXHIBIT on 1411 BARTA - 1ST #2

Element	Cd	Description	Element	Cd	Description
Style: 07	01	Contemporary			
Model Grade: B-	2	Residential			
Stories: 1	1				
Occupancy: 1	11	Clapboard			
Exterior Wall 1	05	Salt Box			
Exterior Wall 2	03	Asphalt			
Roof Structure:	05	Drywall			
Interior Wall 1	14	Carpet			
Interior Fir 1	12	Hardwood			
Interior Fir 2	02	Oil			
Heat Fuel:	05	Hot Water			
Heat Type:	01	None			
AC Type:	02	2 Bedrooms			
Total Bedrooms:	2				
Total Bathrms:	1				
Total Half Baths:	1				
Total Xtra Fixtrs:	6	6 Rooms			
Total Rooms:	02	Average			
Bath Style:	02	Average			
Kitchen Style:	02	Average			
Whirlpool Tub:	1				
Fireplaces:	1				

Parcel Id	C	Owne	S
Adjust Type		Description	Factor%
Condo Fir			
Condo Unit			
Building Value New		239,434	
Year Built		1989	
Effective Year Built		A	
Depreciation Code		20	
Remodel Rating		5	
Year Remodeled		1	
Depreciation %		75	
External Obsol		179,600	
Trend Factor			
Condition			
Condition %			
Percent Good			
Rcnlld			
Dep % Ovr			
Dep Ovr Comment			
Misc Imp Ovr			
Misc Imp Ovr Comment			
Cost to Cure Ovr			
Cost to Cure Ovr Comment			

Code	Description	VB	Units	Unit Price	Yr Bilt	Cond.	Cd	% Gd	Grade	Grade Adj.	Appr. Value																																																								
BRN8	Pole Barn	L	1,138	12.00	1993	A		50	C	1.00	6,800																																																								
LNT	Lean-To	L	392	4.00	1993	F		30	C	1.00	500																																																								
HTUB	Hot Tub	B	1	3500.00	1995			75		0.00	2,600																																																								
<table border="1"> <thead> <tr> <th>Code</th> <th>Description</th> <th>Living Area</th> <th>Floor Area</th> <th>Eff Area</th> <th>Unit Cost</th> <th>Undeprec Value</th> </tr> </thead> <tbody> <tr> <td>BAS</td> <td>First Floor</td> <td>1,080</td> <td>1,080</td> <td>1,080</td> <td>76.13</td> <td>82,220</td> </tr> <tr> <td>CTH</td> <td>Cathedral Ceiling</td> <td>0</td> <td>576</td> <td>58</td> <td>7.67</td> <td>4,415</td> </tr> <tr> <td>FGR</td> <td>Garage</td> <td>0</td> <td>832</td> <td>333</td> <td>30.47</td> <td>25,351</td> </tr> <tr> <td>FUS</td> <td>Upper Story, Finished</td> <td>1,186</td> <td>1,186</td> <td>1,186</td> <td>76.13</td> <td>90,289</td> </tr> <tr> <td>UBM</td> <td>Basement, Unfinished</td> <td>0</td> <td>1,080</td> <td>216</td> <td>15.23</td> <td>16,444</td> </tr> <tr> <td>WDK</td> <td>Deck, Wood</td> <td>0</td> <td>396</td> <td>40</td> <td>7.69</td> <td>3,045</td> </tr> <tr> <td colspan="2">TII Gross Liv / Lease Area</td> <td>2,266</td> <td>5,150</td> <td>2,913</td> <td></td> <td>221,764</td> </tr> </tbody> </table>												Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	BAS	First Floor	1,080	1,080	1,080	76.13	82,220	CTH	Cathedral Ceiling	0	576	58	7.67	4,415	FGR	Garage	0	832	333	30.47	25,351	FUS	Upper Story, Finished	1,186	1,186	1,186	76.13	90,289	UBM	Basement, Unfinished	0	1,080	216	15.23	16,444	WDK	Deck, Wood	0	396	40	7.69	3,045	TII Gross Liv / Lease Area		2,266	5,150	2,913		221,764
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value																																																													
BAS	First Floor	1,080	1,080	1,080	76.13	82,220																																																													
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TII Gross Liv / Lease Area		2,266	5,150	2,913		221,764																																																													



LOT 3

Property Location 1443 DURHAM RD Account # S0146100 Map ID 971121/ Bldg # 1 Card # 1 of 1 State Use 1090
 Vision ID 13041 Bldg Name Sec # 1 of 1 Print Date 2/20/2020 1:51:02 PM

CURRENT OWNER		UTILITIES		STRT/ROAD		LOCATION		CURRENT ASSESSMENT		PREVIOUS ASSESSMENTS (HISTORY)	
TOPO	3 Balcon Street	2 Public Water	1 Paved	2 Suburban	VAC RS LN	VAC OUTBL	Description	Code	Appraised	Assessed	Year
SCARPA LAUREN J								5-1	130,100	91,100	2017
								5-5	1,800	1,300	2019
SUPPLEMENTAL DATA											
P O BOX 1694	Alt Pcd ID 203003006	Census: 1760	Old MBLU	ENG MAP	Essement	Town Line	IND PARK				
WALLINGFORD CT 08492	TC MAP #	Record Lot									
	GIS ID 13041	Assoc Pld#									

RECORD OF OWNERSHIP		BK VOL/PAGE		SALE DATE		QU		SALE PRICE		VC	
Year	Code	Description	Amount	Code	Description	Number	Amount	Year	Code	Assessed	Year
		SCARPA LAUREN J	0810 0349		04-27-1995		0	2019	5-1	91,100	2018
		PELATZKY WILL BUR & DOROTHY	0340 0571					2019	5-5	1,300	2018
Total											
92400											

EXEMPTIONS		OTHER ASSESSMENTS	
Year	Code	Description	Amount
		ASSESSING NEIGHBORHOOD	0.00
Total			
0.00			

BUILDING PERMIT RECORD	
Permit ID	Issue Date

VISIT/CHANGE HISTORY	
Date	Id
09-08-2015	V
06-25-2010	SR
03-23-2010	KC
09-18-2009	DW
04-11-2001	JD

LAND LINE VALUATION SECTION															
B	Use Code	Description	Zone	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment	Adj Unit P	Land Value
1	1060	Outbuilding MDL	RUB	RUB	43,560 SF	2.76	1.00000	5	1.00	185	1,100		TF2	1,000	119,800
1	1060	Outbuilding MDL	RUB	RUB	1,030 AC	10,000	1.00000	0	1.00	185	1,100			11,000	11,300
Total Card Land Units 2.030 AC Parcel Total Land Area 2.0300															
Total Land Value 130,100															

APPRAISED VALUE SUMMARY					
Appraised Bldg. Value (Card)	Appraised Xr (B) Value (Bldg)	Appraised Ob (B) Value (Bldg)	Appraised Land Value (Bldg)	Special Land Value	Total Appraised Parcel Value
0	1,800	0	130,100	0	131,900
Total Appraised Parcel Value 131,900					

Element	Cd	Description	Element	Cd	Description
Style: 94	00	Outbuildings			
Model: 00		Vacant			
Grades:					
Stories:					
Occupancy:					
Exterior Wall 1					
Exterior Wall 2					
Roof Structure:					
Roof Cover:					
Interior Wall 1					
Interior Wall 2					
Interior Fir 1					
Interior Fir 2					
Heat Fuel:					
Heat Type:					
AC Type:					
Total Bedrooms					
Total Bathrooms					
Total Half Baths					
Total Xtra Fixts					
Total Rooms:					
Bath Style:					
Kitchen Style:					
Whirlpool Tub					
Fireplaces					

Year Built: 0
 Effective Year Built: 0
 Depreciation Code: 0
 Remodel Rating: 0
 Year Remodeled: 0
 Depreciation %: 0
 Functional Obsol: 0
 External Obsol: 0
 Trend Factor: 1
 Condition: 1
 Condition %: 1
 Percent Good: 0
 RCNLD: 0

Building Value New: 0
 Year Built: 0
 Effective Year Built: 0
 Depreciation Code: 0
 Remodel Rating: 0
 Year Remodeled: 0
 Depreciation %: 0
 Functional Obsol: 0
 External Obsol: 0
 Trend Factor: 1
 Condition: 1
 Condition %: 1
 Percent Good: 0
 RCNLD: 0

Dep % Ovr: 0
 Dep Ovr Comment: 0
 Misc Imp Ovr: 0
 Misc Imp Ovr Comment: 0
 Cost to Cure Ovr: 0
 Cost to Cure Ovr Comment: 0

OB - OUTBUILDING & YARD ITEMS/LYF - BUILDING EXTRA FEATURES(B)
 Code Description L/S UNITS UNIT PRICE YR BK COND CD % GD GRADE GRADE ADJ APPT VALUE
 BRN1 Barn 1 Sliy L 160 22.00 1990 A 50 C 1.00 1,800

BUILDING SUB-AREA SUMMARY SECTION					
Code	Description	Living Area	Floor Area	Eff Area	Undeprcac Value
		0	0	0	0
	Ttl Gross Liv/Lease Area	0	0	0	0

No Sketch

Connecticut General Statutes Annotated

Title 8: Zoning, Planning, Housing and Economic and Community Development (Refs & Annos)

Chapter 126: Municipal Planning Commissions (Refs & Annos)

C.G.S.A. § ~~8-26c~~

§ ~~8-26c~~. Subdivision to be completed within five years of plan approval. Exceptions

Effective: May 9, 2011

Currentness

(a) Any person, firm or corporation making any subdivision of land, except as provided in section 8-26g, shall complete all work in connection with such subdivision within five years after the approval of the plan for such subdivision; the commission's endorsement of approval on the plan shall state the date on which such five-year period expires.

(b) The subdivider or his successor in interest may apply for and the commission may grant one or more extensions of the time to complete all or part of the work in connection with such subdivision, provided the time for all extensions under this subsection shall not exceed ten years from the date the subdivision was approved. If the commission grants an extension of an approval, the commission may condition the approval on a determination of the adequacy of the amount of the bond or other surety furnished under section 8-25, securing to the municipality the actual completion of the work.

(c) In the case of a subdivision plan approved on or after October 1, 1977, failure to complete all work within such five-year period or any extension thereof shall result in automatic expiration of the approval of such plan provided the commission shall file on the land records of the town in which such subdivision is located notice of such expiration and shall state such expiration on the subdivision plan on file in the office of the town clerk of such town, and no additional lots in the subdivision shall be conveyed by the subdivider or his successor in interest as such subdivider except with approval by the commission of a new application for subdivision of the subject land. If lots have been conveyed during such five-year period or any extension thereof, the municipality shall call the bond or other surety on said subdivision to the extent necessary to complete the bonded improvements and utilities required to serve those lots. "Work" for purposes of this section means all physical improvements required by the approved plan, other than the staking out of lots, and includes but is not limited to the construction of roads, storm drainage facilities and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electric services, planting of trees or other landscaping, and installation of retaining walls or other structures.

(d) Notwithstanding the provisions of this section, any subdivision approval made under this section on or before October 1, 1991, shall expire not more than seven years from the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such subdivision, provided the time for all extensions under this subsection shall not exceed ten years from the date the subdivision was approved. If the subdivider or his successor in interest submits evidence to the commission that completion of the project was delayed because of a state or federal construction project, the approval shall expire not more than ten years from the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such subdivision, provided the time for all extensions shall not exceed fifteen years from the date the subdivision was approved. If the subdivider or his successor in interest prevails in an appeal of a decision of the commission on the subdivision under section 8-8, the time to complete the subdivision shall be tolled for the time of such appeal and until the commission implements the judicial decision.

EXHIBIT P

(e) Notwithstanding the provisions of this section, any subdivision approval made under this section prior to July 1, 2011, that has not expired prior to May 9, 2011, shall expire not less than nine years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such subdivision, provided no subdivision approval, including all extensions, shall be valid for more than fourteen years from the date the subdivision was approved.

Credits

(1967, P.A. 677, § 2; 1977, P.A. 77-545, § 4; 1978, P.A. 78-104, § 6; 1987, P.A. 87-371, § 3, eff. June 19, 1987; 1991, P.A. 91-153, § 2; 1993, P.A. 93-19, § 2, eff. April 21, 1993; 1994, May 25 Sp.Sess., P.A. 94-1, § 11, eff. July 1, 1994; 1995, P.A. 95-322; 1998, P.A. 98-188, § 1, eff. June 4, 1998; 2009, P.A. 09-181, § 2, eff. July 2, 2009; 2011, P.A. 11-5, § 2, eff. May 9, 2011.)

Notes of Decisions containing your search terms (0)

[View all 14](#)

C. G. S. A. § ~~8-26c~~, CT ST § ~~8-26c~~

The statutes and Constitution are current with enactments of Public Act 20-1.

End of Document

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MEMORANDUM

SA

TOWN PLANNER

WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2090
FAX (203) 294-2095

TO: Alison Kapuchinski, Town Engineer

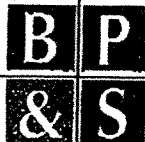
FROM: Kacie A. Hand, Town Planner 

DATE: July 28, 2020

SUBJECT: Bond Release Inspection/Gargano/9 & 11 First Street/Site Plan #226-16

Would you please have the above-referenced site inspected for bond release?

/ss



Brown Paindiris & Scott, LLP

Attorneys At Law

RECEIVED
JUL 28 2020
WALLINGFORD
PLANNING & ZONING

Richard R. Brown
Nicholas Paindiris
Ronald T. Scott
John D. Maxwell
Kate W. Haakonsen
Simon J. Lebo
Bruce E. Newman^{**}
Bridget C. Gallagher
Sean M. Peoples
Kevin B. F. Emerson[^]
Nancy W. Tonucci
Cody N. Guarnieri †
Stephen P. Sobin

Kathryn L. Bissonnette
Edward J. Bryan
Ian C. Butler
Santolo L. Odierna

Of Counsel
Frank A. May
Timothy R. E. Keeney^{*}
Deborah R. Eisenberg^{*}
Walter A. Twachtman, Jr.

^oAlso admitted in CA
^rAlso admitted in Massachusetts
Pequot Tribal Court
<sup>*Also admitted in the District of
Columbia
[†] Also admitted in MA</sup>

July 28, 2020

Via Facsimile & Regular Mail
(203) 294-2095

Reply to Glastonbury
Bridget C. Gallagher
bgallagher@bpslawyers.com

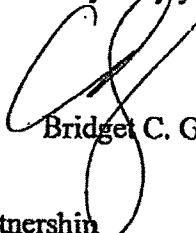
Kacie Hand, Town Planner
Planning & Zoning Department
Wallingford Town Hall
45 South Main Street, Room G40
Wallingford, CT 06492

**RE: 9 & 11 First Street – Site Plan #226-16
Request for inspection release of bond**

Dear Ms. Hand:

This office represents John Gargano Limited Partnership regarding the above-referenced site plan. My client indicates that it has completed the work required under the approved plan and is hereby requesting an inspection and release of its bond. A copy of my client's bond is enclosed for your reference.

Very truly yours,


Bridget C. Gallagher

BCG/ddl

cc: John Gargano Limited Partnership



Town of Wallingford, Connecticut

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LEGAL NOTICE

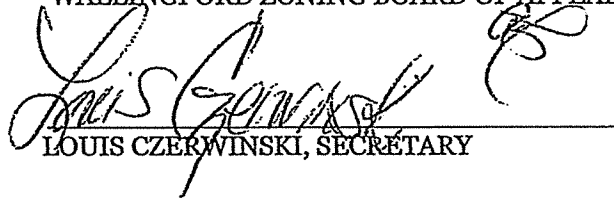
The Wallingford Zoning Board of Appeals, at its meeting of July 20, 2020, voted to take the following actions:

They voted to approve:

1. #20-010 – Variance Requests/Nesti & Prior/front yard setback of 12.19 ft. (30 ft. required) and side yard of +/- 11 ft. (12 ft. required) to construct a covered front porch at 143 South Main Street in a CLB District.

Should you wish to review any of the above-listed application(s), or have any questions regarding these matters, please contact the Wallingford Planning Office at 203-294-2090.

WALLINGFORD ZONING BOARD OF APPEALS


LOUIS CZERWINSKI, SECRETARY

DATED AT WALLINGFORD
July 22, 2020

POSTING DATES
July 24, 2020



Town of Wallingford, Connecticut

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LEGAL NOTICE

The Wallingford Zoning Board of Appeals will hold the following public hearing(s) REMOTELY ONLY at their meeting of Monday August 17, 2020, 7:00 p.m.

The meeting can be accessed through:

<https://global.gotomeeting.com/join/472145741>

YOU CAN ALSO DIAL IN USING YOUR PHONE:

United States (Toll Free): +1 (669) 224-3412

Access Code: 472-145-741

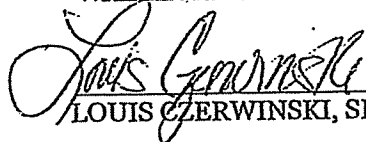
Live Stream of the meeting will also be available on the Town of Wallingford You Tube Channel:

<https://www.youtube.com/c/wallingfordgovernmenttelevision>

1. #20-014 – Variance Requests/Franceskino/Building Coverage of 17.6% (max 15% permitted), side yard of 9.45 ft. (20 ft. required) and Accessory Apartment of 960 sq. ft. (max 780 sq. ft. permitted) to construct an addition at 20 South Side Drive in an R-18 District.
2. #20-015-Special Exception Request/Soli/garage area of 1993 sq. ft. (max. 1056 sq. ft. permitted) to construct an 1152 sq. ft. detached garage at 1431 Tuttle Avenue in an RU-40 District.
3. #20-016 – Variance Requests/ Cavallaro/Side yard of 9.7 ft. (20 ft. required) and building coverage of 20.35% (max 15 % permitted) to construct an addition and deck at 66 Cooper Avenue in an R-18 District.
4. #20-017 – Variance Request/Use/Atlas One, LLC/to allow ground level, street facing office use on two streets with where use permitted ground level-street facing when 50 ft. setback from street)at 100 Center Street in a TC District.
5. #20-018 – Variance Requests/Cardona/Expansion of non-conforming use (no expansion permitted), front yard of 47.9 ft.(50 ft. required), side yards of 16.8 ft and 19.6 ft. (20 ft. required) to construct a vertical addition and front porch at 1179 South Broad Street in a CB-40 District.
6. #20-019 – Variance Request/Wiggin and Dana, LLP/lot line revision resulting in expansion of non-conforming lot area (property transfers resulting in increased non-conformity for remaining parcel are prohibited) at 86 North Lane in an R-18 District.

Should you wish to review any of the above-listed application(s), or have any questions regarding these matters, please contact the Wallingford Planning Office at 203-294-2090.

WALLINGFORD ZONING BOARD OF APPEALS



LOUIS CZERWINSKI, SECRETARY

DATED AT WALLINGFORD

July 30, 2020

POSTING DATES

August 4, 2020

August 11, 2020

Current Zoning Complaints Closed

Complaint Closed	Complaint ID	Complaint Open	Violation	Street #	Street Name	Owner Last Name	Owner First Name
7/14/2020	2020-009	1/27/2020	Animal(s)	169	South Cherry Street	Ochoa	Christian
7/24/2020	2020-016	6/22/2020	Accessory Building	106	Church Street	Jones	Tyler, Rachel, Diane

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Current Zoning Complaints

<u>Violation</u>	<u>Complaint Date</u>	<u>Complaint ID</u>	<u>Street #</u>	<u>Street Name</u>	<u>Business/Owner Last Name</u>
Accessory Structure	1/1/2014	2014-001	14	School House Road	Sagnella
Animal(s)	5/29/2020	2020-014	90	Simpson Avenue	
Rooster	4/23/2020	2020-012	29	West Ridgeland Road	Hopperstad
Ducks	1/8/2020	2020-002	11	Deer Run Road	Kieslich
Goats	7/31/2018	2018-032	610R	South Elm Street	Joaquim
Rooster(s)	5/1/2017	2017-020	79	Kondracki Lane	Briles
Donkey, Mini Horse	1/17/2020	2020-008	5	Audette Drive	Jean Schwindenhammer
Commercial In Residential					
Commercial Vehicle	4/3/2013	2013-016	5	Stegos Drive	Shuda
Coverage	6/14/2019	2019-045	408	North Elm Street	Sousa
outbuildings, Garage	3/25/2020	2020-011	7	Wisk Key Wind Road	Francis
Dwelling Unit(s)					
potentially 2 illegal u					

WB

<u>Violation</u>	<u>Complaint Date</u>	<u>Complaint ID</u>	<u>Street #</u>	<u>Street Name</u>	<u>Business/Owner Last Name</u>
3+ dwelling units in	1/7/2020	2020-004	5	Cedar Street	
illegal dwelling in ou	10/8/2019	2019-077	297	Grieb Road	Oldani
illegal 2 family	9/13/2019	2019-073	40	Thirrd Street	Giarratana
Dwelling in camper	8/21/2019	2019-060	108	North Whittesey Avenue	Larviere
Garage Height, illega	5/29/2019	2019-031	15	Hemingway Drive	Diana
Detached Garage as	5/28/2019	2019-035	310	North Main Street	Corbett & Craig
8-10 rooms rented-	5/1/2019	2019-026	162	Mansion Road	Lebov
2 Units	4/1/2019	2019-019	160	Woodhouse Avenue	McCoy
2 Units	3/18/2019	2019-018	59	Sawmill Drive	
4 Units	11/28/2018	2018-040	91	North Orchard Street	Rocco
3-4 units	3/2/2018	2018-008	184	North Airline Road	Cerrone
3 Units	1/16/2018	2018-001	15	Washington Street	Valentino
	9/14/2017	2017-047	1266	Barnes Road	Joan and Graham Dale, Catherine McDowell
	8/10/2017	2017-044	58	North Branford Road	Ibar
Accessory Apartmen	2/27/2017	2017-011	68	Old Lane	McManus

<u>Violation</u>	<u>Complaint Date</u>	<u>Complaint ID</u>	<u>Street #</u>	<u>Street Name</u>	<u>Business/Owner Last Name</u>
Accessory Apartmen	3/16/2016	2016-003	283	Highland Avenue	Drucker
Accessory Apartmen	3/7/2016	2016-002	10	Cooke Road	Soderman
Garage	3/4/2016	2016-004	14	Overlook Drive	Berube
	6/18/2015	2015-101	1179	Old Colony Road	Smith
	5/5/2014	2014-023	73	Pent Highway	
4th unit	12/1/2013	2013-050	19	South Whitesey Avenue	Venegas
2nd unit	5/20/2013	2013-026	6	Pauline Court	Cone
2nd unit	4/27/2012	2012-012	505	Church Street, Yalesville	You and Zhen
3rd unit	2/7/2012	2012-006	85	Christian Street	Souza
3rd unit	2/7/2012	2012-007	30	Duncan Street	Laudano Family LLC
3rd unit	2/7/2012	2012-008	104	North Cherry Street	Lewko
3rd unit	2/7/2012	2012-009	19	North Street	Ostrofsky
4th unit	2/6/2012	2012-005	30-34	Hope Hill Road	Bennett
2 units	9/24/2009	2009-070	52	Grieb Trail	Ridley
Accessory Apt	7/18/2008	2008-050	57	Jobs Rd	Citak

Encroachment

<u>Violation</u>	<u>Complaint Date</u>	<u>Complaint ID</u>	<u>Street #</u>	<u>Street Name</u>	<u>Business/Owner Last Name</u>
Fencing in Town RO	8/27/2019	2019-075	1036,1040	Durham Road	Andy Salzo (1040)
Excavation/filling	8/11/2016	2016-035	980	New Rock Hill Road	Dubec
Excavation/Filling, Stockpiling					
Material being bro	9/26/2019	2019-070	1173	South Broad Street	Romar Properties LLC (Robert Cone)
Floodplain					
unpermitted filling	5/20/2020	2020-013	950	South Colony Road	
Illegal Rooming/Boarding House					
renting rooms indivi	12/19/2019	2019-089	180	Cook Hill Road	Rivers
illegal subdivision					
	3/26/2003	2003-025	84	Chimney Hill Road	Lippold
Lighting					
	1/25/2019	2019-012	54	Williams Road	Gagliardi
Open Space					
	6/29/2016	2016-023	19	Harvest Lane	Pugliese
	7/13/2015	2015-120	159	Pond Hill Road	
	5/26/2009	2009-029	5	Megan Lane	Yu
Outside Storage					

<u>Violation</u>	<u>Complaint Date</u>	<u>Complaint ID</u>	<u>Street #</u>	<u>Street Name</u>	<u>Business/Owner Last Name</u>
RV > 30ft	1/27/2020	2020-007	88	Selter Hill Road	Lachance
Camper in front yar	1/22/2020	2020-006	627	North Elm Street	Vumback
	4/8/2019	2019-021	19	Claremont Avenue	Yasensky
Container	3/1/2018	2018-005	11	Backes Court	Girard
signage, Site Plan	6/27/2017	2017-032	283	South Colony Road	Phillip Scagnelli (Estate)
Camper/Boat/Com	6/26/2017	2017-030	14	Martin Trail	Scranton
Fill, Floodplain	10/31/2016	2006-046b	8-10	Summerwood Drive	Lohmann
	7/1/2012	2012-028	25	Meadow Street	Allen
	7/1/2012	2012-029	37	Meadow Street	McInvale
Boat/Camper/Com	8/17/2009	2009-056	140-144	Dudley Avenue	Thorsen, LLC
	7/3/2009	2008-048	136	Dudley Ave	Nalcerio
, Streamline Encroac	12/12/2006	2008-009	471	South Elm Street	Miller
	9/18/2006	2006-046	1150	Old Colony Road	Lohmann
	7/11/2005	2005-072	84	Grieb Road	Self
Outside Storage, Site Plan/Special					
unscreened dumpst	7/10/2019	2019-053	99	North Colony Street	Checker's Food Store

<u>Violation</u>	<u>Complaint Date</u>	<u>Complaint ID</u>	<u>Street #</u>	<u>Street Name</u>	<u>Business/Owner Last Name</u>
Parking	3/17/2015	2015-067	189	South Cherry Street	Torelli
Signage	5/7/2018	2018-013	88	Center Street	Catalyst Studio
	5/7/2018	2018-011	144	Center Street	Words on Wood
	5/7/2018	2018-015	156	Center Street	DHI Too
	5/7/2018	2018-016	18	Center Street	Center Street Luncheonette
	10/2/2017	2017-050	400	North Colony Street	Wallingford Tire & Auto
	6/28/2017	2017-033	424	North Colony Street	Rick's Antiques
Site Plan/Special Permit					
	3/4/2019	2019-014	30	Barnes Industrial Road South	
Notice Requirement	6/27/2018	2018-028	12-15	Wind Swept Hill Road	Paradise Hills Winery
Also Signage	11/20/2017	2016-008	765	North Colony Road	Rick's on 5
Stockpiling, Illegal re	4/24/2017	2005-026b	400	Washington Street	Taylor
	2/23/2017	2017-012	60	Prince Street	Henry McCully, Director
	4/21/2016	2016-011	250	Main Street	Brother's Pool
	7/13/2011	2011-051	315	North Colony Street	Wallingford Sam's Golf

<u>Violation</u>	<u>Complaint Date</u>	<u>Complaint ID</u>	<u>Street #</u>	<u>Street Name</u>	<u>Business/Owner Last Name</u>
	5/4/2011	2011-023	128	East Street	Eagle Realty, LLC
	8/3/2009	2009-054	384	South Colony Street	dba Cheap Auto Rental
	7/27/2009	2009-045	197	Ward Street	Doolittle (CDZ, LLC)
	11/7/2007	2007-090	120	Church Street	Yalesville Properties, LLC
Stockpiling, Illegal re	1/3/2005	2005-026	400	Washington Street	Taylor
Stockpiling					
	6/10/2015	2015-108	279	Parker Farms Road	
Subdivision Approval					
	9/27/2009	2009-044	1370	Durham Road	Debaise Construction Company, Inc.
Use					
Unpermitted Mobile	5/30/2019	2019-038	991	North Colony Road	Papale
Storage	5/29/2019	2019-032	156	Center Street	DHI too (business)
Commercial In Resid	1/11/2017	2017-001	63	Carriage Drive	Summers
Auto Repair	4/25/2016	2016-001	323	North Cherry Street Extension	
Commercial In Resid	10/19/2015	2015-154	6	Blakeslee Road	Smith
	6/4/2014	2014-036	187	Williams Road	Maier
Commercial In Resid	5/19/2014	2014-029	97	Saw Mill Road	Valley Racing Pigeon Club, LLC

<u>Violation</u>	<u>Complaint Date</u>	<u>Complaint ID</u>	<u>Street #</u>	<u>Street Name</u>	<u>Business/Owner Last Name</u>
Commercial In Resid	4/24/2014	2014-009	27	Bailey Avenue	Bailey Ave Associates
Scrap Yard Expansio	4/15/2013	2013-024	1131	South Broad Street	DFT Inc.
Commercial Vehicle	4/2/2013	2013-013	715	North Farms Road	Blinkx and Mappa
motor vehicle	9/15/2012	2012-039	253	South Cherry Street	Acosta
Greenbelt	6/15/2012	2012-051	151	North Plains Industrial Road	151 North Plains Industrial Road, LLC
	9/21/2011	2011-061	130	East Street	Yumbia
	4/12/2011	2011-032	940	Church Street	Verner
Signage	2/3/2011	2011-010	391	Main Street	Duszynski
	10/23/2009	2009-080	412	Main Street, Yalesville	Spitting Images
Motor vehicle	9/30/2009	2003-027b	20	North Plains Highway	Stone
	4/11/2001	2013-021	12 & 15	Wind Swept Hill Road	Ruggiero
Use & Excavation/Filling					
filling in wetlands/fl	6/3/2019	2019-036	1245	Old Colony Road	Pytel
Use, Dwelling Unit(s)					
3 residential units wi	9/17/2019	2019-071	340	Quinnpiac Street	Delta Arsenal
Variance, Conditions of Variance					
	2/7/2017	2017-009	369	North Colony Street	North Colony Properties, LLC